

1 Introduced by Committee on Government Operations

2 Date:

3 Subject: Municipal government; municipal charters; technical corrections

4 Statement of purpose of bill as introduced: This bill proposes to amend certain
5 municipal charters to make the terms for municipal offices gender neutral and
6 to remove certain school districts and all gendered pronouns from the City of
7 Barre charter.

8 An act relating to technical corrections to municipal charters

9 It is hereby enacted by the General Assembly of the State of Vermont:

10 * * * Gender-neutral Terms for Municipal Offices * * *

11 Sec. 1. 24 App. V.S.A. chapter 3 is amended to read:

12 CHAPTER 3. CITY OF BURLINGTON

13 * * *

14 § 28. WARNING REQUIRED; LOCATION; VOTING

15 ~~Freemen's~~ City meetings for all purposes provided by the laws of the State
16 shall be warned by the Mayor, and one copy of such warning, signed by the
17 Mayor, shall be posted in each ward of the City. ~~Such~~ City meetings shall be
18 held in the respective wards at ~~such~~ the place or places in each ward as shall be
19 designated in the warning therefor, and each ~~freeman~~ voter shall vote only in

1 the ward of which he or she is an inhabitant at the time of the completion of the
2 checklist of voters therefor.

3 § 29. CHECKLISTS TO BE PREPARED AND POSTED

4 Checklists of voters in the respective wards for each ~~freemen's~~ City meeting
5 shall be prepared, posted, corrected, and furnished to the inspectors of election
6 therein; and elections at ~~such freemen's~~ City meetings shall be conducted in
7 the manner herein provided for City elections. No person whose name is not
8 on ~~such~~ the checklist shall be allowed to vote at any ~~freemen's~~ City meeting.

9 § 30. GENERAL LAWS APPLICABLE; EXCEPTIONS

10 In all respects not inconsistent with this charter, the provisions of the
11 general statutes respecting ~~freemen's~~ town meetings shall apply to such
12 meetings in said City, except that a voter's name shall not be required to be
13 checked when his or her ballot is deposited in the ballot box, and except that
14 the number of ballot clerks and assisting clerks to be appointed shall be
15 discretionary with the Board of Civil Authority.

16 § 31. DUTIES OF ELECTION INSPECTORS AND WARD CLERKS

17 The inspectors of election and ward clerks in the several wards shall
18 perform all and the same duties in regard to certifying the results of elections
19 in their respective wards for State and county officers, county senators, justices
20 of the peace, representatives to Congress, electors of President and Vice
21 President of the United States, and of the votes cast for any or all of ~~such~~ the

1 officers, as now devolve by law upon the presiding officers of ~~freemen's~~ town
2 meetings and town clerks, respectively, in towns; and in addition thereto they
3 shall certify the same to the Clerk/Treasurer, who shall keep a record thereof.

4 * * *

5 § 56. COUNCIL TO HAVE POWERS CONFERRED BY STATUTE
6 REGARDING PUBLIC BURIAL GROUNDS

7 In establishing or enlarging public burial grounds within ~~said~~ the City, the
8 City Council shall have the same power as is conferred by the general laws of
9 the State upon ~~selectmen~~ legislative bodies, and shall proceed in the same
10 manner, subject to the same right of appeal from its decision.

11 § 57. MANNER OF TAKING LAND FOR RESERVOIRS, AQUEDUCTS,
12 WATER PIPES, ETC.

13 In taking lands for the purpose of establishing and maintaining reservoirs,
14 aqueducts, water pipes, hydrants, or any other apparatus necessary for ~~such~~
15 these purposes, the City Council shall proceed in the same manner ~~in which~~
16 ~~selectmen~~ as legislative bodies of towns are authorized to proceed in the taking
17 of lands for highways, and in performing all acts and doing all business in
18 taking ~~such~~ the lands the Mayor shall preside over ~~said~~ the City Council and
19 shall vote as other members thereof. Any person owning or interested in ~~such~~
20 the lands who is dissatisfied with the decision of the City Council taking ~~such~~
21 the lands or in awarding him or her damages therefor, may have the same

1 proceedings in respect thereto ~~which that~~ shall be conducted in the same
2 manner and have the same effect, as if ~~such the~~ lands were taken by ~~selectmen~~
3 the legislative body in any town in the State for the purpose of laying out,
4 altering, or resurveying a highway in said town; but if ~~such the~~ proceedings are
5 instituted only in respect to the appraisal of damages for land so taken by the
6 City Council, ~~such the~~ proceedings shall not prevent ~~said the~~ City from
7 establishing and maintaining reservoirs, aqueducts, water pipes, hydrants, and
8 other apparatus necessary for ~~such those~~ purposes upon the lands so taken, as if
9 no ~~such~~ proceedings had been instituted.

10 * * *

11 § 234. PURPOSES AND POWERS

12 The City Council, except as ~~herein~~ otherwise provided in this charter, shall
13 have the same power to lay out, alter, resurvey, and discontinue streets and
14 highways as is vested by law in ~~selectmen~~ legislative bodies of towns; and all
15 proceedings in respect to laying out, altering, resurveying, and discontinuing
16 streets and highways in ~~said the~~ City shall be had in the same manner as
17 provided by the law of this State in respect to ~~such the same~~ matters in towns.

18 * * *

19 Sec. 2. 24 App. V.S.A. chapter 7 is amended to read:

20 CHAPTER 7. CITY OF NEWPORT

21 * * *

1 § 9. POWERS OF MAYOR; CITY COUNCIL TO ESTABLISH WATER
2 RATES

3 The Mayor shall be the Chief Executive Officer of the City. He or she shall
4 use his or her best efforts to see that the laws and City ordinances are enforced
5 and that the duties of all subordinate officers are faithfully performed. He or
6 she shall take care that the finances of the City are properly expended and shall
7 bring before the Board of Aldermen whatever he or she may deem worthy of
8 their attention for prudentially and efficiently carrying on the affairs of the
9 City. In his or her absence, the President of the Board of Aldermen shall act as
10 Mayor in his or her stead. The Mayor, with the consent of the Board of
11 Aldermen, shall have the power to remit penalties for the breach of City
12 ordinances, in whole or in part, and shall cause the reason for ~~such~~ the
13 remission to be entered on the City records. The Mayor shall preside at all
14 meetings of the City, with the power of moderator in town meetings, and at all
15 meetings of the City Council. The City Council shall have all the powers of
16 ~~selectmen~~ a legislative body. ~~Said~~ The City Council shall hold a meeting on
17 the first Monday of each month and ~~often~~ more frequently at the call of the
18 Mayor. The presence of a majority of ~~said~~ the Council shall be necessary to
19 transact business at any meeting. The City Council shall establish rates to be
20 paid for the use of water supplied by the City water works, which shall be
21 called service rates and shall be collected by the City Treasurer. ~~Such~~ The

1 service rates shall be and are hereby made a lien in the nature of a tax upon the
2 real estate so supplied with water and shall be collected and enforced under
3 ~~such~~ the regulations and ordinances ~~as~~ that the City Council shall prescribe.
4 The Mayor may appoint a Chief of Police and ~~such~~ any number of other
5 officers as he or she shall deem necessary, for a period not exceeding his or her
6 term of office, but ~~such~~ the appointees shall not continue in office after the
7 next regular meeting of the City Council unless the same shall be approved by
8 the City Council at such meeting. The Mayor may suspend any police officer
9 and ~~such~~ the suspension shall not continue in force after the next regular
10 meeting of the City Council unless the same shall be approved by the City
11 Council, and the City Council may at any time annul any of ~~such~~ the
12 appointments.

13 * * *

14 § 38. PAUPERS

15 ~~(a) The Town of Newport and the City of Newport shall, on and after April~~
16 ~~first, 1919, be respectively liable for one half the support of all persons who~~
17 ~~were paupers on said Town of Newport, meaning those being supported on the~~
18 ~~Town Farm of said Town, on the first Tuesday of March 1918. As soon as may~~
19 ~~be after the passage of this act and forthwith after each annual Town and City~~
20 ~~meeting hereafter the Overseers of the Poor of said Town and City shall meet~~
21 ~~to agree upon the charge for board and lodging of said paupers on the City~~

1 ~~Farm of said City for the year ensuing, and, if they agree, they shall reduce~~
2 ~~their agreement to writing in duplicate and file one of said duplicates with the~~
3 ~~City Clerk of said City and one with the Town Clerk of said Town; but if said~~
4 ~~overseers cannot agree upon said charge, the City Council of said City and the~~
5 ~~Selectmen of said Town shall each select one disinterested person from outside~~
6 ~~said Town and City, and the two thus selected shall select a third person also~~
7 ~~disinterested and from outside said Town and City, whose expense shall be~~
8 ~~borne equally by said Town and City, who shall forthwith hear the parties and~~
9 ~~determine either a reasonable charge for board and lodging of said paupers on~~
10 ~~said City farm, or shall make division of all said paupers as equitably as may~~
11 ~~be, and said three persons, or a majority thereof, shall reduce their award to~~
12 ~~writing under their hands and in duplicate showing the reasonable charge for~~
13 ~~board and lodging of said paupers, or showing and designating which paupers~~
14 ~~shall be supported by said Town and City respectively and deliver one of said~~
15 ~~duplicates to said Town and City, respectively, to be recorded by the respective~~
16 ~~Clerks of said Town and City, whereupon such award and designation, if it~~
17 ~~provides a division of said paupers, shall become and remain binding upon said~~
18 ~~Town and City forever, and said Town and City shall thereafter be liable for~~
19 ~~the support of such persons as are designated in said award to be by them~~
20 ~~respectively supported. The City of Newport and the Town of Newport shall be~~
21 ~~respectively liable for the support of all other persons who were receiving aid~~

1 ~~from the Town of Newport on the first Tuesday of March 1918, who resided~~
2 ~~within their respective limits when they became paupers. Territory within the~~
3 ~~limits of the Town of Newport owned by the City of Newport, shall be~~
4 ~~considered as City territory in determining all pauper residence questions.~~

5 (b) ~~The City of Newport and the Town of Derby shall be respectively liable~~
6 ~~for the support of all persons, who were paupers on the Town of Derby on the~~
7 ~~first Tuesday of March 1918, who resided within their respective limits when~~
8 ~~they became paupers. The residence of a person for the purpose of determining~~
9 ~~where a pauper shall be chargeable, shall, in the event of a partial residence in~~
10 ~~any of the territories referred to in this section on the first Tuesday of March~~
11 ~~1918, be completed by a continuance in the same Town or City for a term~~
12 ~~sufficient to make the three year residence making such person chargeable on~~
13 ~~said Town or City. Repealed.~~

14 * * *

15 Sec. 3. 24 App. V.S.A. chapter 9 is amended to read:

16 CHAPTER 9. CITY OF RUTLAND

17 * * *

18 § 6.1. SEQUESTRATION

19 (a) ~~It~~ The Board of Civil Authority shall proceed in the same manner as a
20 legislative body in the taking of lands, springs, streams, and water rights and
21 diverting waters from natural channels into its water supply, for the purpose of:

1 (1) establishing, maintaining, and repairing reservoirs, aqueducts, water
2 pipes, ~~pipe lines~~ pipelines, and other necessary apparatus for and in connection
3 with its water supply ~~and for the purposes of;~~

4 (2) increasing and making additions to its water supply, ~~and for;~~ and

5 (3) the preservation, protection, maintenance, and operation of the same,
6 ~~the Board of Civil Authority shall proceed in the same manner in which~~
7 ~~selectmen of towns are authorized to proceed in the taking of lands for~~
8 ~~highways.~~

9 **(b)(1)** Any person owning or interested in ~~such~~ the lands, springs, streams,
10 ~~and~~ water rights, and waters, who is dissatisfied with the decision of the Board
11 of Civil Authority ~~taking the same or in awarding him or her damages~~
12 ~~therefore pursuant to subsection (a) of this section;~~ may have the same right of
13 appeal to the county court and the same proceedings ~~in respect thereto which~~
14 ~~shall be conducted in the same manner and have the same effect as in the case~~
15 of lands taken by ~~the selectmen~~ legislative bodies in any towns in this State for
16 the purpose of laying out, altering, or resurveying a highway in said town; ~~but~~
17 ~~if such.~~

18 (2) If the proceedings are instituted only in respect to the appraisal of
19 damages for lands, springs, streams, water rights, and water; so taken by the
20 Board of Civil Authority, ~~such~~ the proceedings shall not prevent ~~said~~ the City
21 from establishing, increasing, maintaining, and repairing reservoirs, aqueducts,

1 water pipes, pipe lines, hydrants, and all other apparatus necessary for ~~such~~
2 these purposes on the lands so taken, and from taking springs, streams, water
3 rights, and water, as if ~~no such~~ proceedings had not been instituted.

4 (b)(c) In giving notice to all persons owning or interested in any lands,
5 streams, springs, water rights, or water, to be taken for ~~such~~ the purposes; set
6 forth ~~above~~ in this section, the Board of Civil Authority shall issue its citation,
7 signed by the Mayor or its Clerk; ~~which~~. The citation shall be served in the
8 same manner and the several officers shall perform the same duties ~~in respect~~
9 ~~thereto~~, as provided in this ~~act~~ charter for citations issued by the Board of
10 Highway Commissioners.

11 * * *

12 § 24.4. COMMISSIONER; CONTROL OF WATER SUPPLY

13 (a) The Commissioner of Public Works shall have the exclusive general
14 management and supervision of the City water works and may make and
15 enforce regulations regarding the use and control of water. He or she shall
16 have authority to enforce beyond the limits of the City ~~such~~ any regulations as
17 that may be necessary for the care, protection, preservation, management, and
18 control of the City water works and water supply, in the same manner and to
19 the same extent as within the City.

20 (b) The Commissioner of Public Works shall have the exclusive general
21 management and control, and the immediate and practical supervision of the

1 City streets, bridges, culverts, curbs, sidewalks, and sewers, and the work done
2 thereon, and shall see that the same are properly constructed and kept in repair.
3 He or she shall have the same powers in respect to repairs of streets, highways,
4 bridges, and culverts as road commissioners and ~~selectmen~~ legislative bodies
5 in towns and shall, when the public good requires, cause all streets and
6 highways to be worked and graded the entire width thereof and made in such a
7 manner as will in his or her judgment best accommodate the public.

8 * * *

9 § 25.1. MEMBERSHIP AND DUTIES

10 The Commissioner of Public Works, President of the Board of Aldermen,
11 and the Mayor shall constitute the Board of Highway Commissioners and shall
12 have the same power to lay out, alter, resurvey, and discontinue streets and
13 highways as is vested by law in ~~selectmen~~ legislative bodies of towns, except
14 as otherwise provided ~~herein~~ in this charter.

15 Sec. 4. 24 App. V.S.A. chapter 13 is amended to read:

16 CHAPTER 13. CITY OF SOUTH BURLINGTON

17 * * *

18 § 302. CITY COUNCIL; NUMBER; TERMS OF OFFICE; ELECTION

- 19 (a) There shall be a City Council consisting of five members.
- 20 (b) Three members shall have terms of office of three years; two members
21 shall have terms of office of two years.

1 (c) All present ~~selectmen~~ Selectboard members shall serve as ~~councilmen~~
2 members of the City Council until the expiration of their terms and their
3 successors have been duly elected and have qualified.

4 (d) All ~~councilmen~~ members of the City Council shall be elected at large,
5 and shall hold no other City or School District office except as provided
6 otherwise in this charter.

7 * * *

8 Sec. 5. 24 App. V.S.A. chapter 15 is amended to read:

9 CHAPTER 15. CITY OF VERGENNES

10 * * *

11 § 6. MAYOR AND ALDERMEN

12 The Mayor shall preside at all meetings of the City except freeman's
13 meetings, with the power of moderator in town meetings, and at meetings of
14 the City Council. The Mayor, together with the aldermen, shall constitute a
15 Board of City Council and shall have the management of the affairs of the
16 corporation and the necessary powers for that purpose, and in addition thereto
17 all the powers of ~~selectmen~~ a legislative body, and shall establish pounds. ~~Said~~
18 The City Council shall hold a meeting on a stated day of each month, to be
19 determined by that body, and ~~often~~ more frequently at the call of the Mayor.
20 In case of the absence, resignation, or inability from any cause of the Mayor,
21 the duties of the Office shall devolve on the senior Alderman, chosen by City

1 Council, for the remainder of the Mayor’s official term. The Mayor and
2 aldermen shall, ex officio, have and exercise all the powers and authority of
3 justices of the peace.

4 * * *

5 § 10. HIGHWAYS, ETC.

6 The City Council is hereby authorized and empowered to lay out new
7 highways, streets, public walks, and squares, for the use of ~~said~~ the City, or to
8 alter those already laid out; and to regulate and pave streets or highways and
9 construct common sewers ~~therein~~ and to plant the highways, streets, public
10 walks, and squares with trees for shade or ornament; and to fix the plans of
11 public bridges within the City, and build or rebuild and repair the same as often
12 as necessary, taking the same measures in all respects as are or may be directed
13 by the laws of this State to be taken in case of highways laid out by the
14 ~~selectmen~~ legislative bodies for the use of their towns, and to construct and
15 repair sidewalks in the principal streets of ~~said~~ the City and to direct in what
16 manner and of what materials ~~such~~ the sidewalks shall be constructed or
17 repaired, and may assess the owners of property, through ~~which~~ or fronting
18 which ~~such~~ the sidewalks are constructed, so much of the expense ~~thereof~~ as
19 ~~said~~ the City Council shall judge ~~said~~ the lands and property to be benefited
20 thereby, after giving six ~~days~~ days’ notice of the time and place of hearing to
21 the ~~parties~~ interested parties, their agents, or attorneys; ~~such~~ the assessment to

1 be collected in the same manner as City taxes are collected. Any person or
2 persons aggrieved by the laying out of ~~such~~ the highways, streets, public
3 walks, squares, or bridges, or by being assessed for sidewalks as above
4 provided, may have the same remedy by application to the county court as is
5 provided by law in cases of highways laid out by the ~~selectmen~~ legislative
6 body of a municipality.

7 * * *

8 § 65. DAMAGES; PROCEDURE FOR DETERMINING

9 If in any case the damages caused by ~~taking~~ taking the water, or by taking
10 the land, or any right, title, or interest therein, or for entering upon and using
11 any land ~~as aforesaid~~, are not adjusted by agreement of the parties affected
12 thereby, or if the owner disputes the necessity for ~~such~~ the taking, the City
13 Council shall proceed in the same manner as is provided by law for ~~selectmen~~
14 legislative bodies of towns in taking lands for highway purposes and ~~in~~
15 awarding damages ~~therefor~~ for the taking of lands. If any interested person or
16 corporation is dissatisfied with the decision as to the necessity for or the extent
17 of ~~such~~ the taking or with the award of damages, it may apply by petition to the
18 Addison County Court setting forth the particulars ~~wherein said~~ that the
19 petitioner claims to be aggrieved, and any number of persons may join ~~therein~~
20 the petition. ~~Said~~ The petition, with a citation, shall be served on the Clerk of
21 ~~said~~ the City within 30 days from the filing of the award and description of the

1 property taken, and at least 12 days before the term of the Court to which the
2 petition is returnable; the Court shall thereupon appoint three disinterested
3 persons as commissioners, who shall inquire into the intent and necessity of
4 ~~such~~ the taking, and as to the damages sustained by the petitioners. ~~Said~~ The
5 commissioners shall give at least six days' notice of the time and place of
6 hearing to the petitioners, and to the Clerk of the City of Vergennes; they shall
7 report their findings to the Court, and upon hearing ~~said~~ the Court may accept
8 or reject ~~said~~ the report, in whole or in part, make ~~such~~ the orders in the
9 premises as that justice requires, may render judgment for the petitioners
10 respectively, may take costs for either party, and award execution. In case final
11 judgment is rendered for the City, or if no appeal from the decision of the
12 commissioners is taken, the City may immediately tender the amount awarded
13 as damages and costs and thereupon enter upon and occupy the premises so
14 taken.

15 * * *

16 Sec. 6. 24 App. V.S.A. chapter 113 is amended to read:

17 CHAPTER 113. TOWN OF COLCHESTER

18 * * *

19 § 605. AMOUNT TO BE RAISED BY TAXATION

20 Upon passage of the budget by the annual Town meeting, the amounts
21 stated therein as the amount to be raised by property taxes shall constitute a

1 determination of the amount of the levy for the purposes of the Town in the
2 corresponding tax year and the ~~selectmen~~ Selectboard shall levy such taxes on
3 the grand list furnished by the listers for the corresponding tax year.

4 * * *

5 Sec. 7. 24 App. V.S.A. chapter 117 is amended to read:

6 CHAPTER 117. TOWN OF ESSEX

7 * * *

8 § 103. POWERS OF THE TOWN

9 * * *

10 (c) The Town may establish and maintain departments or divisions, as
11 deemed appropriate by the ~~Board of Selectmen~~ Selectboard for the efficient
12 maintenance and operation of Town affairs, to include, by way of illustration
13 and not by way of limitation, police, fire, water, and public works departments.

14 * * *

15 § 106. INTRODUCTION; FIRST AND SECOND READINGS; PUBLIC

16 HEARING

17 (a) Every ordinance shall be introduced in writing. The enacting clause of
18 all ordinances shall be “The ~~selectmen~~ Selectboard of the Town of Essex
19 hereby ~~ordain~~ ordains...”. If the ~~selectmen pass~~ Selectboard passes the
20 proposed ordinance upon first reading, they shall cause it to be published in a
21 newspaper of general circulation in the Town in the form passed, or a concise

1 summary of it including a statement of purpose, principal provisions, and table
2 of contents or list of section headings, together with a reference to a place
3 within the Town where copies of the full text of the proposed ordinance may
4 be examined, at least once, together with a notice of the time and place when
5 and where there will be a public hearing to consider the same for final passage.
6 The first such publication shall be at least one week prior to the date of ~~said~~ the
7 public hearing. Any published notice shall explain citizens' rights to petition
8 for a vote on the ordinance at an annual or special meeting pursuant to
9 24 V.S.A. § 1973 and shall also contain the name, address, and telephone
10 number of a person with knowledge of the ordinance who is available to
11 answer questions about it.

12 * * *

13 (c) After the hearing, the ~~selectmen~~ Selectboard may finally pass the
14 ordinance with or without amendment, except that if the ~~selectmen make~~
15 Selectboard makes an amendment they shall cause the amended ordinance to
16 be published pursuant to section 106(a) ~~hereof~~ of this charter at least once
17 together with a notice of the time and place of a public hearing at which the
18 amended ordinance will be further considered, ~~which~~. The publication shall be
19 at least three days prior to the public hearing. At ~~which~~ the time so advertised
20 or at any time and place to which the meeting may be adjourned, the amended
21 ordinance shall be introduced, and after the hearing, the ~~selectmen~~ Selectboard

1 may finally pass the amended ordinance, or again amend it subject to the same
2 procedures as outlined ~~herein~~ in this charter.

3 * * *

4 § 108. FILING

5 The Town Clerk shall prepare and keep in the Town Clerk’s office a book
6 of ordinances ~~which that~~ shall contain each ordinance finally passed by the
7 ~~selectmen~~ Selectboard, together ~~which~~ with a complete index of the ordinances
8 according to subject matter.

9 * * *

10 § 110. RESERVATION OF POWERS TO THE TOWN

11 Nothing in this charter shall be so construed as in any way to limit the
12 powers and functions conferred upon the Town of Essex and the ~~selectmen~~
13 Selectboard of the Town by general or special enactments in force or effect or
14 hereafter enacted; and the powers and functions conferred by this charter shall
15 be cumulative and in addition to the provisions of ~~such~~ any general or special
16 enactments.

17 * * *

18 § 201. OFFICERS GENERALLY

19 The elected officers of the Town of Essex shall be: ~~selectmen~~ members of
20 the Selectboard and Moderator. These officers shall have all the powers and
21 duties necessary to carry out the provisions of this charter as well as those

1 provided by law. The terms of the officers shall commence on the first day of
2 the month following the month of election.

3 * * *

4 § 203. ORGANIZATION

5 (a) As soon as practicable after the first day of the month of the month
6 following annual Town meeting, the ~~selectmen~~ Selectboard shall organize and
7 elect a Chairperson, Vice Chairperson, and Clerk by a majority vote of the
8 entire Board, and shall file a certificate of the election for record in the office
9 of the Town Clerk.

10 (b) The Chairperson of the ~~Board of Selectmen~~ Selectboard or in the
11 Chairperson's absence, the Vice Chairperson, shall preside at all meetings of
12 the ~~Board~~ Selectboard and shall be recognized as the head of the Town
13 government for all ceremonial purposes.

14 * * *

15 § 205. RECORD OF PROCEEDINGS

16 (a) An official record of the proceedings of the ~~Board of Selectmen~~
17 Selectboard shall be kept by its Clerk, who need not be a member of the ~~Board~~
18 ~~of Selectmen~~ Selectboard, which shall be kept in the office of the Town Clerk
19 and shall be open for public inspection. The Town Clerk shall keep official
20 record of the proceedings of all special and annual Town meetings.

21 * * *

1 § 206. APPOINTMENTS BY ~~SELECTMEN~~ SELECTBOARD

2 (a) The ~~selectmen~~ Selectboard shall appoint the members of the following
3 permanent Commissions and positions:

4 * * *

5 (b) The ~~selectmen~~ Selectboard may appoint ~~such~~ any additional
6 commissions as they feel to be in the best ~~interest~~ interests of the Town and all
7 other appointive or elective officers authorized by statute.

8 * * *

9 § 207. JURISDICTION OVER OTHER OFFICERS OR EMPLOYEES

10 (a) Neither the ~~Board of Selectmen~~ Selectboard nor any of its members
11 shall direct or request the appointment, by any other officer or employee of the
12 Town, of any person to office or employment, or his or her suspension or
13 removal therefrom, or in any manner take part in the appointment, discipline,
14 or removal of subordinates and employees of the Town, except as otherwise
15 provided in this charter. The ~~Board of Selectmen~~ Selectboard and its members
16 shall deal with that portion of the service of the Town for which the Manager is
17 responsible solely through the Manager.

18 (b) This section shall not be construed to prohibit the ~~selectmen~~
19 Selectboard from recommending to the Town Manager a prospective employee
20 for his or her consideration, or bringing to the attention of the Manager any
21 complaint concerning the actions of any officer or employee of the Town.

1 This section shall not be construed to prohibit the review by the ~~Board of~~
2 ~~Selectmen~~ Selectboard of actions by the Manager or hearings brought to the
3 ~~selectmen~~ Selectboard by employees pursuant to appellate rights granted them
4 by statute.

5 § 208. COMPENSATION OF ~~SELECTMEN~~ SELECTBOARD MEMBERS;
6 APPOINTEES

7 (a) Compensation paid to the ~~selectmen~~ Selectboard members shall be set
8 by the voters at the annual meeting, with a minimum of \$500.00 a year each.
9 ~~Selectmen's~~ The salaries of Selectboard members must be set forth as a
10 separate item in the annual budget presented to the meeting.

11 (b) The ~~selectmen~~ Selectboard shall fix the compensation of all officers and
12 employees, except as otherwise provided in this charter.

13 § 209. POWERS AND DUTIES

14 (a) The members of the ~~Board of Selectmen~~ Selectboard shall constitute the
15 legislative body of the Town of Essex for all purposes required by statute and
16 shall have all powers and authority given to, and perform all duties required of
17 town legislative bodies or ~~boards of selectmen~~ selectboards under the laws of
18 the State of Vermont.

19 (b) Within the limitations of the foregoing, the ~~selectmen~~ Selectboard shall
20 have the power to:

21 * * *

1 § 302. TIME OF HOLDING

2 * * *

3 (b) The election of officers and the voting on all questions to be decided by
4 Australian ballot or voting required by law to be by ballot shall take place on
5 the day specified in 17 V.S.A. § 2640(a) that, may from time to time be
6 amended. The ballot boxes or voting machines shall be open for a minimum of
7 nine consecutive hours between 6:00 a.m. and 10:00 p.m. as shall be
8 determined and warned by the ~~Board of Selectmen~~ Selectboard.

9 § 303. BUDGET

10 An annual budget shall be adopted at Town meeting by the vote of a
11 majority of those eligible to vote present at the meeting. If, after the total
12 budget has been appropriated, the ~~selectmen find~~ Selectboard finds additional
13 appropriations necessary, the appropriations shall be made and reported at the
14 next Town meeting as a specific item. The appropriations shall only be made
15 in special circumstances or situations of an emergency nature. No specific
16 explanation need be given for any normal annual operating expense in any
17 office, department, or agency ~~which~~ that may be increased over the budget
18 amount by an amount not more than 10 percent of the office's, department's,
19 or agency's budget.

20 * * *

21 § 304. RESCISSION OF ORDINANCES

1 (a) All ordinances shall be subject to rescission by a special or annual
2 Town meeting, as follows: If, within 44 days after final passage by the
3 ~~selectmen~~Selectboard of any ~~such~~ ordinance, a petition signed by voters of the
4 Town not less in number than five percent of the qualified voters of the
5 municipality is filed with the Town Clerk requesting its reference to a special
6 or annual Town meeting, the ~~selectmen~~ Selectboard shall fix the time and place
7 of the meeting, which shall be within 60 days after the filing of the petition,
8 and notice ~~thereof~~ shall be given in the manner provided by law in the calling
9 of a special or annual Town meeting. Voting shall be by Australian ballot.

10 (b) An ordinance so referred shall remain in effect upon the conclusion of
11 the meeting unless a majority of those present and voting against the ordinance
12 at the special or annual Town meeting exceeds five percent in number of the
13 qualified voters of the municipality.

14 § 305. PETITION FOR ENACTMENT OF ORDINANCE; SPECIAL
15 MEETING

16 (a) Subject to the provisions of section 304 of this Charter, voters of the
17 Town may at any time petition in the same manner as in section 304 for the
18 enactment of any proposed lawful ordinance by filing the petition, including
19 the text of the ordinance, with the Town Clerk. The ~~selectmen~~ Selectboard
20 shall call a special Town meeting (or include the ordinance as annual meeting
21 business) to be held within 60 days of the date of the filing, unless prior to the

1 meeting the ordinance shall be enacted by the ~~selectmen~~ Selectboard. The
2 warning for the meeting shall state the proposed ordinance in full or in concise
3 summary and shall provide for an Australian ballot vote as to its enactment.
4 The ordinance shall take effect on the 10th day after the conclusion of the
5 meeting provided that voters as qualified in section 304, constituting a majority
6 of those voting ~~thereon~~, shall have voted in the affirmative.

7 (b) The proposed ordinance shall be examined by the Town Attorney
8 before being submitted to the special Town meeting. The Town Attorney is
9 authorized subject to the approval of the ~~selectmen~~ Selectboard, to correct the
10 ordinance so as to avoid repetitions, illegalities, and unconstitutional
11 provisions and to ensure accuracy in its text and references and clearness and
12 preciseness in its phraseology, but the Town Attorney shall not materially
13 change its meaning and effect.

14 (c) The provisions of this section shall not apply to:

15 (1) any appointments of officers, members of commissions, or boards
16 made by the ~~selectmen~~ or to Selectboard;

17 (2) the appointment or designation of ~~selectmen~~, Selectboard members;

18 or

19 (3) ~~to~~ rules governing the procedure of the ~~selectmen~~ Selectboard.

20 * * *

1 § 501. CREATION OF DEPARTMENT

2 There shall be established a Department of Real Estate Appraisal headed by
3 a professionally qualified real estate appraiser, who shall be appointed by the
4 Manager with the approval of the ~~selectmen~~ Selectboard.

5 * * *

6 § 601. APPOINTMENT OF MANAGER

7 The ~~selectmen~~ Selectboard shall appoint a Town Manager under and in
8 accordance with Vermont Statutes Annotated, as amended ~~from time to time~~
9 ~~hereafter~~. The Manager shall have all of the powers and duties as set forth in
10 ~~that~~ 24 V.S.A. chapter 37 and ~~in~~ this charter.

11 § 602. OFFICIALS APPOINTED BY MANAGER

12 The Town Manager shall appoint with the approval of the ~~selectmen~~
13 Selectboard: Town Clerk, Town Treasurer, Assistant Town Clerk, constables,
14 Grand Juror, Director of Public Works, Police Chief, a Town Agent if the
15 Town Attorney is not a resident of the Town of Essex, cemetery
16 commissioners, Health Officer, fire wardens, Zoning Administrator, and if
17 needed, the Town Manager may appoint fence viewers, Inspector of Lumber
18 and Shingles, and any other officer ~~which~~ that the ~~selectmen~~ Selectboard of a
19 Town ~~are~~ is authorized to appoint if the ~~selectmen have~~ Selectboard has not
20 filled the office. The terms of the appointed officials shall commence on the
21 first day of April following appointment. Appointments to fill a vacancy in an

1 office shall be effective at the time of appointment and shall run for the
2 unexpired period of the term.

3 * * *

4 § 702. PREPARATION AND SUBMISSION

5 (a) The Town Manager, at least 50 days before annual Town meeting, or at
6 such previous time as the Town Manager may be directed by the ~~selectmen~~
7 Selectboard, shall submit to the ~~selectmen~~ Selectboard a budget containing:

8 * * *

9 (5) ~~Such~~ Any other information as may be required by the ~~Board of~~
10 ~~Selectmen~~ Selectboard.

11 (b) The budget shall be published not later than two weeks after its
12 preliminary adoption by the ~~Board of Selectmen~~ Selectboard. The ~~Board~~
13 Selectboard shall fix the time and place for holding a public hearing for the
14 budget, and shall give a public notice of such hearing. The ~~Board~~ Selectboard
15 shall then review the budget and recommend it, with or without change, to the
16 annual Town meeting.

17 § 703. TOWN MEETING WARNING AND BUDGET

18 The proposed budget and the warning for the annual meeting shall be
19 distributed to the legal voters of the Town at least 10 days before the annual
20 meeting. In addition, the ~~selectmen~~ Selectboard shall comply with the

1 statutory requirements applicable to town meetings in the warning of any
2 annual or special meeting.

3 * * *

4 § 705. AMOUNT TO BE RAISED BY TAXATION

5 Upon passage of the budget by the annual Town meeting, the amounts
6 stated therein as the amount to be raised by taxes shall constitute a
7 determination of the amount of the levy for the purposes of the Town in the
8 corresponding tax year and the ~~selectmen~~ Selectboard shall levy such taxes on
9 the grand list by the Assessor for the corresponding tax year.

10 * * *

11 § 707. TRANSFERS OF APPROPRIATIONS

12 * * *

13 (b) At the request of the Manager, the ~~Board of Selectmen~~ Selectboard
14 may, by resolution, transfer any unencumbered appropriation balance or
15 portion thereof within the ~~selectmen's~~ Selectboard's budget from one
16 department, office, or agency to another. Notwithstanding the above, no
17 unexpended balance in any appropriation not included in the ~~selectmen's~~
18 Selectboard's budget, shall be transferred or used for any other purpose.

19 * * *

1 § 902. PERSONNEL RULES AND REGULATIONS

2 (a) The Town Manager or the Town Manager’s appointee shall be the
3 Personnel Director. The Town Manager shall maintain personnel rules and
4 regulations protecting the interests of the Town and of the employees. These
5 rules and regulations must be approved by the ~~Board of Selectmen~~ Selectboard
6 and shall include the procedure for amending them and for placing them into
7 practice. Each employee shall receive a copy of the rules and regulations when
8 he or she is hired.

9 * * *

10 Sec. 8. 24 App. V.S.A. chapter 123 is amended to read:

11 CHAPTER 123. TOWN OF HARDWICK

12 * * *

13 § 104. ADDITIONAL POWERS

14 The general grant of authority in section 103 of this charter shall include the
15 following powers, and the enumeration thereof shall not be deemed to be in
16 derogation of the authority conferred by this charter.

17 * * *

18 (4) To adopt and enforce ordinances relating to the cleaning or repair of
19 any premises ~~which~~ that, in the judgment of the ~~Board of Selectmen~~
20 Selectboard, is dangerous to the health, welfare, or safety of the public.

21 * * *

1 § 105. RESERVATION OF POWERS TO THE TOWN

2 Nothing in this charter shall be construed to in any way limit the powers
3 and functions conferred on the Town of Hardwick, the ~~selectmen~~ Selectboard
4 of ~~said~~ the Town, or its elected and appointed officials by general or special
5 enactments of State statutes or regulations in force or effect or hereafter
6 enacted, and the powers and functions conferred by this charter shall by this
7 charter be cumulative and in addition to the provisions of such general
8 enactments unless this charter otherwise provides.

9 * * *

10 § 107. ORDINANCES; ADOPTION BY ~~SELECTMEN~~ SELECTBOARD

11 (a) If the ~~selectmen desire~~ Selectboard desires to adopt an ordinance, they
12 shall cause it to be entered in the official record kept of their proceedings, and
13 thereafter, they shall adopt it subject to final approval after the public hearing
14 as ~~here-after~~ set forth in this section. The ordinance shall then be posted in
15 three public places within the Town and published by title and summary
16 setting forth the subject matter, effective date, and penalty for violation thereof
17 in a newspaper of general circulation in the Town, together with a notice of the
18 time and place of a public hearing to consider the ordinance for final passage,
19 ~~such~~ the publication and posting to be on a day at least one week and not more
20 than two weeks prior to the hearing.

1 (b) At the public hearing or at any time and place to which the hearing may
2 be adjourned, the ordinance shall be read in full, unless the ~~Board of Selectmen~~
3 ~~elect~~ Selectboard elects to read the ordinance by title. After ~~such a~~ the reading,
4 all persons interested shall be given an opportunity to be heard.

5 (c) After the public hearing, the ~~selectmen~~ Selectboard may finally adopt
6 the ordinance, with or without amendment. If they amend the ordinance prior
7 to passage, they shall cause the amended ordinance to be entered in the official
8 record of their proceedings, and shall also cause notice of the amended and
9 passed ordinance to be published in a newspaper of general circulation in the
10 Town on a day not more than 14 days after adoption.

11 (d) Every ordinance shall become effective 60 days after adoption, unless
12 the ~~selectmen specify~~ Selectboard specifies a longer period or if the ordinance
13 is conditioned on approval by voters of the Town, then upon ~~such~~ voter
14 approval. If within 30 days of the adoption, a petition for reconsideration and
15 repeal is filed, the ordinance shall not become effective until after the question
16 of reconsideration and repeal is voted.

17 * * *

18 § 108. REFERENDUM

19 (a) All Town ordinances, except as specified in section 110 of this charter,
20 may be repealed by vote of the Town as follows: A petition signed by not less
21 than 15 percent of the registered voters shall be filed with the Town Clerk

1 requesting a vote on the question of repealing the ordinance. The ~~selectmen~~
2 Selectboard shall call a special Town Meeting to be held within 60 days of the
3 date of the filing of the petition, to vote on whether the ordinance shall be
4 repealed.

5 * * *

6 § 109. ORDINANCES; ADOPTION ON PETITION

7 Any lawful ordinance may be enacted by vote of the Town as follows: A
8 petition signed by not less than 15 percent of the registered voters shall be filed
9 with the Town Clerk requesting enactment of the ordinance and accompanied
10 by the text ~~thereof~~ of the ordinance. The ~~selectmen~~ Selectboard shall call a
11 special Town meeting to be held within 60 days of the date the petition is filed,
12 unless prior to ~~such~~ the meeting, the ~~selectmen~~ Selectboard shall have enacted
13 the ordinance. The warning for the meeting shall include a summary of the
14 text of the proposed ordinance, its effective date and penalty provision for
15 violation thereof, and shall be posted and published as the law of this State
16 requires for special meeting generally. The warning shall provide for a “yes”
17 and “no” vote by ballot as to its enactment. Copies of the proposed ordinance
18 shall be posted in its entirety in at least five locations in Town for at least 30
19 consecutive days to the date of ~~said~~ the special Town meeting. In the
20 discretion of the ~~selectmen~~ Selectboard, the enactment of ~~such~~ the ordinance
21 may be proposed as an article in the warning for the next ensuing annual Town

1 meeting, providing that ~~such~~ the annual meeting shall be held within 120 days
2 of the filing of ~~such~~ the petition for enactment.

3 * * *

4 § 114. FORM OF GOVERNMENT

5 The municipal government provided by this charter shall be known as the
6 council ~~anager~~ manager form of government. Pursuant to its provisions and
7 subject only to the limitations imposed by the Vermont Constitution and by
8 this charter, all powers of the Town shall be vested in an elective Council,
9 which shall be known as the ~~Board of Selectmen~~ Selectboard, which shall
10 enact ordinances, codes, and regulations, propose budgets, determine policies,
11 and appoint the Town Manager, who shall execute the laws and administer the
12 government of the Town. All powers of the Town shall be exercised in the
13 manners prescribed by this charter or prescribed by ordinance.

14 * * *

15 § 116. INTERGOVERNMENTAL RELATIONS

16 The Town, through its ~~Board of Selectmen~~ Selectboard or Board of School
17 Directors, or both, may enter into any agreement with the United States of
18 America or in the State of Vermont, or both, or with any subdivision,
19 department, agency, or activity of the United States of America or the State of
20 Vermont, or both, to make public improvements within ~~said~~ the Town, or upon
21 property or rights of ~~said~~ the Town outside its corporate limits, whether owned

1 by ~~said~~ the Town as sole owner or owned by ~~said~~ the Town in common with
2 another municipality or other municipalities, and may make appropriations
3 consistent with this charter to accomplish ~~such~~ that purpose.

4 * * *

5 § 302. ELECTIVE OFFICERS

6 (a) The officers elected and their compensation fixed by the Town at its
7 annual meeting shall be:

8 (1) Five ~~selectmen~~ Selectboard members

9 * * *

10 (c) All ~~selectmen~~ Selectboard members shall be elected by Australian
11 ballot.

12 (d) When an elected officer specified in section 302(a) of this charter
13 resigns, makes another Town his or her residence, dies, or becomes
14 incapacitated, the office shall become vacant and the ~~selectmen~~ Selectboard
15 members shall appoint an eligible person to fill the vacancy until the next
16 annual meeting. The person elected shall at the annual meeting serve until the
17 predecessor's term expires. Incapacity shall include the failure of a ~~selectmen~~
18 Selectboard member to attend 50 percent of the meetings of the Board in any
19 calendar year.

1 § 123-303. TERMS OF OFFICE; ~~SELECTMEN~~ SELECTBOARD

2 MEMBERS

3 (a) Three ~~selectmen~~ Selectboard members shall be elected for a three-year
4 term and two ~~selectmen~~ Selectboard members for a one-year term.

5 (b) All ~~selectmen~~ Selectboard members shall be elected at large. The
6 persons with the largest number of votes for office of equal terms shall be
7 elected to those offices. If there are ~~selectmen's~~ Selectboard member offices
8 with different terms, each candidate shall specify the term for which he or she
9 seeks election. No person shall seek election to concurrent terms for the office
10 of ~~selectmen~~ Selectboard member.

11 * * *

12 § 305. TREASURER

13 * * *

14 (b) The Treasurer shall perform the duties required by statute or provided
15 by this charter and shall:

16 (1) Promptly deposit funds in such depositories as may be designated by
17 the ~~selectmen~~ Selectboard.

18 * * *

19 (3) Keep such books and accounts as may be required by the ~~selectmen~~
20 Selectboard or the Town Manager in addition to those required by law.

1 (b) Any qualified voter of the Town may, within 10 days of the publication,
2 submit his or her name to the Town Manager as an applicant for the vacant or
3 expired office. At the expiration or 10 days from the date of publication, the
4 names of all persons being considered shall be entered in the ~~selectmen's~~
5 Selectboard's minutes. The ~~selectmen~~ Selectboard shall not fill the vacancy or
6 expired term until after at least seven days from the date the names of the
7 applicants are entered in the minutes.

8 * * *

9 § 311. RECALL OF ELECTED OFFICIALS

10 (a) Any elected Town officer may be removed from office as follows:

11 (1) A petition signed by not less than 25 percent of the registered voters
12 shall be filed with the ~~selectmen~~ Selectboard, requesting a vote on whether the
13 elected officer shall be removed from office. The date of signing by each voter
14 shall be indicated in the petition and such date shall not be earlier than 30 days
15 prior to the filing of the petition.

16 (2) The ~~selectmen~~ Selectboard shall call a special Town meeting, to be
17 held within 45 days of receiving the petition, to vote on whether the elected
18 town officer shall be removed. The officer shall be removed only if at least as
19 many registered voters of the Town vote as voted in the election ~~wherein~~ in
20 which the officer was elected, or at least one-third of the registered voters of
21 the Town vote, whichever is greater, and a majority of the number of votes is

1 cast for removal. Notwithstanding any other provision of law or of this charter
2 to the contrary, any vote on a recall petition shall be by the Australian ballot
3 system.

4 (b) If the Town votes for removal of an elected officer, the office shall
5 ~~thereupon~~ become vacant, and the ~~selectmen~~ Selectboard shall call a special
6 meeting, to be held within 45 days of the vote for removal, to fill the vacancy
7 until the term of the officer so removed expires. The office shall remain vacant
8 until the next annual Town meeting if ~~such~~ the special meeting would fall
9 within 75 days prior to the annual Town meeting.

10 § 501. POWERS AND DUTIES

11 (a) The members of the ~~Board of Selectmen~~ Selectboard shall constitute the
12 legislative body of the Town of Hardwick for all purposes required by law and
13 except as otherwise ~~herein~~ specifically provided in this charter, and shall have
14 all powers and authority given to, and perform all duties required of town
15 legislative bodies or ~~boards of selectmen~~ selectboards under the Constitution
16 and laws of the State of Vermont.

17 (b) Within the limitations of the foregoing, the ~~selectmen~~ Selectboard shall
18 have the power to:

19 (1) Appoint and remove the Town Manager and supervise, create,
20 change, and abolish offices, commissions, or departments other than the
21 offices, commissions, or departments established by this charter or by law.

1 The ~~selectmen~~ Selectboard may prescribe the duties of all offices,
2 commissions, or departments created by them.

3 * * *

4 (7) Exercise each and every power not specifically set forth herein,
5 ~~which~~ that is granted to the ~~selectmen~~ selectboards by the laws of this State.

6 § 502. ORGANIZATION

7 (a) Forthwith after their election and qualification, the ~~selectmen~~
8 Selectboard shall organize and elect a ~~Chairman~~ Chair and Vice ~~Chairman~~
9 Chair by a majority vote of the entire ~~Board~~ Selectboard.

10 (b) The ~~Board~~ Selectboard shall conduct its business in accordance with
11 Robert's Rules of Order. The ~~Chairman~~ Chair shall be entitled to participate as
12 a full voting member.

13 (c) Three ~~selectmen~~ members of the Selectboard shall constitute a quorum.
14 No action of ~~such Board~~ the Selectboard shall be valid or binding unless
15 adopted by the affirmative vote of a majority of the quorum present. In cases
16 where statute requires a greater fraction of the authorized ~~Board~~ Selectboard
17 for an affirmative vote than as specified above, such provisions of law shall
18 control.

19 (d) All meetings of the ~~Board~~ Selectboard shall be open to the public in
20 accordance with the provisions of 1 V.S.A chapter 5, subchapter 2.

1 (e) The agenda of the ~~selectmen's~~ Selectboard meetings shall be made
2 available to the public at least 24 hours prior to the meeting and posted in one
3 public place.

4 (f) The agenda of the ~~selectmen's~~ Selectboard meetings shall be made
5 available to the press at least 24 hours prior to the meeting.

6 * * *

7 § 503. RECORD OF PROCEEDINGS

8 (a) It shall be the duty of the ~~Board of Selectmen~~ Selectboard to keep an
9 official record of its proceedings which shall be open for public inspection
10 under State statutes.

11 (b) The minutes of each meeting shall be approved by the ~~selectmen~~
12 Selectboard and shall be filed in the Town Clerk's office and Town Manager's
13 office, a duly certified copy of ~~such~~ the minutes, attesting to the accuracy and
14 recording ~~thereof~~ of the minutes, shall constitute the official transcript of ~~such~~
15 the meeting and shall constitute prima facie evidence of the conduct ~~thereof~~ of
16 the meeting and the action taken ~~thereat~~.

17 § 504. JURISDICTION OVER OFFICES AND EMPLOYEES

18 Neither the ~~Board of Selectmen~~ Selectboard nor any of its members shall
19 direct or request the appointment, by any officer or employee of the Town, of
20 any person to office or employment, or their suspension or removal therefrom,
21 or in any manner take part in the appointment, discipline, or removal of

1 subordinates and employees of the Town, except as otherwise provided in this
2 charter. The ~~Board of Selectmen~~ Selectboard and its members shall deal with
3 that position of the service of the Town for which the Manager is responsible
4 solely through the Town Manager and neither the ~~Board of Selectmen~~
5 Selectboard or any of its members shall give any orders or request any action
6 by a subordinate in office. This shall not be construed to prohibit the
7 ~~selectmen~~ Selectboard from recommending to the Town Manager a
8 prospective employee for consideration and making general complaints to the
9 Town Manager.

10 * * *

11 § 701. APPOINTED BY ~~SELECTMEN~~ SELECTBOARD

12 The ~~Board of Selectmen~~ Selectboard shall appoint a Town Manager upon
13 ~~such~~ any conditions as they may determine.

14 § 702. MANAGER NONPARTISAN

15 * * *

16 (c) The Manager shall be a resident of the Town of Hardwick once
17 appointed in office. The ~~Board of Selectmen~~ Selectboard may grant
18 permission for the Manager to live outside the Town should there be sufficient
19 reason.

1 § 703. OATH AND BOND

2 Before entering office, the Manager shall be sworn to the faithful
3 performance of his or her duties by the Town Clerk and shall give a bond to
4 the Town in such amount and with ~~such~~ any sureties as the ~~selectmen~~
5 Selectboard may require.

6 § 704. DUTIES OF MANAGER

7 (a) The Manager shall be the Chief Executive Officer of the Town and shall
8 carry out the policies established by the ~~Board of Selectmen~~ Selectboard, to
9 whom the Manager shall be responsible.

10 (b) The Manager shall attend all meetings of the ~~Board of Selectmen~~
11 Selectboard, except when compensation or removal of the Town Manager is
12 being considered, or the ~~Board of Selectmen~~ Selectboard allows ~~such~~ the
13 absence. The Manager shall keep the ~~selectmen~~ Selectboard informed of the
14 financial condition and further needs of the Town and shall make ~~such~~ other
15 reports as may be required by law, requested by the ~~selectmen~~ Selectboard, or
16 deemed by the Town Manager to be advisable.

17 (c) The Manager has the right to attend all meetings of standing
18 committees, boards, and agencies appointed by the ~~Board of Selectmen~~
19 Selectboard.

20 * * *

1 (e) The Manager shall perform all other duties prescribed by this charter,
2 required by laws of this State, or resolution of the ~~selectmen~~ Selectboard.

3 (f) The Manager shall prepare an annual budget, submit it to the ~~selectmen~~
4 Selectboard, and be responsible for its administration after adoption by the
5 voters of the Town.

6 * * *

7 (h) The Manager shall furnish a monthly financial statement to the
8 ~~selectmen~~ Selectboard, with the assistance and cooperation of the Town
9 Treasurer, who shall furnish whatever financial data are necessary to enable
10 the Town Manager to fulfill his or her budgetary and financial responsibilities.

11 (i) The Manager shall be responsible for the operation of all departments as
12 designated by the ~~selectmen~~ Selectboard.

13 * * *

14 (l) The Manager shall have the authority to appoint, fix the salary of, within
15 the salary ranges established by the ~~selectmen~~ Selectboard, suspend, and
16 remove all employees of the Town appointed by him or her, subject to the
17 provisions of the charter and any Personnel Regulations as approved by the
18 ~~Board of Selectmen~~ Selectboard.

19 (m) The Manager may, when advisable or proper, and with the approval of
20 the ~~selectmen~~ Selectboard, delegate to subordinate officers and employees of
21 the Town, any duties conferred upon him or her.

1 § 903. SEWAGE COLLECTION AND DISPOSAL; DUTIES OF

2 ~~SELECTMEN~~ SELECTBOARD

3 It shall be the responsibility of the ~~Board of Selectmen~~ Selectboard, acting
4 as sewer commissioners, to provide adequate collection and disposal for
5 domestic and industrial sewerage within those parts of the Town served by
6 existing sewage collection and distribution system. In order to implement ~~said~~
7 the authority, the ~~Board of Selectmen~~ Selectboard shall have, in addition to
8 those powers enumerated in the general laws of this State with respect to
9 sewage disposal, the following powers:

10 (1) Whenever the public health or convenience shall require the
11 construction of a common sewer or sewers in the Town, the ~~Board of~~
12 ~~Selectmen~~ Selectboard is hereby authorized and empowered to so construct
13 ~~said the~~ sewers and to repair the same from time to time when necessary, and
14 for ~~such the~~ purpose may take the land of individuals and corporations on
15 making compensation for the lands so taken, and the ~~selectmen~~ Selectboard
16 shall proceed in the same manner as is prescribed by law for ~~selectmen~~
17 legislative bodies in taking for public highways and ~~in~~ awarding damages for
18 the taking of lands ~~therefore~~, and the ~~said selectmen~~ Selectboard shall make a
19 return of their doings to the office of the Clerk of said Town who shall record
20 the ~~same~~ return in the records of the Town, and ~~said the~~ Town may also lay

1 pipes along and across the streets, alleys, lanes, and highways in ~~said the~~
2 Town.

3 (2) The ~~Board of Selectmen~~ Selectboard shall have the power by
4 ordinance and regulations to require any building owner to connect to and use
5 any sewer drain or line installed and maintained along and across the streets,
6 alleys, lanes, and highways of the Town ~~which that~~ abut or adjoin such the
7 building.

8 (3) ~~Said Board of Selectmen~~ The Selectboard, in making, installing,
9 maintaining, or repairing sewers and drains, shall have the power, on giving
10 12 days' notice to the interested parties ~~interested~~ of the time and the place of
11 hearing, to assess the owner or owners of land or lands benefited ~~thereby~~, so
12 much of the expense of making, altering, or repairing the same as ~~said Board~~
13 ~~of Selectmen~~ the Selectboard shall judge ~~such the~~ lands to be benefited
14 thereby.

15 (4) When ~~said Board of Selectmen~~ the Selectboard enters upon lands
16 under the authority and for the purpose stated in subdivision (3) of this section,
17 they shall give 12 days' notice to all persons owning or interested in ~~such the~~
18 lands when they will hear and consider the question of assessments for
19 benefits, or both. And in all cases when either assessments are made or
20 damages are allowed, the ~~said Board of Selectmen~~ Selectboard shall forthwith
21 make a report of their doings, which report they shall cause to be filed in the

1 office of the Town Clerk, who shall record the same in the records of ~~said~~ the
2 Town.

3 (5) When any person shall be dissatisfied with the decision of ~~said~~
4 ~~Board of Selectmen~~ the Selectboard in the award of damages for laying,
5 making, altering, or repairing any sewer and drain, or in any assessment for
6 benefits of the same, ~~such~~ the persons may petition a court of competent
7 jurisdiction for a reassessment of ~~such~~ damages or benefits. ~~Said~~ The petition
8 shall be served on the Clerk of said Town within 60 days next after ~~said~~ the
9 award of damages or assessment for benefit shall be filed in ~~said~~ the Clerk's
10 office, and ~~such~~ the petition shall not delay the making or repairing of ~~such~~ the
11 sewer or drain, or sidewalk or culvert, or laying ~~said~~ the water pipe.

12 (6) The ~~Board of Selectmen, as aforesaid,~~ Selectboard may make and
13 adopt ~~such~~ bylaws and regulations concerning the management and use of ~~such~~
14 sewers and drains and appurtenances not inconsistent with law as it may deem
15 expedient, including the fixing and collecting of sewer use and benefit rates
16 and assessments and ~~said~~ the sewer use and benefit rates so fixed shall, until
17 paid, be and remain a lien upon the premises of the parties so furnished with
18 sewer service in like manner as real estate is by law held for other taxes.

19 * * *

1 § 904. ELECTRIC DEPARTMENT COMMISSIONERS

2 (a) The Town of Hardwick may own and operate municipal electric plants
3 as provided in 30 V.S.A. chapter 79, the management, operation, and
4 administration of which shall be vested in a Board of Electric Utility
5 Commissioners consisting of five persons to be appointed by the ~~Board of~~
6 ~~Selectmen~~ Selectboard whose initial terms shall be established by resolution of
7 the ~~Board of Selectmen~~ Selectboard so as to provide that ~~no~~ not more than two
8 of ~~such~~ the commissioners shall be appointed annually. Each appointment
9 shall take effect on July 1 of each year, and no commissioner may be removed
10 from office except for cause. Notwithstanding any provision of this charter or
11 the general law, the ~~Board of Selectmen~~ Selectboard may appoint ~~no~~ not more
12 than two electric utility commissioners who are not residents of the Town;
13 provided, however, that ~~such~~ the commissioners reside within and are ~~full-time~~
14 full-time residents of the area served by the Town's municipal electric plant.

15 * * *

16 § 907. FIRE AND POLICE DEPARTMENTS; GENERAL PROVISIONS

17 * * *

18 (b) The ~~Board of Selectmen~~ Selectboard shall determine and establish the
19 conditions under which fire department members and police officers may
20 exercise the functions of their respective offices beyond the limits of the Town
21 to the extent authorized by law.

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* * *

§ 909. BOARD OF HEALTH

The ~~Board of Selectmen~~ Selectboard shall act as and constitute the Town Board of Health, the responsibilities and powers of which shall be as established by law.

* * *

§ 1104. POSTPONEMENT AND COMBINING OF TOWN MEETING

(a) If an application for a special Town meeting is made not more than 60 days and not less than 40 days before annual Town meeting day, the ~~selectmen~~ Selectboard may postpone voting on any one or more of the articles requested in the petition until annual Town meeting day.

(b) If, within five days after application is made for a special Town meeting, a petition for another Town meeting is filed, the ~~selectmen~~ Selectboard may postpone voting on any one or more of the articles requested in the first petition until the Town meeting called upon the second petition, provided that the meeting on the second petition is warned for a day falling not more than 60 days after the filing date of the first petition.

* * *

1 § 1301. APPLICABILITY OF STATE LAW TO ZONING AND
2 PLANNING

3 The Zoning Administrator under the Hardwick zoning ordinance or bylaw
4 shall be appointed annually by the ~~selectmen~~ Selectboard, after the annual
5 meeting and shall serve for one year or until a successor is appointed and
6 qualified. All other matters pertaining to zoning land subdivision, municipal
7 and regional plans, shall be exclusively controlled by the general law of the
8 State of Vermont, except as specifically provided in this charter.

9 * * *

10 § 1502. PREPARATION AND SUBMISSION OF BUDGET

11 (a) The Town Manager, at least 90 days before the date of the regular
12 annual Town meeting, shall submit to the ~~selectmen~~ Selectboard a budget
13 ~~which that~~, except as required by law or this charter, shall be in ~~such~~ the form
14 as that the Manager deems desirable or the ~~selectmen~~ Selectboard members
15 may require. The budget shall contain:

16 * * *

17 (4) ~~Such~~ Any other information as may be required by the ~~Board of~~
18 ~~Selectmen~~ Selectboard.

19 (b) At least 10 days before the annual meeting of the Town, the ~~selectmen~~
20 Selectboard shall publish in a newspaper of general local circulation a notice

1 containing the amount ~~which~~ that the Town anticipates must be raised by
2 Town taxes and to be voted at its annual meeting.

3 (c) The ~~selectmen's~~ Selectboard's budget in its final form and the warning
4 of the meeting shall be made available to the legal voters of the Town at least
5 10 days prior to the annual meeting.

6 * * *

7 § 1504. APPROPRIATIONS

8 The Town at the annual meeting shall adopt a budget which shall include
9 the proposed expenditure of each department for the coming fiscal year, and
10 adoption of a budget at the annual meeting shall be deemed an appropriation to
11 each department of the sum allotted in the budget for ~~such~~ the department. A
12 department's expenditures may not exceed the amount appropriated to it,
13 except by consent of the ~~selectmen~~ Selectboard and subject to the provisions of
14 sections 1506 and 1507 of this charter. The amounts stated in the budget, and
15 as approved by the Town, shall become appropriated to the several agencies,
16 departments, and purposes ~~therein~~ named in the budget.

17 § 1505. AMOUNT TO BE RAISED BY TAXATION

18 Upon passage of the budget by the annual Town meeting, the amounts
19 stated ~~therein~~ in the budget as the amount to be raised by property taxes shall
20 constitute a determination of the amount of the levy for the purposes of the
21 Town in the corresponding tax year, and the ~~selectmen~~ Selectboard shall levy

1 ~~such~~ the taxes on the grand list furnished by the listers for the corresponding
2 tax year.

3 § 1506. BUDGET LIMITATIONS-BORROWING

4 * * *

5 (b) The Town, through the ~~selectmen~~ Selectboard, may borrow money in
6 anticipation of taxes.

7 * * *

8 (d) In cases of emergency, the ~~selectmen~~ Selectboard may appropriate
9 funds or borrow money in the name of the Town.

10 (e) The ~~selectmen~~ Selectboard, in the name of the Town, may borrow funds
11 in anticipation of federal and State funds ~~which~~ that have been approved and
12 committed, until ~~such~~ the time ~~as~~ such ~~that~~ the funds are available, but in no
13 event for a term of longer than one year. Any debt so incurred for a project
14 shall be repaid from the first Federal or State funds received for that project.

15 * * *

16 § 1507. TRANSFERS OF APPROPRIATIONS

17 At any time during the fiscal year, the Manager may transfer part or all of
18 any unused appropriation balance among the programs within a department,
19 office, or agency. Upon written request by the Manager, the ~~selectmen~~
20 Selectboard may by resolution transfer part or all of any unused appropriation
21 balance from one department, office, or agency to another. Notwithstanding

1 the above, no unexpended balance in any appropriation not included in the
2 budget of the ~~selectmen~~ Selectboard shall be transferred or used for any other
3 purpose.

4 * * *

5 Sec. 9. 24 App. V.S.A. chapter 127 is amended to read:

6 CHAPTER 127. TOWN OF MIDDLEBURY

7 * * *

8 § 105. RESERVATION OF POWERS TO THE TOWN

9 Nothing in this charter shall be construed to in any way limit the powers
10 and functions conferred on the Town of Middlebury and the ~~selectmen~~
11 Selectboard of ~~said the~~ Town by general or special enactments of State statutes
12 or regulations in force or effect or hereafter enacted, and the powers and
13 functions conferred by this charter shall be cumulative and in addition to the
14 provisions of ~~such~~ general or special enactments unless this charter otherwise
15 provides.

16 * * *

17 § 107. ORDINANCES; ADOPTION BY ~~SELECTMEN~~ SELECTBOARD

18 (a) If the ~~selectmen desire~~ Selectboard desires to adopt an ordinance, they
19 shall cause it to be entered in the official record kept of their proceedings, and
20 thereafter, they shall adopt it subject to final approval after the public hearing
21 as ~~hereafter~~ set forth in this section. The ordinance shall then be published in a

1 newspaper of general circulation in the Town, together with a notice of the
2 time and place of a public hearing to consider the ordinance for final passage,
3 ~~such~~ the publication to be on a day at least one week and not more than two
4 weeks prior to the date of hearing.

5 (b) At the public hearing or at any time and place to which the hearing may
6 from time to time be adjourned, the ordinance shall be read in full, unless the
7 ~~Board of Selectmen elect~~ Selectboard elects to read the ordinance by title; and
8 after ~~such~~ the reading, all persons interested shall be given an opportunity to be
9 heard.

10 (c) After the public hearing, the ~~selectmen~~ Selectboard may finally adopt
11 the ordinance, with or without amendment. If they amend the ordinance prior
12 to passage, they shall cause the amended ordinance to be entered in the official
13 record of their proceedings, and shall also cause the amended sections of the
14 ordinance, as finally passed, to be published in a newspaper of general
15 circulation in the Town on a day not more than 14 days after adoption.

16 (d) Every ordinance shall become effective 40 days after adoption, unless
17 the ~~selectmen specify~~ Selectboard specifies a longer period; or if the ordinance
18 is conditioned on approval by voters of the Town, then upon ~~such~~ voter
19 approval. If within 40 days of adoption, a referendum petition is filed, the
20 ordinance shall not become effective until after the question of repeal is voted.

21

* * *

1 § 108. REFERENDUM

2 (a) All Town ordinances, except as specified in section 110 of this charter,
3 may be repealed by vote of the Town as follows: A petition signed by not less
4 than 10 percent of the registered voters shall be filed with the Town Clerk
5 requesting a vote on the question of repealing the ordinance. The ~~selectmen~~
6 Selectboard shall call a special Town meeting to be held within 60 days of the
7 date of filing the petition, to vote on whether the ordinance shall be repealed.
8 The ordinance shall be repealed only if at least 15 percent of the registered
9 voters vote and a majority of that number vote for repeal.

10 * * *

11 § 109. INITIATIVE

12 Any lawful ordinance may be enacted by vote of the Town as follows: A
13 petition signed by not less than five percent of the registered voters shall be
14 filed with the Town Clerk requesting enactment of the ordinance and
15 accompanied by the text ~~thereof~~ of the ordinance. The ~~selectmen~~ Selectboard
16 shall call a special Town meeting to be held within 60 days of the date the
17 petition is filed, unless prior to ~~such~~ the meeting, the ~~selectboard~~ Selectboard
18 members shall have enacted the ordinance. The warning for the meeting shall
19 include the text of the proposed ordinance and shall provide for a “yes” or “no”
20 vote as to its enactment. The ordinance shall be adopted if at least 15 percent

1 of the registered voters vote and a majority of that number vote for adoption.

2 The ordinance shall take effect on the 30th day following adoption.

3 * * *

4 § 303. TERMS OF OFFICE—~~SELECTMEN~~; SELECTBOARD

5 (a) Each ~~selectman~~ Selectboard shall be elected for a three-year term,
6 except in the first election after this charter is adopted, at which two ~~selectmen~~
7 Selectboard members shall be elected for three-year terms, and one ~~selectman~~
8 member shall be elected for a two-year term. The two incumbent ~~selectmen~~
9 members shall serve to the ends of their respective elected terms. After the
10 first election following adoption of this charter, ~~selectmen~~ members shall be
11 elected for three-year terms as prior terms expire. Additional ~~selectmen~~
12 members elected under section 302(e) of this charter shall be elected to initial
13 terms ~~which~~ that expire at the annual meeting for three-year terms.

14 (b) All ~~selectmen~~ Selectboard members shall be elected at large. The
15 persons with the largest number of votes for offices of equal terms shall be
16 elected to those offices. If there are ~~selectmen's~~ Selectboard offices with
17 different terms, each candidate shall specify the term for which ~~he/she~~ he or
18 she seeks election.

19 * * *

20 § 305. TREASURER

21 * * *

1 (b) The Treasurer shall perform the duties required by State statutes or
2 provided by this charter. ~~He/she~~ The Treasurer shall:

3 (1) Promptly deposit funds coming into ~~his/her~~ his or her hands in such
4 depositories as may be designated by the ~~selectmen~~ Selectboard;

5 (2) Invest Town funds coming into ~~his/her~~ his or her hands in the
6 manner designated by the ~~selectmen~~ Selectboard;

7 (3) Keep such books and accounts as may be required by the ~~selectmen~~
8 Selectboard;

9 (4) Make reports to the ~~selectmen~~ Selectboard monthly, or at ~~such~~ other
10 times as ~~they~~ the Selectboard may require, showing the ~~State~~ state of the
11 Town's finances; and

12 (5) Perform ~~such~~ other duties with respect to the Town's finances as the
13 ~~selectmen~~ Selectboard may require.

14 § 306. APPOINTED OFFICERS

15 (a) The ~~Board of Selectmen~~ Selectboard shall appoint any officers required
16 by the Town's personnel regulations or this charter.

17 * * *

18 (c) Within one year after the adoption of this charter, the ~~Board of~~
19 ~~Selectmen~~ Selectboard shall adopt a written personnel policy.

20 (d) The ~~Board of Selectmen~~ Selectboard shall appoint:

21 * * *

1 (e) The ~~selectmen~~ Selectboard may appoint:

2 * * *

3 § 307. RECALL

4 (a) Any officer elected under subsection 302(a) of this charter may be
5 removed from office as follows:

6 (1) A petition signed by not less than 15 percent of the registered voters
7 shall be filed with the ~~selectmen~~ Selectboard, requesting a vote on whether the
8 elected officer shall be removed from office.

9 (2) The ~~selectmen~~ Selectboard shall call a special Town meeting, to be
10 held within 45 days of receiving the petition, to vote on whether the elected
11 officer shall be removed.

12 (3) The official shall be removed only if at least as many registered
13 voters of the Town vote as voted in the election ~~wherein~~ in which the officer
14 was elected, or at least one-third of the registered voters of the Town vote,
15 whichever is greater, and a majority of that number vote for removal.

16 (b) If the Town votes for removal of an elected officer, the office shall
17 ~~thereupon~~ become vacant, and the ~~selectmen~~ Selectboard shall call a special
18 meeting, to be held within 45 days of the vote for removal, to fill the vacancy
19 until the term of the officer so removed expires.

20 * * *

1 § 308. VACANCIES AND APPOINTMENTS

2 * * *

3 (b) Any qualified voter of the Town may, within 10 days of the publication,
4 submit ~~his/her~~ his or her name to the Town Manager as an applicant for the
5 vacant or expired office. At the expiration of 10 days from the date of the
6 publication, the names of all persons being considered shall be entered in the
7 ~~Selectmen's~~ Selectboard's minutes; the ~~selectmen~~ Selectboard shall not fill the
8 vacancy or expired term until after at least seven days from the date the names
9 of the applicants are entered in their minutes.

10 * * *

11 § 502. ORGANIZATION

12 (a) Forthwith after their election and qualification, the ~~selectmen~~
13 Selectboard shall organize and elect a ~~Chairman~~ Chair and Vice ~~Chairman~~
14 Chair by a majority vote of the entire Board.

15 (b) The ~~Chairman~~ Chair of the Board, or in his or her absence, the Vice
16 ~~Chairman~~ Chair, shall preside at all meetings of the Board and shall be
17 recognized as the head of the Town government for all ceremonial purposes.

18 § 503. MEETINGS

19 (a) As soon as possible after the election of the ~~Chairman~~ Chair and Vice
20 ~~Chairman~~ Chair, the Board shall fix the time and place of its regular meetings
21 and ~~such~~ the meetings shall be held at least twice a month.

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* * *

(c) If there are five ~~selectmen~~ Selectboard members, three shall constitute a quorum. No action of ~~such Board~~ the Selectboard shall be valid or binding unless adopted by the affirmative vote of at least three ~~selectmen~~ members. If the ~~Board~~ Selectboard is expanded to seven ~~selectmen~~ members, four shall constitute a quorum and no action of ~~such Board~~ the Selectboard shall be valid or binding unless adopted by the affirmative vote of at least four ~~selectmen~~ members. In cases where State law requires a greater fraction of the authorized board for an affirmative vote than as specified above, ~~such the~~ the provisions of State law shall control.

* * *

(e) The agenda of the ~~selectmen's~~ Selectboard meetings shall be made available to the public at least 24 hours prior to the meeting and posted in one public place.

* * *

§ 504. RECORD OF PROCEEDINGS

(a) It shall be the duty of the ~~Board of Selectmen~~ Selectboard to keep an official record of its proceedings ~~which~~ that shall be open for public inspection.

(b) The minutes of each meeting shall be approved by the ~~selectmen~~ Selectboard. The official copy shall be filed in the Town Clerk's office and copies in the public library in East Middlebury and the Ilsley Library.

1 § 505. APPOINTMENTS

2 (a) The ~~selectmen~~ Selectboard may appoint commissions or committees as
3 needed.

4 (b) Jurisdiction over other officers and employees. Neither the ~~Board of~~
5 ~~Selectmen~~ Selectboard nor any of its members shall direct or request the
6 appointment, by any officer or employee of the Town, of any person to office
7 or employment, or ~~his/her~~ his or her suspension or removal ~~therefrom~~, or in
8 any manner take part in the appointment, discipline, or removal of subordinates
9 and employees of the Town, except as otherwise provided in this charter. The
10 ~~Board of Selectmen~~ Selectboard and its members shall deal with that position
11 of the service of the Town for which the Manager is responsible solely through
12 the Town Manager, and neither the ~~Board of Selectmen~~ Selectboard nor any of
13 its members shall give any orders or request any action by a subordinate in
14 office. This shall not be construed to prohibit the ~~selectmen~~ Selectboard from
15 recommending to the Town Manager a prospective employee for ~~his/her~~ his or
16 her consideration, and making general complaints to the Town Manager or to
17 department heads.

18 * * *

19 § 701. APPOINTED BY ~~SELECTMEN~~ SELECTBOARD

20 The ~~Board of Selectmen~~ Selectboard shall appoint a Town Manager for an
21 indefinite term, and upon ~~such~~ the conditions as that they may determine.

1 § 702. MANAGER NONPARTISAN

2 (a) The Manager shall be chosen solely on the basis of ~~his/her~~ his or her
3 executive, administrative, and professional qualifications.

4 * * *

5 (c) The Manager shall be a resident of the Town of Middlebury, once
6 ~~he/she~~ he or she has been appointed to office. The ~~Board of Selectmen~~
7 Selectboard may grant permission for the Manager to live outside the Town
8 should there be sufficient reason.

9 § 703. OATH AND BOND

10 Before entering upon his or her duties, the Manager shall be sworn to the
11 faithful performance of ~~his/her~~ his or her duties by the Town Clerk and shall
12 give a bond to the Town in such amount and with such sureties as the
13 ~~selectmen~~ Selectboard may require.

14 § 704. DUTIES OF MANAGER

15 (a) The Manager shall be the chief executive officer of the Town and shall
16 carry out the policies established by the ~~Board of Selectmen~~ Selectboard, to
17 whom the Manager shall be responsible.

18 (b) The Manager shall attend all meetings of the ~~Board of Selectmen~~
19 Selectboard, except when ~~his/her~~ his or her compensation or removal is being
20 considered, or the ~~Board of Selectmen~~ Selectboard allows ~~his/her~~ his or her
21 absence. The Manager shall keep the ~~selectmen~~ Selectboard informed of the

1 financial condition and future needs of the Town and shall make ~~such~~ other
2 reports as may be required by law, requested by the ~~selectmen~~ Selectboard, or
3 deemed by ~~him/her~~ the Manager to be advisable.

4 (c) The Manager has the right to attend all meetings of standing
5 committees, boards, and agencies appointed by the ~~Board of Selectmen~~
6 Selectboard.

7 * * *

8 (e) The Manager shall perform all other duties prescribed by this charter,
9 required by laws of the State, or resolution of the ~~selectmen~~ Selectboard.

10 (f) The Manager shall prepare an annual budget, submit it to the ~~selectmen~~
11 Selectboard, and be responsible for its administration after adoption.

12 * * *

13 (h) The Manager shall furnish a monthly financial statement to the
14 ~~selectmen~~ Selectboard, with the assistance and cooperation of the Town
15 Treasurer, who shall furnish whatever financial data are necessary to enable
16 the Town Manager to fulfill ~~his/her~~ his or her budgetary and financial
17 responsibilities.

18 * * *

19 (l) The Manager shall have authority to appoint, fix the salary of, suspend,
20 and remove all employees of the Town appointed by ~~him/her~~ him or her,
21 subject to the provisions of this charter and any personnel regulations as

1 approved by the ~~Board of Selectmen~~ Selectboard. ~~He/she~~ He or she shall
2 obtain approval from the ~~Board of Selectmen~~ Selectboard before appointing,
3 removing, or suspending the head of any department.

4 (m) The Manager may, when advisable or proper, and with the approval of
5 the ~~selectmen~~ Selectboard, delegate to subordinate officers and employees of
6 the Town; any duties conferred upon ~~him/her~~ him or her.

7 (n) The Manager with the department heads shall prepare annually for the
8 ~~selectmen~~ Selectboard a five-year capital improvement plan.

9 § 705. COMPENSATION

10 The Manager shall receive such compensation as may be fixed by the
11 ~~selectmen~~ Selectboard.

12 § 706. REMOVAL

13 The ~~Board of Selectmen~~ Selectboard may remove the Town Manager by a
14 majority vote of its total membership. At least 30 days before ~~such~~ the
15 removal shall become effective, the ~~Board of Selectmen~~ Selectboard shall by a
16 majority vote of its members adopt a preliminary resolution stating the reason
17 for ~~his/her~~ his or her removal. The Manager may reply in writing and may
18 request a public hearing ~~which~~ that shall be held not earlier than 20 days nor
19 later than 30 days after the filing of ~~such~~ the request. After ~~such~~ the public
20 hearing, if one ~~be~~ is requested, and after full consideration, the ~~Board~~
21 Selectboard by a majority vote of its members may adopt a final resolution of

1 removal. By the preliminary resolution, the ~~Board~~ Selectboard may suspend
2 the Manager from duty, but the regular salary of the Manager shall continue to
3 be paid to ~~him/her~~ him or her during the period of suspension. The Manager's
4 pay will continue up to 30 days and will not be contingent upon whether or not
5 a public hearing is held or when it is held. The ~~Board of Selectmen~~
6 Selectboard may appoint a temporary Manager to serve at the pleasure of the
7 ~~Board~~ Selectboard, for not more than 90 days. The temporary Manager shall
8 have none of the powers of appointment. ~~He/she~~ He or she shall have the
9 power to suspend, but not to remove employees.

10 § 707. ABSENCE

11 To perform the Manager's duties in ~~his/her~~ his or her temporary absence or
12 disability, the Manager may, with the consent of the ~~Board~~ Selectboard,
13 designate by letter filed with the Town Clerk, a qualified person. If the
14 Manager fails to make such designation, the ~~selectmen~~ Selectboard may
15 appoint a person to perform the duties of the Manager until ~~he/she~~ he or she
16 shall return or ~~his/her~~ his or her disability shall cease.

17 * * *

18 § 902. TIME OF HOLDING

19 * * *

20 (b) The ballot boxes shall be open for a minimum of nine consecutive
21 hours determined and warned by the ~~Board of Selectmen~~ Selectboard.

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§ 905. POSTPONEMENT AND COMBINING OF TOWN MEETINGS

(a) The ~~selectmen~~ Selectboard may postpone the vote on any question to be voted at a special Town meeting to the annual meeting or the November federal general election if ~~such~~ the special meeting falls within 75 days of the annual meeting or the November federal general elections; provided that the ~~selectmen~~ Selectboard may not postpone ~~such~~ a vote if the vote is for the purpose of using or discontinuing the use of the Australian ballot system for budgets as provided in 17 V.S.A. § 2680(c).

(b) If a special Town meeting falls within 45 days of a later special Town meeting called by petition, the ~~selectmen~~ Selectboard may warn the question to be voted at ~~such~~ the Town meeting for the later Town meeting, and may by resolution rescind the call of the earlier meeting.

§ 906. VOTING QUESTION BY AUSTRALIAN BALLOT

The ~~selectmen~~ Selectboard may cause any question to be voted by Australian ballot at any annual meeting or at any special Town meeting called on their motion or by petition, provided that the warning for ~~such~~ the meeting specifies the questions to be voted. A question voted by Australian ballot shall be preceded by a public hearing for discussion. The warning for the special meeting to vote by Australian ballot shall include a notice of the time and place of the public hearing.

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§ 1101. APPLICABILITY OF STATE LAW TO ZONING AND
PLANNING

The Zoning Administrator under any Middlebury zoning ordinance or bylaw shall be appointed annually by the ~~selectmen~~ Selectboard, after the annual meeting and shall serve for one year or until ~~his/her~~ his or her successor is appointed and qualified. All other matters pertaining to zoning, land subdivision, municipal and regional plans, shall be exclusively controlled by the statutes of the State of Vermont, except as specifically provided in this charter.

* * *

§ 1302. PREPARATION AND SUBMISSION

(a) The Town Manager, at least 60 days before the date of the regular annual Town meeting, shall submit to the ~~selectmen~~ Selectboard a budget ~~which that~~, except as required by law or this charter, shall be in ~~such~~ the form as the Manager deems desirable or the ~~selectmen~~ Selectboard may require.

The budget shall contain:

* * *

(5) ~~Such~~ The other information as may be required by the ~~Board of~~ Selectmen Selectboard.

* * *

1 (c) The Boards of Directors of the Middlebury Incorporated School District
2 No. 4 and Union School District No. 3 shall submit to the ~~selectmen~~
3 Selectboard the information required by subdivisions (b)(2) and (3) of this
4 section at least 20 days prior to the Town’s annual meeting, and the Chairs
5 ~~Chairman~~ of each Board shall certify that ~~such~~ the information is accurate,
6 based upon the information available to each Board of Directors.

7 (d) Prior to finally determining the Middlebury Town budget, and at least
8 40 days prior to the annual meeting, the ~~selectmen~~ Selectboard shall hold a
9 public hearing, giving notice ~~thereof~~ of the hearing in a newspaper of general
10 local circulation at least seven days prior ~~thereto~~ to the date of the hearing.

11 (e) The ~~selectmen’s~~ Selectboard budget in its final form and the warning
12 for the annual meeting shall be distributed to the legal voters of the Town at
13 least 10 days prior to the annual meeting.

14 * * *

15 § 1304. APPROPRIATIONS

16 The Town at the annual meeting shall adopt a budget ~~which~~ that shall
17 include the proposed expenditure of each department for the coming fiscal
18 year, and adoption of a budget at the annual meeting shall be deemed an
19 appropriation to each department of the sum allotted in the budget for such
20 department. A department’s expenditures may not exceed the amount
21 appropriated to it, except by consent of the ~~selectmen~~ Selectboard and subject

1 to the provisions of sections 1307 and 1308 of this charter. The amounts stated
2 in the budget, and as approved by the Town, shall become appropriated to the
3 several agencies, departments, and purposes ~~therein~~ named in the budget.

4 § 1305. AMOUNT TO BE RAISED BY TAXATION

5 (a) Upon passage of the budget by the annual Town meeting, the amounts
6 stated ~~therein~~ in the budget as the amount to be raised by property taxes shall
7 constitute a determination of the amount of the levy for the purposes of the
8 Town in the corresponding tax year, and the ~~selectmen~~ Selectboard shall levy
9 ~~such~~ the taxes on the grand list furnished by the listers for the corresponding
10 tax year.

11 (b) The ~~selectmen~~ Selectboard shall ~~likewise~~ levy ~~such~~ taxes for the
12 purposes of meeting the budget of the Middlebury Incorporated School District
13 No. 4 and paying the amount ~~which~~ that the Union School District No. 3
14 assesses the Town. In the event the Union School District No. 3 has not
15 passed a budget at the time the ~~selectmen~~ Selectboard levies ~~the~~
16 taxes, the ~~selectmen~~ Selectboard may, in their sole discretion, base ~~such~~ the
17 levy on the prior tax year assessment to the Town by the Union School District
18 No. 3. In ~~such~~ that case, after the passage of the Union School District No. 3
19 budget and assessment to the Town, the ~~selectmen~~ Selectboard may adjust the
20 levy of ~~such~~ the taxes and the Town shall credit the taxpayers for payment of
21 property taxes for the year accordingly.

1 § 1306. BUDGET LIMITATIONS; BORROWING

2 * * *

3 (b) The Town, through the ~~selectmen~~ Selectboard, may borrow money in
4 anticipation of taxes. The total amount so borrowed shall not exceed 90
5 percent of the taxes assessed for ~~such~~ the year, and the notes or orders issued
6 ~~therefor~~ shall mature not later than the end of the fiscal year of the Town.

7 * * *

8 (d) In cases of emergency, the ~~selectmen~~ Selectboard may appropriate
9 funds or borrow money in the name of the Town. The total combined
10 emergency appropriations and borrowing in any year shall not exceed five
11 percent of the amount voted at the annual meeting as the Town budget, or if
12 the appropriation or borrowing is prior to the annual meeting, then five percent
13 of the amount voted at the prior annual meeting as the Town budget. Notes or
14 orders for ~~such~~ the emergency borrowing shall mature not more than one year
15 from the date of issuance and shall not ~~thereafter~~ be renewed unless the Town
16 ~~se~~ votes to approve. Any emergency borrowing or appropriation shall be
17 reported at the next Town meeting.

18 (e) The ~~selectmen~~ Selectboard, in the name of the Town, may borrow funds
19 in anticipation of federal and State funds ~~which~~ that have been approved and
20 committed, until ~~such~~ the time as ~~such~~ the funds are available. Any debt ~~se~~

1 incurred for a project shall be repaid from the first federal or State funds
2 received for that project.

3 * * *

4 § 1307. TRANSFERS OF APPROPRIATIONS

5 At any time during the fiscal year the Manager may transfer part or all of
6 any unused appropriation balance among programs within a department, office,
7 or agency. Upon written request by the Manager, the ~~selectmen~~ Selectboard
8 may by resolution transfer part or all of any unused appropriation balance from
9 one department, office, or agency to another. Notwithstanding the above, no
10 unexpended balance in any appropriation not included in the budget of the
11 ~~selectmen~~ Selectboard shall be transferred or used for any other purpose.

12 * * *

13 § 1309. INVESTMENTS

14 * * *

15 (c) The ~~selectmen~~ Selectboard shall have full power to hold, purchase, sell,
16 assign, transfer, and dispose of any of the securities and investments in which
17 any of the funds shall have been invested, as well as the proceeds of ~~such~~ the
18 investments.

19 * * *

1 Sec. 10. 24 App. V.S.A. chapter 129 is amended to read:

2 CHAPTER 129. TOWN OF MILTON

3 * * *

4 § 1003. PREPARATION AND SUBMISSION OF THE CAPITAL BUDGET

5 * * *

6 (b) The Town Manager in the case of the Town and the Superintendent in
7 the case of the school, at least 60 days before the date of the regular annual
8 meeting, shall submit to the Selectboard or school trustees a budget ~~which~~ that,
9 except as required by law or this charter, shall be in such form as the Manager
10 or Superintendent deems desirable and the Selectboard or school trustees may
11 require. The capital budget shall contain:

12 * * *

13 (3) Other. Such other information as may be required by the ~~Board of~~
14 ~~Selectmen~~ Selectboard or school trustees.

15 * * *

16 Sec. 11. 24 App. V.S.A. chapter 131 is amended to read:

17 CHAPTER 131. TOWN OF PLAINFIELD

18 * * *

19 § 203. RESERVATION OF POWERS TO THE TOWN

20 Nothing in this charter shall be construed to in any way limit the powers
21 and functions conferred on the Town of Plainfield, the ~~selectmen~~ Selectboard

1 of ~~said~~ the Town, or its elected and appointed officials by general or special
2 enactments of State statutes or regulations in force or effect or hereafter
3 enacted, and the powers and functions conferred by this charter shall be
4 cumulative and in addition to the provisions of ~~such~~ general or special
5 enactments unless this charter otherwise provides.

6 * * *

7 Sec. 12. 24 App. V.S.A. chapter 133 is amended to read:

8 CHAPTER 133. TOWN OF POULTNEY

9 * * *

10 § 104. FORM OF GOVERNMENT

11 The municipal government provided by this charter shall be known as
12 council-manager form of government. Pursuant to these provisions and subject
13 only to the limitations imposed by the Vermont Constitution and by this
14 charter, all powers of the Town shall be vested in an elective council,
15 ~~hereinafter~~ referred to in this charter as the ~~Board of Selectmen~~ Selectboard.

16 * * *

17 § 302. SPECIAL ELECTIVE OFFICERS

18 In addition to those elective officers provided for by law, the officers
19 elected at the annual Town meeting shall be:

20 * * *

1 (d) The ~~Board of Selectmen~~ Selectboard shall appoint the following
2 officers:

3 * * *

4 § 306. VACANCIES OF ELECTED AND APPOINTED OFFICERS

5 * * *

6 (b) Any person of legal voting age may, within 10 days of the publication,
7 submit ~~his/her~~ his or her name to the Town Manager as an applicant for the
8 vacancy. The names of all applicants shall be entered in the minutes of the
9 next regularly scheduled ~~selectmen's~~ Selectboard meeting.

10 (c) At the first regular meeting of the ~~Board of Selectmen~~ Selectboard
11 following the expiration of the period set forth in subsections (a) and (b) of this
12 section, the ~~selectmen~~ Selectboard shall fill the vacancy. ~~Said~~ The
13 appointments shall be for the remainder of the unexpired term unless this
14 charter provides otherwise.

15 * * *

16 § 501. POWERS AND DUTIES

17 (a) The members of the ~~Board of Selectmen~~ Selectboard shall constitute the
18 legislative body of the Town of Poultney for all purposes required by law, and
19 shall constitute the Board of Cemetery Commissioners, the Board of Liquor
20 Control Commissioners and, with the Town Health Officer, the Local Board of
21 Health Commissioners.

1 (b) While the ~~Board of Selectmen~~ Selectboard shall establish policies
2 governing the management of Town affairs, it shall be the sole duty and
3 responsibility of the Town Manager to implement Town policies and supervise
4 the day-to-day operation of Town government.

5 § 502. ORGANIZATION

6 (a) Three ~~selectmen~~ Selectboard members shall constitute a quorum. No
7 action of the ~~Board~~ Selectboard shall be valid or binding unless adopted by the
8 affirmative vote of at least three ~~selectmen~~ Selectboard members. In cases
9 where a statute requires a greater number of the ~~Board~~ Selectboard for an
10 affirmative vote, ~~such~~ the provisions of law shall control.

11 (b) The ~~Board of Selectmen~~ Selectboard may vote on an item not warned
12 on a public agenda only in an emergency and with the consent of the majority
13 of the ~~Board~~ Selectboard. An emergency may be defined as an unforeseen
14 situation that imperils the welfare of the Town and that requires immediate
15 action.

16 § 503. RECORD OF PROCEEDINGS

17 (a) The ~~Board of Selectmen~~ Selectboard shall keep an official record of its
18 proceedings.

19 (b) The minutes of each meeting shall be approved by the ~~selectmen~~
20 Selectboard and shall be filed in the Town Clerk's office. A duly certified
21 copy of such minutes, attesting to the accuracy thereof, shall constitute the

1 official record of ~~such~~ the meeting and shall constitute prima facie evidence of
2 the action taken.

3 * * *

4 § 701. APPOINTED BY ~~SELECTMEN~~ SELECTBOARD MEMBERS

5 The ~~Board of Selectmen~~ Selectboard shall appoint a Town Manager whose
6 responsibilities, powers, and terms of employment shall be as provided by
7 general law, except as otherwise provided by this charter.

8 * * *

9 § 901. APPOINTMENTS

10 The ~~Board of Selectmen~~ Selectboard may appoint and compensate
11 commissions, committees, and employees as needed, and delegate incidental
12 powers necessary for the proper functioning ~~thereof~~ of the commissions,
13 committees, or employees as established by law.

14 * * *

15 § 903. POLICE DEPARTMENT; APPOINTMENTS

16 Public safety services shall be provided for the Town in a manner
17 acceptable to the ~~Board of Selectmen~~ Selectboard.

18 * * *

1 § 1001. WATER AND SEWER SYSTEMS; DUTIES OF ~~SELECTMEN~~

2 SELECTBOARD

3 Until such time as a separate Board or Boards of Water and Sewer
4 Commissioners shall be established, the ~~Board of Selectmen~~ Selectboard shall
5 act as ~~such~~ the commissioners.

6 * * *

7 § 1101. POSTPONEMENT AND COMBINING OF TOWN MEETING

8 (a) The ~~selectmen~~ Selectboard may postpone the vote on any question to be
9 voted at a special Town meeting to the annual meeting if ~~such~~ the special
10 meeting would fall within 120 days of the annual meeting.

11 (b) If a special Town meeting will fall within 120 days of another special
12 Town meeting called by petition, the ~~selectmen~~ Selectboard may warn the
13 questions to be voted at ~~such~~ the Town meeting for the later Town meeting,
14 and may by resolution rescind the call of the earlier meeting.

15 § 1102. VOTING QUESTION BY AUSTRALIAN BALLOT

16 The election of Town officers and the consideration of all public questions
17 shall be by Australian ballot at any annual meeting or at any special ~~town~~
18 Town meeting called on motion of the ~~selectmen~~ Selectboard or by petition. A
19 public question voted by Australian ballot shall be preceded by a public
20 informational meeting, to start at 7:30 o'clock in the evening of the day
21 preceding ~~that on which~~ the day that the polls are to be opened. The warning

1 for the special ~~town~~ Town meeting to vote by Australian ballot shall include a
2 notice of the time and place of the public hearing.

3 * * *

4 § 1105. HIGHWAY BUDGET

5 Notwithstanding any other provision of general law or this charter to the
6 contrary, annually the ~~selectmen~~ Selectboard shall prepare a highway budget
7 with respect to the operation, maintenance, repair, and construction of Town
8 highways, ~~which~~. The budget shall be voted upon as a separate article at each
9 annual town meeting or a special town meeting called for that purpose. Voting
10 on the proposed highway budget shall be restricted to only those eligible voters
11 residing in that part of the Town not within the incorporated limits of the
12 Village of Poultney. The approved Town highway budget ~~so approved~~ shall be
13 funded by a highway tax to be levied on the grand list of the Town
14 representing ratable property situated in that part of the Town not within the
15 incorporated limits of the Village of Poultney.

16 * * *

17 § 1502. PREPARATION AND SUBMISSION OF BUDGET AND TOWN
18 REPORT

19 (a) The Town Manager, at least 60 days before the date of the regular
20 annual Town meeting, shall submit to the ~~selectmen~~ Selectboard a budget
21 which shall contain:

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(6) ~~Such~~ Any other information as that may be required by the ~~Board of~~
~~Selectmen~~ Selectboard or law.

(b) The ~~selectmen's~~ Selectboard budget in its final form and the warning of
the meeting shall be made available to the legal voters of the Town in an
annual Town report at least 14 days prior to the annual Town meeting.

* * *

§ 1504. AMOUNT TO BE RAISED BY TAXATION

Upon approval of the budget under section 1503 of this charter, the amounts
stated ~~therein~~ in the budget as the amount to be raised by property taxes,
reduced by cash surplus from excess collected property taxes, fees, charges,
fines, and interest, if any, as indicated by the statement of the Town auditors,
shall constitute a determination of the amount of the levy for the purposes of
the Town in the corresponding tax year, and the ~~selectmen~~ Selectboard shall
levy ~~such~~ the taxes on the grand list furnished by the listers for the
corresponding year.

§ 1505. TRANSFERS OF APPROPRIATIONS

At any time within the fiscal year, the ~~Board of Selectmen~~ Selectboard may
transfer funds from single budget line items to other budget line items. A
budget line item will be an individual budget item listed on the budget
presented to and approved under section 1503 of this charter.

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Sec. 13. 24 App. V.S.A. chapter 141 is amended to read:

CHAPTER 141. TOWN OF READSBORO

Subchapter 2. ~~Board of Selectmen~~ Selectboard

§ 21. LEGISLATIVE BODY

The Town of Readsboro shall be managed by the ~~Board of Selectmen which~~
Selectboard that shall be its the legislative body of the Town.

§ 24. TRANSITIONAL BOARD

The ~~selectmen~~ Selectboard members of the Town of Readsboro, serving on
the effective date of this merger, shall continue in office and be deemed
~~selectmen~~ Selectboard members of the merged and consolidated Town of
Readsboro for the remainder of the terms of their respective elected offices.

§ 25. CHAIR AND QUORUM

The ~~Board~~ Selectboard may elect one of its members as ~~Chairman~~ Chair,
and a majority of the ~~Board~~ Selectboard present shall constitute a quorum for
the transaction of business.

1 Sec. 14. 24 App. V.S.A. chapter 149 is amended to read:

2 CHAPTER 149. TOWN OF SPRINGFIELD

3 * * *

4 § 5. ORDINANCES

5 * * *

6 (b) Legislative body:

7 (1) The ~~Board of Selectmen~~ Selectboard shall constitute the legislative,
8 body of the Town with the power, between Town meetings, to adopt, amend,
9 repeal, or enforce ordinances.

10 (2) Town meeting, as constituted herein, in addition to its other
11 functions, shall also serve as a legislative body and may adopt, amend, or
12 repeal an ordinance.

13 * * *

14 (B) The entire text of ordinances subject to Town meeting action
15 must be published in a newspaper or newspapers of general circulation as may
16 be directed or designated by the ~~Board of Selectmen~~ Selectboard, at least 30
17 days before the meeting.

18 * * *

19 (E) Ordinances acted upon by Town meeting shall not apply to any
20 appointments of officers, members of boards and commissions to be made by

1 the ~~Board of Selectmen~~ Selectboard, or to the appointment or designation of
2 the ~~selectmen~~ Selectboard members, or their rules of order.

3 * * *

4 (G) Any ordinance to be passed by either Town meeting or the ~~Board~~
5 ~~of Selectmen~~ Selectboard must be set forth in a uniform format as follows:

6 * * *

7 (c) Ordinance adoption procedure:

8 (1) The ~~selectmen~~ Selectboard shall designate the category into which
9 action an ordinance shall fall.

10 * * *

11 (d) Procedure for drafting, adoption, rejection, major amendment, or repeal
12 of ordinances:

13 (1) Drafting: Ordinances, or related actions ~~related thereto~~, shall be
14 drafted by or submitted in draft form to an ordinance subcommittee consisting
15 of ~~no~~ not more than two ~~Board of Selectmen~~ Selectboard members.

16 (2) Reporting out:

17 (A) The ordinance subcommittee shall review the ordinance for form
18 and report it out to the ~~Board of Selectmen~~ Selectboard for first review.

19 * * *

20 (3) Introduction and first review:

1 (A) The proposed ordinance or action shall be introduced at a ~~Board~~
2 ~~of Selectmen~~ Selectboard meeting by the ordinance subcommittee.

3 * * *

4 (5) Amendment during second review: Should the ~~Board of Selectmen~~
5 Selectboard decide after the public hearing to amend the text of the proposed
6 ordinance, the process and timetable shall revert back to second review with
7 the new public hearing to be held in ~~no~~ not less than 14, but ~~no~~ not more than
8 28 days and all notice requirements to be met in subsection 4 above.

9 (6) Final Action:

10 (A) Upon completion of the second review, the ~~Board of Selectmen~~
11 Selectboard shall act to adopt or reject the ordinance.

12 * * *

13 (7) Repeal: The repeal of any existing ordinance shall follow the
14 procedure prescribed ~~herein~~ by this charter for passage of an ordinance.

15 (e) Minor Amendments: An action classed by ~~Board of Selectmen~~
16 Selectboard vote as a minor amendment, pursuant to subsection (c) of this
17 section, may be adopted after the completion of first review.

18 (f) Emergency ordinances:

19 (1) To meet a public emergency affecting life, health, property, or the
20 public peace, the ~~Board of Selectmen~~ Selectboard may adopt one or more
21 emergency ordinances.

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* * *

(3) An emergency ordinance shall be exempt from the adoption procedures required for ordinances generally. However, it must be submitted in writing at a public meeting of the ~~Board of Selectmen~~ Selectboard in a form consistent with other ordinances.

* * *

(5) An emergency ordinance may be adopted or rejected, with or without amendment, at the meeting at which it is introduced, but an affirmative vote of four ~~Board of Selectmen~~ Selectboard members is required for adoption.

* * *

(8) In order for actions taken under an emergency ordinance to be binding beyond the time period of the emergency as determined by the ~~Board of Selectmen~~ Selectboard, the ordinance must be ratified in a manner similar to other ordinances.

* * *

(h) Standard codes of technical regulations:

(1) The ~~Board of Selectmen~~ Selectboard may adopt any standard code of technical regulations by references thereto in an adopting ordinance.

* * *

(i) Authentication and recording, codification, printing:

1 (f) Any contract, sale, or action taken in violation of this section shall be
2 voidable by the ~~Board of Selectmen~~ Selectboard.

3 * * *

4 (h) The ~~Board of Selectmen~~ Selectboard may require public disclosure of
5 assets or financial interest, in a form they may prescribe, of any elected or
6 appointed official as part of an investigation into matters of conflict of interest,
7 or for the purposes of general investigation. Failure to disclose or incomplete
8 or falsified disclosure may be cause for removal as provided under subdivision
9 23(b)(8)(B) of this charter.

10 * * *

11 § 8. LICENSES; FEES; CHARGES; USER FEES; FEES FOR SERVICE

12 (a) The ~~Board of Selectmen~~ Selectboard shall have the sole authority for
13 the setting of all fees, charges, user fees, or fees for services, related to Town
14 government, except those prescribed by State statute relating to the Office of
15 the Town Clerk. All fees and charges set by the ~~Board of Selectmen~~
16 Selectboard shall be reasonably related to actual costs.

17 (b) The ~~Board of Selectmen~~ Selectboard shall have the authority to license
18 or issue permits for any function or activity, taking place or occurring within
19 the boundaries of the Town, over which jurisdiction is established by statute,
20 ordinance, or this charter.

21 * * *

1 (d) All fees, charges, user fees, or fees for service shall be implemented by
2 passage of a comprehensive fee ordinance ~~which~~ that shall be placed on the
3 ~~Board of Selectmen~~ Selectboard agenda for review ~~and/or~~ or update, every
4 three years from its date of passage.

5 (e) No officer of the Town shall collect fees or prerequisites for ~~his/her~~ his
6 or her own use, and all fees or charges shall be accrued to the General Fund.

7 § 9. ACQUISITION AND DISPOSITION OF TOWN PROPERTY

8 (a) The ~~Board of Selectmen~~ Selectboard shall pass an ordinance governing
9 the acquisition or disposition of Town property, ~~which~~ that shall outline
10 procedures for the handling of ~~such matters~~ the acquisition or disposition of
11 Town property.

12 (b) The ~~Board of Selectmen~~ Selectboard may acquire or dispose of real
13 property in accordance with ~~such~~ the ordinance.

14 § 10. EMERGENCY POWERS

15 (a) Declaration of public emergency: The ~~Board of Selectmen~~ Selectboard
16 may, upon majority vote, declare a state of public emergency ~~which~~ that
17 threatens life, property, or the public health or welfare.

18 (b) Condemnation, eminent domain: In the event of a declared public
19 emergency ~~which~~ that threatens life, property, or the public health or welfare,
20 duly declared by unanimous ~~Board of Selectmen~~ Selectboard action at a duly
21 warned meeting, the ~~Board of Selectmen~~ Selectboard may exercise powers of

1 eminent domain and condemnation and take real property or personal property,
2 after notice to the owner and the fixing of fair compensation. An aggrieved
3 party may appeal to Superior Court.

4 (c) Civil preparedness: The Town Manager shall be the designated ~~civil~~
5 ~~preparedness chairman~~ Civil Preparedness Chair and shall be duty bound to
6 exercise the powers afforded by statute, and any powers and functions outlined
7 by the ~~Board of Selectmen~~ Selectboard in a declared emergency.

8 § 11. PROCEDURES FOR CHARTER REVISION AND AMENDMENT

9 (a) The procedures and process for charter amendment ~~herein~~ in this
10 section may be initiated either by a unanimous vote of the ~~Board of Selectmen~~
11 Selectboard, or by a citizen initiative (~~petition~~) or petition equal to five percent
12 of the voters.

13 (b) The procedure for charter revision shall be as follows:

14 (1) The ~~Board of Selectmen~~ Selectboard shall appoint a Charter Review
15 Committee of not less than ten (~~10~~) members, which shall include
16 representatives from the ~~Board of Selectmen~~ Selectboard, the administration,
17 and the community at large, with the majority from the community at large.

18 (2) Within one year after appointment, the Charter Review Committee
19 shall report out any amendments, revisions, or changes.

1 utility or private interest and recover that expense in an action of tort under
2 19 V.S.A. § 1525, in the name of the Town, with costs.

3 * * *

4 § 22. TOWN MEETING; ELECTIONS

5 * * *

6 (b) Meetings and Elections:

7 (1) Annual Town meeting:

8 (A) On the Monday preceding the first Tuesday in March, beginning
9 at 7:30 p.m. at a place designated by the ~~selectmen~~ Selectboard, the Town shall
10 start its annual meeting and may transact at that time any business not
11 involving Australian ballot. At this meeting, public discussion of ballot issues
12 and all other issues appearing on the warning, other than the election of
13 candidates, shall be permitted.

14 * * *

15 (2) Special Town meetings:

16 (A) Special Town meetings may be called at any time for reasons as
17 prescribed by charter, by a majority vote of the ~~Board of Selectmen~~
18 Selectboard; or by the decree of the Town Clerk upon receipt of a petition
19 signed by ~~no~~ not less than five percent of the voters registered at the time the
20 petition is submitted.

21 * * *

1 (3) Warnings:

2 (A) Timetable and notice: Public notice of every annual or special
3 Town meeting, or Town election, shall be given by a warning posted in at least
4 five public places in the Town, at least 30, but ~~no~~ not more than 40 days prior
5 to the meeting; and published in a newspaper or newspapers of general
6 circulation in the municipality as may be directed or designated by the ~~Board~~
7 ~~of Selectmen~~ Selectboard.

8 (B) Contents: The warning shall contain:

9 * * *

10 (iii) The signatures of a majority of the ~~Board of Selectmen~~
11 Selectboard.

12 (C) Placing of articles on a warning for the annual Town meeting:

13 (i) Articles may be placed on the warning by:

14 (I) A majority vote of the ~~Board of Selectmen~~ Selectboard;

15 * * *

16 (4) Power of ~~selectmen~~ Selectboard on Australian ballot decree:

17 (A) The ~~selectmen~~ Selectboard may cause any question not covered
18 in section 21(1) of this charter to be voted by Australian ballot at any annual or
19 special Town meeting called on their action, or by petition, provided that the
20 warning for ~~such~~ the meeting specifies the question to be voted.

21 * * *

1 (6) Postponing or continuing of Town meetings:

2 (A) The ~~selectmen~~ Selectboard may postpone the vote on any
3 question to be voted at a special meeting to the later annual meeting if the date
4 of the special meeting would fall 75 days prior to the annual meeting.

5 (B) If a special Town meeting falls within 45 days of a later special
6 Town meeting called by petition, the ~~selectmen~~ Selectboard may warn the
7 questions to be voted at such Town meeting for the later Town meeting, and
8 may by resolution rescind the call of the earlier meeting.

9 (7) Citizen initiatives; revote; ~~recession~~ recission of articles other than
10 election of officers:

11 (A) Any question voted at an annual or special Town meeting, except
12 charter revision or amendment, may be submitted for revote or ~~recession~~
13 recission at a subsequent annual or special Town meeting, subject to the limits
14 contained ~~herein~~ in this section.

15 (B) Requests for revote or ~~recession~~ recission must be by resolution of
16 at least four members of the ~~Board of Selectmen~~ Selectboard, or by a petition
17 signed by at least five percent of the voters registered on the date of the action.

18 (C) Any action for revote or ~~recession~~ recission must be taken or filed
19 within 30 days of the date the action was first considered.

20 (D) The Town Clerk shall warn a special Town meeting to be held
21 within 60 days of the date of the call for revote or ~~recession~~ recission.

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(G) Any question voted on or considered shall be subject to revote or ~~recision~~ recision only once in the 12 months following the initial vote, except for the Town budget ~~which~~ that shall be voted until passed.

* * *

(9) Nonproductive elections: In the event that a legal election fails to produce a person to fill any elected Town office, the ~~Board of Selectmen~~ Selectboard shall, within 30 days of the election, appoint a qualified individual to serve in the position until the next annual Town meeting.

(10) Board of Civil Authority:

(A) The Board of Civil Authority shall consist of the justices of the peace residing within the Town who shall be elected in accordance with State statute, the Town Clerk, and the ~~Board of Selectmen~~ Selectboard.

(B) At the first meeting following the first day of February of odd numbered years, the Board of Civil Authority shall elect a ~~Chairman~~ Chair and a Vice ~~Chairman~~ Chair from among its members.

* * *

§ 23. LOCAL ELECTED OFFICIALS

(a) Local elective offices to be filled by the voters of the Town of Springfield shall be only those articulated by this charter and shall include:

(1) ~~Board of Selectmen~~ Selectboard;

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(b) Provisions related generally to all elected local offices:

* * *

(3) Compensation:

(A) The manner of compensation for the ~~selectmen~~ Selectboard ~~members~~ and the Moderator shall be fixed by the voters, and for all other elective offices, by the ~~Board of Selectmen~~ Selectboard.

* * *

(4) Recall of elected officials:

(A) Any elected official may be removed from office as follows: A petition signed by not less than 15 percent of the registered voters shall be filed with the ~~selectmen~~ Selectboard, requesting a vote on whether the elected officer shall be removed from office. The date of signing by each voter shall be indicated in the petition and ~~such~~ the date shall not be earlier than 30 days prior to the filing of the petition. The ~~selectmen~~ Selectboard shall call a special Town meeting, to be held within 45 days of receiving the petition, to vote on whether the elected officer shall be removed. The official shall be removed only if at least as many registered voters of the Town vote as voted in the election ~~wherein~~ in which the officer was elected, or at least one-third of the registered voters of the Town vote, whichever is greater, and a majority of the number of votes is cast for removal.

1 3 V.S.A. chapter 25, as they pertain to contested cases, and may be appealed to
2 the Superior Court as contested cases are appealed.

3 (c) Elected officers, duties, responsibilities, and conduct:

4 (1) ~~Board of Selectmen~~ Selectboard:

5 (A) Number and term: Unless altered by the procedures provided
6 ~~herein in this section~~, the policy making body for the Town shall be a five
7 member ~~Board of Selectmen~~ Selectboard, elected at large, on a nonpartisan
8 basis, to rotating, ~~three-year~~ three-year terms.

9 (B) Powers and duties: The ~~Board of Selectmen~~ Selectboard shall
10 discharge all duties conferred, imposed, or implied, by statute or prescribed by
11 this charter for ~~boards of selectmen legislative bodies~~, except as ~~herein~~ limited
12 by this section, or specifically transferred to the Town Manager. Further,
13 unless stated in this charter, the powers and duties of any elected or appointed
14 office not created by this charter shall be conferred on the ~~Board of Selectmen~~
15 Selectboard. All committees of the ~~Board~~ Selectboard, and all citizen boards
16 and commissions shall be advisory in nature, unless a specific legal or policy
17 making function is otherwise provided by State law or ordinance as limited by
18 this charter. In this charter, the failure to mention a particular power shall not
19 serve to exclude it or be restrictive of the scope of powers ~~which~~ that the ~~Board~~
20 ~~of Selectmen~~ Selectboard would otherwise have.

1 (II) The Town Clerk shall preside at the organizational meeting
2 of the ~~Board of Selectmen~~ Selectboard prior to the election of the ~~Board~~
3 ~~Chairman~~ Chair of the Selectboard.

4 * * *

5 (ii) Regular meetings:

6 * * *

7 (II) The time and place of regular ~~Board of Selectmen~~
8 Selectboard meetings shall be publicly announced to the media.

9 (iii) Agenda:

10 (I) The ~~Chairman~~ Chair or Vice ~~Chairman~~ Chair shall, with the
11 Town Manager, prepare a written agenda for each regular meeting of the ~~Board~~
12 ~~of Selectmen~~ Selectboard.

13 (II) Any ~~Board of Selectmen~~ Selectboard member, citizen in
14 attendance, or the Manager, may request at the start of the meeting that items
15 be added to the agenda, provided all ~~selectmen~~ Selectboard members present
16 ~~se~~ vote to add the item.

17 * * *

18 (v) Clerk; minutes:

19 * * *

1 (II) The ~~Board of Selectmen~~ Selectboard may employ a
2 stenographer to assist the Town Clerk in the discharge of duties related to
3 minutes.

4 (vi) Special meetings and workshops:

5 (I) Special meetings may be called at any time by the ~~Chairman~~
6 Chair, or the Vice ~~Chairman~~ Chair in the absence of the ~~Chairman~~ Chair, or by
7 written request, signed by three ~~Board~~ Selectboard members.

8 (II) Notice of a special meeting shall be served, in a reasonable
9 manner, on all members of the ~~Board of Selectmen~~ Selectboard.

10 * * *

11 (V) If an emergency meeting of the ~~Board of Selectmen~~
12 Selectboard is required, on very short notice, every possible effort shall be
13 made to notify the media.

14 (vii) Public meetings; citizen input; executive session:

15 (I) All meetings of the ~~Board of Selectmen~~ Selectboard shall be
16 open to the public, and shall comply with all the pertinent provisions of this
17 charter.

18 * * *

19 (viii) Correction of irregularities: Any irregularities or defects in
20 the notice of or conduct of any meeting of the ~~Board of Selectmen~~ Selectboard
21 may be cured at any subsequent regular meeting, provided that ~~such~~ the

1 resolution is included on the agenda of a regular or special meeting and is
2 adopted by a majority of the ~~Board~~ Selectboard.

3 (ix) Vacancies: A vacancy on the ~~Board of Selectmen~~ Selectboard
4 shall be filled by a majority vote of the remaining ~~Board~~ Selectboard, ~~said the~~
5 appointment to run until the next annual Town meeting at which an election
6 can be warned to fill the unexpired term.

7 (2) Listers:

8 * * *

9 (D) Vacancies on the Board of Listers shall be filled by a majority
10 vote of the ~~Board of Selectmen~~ Selectboard, ~~said the~~ appointment to run until
11 the next annual Town meeting at which an election can be warned to fill the
12 unexpired term.

13 (3) Moderator:

14 * * *

15 (B) Should a vacancy occur in the office of Moderator, it shall be
16 filled by a majority vote of the ~~Board of Selectmen~~ Selectboard for the
17 unexpired term.

18 (4) Town Constable:

19 * * *

20 (F) A vacancy in the Office of Constable shall be filled by a majority
21 vote of the ~~Board of Selectmen~~ Selectboard.

1 (5) Cemetery commissioners:

2 * * *

3 (C) The Cemetery Commission shall advise the ~~Board of Selectmen~~
4 Selectboard regarding the condition, operation, and maintenance of cemeteries,
5 but shall in no way supervise administration of cemetery personnel.

6 * * *

7 (F) Vacancies in the office of cemetery commissioner shall be filled
8 by a majority vote of the ~~selectmen~~ Selectboard, ~~said the~~ appointment to run
9 until the next annual Town meeting at which an election can be warned to fill
10 the unexpired term.

11 (6) Trustees of public funds:

12 * * *

13 (D) The trustees shall be charged with maximizing the return on all
14 invested funds while maintaining their security. In service of this goal, they
15 shall file with the ~~Board of Selectmen~~ Selectboard an annual plan outlining the
16 program of investments for the year.

17 * * *

18 (F) Vacancies on the trustees of public funds shall be filled by a
19 majority vote of the ~~Board of Selectmen~~ Selectboard, ~~said the~~ appointment to
20 run until the next annual Town meeting at which an election can be warned to
21 fill the unexpired term.

1 § 24. APPOINTED NONADMINISTRATIVE OFFICIALS

2 (a) General provisions applying to all appointed positions:

3 (1) The appointed positions herein shall all be appointed by a majority
4 vote of the ~~Board of Selectmen~~ Selectboard.

5 (2) Terms of appointment shall begin immediately upon ~~Board of~~
6 ~~Selectmen~~ Selectboard action and run for a period as specified herein.

7 * * *

8 (4) Appointees may be afforded compensation or reimbursement for
9 expenses as determined by the ~~Board of Selectmen~~ Selectboard.

10 (5) For the purposes of the administrative code, within one year after the
11 adoption of this charter, all appointees, positions, boards, and commissions
12 shall be required to submit a proposed ordinance to the ~~Board of Selectmen~~
13 Selectboard outlining duties and responsibilities, which the ~~Board of~~
14 ~~Selectmen~~ Selectboard shall amend and adopt.

15 (6) To the highest degree possible, the ~~Board of Selectmen~~ Selectboard
16 shall strive for a balance of opinion on all appointive positions, boards, and
17 commissions.

18 (7) Although operating independently, all appointive boards and
19 commissions shall be required to cooperate with the ~~Board of Selectmen~~
20 Selectboard in the exercise of their duties in the pursuit of the public good.

21 They shall be required to file an annual report for inclusion in the Town report,

1 and also to file any other reports requested by the ~~Board of Selectmen~~
2 Selectboard, and be in attendance at any meeting so requested by the ~~Board of~~
3 ~~Selectmen~~ Selectboard.

4 (8) If an appointed official misses three consecutive regular scheduled
5 meetings of the appointed body for reasons other than health or personal
6 emergency, that office may be declared immediately vacant by the ~~Board of~~
7 ~~Selectmen~~ Selectboard. The official shall be entitled to a hearing before the
8 ~~Board~~ Selectboard prior to a final determination.

9 * * *

10 (c) Appointed boards and commissions established by charter:

11 (1) Planning Commission:

12 (A) The ~~Board of Selectmen~~ Selectboard shall appoint the members
13 of the Planning Commission in accordance with State statute.

14 * * *

15 (2) Zoning Board of Adjustment:

16 (A) The ~~Board of Selectmen~~ Selectboard shall appoint the members
17 of the Zoning Board of Adjustment in accordance with State statute.

18 * * *

19 (3) Housing Authority:

20 (A) The ~~Board of Selectmen~~ Selectboard shall appoint members of
21 the Housing Authority.

1 * * *

2 (4) Airport Commission:

3 (A) So long as there is an airport in Springfield, the ~~Board of~~
4 ~~Selectmen~~ Selectboard shall appoint an Airport Commission, the number of
5 members to be decided by the ~~Board of Selectmen~~ Selectboard.

6 (B) The purpose of the Airport Commission shall be to advise the
7 ~~Board of Selectmen~~ Selectboard on airport-related matters.

8 * * *

9 (d) Boards, commissions, committees created by ~~Board of Selectmen~~
10 Selectboard action:

11 (1) The ~~Board of Selectmen~~ Selectboard may, at any time, in response to
12 a perceived need, create, by ordinance or resolution, a board, commission, or
13 committee.

14 * * *

15 (3) Any body created under this section shall not have an effective life
16 of more than three years. At the end of that period the mandate creating the
17 committee shall terminate and the ~~Board of Selectmen~~ Selectboard shall be
18 required to review the reason for the body's existence and may act to
19 reconstitute the body.

20 * * *

1 § 31. THE TOWN MANAGER

2 (a) Appointment: The ~~Board of Selectmen~~ Selectboard shall appoint, with
3 no fewer than four (4) affirmative votes, a Town Manager.

4 (b) Qualifications: The Town Manager shall be appointed solely on the
5 basis of ~~his/her~~ his or her executive and administrative skills, based on
6 education, training, and experience relative to the duties of the Town Manager,
7 and without reference to political belief or personal relationships.

8 * * *

9 (d) Residency: The person appointed as Town Manager need not be a
10 resident of the Town or State at the time of appointment, but must assume
11 residence within a period judged reasonable by the ~~Board of Selectmen~~
12 Selectboard, but not to exceed six months.

13 (e) Conditions of employment; compensation: The conditions of
14 employment and compensation shall be a matter to be determined at the time
15 of appointment, and annually thereafter by the ~~Board of Selectmen~~ Selectboard
16 on the Manager's anniversary date, after negotiations in executive session
17 between the Manager (~~candidate~~) or candidate and the ~~selectmen~~ Selectboard.

18 (f) Town Manager; evaluation: Before the ~~Board of Selectmen~~ Selectboard
19 determines the subsequent annual compensation of the Manager, the ~~Board~~
20 Selectboard and ~~manager~~ Manager shall be required to hold an evaluation
21 session in executive session, at which the ~~manager~~ Manager shall present

1 management goals for the coming year based on ~~townwide~~ town-wide goals
2 articulated by the ~~Board of Selectmen~~ Selectboard, and shall be evaluated by
3 the ~~Board of Selectmen~~ Selectboard regarding performance in relation to ~~such~~
4 the goals set out for the previous year.

5 (g) Oath and bond: Before entering into the duties of office, the Town
6 Manager shall be sworn to the impartial and faithful performance thereof, with
7 a certificate to that effect to be filed with the Town Clerk. The Manager shall
8 execute a bond in favor of the Town for the faithful performance of ~~his/her~~ his
9 or her duties in a sum determined by the ~~Board of Selectmen~~ Selectboard. The
10 premium for ~~said~~ the surety shall be paid by the Town.

11 (h) Town Manager removal: The Town Manager may be removed at the
12 discretion of the ~~Board of Selectmen~~ Selectboard with ~~no less~~ not fewer than
13 four affirmative votes, after the following procedure is followed:

14 * * *

15 (2) Within five working days from the date of service of the resolution,
16 the Manager must file with the ~~Board of Selectmen~~ Selectboard a written
17 request for a public hearing. Failure to file ~~said~~ the notice shall constitute
18 waiver of the right to a hearing.

19 (3) ~~No~~ Not less than 15 days but ~~no~~ not more than 45 days from the
20 deadline prescribed in subdivision (2) of this subsection, the ~~Board of~~

1 ~~Selectmen~~ Selectboard shall schedule a meeting or public hearing for the
2 purpose of considering the resolution.

3 * * *

4 (6) Action by the ~~Board of Selectmen~~ Selectboard in the removal of a
5 Manager shall be final.

6 (7) In the event of the removal of a Manager for reasons other than poor
7 performance or wrongful conduct, the ~~Board of Selectmen~~ Selectboard may
8 negotiate severance pay to the maximum of six months.

9 (i) Acting Town Manager; vacancy in the office:

10 * * *

11 (2) In the event that illness or injury renders a Manager unable to
12 discharge ~~his/her~~ his or her duties, or in the event that the Manager is
13 suspended or placed on administrative leave, the ~~Board of Selectmen~~
14 Selectboard shall declare a vacancy in the office and appoint an Acting
15 Manager to serve until such time as the Manager is able to assume regular
16 duties or a new Manager is selected.

17 * * *

18 (4) In no case, shall a ~~selectman~~ member of the Selectboard act as Town
19 Manager.

20 (j) Responsibilities of the Town Manager and authority:

1 (1) In general. The Town Manager shall be the chief administrative
2 officer of the Town. ~~He/she~~ He or she shall be responsible to the ~~Board of~~
3 ~~Selectmen~~ Selectboard for the administration and general supervision of all
4 business affairs and property placed in ~~his/her~~ his or her charge pursuant to this
5 charter, State statute, or otherwise.

6 (2) Limits to authority in general:

7 (A) The authority of the Manager shall in no way extend to:

8 * * *

9 (iii) Judicial or legislative functions of the ~~Board of Selectmen~~
10 Selectboard or other legal bodies, boards, and commissions;

11 * * *

12 (C) The Town Manager may not serve in any elective position in the
13 Town of Springfield. ~~He/she~~ He or she may, however, serve on appointed
14 boards and commissions relevant to Town functions in an ex officio status, as
15 may be determined by the ~~Board of Selectmen~~ Selectboard.

16 (3) Authority and duties in particular: The Manager shall be charged
17 with full authority to, and be responsible for the following:

18 * * *

19 (C) To carry out the policies determined by the ~~Board of Selectmen~~
20 Selectboard and report to the ~~Board~~ Selectboard on their disposition;

21 * * *

1 although ~~he/she~~ he or she may hold subordinate employees, offices, or agents
2 responsible for the faithful discharge of their duties.

3 * * *

4 (O) To examine, or cause to be examined, with or without notice, the
5 affairs of any department under ~~his/her~~ his or her control, ~~or including~~ the
6 conduct of any officer or employee ~~thereof~~. For this purpose, the Manager
7 shall have access to all books, papers, files, reports, or records of all
8 departments that may be necessary for the proper performance of ~~his/her~~ his or
9 her duties.

10 * * *

11 (V) To perform such other duties consistent with ~~his/her~~ his or her
12 office as may be required by a vote of the ~~Board of Selectmen~~ Selectboard, by
13 law, ordinance, or mandate not inconsistent with this charter.

14 (4) Accountability, noninterference, and appointive power: The Town
15 Manager shall be responsible to the ~~Board of Selectmen~~ Selectboard for the
16 proper and efficient administration of the departments under ~~his/her~~ his or her
17 charge as outlined above in this charter. Neither the ~~Board of Selectmen~~
18 Selectboard, any individual member of the ~~Board~~ Selectboard, nor any of its
19 committees or committee members shall dictate the appointment or discharge
20 of any Town employee by the Town Manager, or in any manner interfere with

1 ~~his/her~~ his or her exercising of judgment in the appointment and discharge of
2 employees in the administration.

3 (5) Noninterference with administrative discretion and supervision:

4 Except for the purposes of formal inquiries or investigations made under this
5 charter, the ~~Board of Selectmen~~ Selectboard and its members shall deal with
6 the administration, Town officers, and employees, who are subject to the
7 Manager's direction and supervision, solely through the Town Manager.

8 Neither the ~~Board of Selectmen~~ Selectboard ~~or~~ nor any of its members shall
9 give orders to, or request any action publicly or privately of, any Town
10 employee. Communications for the purposes of information and background
11 shall be considered proper when approved by the Manager.

12 § 32. ADMINISTRATIVE DEPARTMENTS

13 (a) Plan of administrative organization: Within one year after the adoption
14 of this charter, the Town Manager shall submit to the ~~Board of Selectmen~~
15 Selectboard a plan of organization for the administration, dividing the
16 administrative service into departments and divisions and defining the
17 functions of each. ~~Said~~ The plan shall be reviewed and acted on within 30 days
18 from submission.

19 * * *

20 (d) Creation, reorganization, consolidation, or abolition of administrative
21 departments: Departments within the administrative service can only be

1 created, reorganized, consolidated, or abolished by formal action of the ~~Board~~
2 ~~of Selectmen~~ Selectboard.

3 § 33. ADMINISTRATIVE CODE

4 (a) Submission and adoption: On a timetable prescribed by the ~~Board of~~
5 ~~Selectmen~~ Selectboard, but not to exceed two years in length, the Town
6 Manager shall assemble an administrative code for review and approval by the
7 ~~Board of Selectmen~~ Selectboard, ~~which that~~ shall consist of the following:

8 * * *

9 (b) Distribution and availability:

10 * * *

11 (2) The document shall be placed in the Town Hall and Library for free
12 public access and sufficient copies made for sale to citizens at a cost of
13 production fixed by the ~~Board of Selectmen~~ Selectboard.

14 * * *

15 § 34. ADMINISTRATIVE AND POLICY FUNCTIONS PRESCRIBED BY

16 CHARTER

17 (a) Department of Assessment:

18 (1) There shall be a Department of Assessment to consist of a Chief
19 Assessor, the elected listers, as prescribed by charter and State statute, and
20 ~~such any~~ assistants and support staff ~~as that~~ may be recommended by the Town
21 Manager and approved by the ~~Board of Selectmen~~ Selectboard.

1 Town Clerk, pursuant to statutory duties, shall accrue as General Fund
2 revenues to the Town.

3 (8) Support personnel, supplies, material, and equipment for the Town
4 Clerk and Town Treasurer shall be provided by the ~~Board of Selectmen~~
5 Selectboard upon recommendation by the Town Manager.

6 (9) The ~~Board of Selectmen~~ Selectboard or the Town Manager may seek
7 legal services outside the offices of the Town Attorney whenever judged in the
8 best interests of the Town.

9 * * *

10 (12) In the absence or disability of the Town Clerk, Town Treasurer, or
11 Town Attorney, the ~~Board of Selectmen~~ Selectboard shall ensure that the
12 functions are continued and shall have the power to appoint temporary
13 substitutes.

14 (c) Personnel system:

15 * * *

16 (2) Personnel Director:

17 (A) There shall be a Personnel Director who shall be responsible for
18 the ongoing administration of the Town's personnel system. The Personnel
19 Director shall be the Town Manager or ~~his/her~~ his or her designated agent, but
20 must be a member of the administrative service.

21 * * *

1 (3) Personnel merit system ordinance:

2 * * *

3 (B) The personnel ordinance shall enable the enactment of rules and
4 regulations which shall include the following provisions:

5 * * *

6 (ix) Provisions for relations with employee organizations ~~and/or~~ or
7 unions;

8 * * *

9 (4) Personnel rules and regulations employee handbook:

10 * * *

11 (B) The personnel rules shall be adopted and amended by a
12 procedure established by the ~~Board of Selectmen~~ Selectboard and shall carry
13 the full force of law of this charter.

14 * * *

15 (5) Town charter and collective bargaining agreements:

16 (A) The ~~Board of Selectmen~~ Selectboard may not commit the Town
17 to any collective bargaining agreement ~~which~~ that shall contradict, violate, or
18 circumvent any provision of this charter or ordinances passed pursuant to this
19 charter.

1 § 41. FISCAL YEAR TOWN GOVERNMENT

2 The fiscal year for Town government shall be fixed by the ~~Board of~~
3 ~~Selectmen~~ Selectboard, in a manner to maximize efficiency in Town financial
4 matters.

5 § 42. OPERATING BUDGET TIMETABLE AND PREPARATION

6 (a) Submission of timetable: At least five months before the scheduled
7 date of Town meeting, the Manager shall prepare and present to the ~~Board of~~
8 ~~Selectmen~~ Selectboard a proposed timetable ~~which~~ that shall project the
9 progress of events leading to the adoption of the Town budget.

10 (b) Statement by the ~~Board of Selectmen~~ Selectboard regarding budget
11 policy: Upon receipt of the timetable, the ~~Board of Selectmen~~ Selectboard
12 shall issue an annual budget policy statement, outlining the direction the
13 Manager shall take in the drafting or assembly of the budget document.

14 (c) Departmental submissions: In following the timetable submitted to the
15 ~~Board of Selectmen~~ Selectboard, all department heads; and elected or
16 appointed officials with budget responsibility shall submit operating budget
17 requests to the Manager in a uniform format to be established by the Manager.

18 (d) Drafting of administration's proposed budget:

19 (1) Unified administrative request: The Manager shall, upon
20 consultation with department heads, draft a unified, proposed operating budget

1 for submission to the ~~Board of Selectmen~~ Selectboard, reflecting a single
2 request from the administration for each department.

3 * * *

4 (3) Budget-contents, format:

5 (A) The proposed budget shall provide a complete financial plan for
6 all Town funded activities for the ensuing fiscal year, and except as required
7 by law, or charter, shall be in a form the Town Manager deems appropriate or
8 the ~~Board of Selectmen~~ Selectboard may require.

9 * * *

10 (E) The budget shall include in separate sections:

11 * * *

12 (e) Subsidiary budgets for utilities:

13 (1) For each utility or enterprise owned and operated by the Town, a
14 subsidiary budget shall be drafted in accordance with these guidelines, with the
15 process of review and approval to be dictated by the ~~Board of Selectmen~~
16 Selectboard.

17 (2) Cross subsidy in areas other than fund management between Town
18 government operations and utility operations shall be limited to legitimate
19 services and support provided as approved by the ~~Board of Selectmen~~
20 Selectboard.

1 § 43. CAPITAL EXPENDITURE PROGRAM

2 (a) Preparation and submission: The Manager, after consultation with
3 department heads, shall submit a proposed five-year capital expenditure
4 program to the ~~Board of Selectmen~~ Selectboard at least three months prior to
5 Town meeting.

6 * * *

7 § 44. CAPITAL RESERVE FUNDS AND EQUIPMENT FUNDS

8 The ~~Board of Selectmen~~ Selectboard may raise and appropriate money for
9 the establishment of capital reserve or equipment reserve funds for the
10 financing of all or part of:

11 * * *

12 (3) The size and regulation of capital reserve funds shall be determined
13 by ~~Board of Selectmen~~ Selectboard action.

14 § 45. ~~SELECTMEN~~ SELECTBOARD ACTION ON THE BUDGET

15 ~~Board review:~~

16 (1)~~(a)~~ ~~The Board of Selectmen~~ The Selectboard shall schedule public
17 meetings, as it deems appropriate, for the review and discussion of the
18 administration's budget proposal.

19 (2)~~(b)~~ Upon completion of its review, the ~~Board of Selectmen~~
20 Selectboard shall act to finalize its budget proposal.

1 ~~(3)~~(c) The ~~Board~~ Selectboard shall then schedule a public hearing prior
2 to Town meeting, warned as such.

3 ~~(4)~~(d) Following the public hearing, the ~~Board of Selectmen~~ Selectboard
4 shall act to officially fix the budget to be finalized or proposed at Town
5 meeting.

6 ~~(5)~~(e) The ~~Selectmen~~ Selectboard, in fixing the budget, shall place it on
7 the warning as a gross appropriation.

8 § 46. SPECIAL APPROPRIATIONS

9 In response to a request, or upon its own initiative, should the ~~Board of~~
10 ~~Selectmen~~ so Selectboard judge, the appropriation relative to a special element
11 of Town business may be placed on the warning as a special appropriation by a
12 majority vote of the Board. In taking action, the ~~Board of Selectmen~~
13 Selectboard shall maintain the right to reject, alter, or reduce a request.

14 § 47. CITIZEN INPUT; CITIZEN PARTICIPATION IN THE BUDGET 15 PROCESS

16 Citizen participation plan; public notice:

17 (1) Timetable: Before the sixth month of a fiscal year, the ~~Board of~~
18 ~~Selectmen~~ Selectboard shall draft and adopt a citizen participation plan, which
19 shall provide for a committee of not more than 18 citizens, for the upcoming
20 budget cycle.

21 (2) Contents:

1 (2) In the event of an emergency situation officially declared by the
2 ~~Board of Selectmen~~ Selectboard, an amount not exceeding five percent of the
3 gross appropriation may be expended.

4 * * *

5 (d) Surplus: Any surplus created, subject to the provisions of subsection
6 ~~(d)~~(c) of this section, shall be carried over to the next budget and counted as a
7 fixed receipt on the calculation of the ensuing tax rate, or, by action of the
8 ~~Board of Selectmen~~ Selectboard, may be placed in a capital reserve fund as
9 provided for in this charter.

10 (e) Transfers-alterations in the work program:

11 * * *

12 (2) The ~~Board of Selectmen~~ Selectboard may transfer, by formal vote,
13 any unencumbered portion or balance of an appropriation from one department
14 or agency to another.

15 * * *

16 § 49. FINANCIAL ADMINISTRATION TOWN BUDGET

17 (a) Financial officer:

18 * * *

19 (3) The financial officer shall perform ~~such~~ the duties as the job
20 description submitted by the Manager and approved by the ~~Board of Selectmen~~
21 Selectboard shall indicate.

1 (b) Depository of Town funds; cash and fund management:

2 (1) The ~~Board of Selectmen~~ Selectboard shall designate the depository
3 of Town funds, and shall ensure the appropriate cash management by the Town
4 Treasurer and administration.

5 (2) The ~~Board of Selectmen~~ Selectboard may provide for such the
6 security to Town deposits as it may deem necessary except that personal surety
7 bonds shall not be deemed proper security.

8 (3) The officer responsible for fund management shall issue a regular
9 report of investments and yields to the manager and the ~~Board of Selectmen~~
10 Selectboard.

11 (c) Independent audit; Town Auditor:

12 (1) The ~~Board of Selectmen~~ Selectboard shall provide for an
13 independent audit of all Town accounts and may require for any special audit it
14 deems necessary.

15 * * *

16 (d) Authorization for expenditure of Town funds:

17 (1) Money shall not be paid out of the Town Treasury unless it is
18 authorized by a payroll or payment authorization signed by at least three
19 members of the ~~Board of Selectmen~~ Selectboard.

1 * * *

2 § 51. TAXATION AND COLLECTION

3 (a) Authority for taxation:

4 * * *

5 (2) The ~~Board of Selectman~~ Selectboard shall be the tax authority for all
6 Town and school functions and shall fix all rates of taxation as limited by
7 charter and statute.

8 (b) Responsibility for taxation and collection:

9 * * *

10 (2) The ~~Board of Selectman~~ Selectboard shall designate the Collector of
11 Delinquent Taxes.

12 (3) The Collector of Taxes or Delinquent Taxes may charge and collect
13 ~~such~~ the fees as that may be fixed by the ~~Board of Selectman~~ Selectboard and
14 shall deposit them in the General Fund. Fees established shall not exceed
15 those provided by statute.

16 * * *

17 (e) Tax stabilization:

18 (1) Authority to negotiate and grant tax stabilization agreements shall be
19 granted and revoked by the voters.

20 (2) The ~~Board of Selectman~~ Selectboard shall negotiate all stabilization
21 agreements.

1 (e) The Town Treasurer shall be authorized, subject to the approval of the
2 ~~Board of Selectmen~~ Selectboard, to incur short-term debt in anticipation of
3 taxes for Town and school funding.

4 Sec. 15. 24 App. V.S.A. chapter 151 is amended to read:

5 CHAPTER 151. TOWN OF ST. JOHNSBURY

6 * * *

7 § 2. ASSETS TRANSFERRED; LIABILITIES; TAXATION; SPECIAL
8 SERVICES; DOWNTOWN IMPROVEMENT DISTRICT

9 (a) All assets of the Village of St. Johnsbury on the date Act No. 345 of the
10 Acts of 1957, as amended, becomes effective shall become the property of the
11 Town of St. Johnsbury, except that those assets shall be subject to the debts of
12 the Village of St. Johnsbury to the extent provided by law on that date. The
13 Village of St. Johnsbury shall remain in existence so far as necessary to
14 complete payment of its indebtedness and other obligations to which it was
15 subject on that date. The taxpayers residing in the Village of St. Johnsbury as
16 it was bounded just prior to that date shall be subject to a tax on their grand list
17 to be assessed annually by the ~~selectmen~~ Selectboard of the Town of St.
18 Johnsbury in an amount sufficient to pay off any such indebtedness according
19 to its terms.

20 (b) The taxpayers residing in the Village of St. Johnsbury as it was
21 bounded just prior to the date Act No. 345 of the Acts of 1957, as amended,

1 becomes effective shall be subject to a tax on their grand list to be assessed
2 annually by the ~~selectmen~~ Selectboard of the Town of St. Johnsbury in an
3 amount sufficient to pay off current expenses and indebtedness in continuing
4 the present functions and additions ~~thereto~~ to the functions within that area
5 ~~which~~ that are not common to the Town of St. Johnsbury.

6 (c) For the purpose of providing special services to a portion of the Town,
7 the warning for any annual or special meeting may contain appropriate articles
8 under which the legal voters in that area may vote for ~~such~~ the special services
9 as they desire. The Town shall furnish to each area ~~such~~ the special services as
10 ~~that are so voted~~ approved by voters, and the cost in each area, including the
11 cost of all equipment, replacements, maintenance, salaries, and other operating
12 expenses, shall be paid by a tax on the grand list of each taxpayer ~~therein~~ in
13 that area for his or her ratable share ~~thereof~~ of the costs, to be assessed
14 annually by the ~~selectmen~~ Selectboard to be collected at the same time and in
15 the same manner as the Town votes to have its other taxes collected, and ~~such~~
16 the tax assessed upon the grand list shall be a lien ~~thereon~~ with the same
17 priority as other taxes lawfully assessed ~~thereon~~ on real property.

18 * * *

19 (e) A special district to be known as the St. Johnsbury Downtown
20 Improvement District (District) is created. The District shall be that area
21 consisting of properties with frontage on either side of Railroad Street from

1 Cross Street to Maple Street and seven additional properties on Eastern
2 Avenue and Pearl Street. The District is more precisely shown on the Plan
3 “St. Johnsbury Downtown Improvement District, Revised January 3, 1997”
4 and recorded with the Town Clerk in the Town of St. Johnsbury.

5 (1) Commission-Creation; Membership: A St. Johnsbury Downtown
6 Improvement District Commission (Commission) is created consisting of
7 seven members appointed by the Selectboard. Five members shall be, at the
8 time of appointment and during their terms, natural persons who are owners of
9 property, managers, proprietors, operators, officers, or directors of businesses
10 located within the District who shall be appointed to serve for a term of five
11 years and until their successors are appointed and qualified, except that the
12 terms of the first five commissioners shall be from the date of appointment
13 until one year, two years, three years, four years, and five years after April 1,
14 1997, respectively. One member shall be a member at large who shall be, at
15 the time of appointment and during his or her term, a legal resident of the
16 Town of St. Johnsbury, who shall be appointed to serve for the term of five
17 years commencing the first day of April and until the member’s successor is
18 appointed and qualified. One member shall be a ~~Selectman~~ member of the
19 Selectboard, or an employee of the Town of St. Johnsbury, who shall be
20 appointed to serve for a term of one year commencing the first day of April
21 and until the member’s successor is appointed and qualified. The Commission

1 shall have a Chair and Vice Chair elected by the Commission members. Any
2 vacancy shall be filled by the appointing authority for the remainder of the
3 unexpired term. Commissioners may be removed by unanimous vote of the
4 Selectboard.

5 (2)(A) Purposes and Powers: The Commission is created for the general
6 purpose of maintaining and improving the economic, cultural, and
7 environmental vitality and quality of the Town of St. Johnsbury and, in
8 particular, the District created by this subsection; to promote the Town and the
9 District as a regional retail, commercial, and service center; and to serve as an
10 advocate for orderly development of the District in order to encourage
11 expansion of the retail, commercial, and service base of the District and the
12 Town by attracting new business and investment.

13 (B) The rights, powers, and duties of the Commission acting on its
14 own authority or acting through the Town of St. Johnsbury Selectboard, as set
15 forth in this section, shall be broadly construed to accomplish the purposes set
16 forth within the District and shall include the following:

17 (A)(i) to prepare a budget (the “budget”) for the District in
18 accordance with subdivision (1) of this subsection;

19 (B)(ii) to advertise and promote the District;

20 (C)(iii) to represent the interests of the District;

1 ~~(D)~~(iv) to hire and remove personnel as provided for in the budget or
2 as otherwise approved by the Selectboard;

3 ~~(E)~~(v) to apply for available governmental grants in aid and
4 economic and in kind incentives when approved by the Selectboard;

5 ~~(F)~~(vi) to receive and expend contributions, grants, and income;

6 ~~(G)~~(vii) to apply for an allocation of the State’s private activity bond
7 volume cap under 26 U.S.C. § 141, as amended, when approved by the
8 Selectboard;

9 ~~(H)~~(viii) to expend funds as provided for in the budget or as
10 otherwise approved by the Selectboard;

11 ~~(I)~~(ix) to manage and maintain public spaces and to assume or
12 supplement the services and maintenance heretofore provided the District by
13 the Town as recommended to and approved by the Selectboard;

14 ~~(J)~~(x) to acquire and dispose of property as recommended to and
15 approved by the Selectboard;

16 ~~(K)~~(xi) to install and make public improvements as recommended to
17 and approved by the Selectboard;

18 ~~(L)~~(xii) to cooperate with the Town in the use, management, and
19 improvement of public parking facilities and to undertake such management or
20 improvements and to regulate vehicular traffic within the district as
21 recommended by the Selectboard;

1 parking spaces provided, number of parking spaces that would be needed to
2 conform to the Town's existing zoning bylaws for new construction, or any
3 equation which raises fees adequate to meet an annual Commission budget
4 with a method that reasonably apportions costs to property owners in relation
5 to the benefit that accrues to them.

6 (iii) The Commission shall only raise common area fees sufficient
7 to meet the budget regardless of the assessment method.

8 (iv) The common area fees shall be established by the
9 Commission upon approval of the Commission budget by the Selectboard and
10 shall be assessed annually by the Selectboard to be collected at the same time
11 and in the same manner as the Town votes to have its taxes collected, and such
12 common area assessment shall be a lien thereon with the same priority as taxes
13 lawfully assessed thereon.

14 * * *

15 (D) Appeals: Persons aggrieved by any decision of the Commission
16 involving the assessment or levy of common area fees may appeal the decision
17 to the Selectboard by filing a written notice of appeal with the Town Clerk
18 within 30 days of the date of such decision, and furnishing a copy of the notice
19 of appeal to the Commission. The Selectboard shall set a date and place for a
20 hearing on the appeal within 60 days of the filing of the notice of appeal. The
21 Selectboard shall give the appellant and the Commission at least 15 days'

1 notice prior to the hearing date. Any person entitled to take an appeal may
2 appear and be heard in person or be represented by agent or attorney at such
3 hearing. Any hearing held under this subsection may be adjourned by the
4 Selectboard from time to time; provided, however, that the date and place of
5 adjourned hearing shall be announced at that hearing or 15 days' notice thereof
6 is furnished to the appellant and the Commission. The Selectboard shall render
7 its decision, which shall include findings of fact, within 45 days after
8 completing the hearing, and shall within that period send the appellant, and the
9 Commission, by certified mail, a copy of the decision. An aggrieved person
10 may appeal a decision of the Selectboard to the Caledonia County Superior
11 Court. The appeal shall be taken in such manner as the Supreme Court may by
12 rule provide for appeals from State agencies governed by 3 V.S.A. §§ 801
13 through 816. Notice of appeal shall be sent by mail to the Commission.

14 * * *

15 § 7. BYLAWS

16 In meetings duly warned for the purpose, the Town of St. Johnsbury shall
17 have power to make, alter, repeal, or amend bylaws, which together with the
18 ordinances and regulations adopted by the ~~selectmen~~ Selectboard shall regulate
19 its affairs, and shall carry into effect the provisions and intent of this charter.

1 § 8. ORDINANCES AND REGULATIONS

2 The ~~selectmen~~ Selectboard of the Town of St. Johnsbury consistent with the
3 Constitution and laws of the United States and of this State, shall have the
4 power and authority to make, establish, impose, alter, amend, or repeal
5 ordinances and regulations and to enforce the same by fine, penalty, forfeiture,
6 injunction, restraining order, or any proper remedy, with respect to the
7 inspection, regulation, licensing, or suppression of the following affairs,
8 establishments, employments, enterprises, uses, undertakings, and businesses,
9 viz:

10 * * *

11 § 9. PUBLICATION OF BYLAWS AND ORDINANCES

12 The bylaw adopted by the Town and the ordinances and regulations passed
13 by the ~~selectmen~~ Selectboard, whether enacted under the authority of general
14 or special law, shall be published in a newspaper having general circulation in
15 ~~said the~~ the Town at least 20 days before the effective date ~~thereof~~, and all ~~such~~
16 the enactments shall ~~thereupon~~ be recorded at length by the Town Clerk in a
17 book kept for that purpose in the office of the Town Clerk, and the Town
18 Clerk's certificate that ~~such the~~ the bylaws, ordinances, and regulations were duly
19 adopted and passed at an annual meeting of ~~said the~~ the Town or at a special
20 meeting ~~thereof~~ lawfully called for that purpose or were duly enacted and
21 adopted by the ~~selectmen~~ Selectboard of the Town under authority of law or

1 under authority of a vote of the Town shall be prima facie evidence of ~~such~~
2 ~~fact~~ in any court in this State; and certified copies of ~~said~~ the bylaws,
3 ordinances, and regulations and the Clerk’s certificates shall be received as
4 evidence in all the courts of the State.

5 § 10. PENALTIES

6 (a) Fines, penalties, and forfeitures up to and including two hundred
7 dollars, for each breach of an ordinance or bylaw, may be established by the
8 ~~selectmen~~ Selectboard, or by a properly warned Town meeting. These fines,
9 penalties, and forfeitures may be recovered in an action of tort brought in the
10 name of the Town, and in any ~~such~~ action a general complaint relying on the
11 ordinance or the bylaw shall be sufficient. The process may issue either
12 against the body or the property of the defendant, and if the defendant is found
13 guilty, and if it is found by the court that the cause of action arose from his or
14 her willful or malicious act or neglect, it shall so adjudge, and may further
15 adjudge that he or she be confined in close jail, and may issue execution
16 against his or her body with a certificate of ~~such~~ the findings endorsed ~~thereon~~
17 on the execution; and ~~such~~ the execution with ~~such~~ the certificate ~~thereon~~ shall
18 have the same effect as an execution issued on a judgment founded upon tort
19 having a like certificate ~~endorsed thereon~~.

20 * * *

1 § 12. OFFICERS

2 The elective officers of the Town shall be those authorized by the general
3 laws of this State, except that, notwithstanding the provisions of section 3509
4 of the Vermont Statutes, Revision of 1947, the listers shall be appointed
5 annually by the ~~selectmen~~ Selectboard, unless the Town at an annual or special
6 meeting duly warned for that purpose shall vote otherwise.

7 § 13. EXPIRATION OF TERMS OF ~~SELECTMEN~~ SELECTBOARD

8 MEMBERS UPON MERGER

9 Upon such effective date of the merger of the Village of St. Johnsbury and
10 the Town of St. Johnsbury, the ~~selectmen~~ Selectboard members shall continue
11 in office for the remainder of their respective terms and the other officers of
12 the Town of St. Johnsbury shall continue in office until the first Tuesday in
13 March next following, and their successors shall have been elected or
14 appointed; and the ordinances of the Village of St. Johnsbury then in force
15 shall remain of full force and effect, following the effective date of this act for
16 a period of one year only, so far as ~~such~~ the ordinances shall continue to be
17 applicable and appropriate, except as repealed, amended, altered, or modified
18 by the ~~selectmen~~ Selectboard of the Town of St. Johnsbury, and as respects
19 only that part of the Town of St. Johnsbury comprised within the limits of the
20 Village of St. Johnsbury, as defined by No. 179 of the Acts of 1927.

21 * * *

1 Sec. 16. 24 App. V.S.A. chapter 203 is amended to read:

2 CHAPTER 203. VILLAGE OF ALBURGH

3 * * *

4 § 802. EMINENT DOMAIN AUTHORITY

5 For any of the foregoing purposes said Village may take, use, or occupy the
6 land of individuals and corporations on making compensation therefor, and the
7 trustees in the taking of ~~such~~ land and in the awarding of damages therefor
8 shall proceed in the manner prescribed by law for ~~selectmen~~ legislative bodies
9 in the taking of land for public highways and in the awarding of damages. The
10 trustees shall cause to be recorded in the office of the Village Clerk a
11 certificate of their doings ~~which~~ that shall be signed by a majority.

12 § 803. PROCEDURES FOR EMINENT DOMAIN AUTHORITY

13 In all proceedings under this act for taking land, rights, or property the
14 trustees shall pass upon the convenience and necessity therefor at hearings held
15 by them after giving notice to each owner or interested person ~~interested~~
16 ~~therein~~ of the time, place, and purpose of ~~such~~ the hearing. ~~Such~~ The notice
17 shall give a description of the land, property, or rights to be taken and used. At
18 ~~such~~ the hearing the trustees shall determine the question of convenience and
19 necessity and decide the question of damages and shall pay or tender the
20 amount of ~~such~~ the damages to the person or persons entitled to the same, in
21 the same manner as is provided by law for ~~selectmen~~ a legislative body in

1 taking lands for highways and ~~in~~ awarding damage ~~therefor~~ for the taking of
2 lands. A person aggrieved by any act of the trustees in the taking of lands,
3 rights, or property for the foregoing purposes and in the awarding of damages
4 therefor may have the same right of appeal, and in the case of ~~such~~ the appeal
5 proceedings shall be had in the same manner as is provided for appeals from
6 acts of ~~selectmen~~ legislative bodies in taking land and awarding damages for
7 highway purposes.

8 * * *

9 § 809. FUNDS FOR SIDEWALK AND CURBING REPAIRS

10 The ~~selectmen~~ Selectboard of the Town of Alburgh shall, on or before the
11 first day of November in each and every year, draw their order on the
12 Treasurer of the Town of Alburgh for a sum of money equal to 10 percent of
13 the Village grand list, ~~which~~ that shall be used by the Village of Alburgh in
14 building, repairing, and maintaining sidewalks and curbs within ~~said~~ the
15 Village. After the passage of this act, the Town of Alburgh shall be relieved
16 from any liability or expense for building, repairing, and maintaining
17 sidewalks and curbs within the Village of Alburgh; and thereafter the Village
18 of Alburgh shall assume all ~~such~~ Town liabilities. But the Town of Alburgh
19 shall not be relieved from ~~such~~ the liability except upon the payment of the
20 10 percent.

21 * * *

1 Sec. 17. 24 App. V.S.A. chapter 207 is amended to read:

2 CHAPTER 207. VILLAGE OF BELLOWS FALLS

3 * * *

4 § 23. STREETS AND SIDEWALKS

5 * * *

6 (b) The trustees shall have no power to control or direct the expenditure of
7 funds for the purpose of maintaining the highways, bridges, and culverts
8 located within the corporate limits. The trustees may, on behalf of the
9 corporation, petition the ~~selectmen~~ Selectboard of the Town of Rockingham to
10 make repairs to highways, bridges, and culverts within the corporate limits, or
11 to lay out, alter, or discontinue highways within ~~said~~ the corporate limits.

12 Upon receipt of ~~such~~ a petition, the ~~selectmen~~ Selectboard shall take
13 appropriate action ~~thereon~~ as if the petition had been submitted in accordance
14 with ~~Title 19, 19 V.S.A. chapter 7 of the Vermont Statutes Annotated~~ and the
15 trustees may appeal the actions of the ~~selectmen~~ Selectboard and exercise any
16 other rights of an interested person with respect to ~~said~~ the petition.

17 * * *

18 § 27. DRAINS AND SEWERS

19 The Board of Trustees of ~~said~~ the corporation may lay out, grade, alter,
20 maintain, and discontinue any sewers or drains in ~~said~~ the corporation, and
21 may appraise and settle the damages ~~therefor~~, causing their proceedings to be

1 recorded in the ~~office~~ Office of the Clerk of the Town of Rockingham,
2 provided that any person or persons aggrieved by the appraisal of ~~said the~~ the
3 Board shall have the like opportunity for applying to the Superior Court for the
4 County of Windham to obtain redress, as is or may be allowed ~~by the law to~~
5 ~~those aggrieved with the proceedings of selectmen in similar cases pursuant to~~
6 19 V.S.A. chapter 7.

7 * * *

8 Sec. 18. 24 App. V.S.A. chapter 217 is amended to read:

9 CHAPTER 217. VILLAGE OF DERBY LINE

10 * * *

11 § 501. SEWER SYSTEM; ESTABLISHMENT; FEE ASSESSMENT AND
12 COLLECTION

13 (a) When the public health or convenience shall require the construction of
14 a common sewer or main drain in the Village of Derby Line and through the
15 principal streets ~~thereof~~ of the Village, the trustees of ~~said the~~ the Village, upon
16 application in writing of 20 or more freeholders and legal voters of ~~said the~~ the
17 Village are ~~hereby~~ authorized and empowered to lay, make, and maintain ~~such~~
18 a common sewer or main drain and repair the same sewer or drain when
19 necessary, from time to time;

20 (b) ~~and for such purpose~~ For the purposes described in subsection (a) of
21 this section, the trustees of the Village may take the lands of any individuals or

1 corporations; ~~and said.~~ The trustees shall proceed in the same manner as is
2 prescribed by law for ~~selectmen~~ legislative bodies in taking lands for highways
3 and in awarding damages ~~therefor~~ for the taking of lands; and ~~said~~ the trustees
4 shall make a ~~return~~ report of their doings to the office of the Clerk of ~~said~~ the
5 Village, who shall record the ~~same~~ report in the records of the Village.

6 (c) Each person or corporation whose particular drain shall enter into ~~such~~
7 the main drain or sewer, or who in the opinion of the ~~said~~ trustees shall receive
8 benefit thereby for draining the premises of ~~such~~ the person or corporation
9 shall be liable to contribute a just share toward the expense of laying and
10 constructing and maintaining of ~~such~~ the sewer or drain, and shall be assessed
11 ~~therefor~~ by ~~said~~ the trustees ~~such~~ the just share; ~~and at.~~ At least 10 days' notice
12 of the time and place of ~~such~~ the assessment for ~~said~~ the contribution shall be
13 given to ~~such~~ the person or corporation, its agent, tenant, or lessee, and a
14 certificate of ~~such~~ the assessment shall be left with the Clerk of ~~said~~ the
15 Village, and recorded by ~~said~~ the Clerk, and when ~~so~~ recorded the amount ~~so~~
16 assessed shall be and remain a lien, in the nature of a tax upon the lands and
17 premises ~~so~~ assessed until the same shall be paid;

18 (d) ~~and if~~ If the owner of ~~such~~ the lands and premises shall neglect, for the
19 space of six months after the final decision of ~~said~~ the trustees, or in case of
20 appeal to the County Court, to pay the Village Treasurer the amount of ~~such~~
21 the assessment, ~~said~~ the trustees shall issue their warrant for the collection of

1 the ~~same~~ assessment, directed to the Village Tax Collector, who shall have
2 authority to sell at public auction ~~so much~~ any portion of ~~said~~ the lands and
3 premises ~~as that~~ will satisfy ~~said~~ the assessment and all legal fees, and who
4 shall proceed in the same manner as collectors of town taxes are required by
5 law to proceed in selling real estate at auction for the collection of town taxes.

6 * * *

7 § 902. ASSESSMENT OF TAX

8 ~~Said~~ The Village may, at its annual meeting or at any special meeting
9 warned for that purpose, assess a tax on the list of the Village's taxable real
10 and personal estate ~~taxable therein~~, for any of the purposes mentioned in this
11 ~~act~~ charter, and shall have all the powers, and may collect ~~such~~ the tax in such
12 manner as is provided by law for the collection of town taxes in towns, and the
13 trustees of ~~said~~ the Village are to have the power and perform the duties herein
14 required of the ~~selectmen~~ Selectboard in towns.

15 * * *

16 Sec. 19. 24 App. V.S.A. chapter 235 is amended to read:

17 CHAPTER 235. VILLAGE OF LUDLOW

18 * * *

19 § 52. HIGHWAY TAXES

20 * * *

1 (b) Three-fifths of the highway taxes assessed by the ~~selectmen~~ Selectboard
2 or voted by the Town of Ludlow, upon the grand list of the inhabitants of ~~said~~
3 the Village and upon the ratable estate of non-residents situated within the
4 limits of ~~said the~~ Village of Ludlow shall be paid by the Treasurer or the
5 ~~selectmen~~ Selectboard of the Town to the Treasurer of the ~~said~~ Village, to be
6 expended in the maintenance and repair of highways and sidewalks in ~~said the~~
7 Village.

8 * * *

9 § 76. APPEAL OF DAMAGE AND COMPENSATION

10 DETERMINATIONS

11 When any person shall be dissatisfied with the award of the ~~water~~
12 ~~commissioners so made~~ Water Commissioners, in any of the cases mentioned
13 in section 75 of this charter, ~~such~~ the person may petition the Windsor County
14 Court for a reassessment and award of damages, and ~~such the~~ proceeding shall
15 be had in ~~said Court~~ the court on ~~said the~~ petition as are provided by law for
16 the assessment of damages for land taken for highways, except that the
17 ~~commissioners~~ Commissioners appointed by ~~said Court~~ the Court shall notify
18 one of ~~said water commissioners~~ the Water Commissioners of ~~said the~~ Village,
19 instead of one of the ~~selectmen~~ Selectboard members. ~~Said~~ The petition shall
20 be served on the Clerk of ~~said the~~ Village within 60 days next after ~~said the~~
21 award shall be filed in the ~~town clerk's~~ Town Clerk's office ~~as aforesaid~~, and

1 at least 12 days before the term of ~~Court~~ court to which it is made returnable,
2 but nothing in ~~such~~ the proceedings shall prevent the ~~water commissioners~~
3 Water Commissioners from entering on ~~such~~ the land, and laying and
4 constructing ~~said~~ the aqueduct, reservoirs, and appurtenances, and using ~~said~~
5 the water after their award shall have been made and the amount ~~thereof~~ of the
6 award tendered by them.

7 * * *

8 § 81. CONSTRUCTION OF SEWERS

9 Whenever the public health or convenience shall require the construction of
10 a common sewer or sewers in the Village of Ludlow, the ~~said~~ Village of
11 Ludlow is hereby authorized and empowered to ~~sø~~ construct ~~said~~ sewers and to
12 repair the ~~same~~ sewers from time to time when necessary, and for ~~such purpose~~
13 the purposes described in this section may take the land of individuals and
14 corporations on making compensation for the lands ~~sø~~ taken, and the trustees
15 of ~~said~~ the Village shall proceed in the same manner as is prescribed by law for
16 ~~selectmen~~ Selectboard in taking land for public highways and in awarding
17 damages ~~therefor~~, and the ~~said~~ trustees shall make a ~~return~~ report of their
18 doings to the office of the Clerk of ~~said~~ the Village who shall record the same
19 in the records of the Village, and ~~said~~ the Village may also lay pipes along and
20 across the streets, alleys, lanes, and highways in ~~said~~ the Village and Town.

21 * * *

1 § 93. PETITION FOR COURT HEARING ON COMPENSATION AND
2 DAMAGES FOR LAND TAKEN

3 When any person shall be dissatisfied with award of the ~~electric light~~
4 ~~commissioners~~ Electric Light Commissioners made in any of the cases
5 mentioned in ~~the preceding~~ section 92 of this charter, ~~such~~ the person may
6 petition the Windsor County Court for a ~~re-assessment~~ reassessment of
7 damages, and ~~such~~ the proceedings shall be had in ~~said~~ the Court on ~~said~~ the
8 petition as are provided by law for the assessment of damages for land taken
9 for highways, except that the Commissioners appointed by ~~said~~ the Court shall
10 notify one of said Electric Light Commissioners ~~of said~~ instead of one of the
11 ~~selectmen~~ Selectboard members; ~~said~~ the petition shall be served on the Clerk
12 of ~~said~~ the Village within 60 days next after ~~said~~ the award shall be filed in the
13 ~~town clerk's~~ Town Clerk's office ~~as aforesaid~~, and at least 12 days before the
14 term of ~~Court~~ court to which it is made returnable; but nothing in ~~such~~ the
15 proceedings shall prevent the Electric Light Commission from taking and
16 entering on ~~such~~ the water powers and lands, and laying, constructing, and
17 completing ~~said~~ the electric light plant, reservoirs, lines, and appurtenances
18 ~~thereof~~, and using ~~said~~ the water powers and lands after their award shall have
19 been made and the amount ~~thereof~~ the damages tendered by them.

20 * * *

1 § 101. ESTABLISHING AND DISCONTINUING STREETS

2 The trustees of ~~said~~ the corporation shall have the power to lay out, alter,
3 maintain, or discontinue any street or walk and lane in ~~said~~ the Village, and
4 appraise and settle the damage ~~therefor~~, causing their proceedings to be
5 recorded in the Town Clerk's office in ~~said~~ the Town; provided that the
6 trustees, in laying out, altering, and maintaining, or discontinuing, any ~~such~~
7 street, walk, or lane, shall be subject to the same regulations, and in all respects
8 shall proceed in the same manner, as ~~selectmen~~ legislative bodies of towns in
9 like cases; and any party aggrieved shall be entitled to the same redress to
10 which they would be entitled if the same had been done by the ~~selectmen~~
11 Selectboard of the Town of Ludlow.

12 * * *

13 Sec. 20. 24 App. V.S.A. chapter 237 is amended to read:

14 CHAPTER 237. VILLAGE OF LYNDONVILLE

15 * * *

16 § 21. TOWN HIGHWAY DISTRICT

17 (a) All of the territory embraced within the limits of ~~said~~ the Village ~~is~~
18 ~~hereby constituted~~ shall constitute a highway district of the Town of Lyndon,
19 and all of the highway taxes assessed upon the ratable estate ~~thereof~~ within the
20 district shall be paid in money, and the ~~selectmen~~ Selectboard of the Town of
21 Lyndon shall make out a tax bill ~~thereof~~ and deliver the ~~same~~ bill seasonably

1 as required by law with a warrant for its collection to the Collector of ~~said the~~
2 Village, who shall collect the ~~same~~ tax bill as other taxes of ~~said the~~ Village
3 are collected, and shall pay the ~~same~~ collected taxes over to the Treasurer of
4 ~~said the~~ Village, ~~which moneys.~~

5 (b) The monies shall be withdrawn from ~~said the~~ treasury by the trustees of
6 the Village, and shall be expended by them or under their direction in building,
7 constructing, maintaining, repairing, clearing, sprinkling, sanding, and lighting
8 streets, highways, walks, and alleys, and constructing and maintaining a
9 common sewer and main drain of ~~said the~~ Village, and also for improving and
10 beautifying streets, highways, walks, parks, and commons of ~~said the~~ Village.

11 No surveyor of highways shall be elected for ~~said the~~ Village or chosen by ~~said~~
12 the Town.

13 § 22. HIGHWAY TAXES

14 The trustees shall have power to direct the expenditure of highway taxes
15 assessed upon the ratable estate within the limits of the Village of Lyndonville;
16 ~~said the~~ trustees shall have the same power to lay out, alter, maintain, and
17 discontinue any street, highway, lane, or walk within the Village limits and
18 appraise and settle damages ~~therefor~~ as is given by law to the ~~selectmen~~
19 legislative bodies of towns, causing their proceedings to be recorded in the
20 office of the Town Clerk of the Town of Lyndon, ~~provided that any.~~ Any
21 person aggrieved by ~~such~~ the proceedings shall have the same opportunities

1 and rights to appeal and to apply to the courts for redress as is ~~or may be~~
2 allowed to those aggrieved by the proceedings of ~~the selectmen~~ legislative
3 bodies in similar cases.

4 § 23. LICENSES

5 The trustees of ~~said~~ the Village shall have the same power of granting
6 licenses and vacating the ~~same~~ licenses within the limits of ~~said~~ the Village,
7 agreeably to the bylaws, ordinances, and regulations that ~~the selectmen a~~
8 Selectboard has by law.

9 * * *

10 § 39. SEWER SYSTEM

11 (a) Whenever the public health or convenience may require, a common
12 sewer or main drain may be laid, constructed, maintained, altered, repaired, or
13 replaced for use of ~~said~~ the Village. Upon written application of five or more
14 freeholders and legal voters of ~~said~~ the Village, the trustees shall be authorized
15 and empowered to lay, construct, maintain, alter, repair, or replace ~~said~~ the
16 common sewer or main drain, and for this purpose from time to time when
17 necessary they may take any land whatever on making compensation paying
18 damages therefor, provided ~~such~~ the use of any ~~such~~ public way, or other
19 property, does not unreasonably interfere with public travel; ~~the~~ the. The trustees
20 shall proceed in the same manner as is prescribed by law for ~~selectmen~~
21 legislative bodies taking land for public highways and in awarding damages

1 ~~therefor~~ for the taking of lands, and ~~said~~ the trustees shall make a report of
2 their action ~~which~~ that shall be recorded by the Clerk of the Village in the
3 records of the Village.

4 (b) Every person whose particular drain shall enter into any ~~such~~ sewer or
5 main drain, or who in the opinion of ~~said~~ the trustees shall receive benefit
6 ~~thereby~~ in the draining of his or her premises, shall be liable to contribute his
7 or her just share towards the expense of laying, constructing, or replacing ~~such~~
8 the sewer or main drain, and he or she shall be assessed ~~therefor~~ by ~~said~~ the
9 trustees. Notice of the time and place of ~~such~~ the assessment shall be given to
10 ~~such~~ the person in a manner reasonably calculated to bring his or her attention
11 to the fact of the assessment.

12 (c) A certificate of ~~such~~ the assessment shall be left with the Clerk of ~~said~~
13 the Village to be recorded by him or her in the records of ~~said~~ the Village;
14 ~~when so~~ When recorded the amount ~~so~~ assessed shall be a lien in the nature of
15 a tax on the ~~land so~~ assessed land until the ~~same~~ assessment shall be paid, and
16 if the owner of ~~such~~ the land shall neglect for the period of six months after the
17 decision of ~~said~~ the trustees, or in case of appeal to the County Court, to pay to
18 the Treasurer of ~~said~~ the Village the amount of ~~such~~ the assessment, ~~said~~ the
19 trustees shall issue their warrant for the collection of the same directed to the
20 Collector of ~~said~~ the Village who shall have authority to sell at public auction
21 ~~so much~~ any portion of ~~said~~ the land, or personalty, of ~~such~~ the person as will

1 satisfy ~~such~~ the assessment and all legal fees; ~~said~~. The Collector shall
2 proceed in the same manner as Collectors of Taxes are required by law to
3 proceed in selling real estate or personalty of ~~such~~ delinquents at auction for
4 the collection of town taxes.

5 (d)(1) When any person shall be dissatisfied with the decision of ~~said~~ the
6 Trustees in the award of damages or compensation for land taken for ~~such~~ the
7 sewer or main drain, or in any assessment or contribution for the ~~same~~ sewer or
8 drain, ~~such~~ the person may petition the Caledonia County Court for a ~~re-~~
9 ~~assessment~~ reassessment, and any number of persons aggrieved may join in the
10 petition; ~~such~~ petition, ~~however~~. However, the petition shall not delay the
11 laying, constructing, maintaining, altering, replacing, or repairing of ~~such~~ the
12 sewer or main drain.

13 (2) ~~Such~~ The petition shall be served on the Clerk of said Village within
14 60 days next after ~~said~~ the award of damages or compensation shall be filed in
15 the office of ~~said~~ the Clerk. ~~Such~~ The proceedings shall be had in the County
16 Court on ~~said~~ the petition as ~~are provided for the reassessment of damages for~~
17 ~~land taken for highways by sections 4768, 4769, and 4770 of the public laws~~
18 pursuant to 19 V.S.A. chapter 7, except as herein provided in this charter. ~~and~~
19 ~~the~~ The commissioners appointed by the County Court to ~~re-examine~~
20 reexamine any assessment shall notify the Clerk of ~~said~~ the Village of the time
21 and place when they will hear the matter.

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* * *

Sec. 21. 24 App. V.S.A. chapter 249 is amended to read:

CHAPTER 249. VILLAGE OF NEWFANE

§ 502. SEWERS

~~Said corporation~~ The Village is empowered to construct a system of sewers and repair the ~~same sewer system~~, and for that purpose may take ~~such~~ the lands ~~as that~~ are necessary, ~~and in~~. In taking lands for ~~such~~ these purposes, ~~said the~~ corporation and its Board of Trustees shall proceed in the manner prescribed for towns ~~and selectmen~~ in taking lands for highway purposes, and ~~said~~ corporation the Village may borrow ~~such~~ the sums of money to defray the expenses of ~~such~~ the sewers as it may by vote determine, and for that purpose may issue bonds with coupons attached on ~~such~~ terms and in ~~such~~ the manner as ~~said corporation~~ the Village may prescribe. If ~~said the~~ Village votes to construct a sewer, it may make and establish bylaws regulating the manner of construction, the raising of the money ~~therefor~~, and all other matters of detail ~~relating thereto~~.

§ 503. STREETS AND WALKS

The Board of Trustees of ~~said corporation~~ the Village shall have the power to lay out, alter, maintain, or discontinue any street or walk and lane in ~~said the~~ Village, and appraise and settle ~~the damage therefor~~ any damages, causing its

1 proceedings to be recorded in the Town Clerk’s office in ~~said~~ the Town;
2 provided, that the trustees, in laying out, altering, and maintaining, or
3 discontinuing, any ~~such~~ street, walk, or lane, shall be subject to the same
4 regulations, and in all respects shall proceed in same manner, as ~~selectmen~~
5 selectboards of towns in like cases; and any party aggrieved shall be entitled to
6 the same redress to which they would be entitled if the same had been done by
7 the ~~selectmen~~ Selectboard of the Town of Newfane.

8 § 504. WATER PIPES

9 The trustees, or a majority of them, may lay water pipes, within the limits of
10 ~~said~~ the Village, and may, for that purpose enter upon the lands of any land
11 owner in ~~said~~ the Village, and lay and maintain water pipes through ~~such~~ the
12 land, and repair the ~~same~~ pipes when necessary, upon payment or tender of
13 payment of ~~such~~ compensation as damages ~~therefor~~ as the ~~said~~ trustees shall
14 award to ~~such~~ the land owner, and to any tenant or occupant of ~~such~~ the land to
15 the amount that the individual’s interests are affected ~~thereby~~. Any party
16 aggrieved shall be entitled to the same redress as is provided in case of taking
17 of land by ~~selectmen~~ a town for highway purposes.

18 * * *

19 Sec. 22. 24 App. V.S.A. chapter 285 is amended to read:

20 CHAPTER 285. VILLAGE OF WELLS RIVER

21 * * *

1 § 25. ROADS, WALKWAYS, AND SEWERS

2 (a) The ~~trustees~~ Trustees of the Village may lay out, grade, alter, maintain,
3 and discontinue any street, road, lane, alley, sewer, or walk in the Village, and
4 appraise and settle ~~the~~ any damages ~~thereof~~, causing their proceedings to be
5 recorded in the office of the Clerk of the Town of Newbury, provided that any
6 person or persons aggrieved by their appraisal shall have the like opportunity
7 for applying to the County Court for the County of Orange to obtain redress, as
8 is or may be allowed by law to those aggrieved with the proceedings of
9 ~~selectmen~~ selectboards in similar cases.

10 (b)(1) The ~~trustees~~ Trustees in making, altering, or repairing sidewalks,
11 culverts, sewers, or drains shall have power, subject to the bylaws and
12 ordinances of the Village on giving 12 days' notice to the interested parties
13 ~~interested~~ of the time and place of hearing to assess the owner or occupant of
14 the land or lands benefited ~~thereby~~, ~~so much~~ the share of the expense of
15 making, altering, or repairing the ~~same~~ sidewalks, culverts, sewers, or drains as
16 the ~~trustees~~ Trustees shall judge ~~such~~ the land to be benefited ~~thereby~~, not to
17 exceed one half of ~~such~~ the expense.

18 (2) When any person shall be dissatisfied with the decision of the
19 ~~trustees~~ Trustees in the award of damages for laying, making, altering, or
20 repairing any sewer, drain, sidewalk, or culvert, or in any assessment for
21 benefits of the same, ~~such~~ the person may petition the Orange County Court

1 for a reassessment of ~~such~~ the damages or benefits. The persons so aggrieved
2 by the action of the ~~trustees~~ Trustees shall have the same right and opportunity
3 for applying to the County Court to obtain redress in the premises as is now
4 provided by law to persons aggrieved by the action of ~~the selectmen~~ a town
5 legislative body in like matters and proceedings.

6 (c)(1) Each and every owner of a building in the Village of Wells River
7 used for human habitation or for business purposes situated upon any street,
8 alley, or lane through which a main sewer shall be constructed, and the
9 mortgagees of such a building, shall be legally responsible for the construction
10 and maintenance, under the direction of the ~~trustees~~ Trustees, of a sewer or
11 drain from ~~such~~ the building to ~~such~~ the main sewer, which sewer or drain
12 shall be constructed and connected with the main sewer and ~~so~~ maintained as
13 to provide adequate drainage for all sewerage and liquid waste in and about the
14 building and the premises upon which the ~~same~~ sewer main shall be located,
15 and to discharge ~~such~~ the sewerage and waste into the main sewer; ~~and in case,~~

16 (2) Whenever any person or persons owning ~~such~~ a building in the
17 Village shall fail or neglect to construct and maintain a proper sewer or drain
18 from the building to the main sewer, it shall be the duty of ~~trustees~~ Trustees to
19 give the person or persons owning or having an interest in the building and
20 premises reasonable notice to build and construct an adequate sewer or drain
21 from the building and premises to the main sewer. ~~In case such~~

1 § 2. BODY CORPORATE AND CORPORATE LIMITS

2 * * *

3 (b) While the District encompasses the same area as the Town of
4 Williamstown, it shall be a corporate body separate from the Town of
5 Williamstown. It shall elect its own officers, vote its own taxes, and manage
6 its own affairs as follows:

7 (1) The Fire District Prudential Committee shall, for the Fire District, set
8 a Fire District tax rate in the same manner that ~~the selectmen set~~ a selectboard
9 sets the Town tax rate as provided by 17 V.S.A § 2664.

10 * * *

11 Sec. 24. 24 App. V.S.A. chapter 703 is amended to read:

12 CHAPTER 703. CHAMPLAIN WATER DISTRICT

13 * * *

14 § 6. ORGANIZATION AND ADMINISTRATION

15 * * *

16 (c) All officers and commissioners of the existing Champlain Water
17 District shall hold office for their existing terms and until others are elected
18 and qualified following the first annual meeting. The ~~selectmen~~ legislative
19 body of each town may appoint an alternative ~~water commissioner~~ Water
20 Commissioner for each ~~commissioner~~ Commissioner elected from that Town,
21 whose duty shall be to serve in place of the elected ~~commissioner~~

1 Commissioner if the latter is unable to serve and to serve in that
2 ~~commissioner's~~ Commissioner's place if that ~~commissioner~~ Commissioner
3 resigns or is unable to proceed while in office.

4 * * *

5 (e) The ~~commissioners~~ Commissioners shall be the administrative body of
6 the District and shall have the same general powers and duties as conferred by
7 statute upon ~~selectmen~~ selectboards. They may appoint committees as they
8 deem necessary or appropriate and shall set all policies of the District as
9 required by this chapter or as they may deem proper. The Board of
10 Commissioners shall have the authority to appoint a Manager for the District
11 and fix his or her compensation. The Board may delegate to ~~such~~ the Manager
12 any and all functions it may deem necessary and appropriate for the proper
13 administration of the District, including the power to hire an administrative
14 staff; provided, however, that the Board shall have the exclusive power to set
15 and determine the policies of the District.

16 * * *

17 * * * City of Barre School District and Pronoun Corrections * * *

18 Sec. 25. 24 App. V.S.A. chapter 1 is amended to read:

19 CHAPTER 1. CITY OF BARRE

20 * * *

1 § 110. FISCAL YEAR

2 The fiscal year of the City ~~and the City School District~~ shall begin on the
3 first day of July and end on the last day of June of each calendar year. The
4 fiscal year shall constitute the budget and accounting year as used in this
5 charter.

6 * * *

7 § 203. SPECIAL CITY ~~AND SCHOOL DISTRICT~~ MEETINGS

8 Special City meetings ~~and Special School District meetings~~, shall be called
9 in the manner provided by the laws of the State and the voting on all questions
10 shall be by the Australian ballot system, except for budget votes as provided in
11 section 207(d).

12 * * *

13 § 205. OFFICERS ELECTED

14 (a)(1) The legal voters shall elect biennially a Mayor, a First Constable, and
15 one person to serve as Clerk and Treasurer.

16 * * *

17 (3) ~~Annually, the legal voters shall elect school commissioners to serve~~
18 ~~for a term of three years, as follows:~~

19 (A) ~~at the 2019 annual City meeting, and each successive three year~~
20 ~~cycle after that, three school commissioners;~~

1 ~~(B) at the 2020 annual City meeting, and each successive three-year~~
2 ~~cycle after that, two school commissioners;~~

3 ~~(C) at the 2021 annual City meeting, and each successive three-year~~
4 ~~cycle after that, two school commissioners. [Repealed.]~~

5 ~~(b) The legal voters shall elect annually Spaulding Union High School~~
6 ~~District School Board members in the manner, number, and term limit as is~~
7 ~~specified in the Barre City/Barre Town Union High School Agreement, dated~~
8 ~~November 30, 1986, or any such successor document. [Repealed.]~~

9 § 206. VACANCIES

10 (a) In case of vacancy of any elected municipal City officer, except a
11 ~~councilor or school commissioner~~, occasioned by death, removal from the
12 City, resignation, or inability to serve, ~~such the~~ the vacancy, unless ~~herein~~
13 otherwise provided in this charter, shall be filled by appointment by the City
14 Council until the next annual election. In such case, nomination may be made
15 by any member for the Council.

16 (b) In case of a vacancy of any councilor, occasioned by death, removal
17 from the ward, resignation, or inability to serve, ~~such the~~ the vacancy, unless
18 ~~herein~~ otherwise provided in this charter, shall be filled by election at a caucus
19 of the legal voters of the ward in which the vacancy occurs, duly warned, until
20 the next annual election. In such case, nomination may be made by any legal
21 voter from the ward in which the vacancy occurs.

1 material, or perform any labor, except in the discharge of ~~his or her~~ the
2 official's or employee's official duties for which ~~said~~ the City officer shall
3 receive a sum in excess of \$500.00, unless ~~such~~ the contract shall have been
4 awarded upon bids advertised for by publications [~~which~~] that must have
5 appeared six days previous to the opening of ~~such~~ the bids.

6 * * *

7 § 315. COMPENSATION OF CITY OFFICIALS

8 Compensation of Mayor, councilors, and other appointees and City officers:

9 * * *

10 (c) When the legal voters have authorized an annual City ~~and school~~
11 budget, the City Council, ~~School Board, and/or~~ and the City Manager shall not
12 authorize appropriations, expenditures, or payment in excess of the amount
13 voted. Deficit spending shall be prohibited by the City of Barre ~~and the City of~~
14 ~~Barre Schools~~.

15 * * *

16 § 401. APPOINTMENT AND QUALIFICATIONS

17 The City Manager shall be appointed annually on the first day of July by the
18 Council solely on the basis of ~~his or her~~ the Manager's executive and
19 administrative qualifications with special reference to ~~his or her~~ actual
20 experience, in, or knowledge of, accepted practice in respect to the duties of
21 ~~his or her~~ the Manager's office, ~~as hereinafter set forth~~ pursuant to section 404

1 of this charter. At the time of ~~his or her~~ appointment, ~~he or she~~ the Manager
2 need not be a resident of the City or State, but during ~~his or her~~ the Manager's
3 tenure of office ~~he or she~~ the Manager may reside outside the City only with
4 the approval of the Council. The ~~City~~ Manager shall hold office at the will of
5 the Council.

6 § 402. REMOVAL

7 (a) On 90 days' notice, the Manager may be removed without cause by a
8 majority of the Council so voting. ~~He or she~~ The Manager may be suspended
9 during this period, but ~~his or her~~ the Manager's pay shall continue until ~~his or~~
10 ~~her~~ the date of removal.

11 (b)(1) Notwithstanding the above, the Council may adopt a resolution
12 stating its intention to remove the Manager and the reasons therefore, a copy of
13 which shall be served forthwith on the Manager who may, within 10 days,
14 demand a public hearing. Upon or after passage of such resolution, the
15 Council may suspend ~~him or her~~ the Manager from duty, but ~~his or her~~ the
16 Manager's pay shall continue until ~~his or her~~ the date of removal.

17 (2) If no appeal is filed, the Council may dismiss ~~him or her~~ the
18 Manager. In the event of an appeal, the Council shall hold a public hearing not
19 less than 10 days or more than 20 days from the date of appeal, after which
20 they may dismiss ~~him or her~~ the Manager.

1 § 403. MANAGER’S ABSENCE

2 The City Manager may designate a qualified administrative officer of the
3 municipality to perform ~~his or her~~ the Manager’s duties during ~~his or her~~ any
4 temporary absence or disability. In the event of ~~his or her~~ the Manager’s
5 failure to ~~make such designation~~ designate an administrative officer, the
6 Council may, by resolution, appoint an officer of the City to perform the duties
7 of the Manager during such absence or disability, until ~~he or she~~ the Manager
8 shall return or ~~his or her~~ the Manager’s disability shall cease.

9 § 404. DUTIES AND RESPONSIBILITIES

10 The City Manager shall:

11 * * *

12 (c)(1) Appoint and remove all department heads and all other officers,
13 subordinates, and assistants and fix their salary or compensation, for whose
14 selection or removal no other method is provided in this act, except that ~~he or~~
15 ~~she~~ the Manager may authorize the head of a department to appoint and
16 remove subordinates in ~~such~~ the department;:

17 (2) supervise and control ~~his or her~~ the Manager’s appointees; and

18 (3) report the appointment or removal at the next meeting ~~thereafter~~ of
19 the City Council;

20 * * *

1 (g) Recommend to the City Council for adoption ~~such~~ any measures as ~~he~~
2 ~~or she~~ that the Manager may deem necessary or expedient, keep the Council
3 advised of the financial condition* of the City, make reports to the Council, as
4 requested by it, and at least once a year make an annual report of ~~his or her~~ the
5 Manager's work for the benefit of the Council and the public;

6 * * *

7 § 406. BUDGET

8 The City Manager shall prepare ~~his or her~~ the recommended budget for the
9 next fiscal year and present the ~~same~~ recommendation to the City Council not
10 later than 45 days prior to the annual meeting date each year. At the same
11 time, the City Manager shall submit ~~his or her~~ a request for a specific sum of
12 money under provisions of section 207 of this chapter.

13 * * *

14 § 409. DUTIES

15 (a) The Mayor shall be chief conservator of the peace and safety of the City
16 and, ~~as such,~~ is empowered to control and direct the police force, in case of
17 riot, insurrection, or other emergency, ~~when he or she.~~ The Mayor may take
18 command of the whole police force, including the chief executive ~~thereof~~ of
19 the force, and may, for the occasion, appoint and commission as many special
20 ~~police~~ police officers as ~~he or she~~ the Mayor may deem necessary, ~~who~~
21 The special police officers shall have all the powers of regular members of the

1 police force. Any emergency as provided for in this section shall not be
2 construed to be the operation of the police force in its routine duty. The Mayor
3 shall have the power to administer oath before the City Council and official
4 oaths to the several officers of the City, when required by law.

5 (b) The Mayor shall preside at all meetings of the City Council and shall
6 have a voice and vote in its proceedings. ~~He or she~~ The Mayor shall be
7 recognized as head of the municipal government for all ceremonial purposes
8 and by the Governor for the purposes of military law. In the event of ~~his or her~~
9 the Mayor's inability to act, ~~his or her~~ absence, or disability, the Council shall
10 designate one of its members to act as Mayor during ~~his or her~~ the Mayor's
11 absence or disability.

12 § 410. DUTIES

13 * * *

14 (b) All the books of records, papers, and documents belonging to the Town
15 of Barre at the time the City of Barre was organized shall continue to be kept
16 and deposited in the office of the City Clerk, copies of which, duly certified by
17 ~~him or her~~ the City Clerk, shall be legal evidence for all purposes for which
18 they would have been evidenced if the City has not been created, and they had
19 been duly certified by the Clerk of the Town of Barre.

20 * * *

1 § 413. ~~SCHOOL DISTRICTS~~

2 ~~The City Treasurer shall be Treasurer of the City of Barre School District~~
3 ~~and shall have the same duties, powers, and liabilities of a treasurer of a town~~
4 ~~school district, except as otherwise provided. [Repealed.]~~

5 § 414. DUTIES AND RESPONSIBILITIES

6 The City Attorney shall be corporation counsel for the City. ~~He or she~~ The
7 City Attorney may prosecute and defend in behalf of the City all suits in which
8 the City is interested. ~~He or she~~ The City Attorney is authorized to file
9 information and complaints in criminal causes involving violation of an
10 ordinance of the City, and shall prosecute the same. ~~A~~ The City Attorney shall
11 file a copy of all his or her written opinions shall be filed by him or her any
12 City Attorney written opinion in the office of the City Clerk.

13 § 415. DUTIES AND RESPONSIBILITIES

14 The City Grand Juror shall have the same powers, perform the same duties,
15 and incur the same liabilities as grand jurors of towns, and ~~he or she~~ the Grand
16 Juror shall prosecute violations of ordinances, regulations, and bylaws of the
17 City. ~~His or her~~ The Grand Juror's compensation shall be established by the
18 City Council.

19 § 416. APPOINTMENT

20 The City Council shall annually appoint from among the legally qualified
21 voters of the City a Collector of Taxes and fix ~~his or her~~ the Collector's

1 compensation; and for cause, incapacity, negligence, or misconduct, they may
2 remove ~~such officer~~ the Collector and fill any vacancy in ~~such~~ the office by the
3 appointment of a successor collector of taxes from among the legally qualified
4 voters of the City arising from any cause. The successor ~~collector of taxes~~
5 Collector of Taxes shall hold the office for the unexpired term of ~~his or her~~ the
6 predecessor in office.

7 * * *

8 § 419. DUTIES

9 The City Engineer shall make all public surveys of the streets and public
10 grounds of the City and shall perform ~~such~~ other services as ~~he or she may be~~
11 ~~required by~~ the City Manager may require.

12 * * *

13 § 421. DUTIES

14 The Superintendent of Streets, subject to the order of the City Manager,
15 shall have immediate care and supervision of the public streets, highways, and
16 sewers of the City. ~~He or she~~ The Superintendent of Streets shall be under the
17 general direction and control of the City Manager.

18 * * *

19 ~~§ 516. POWERS AND DUTIES~~

20 ~~(a) Except as otherwise provided, the school commissioners, elected as~~
21 ~~herein before provided, shall have the same duties, powers, and liabilities~~

1 ~~prescribed for school directors of town school districts. They shall compose the~~
2 ~~Board of School Commissioners of the City of Barre School District, with the~~
3 ~~same duties, powers, and liabilities of the board of school directors of a town~~
4 ~~school district. The Board of School Commissioners shall consist of seven~~
5 ~~members, each serving a term of three years.~~

6 (b) ~~The Board of School Commissioners shall have the care and custody of~~
7 ~~all the property belonging to, or used for, the public schools located in the City.~~
8 ~~Payments due or to become due on bonds and interest thereon, used by the City~~
9 ~~of Barre for school purposes, shall be paid by the City of Barre School District.~~

10 (c) ~~No later than 45 days prior to the annual meeting date each year, the~~
11 ~~Board of School Commissioners shall present to the City Council its budget~~
12 ~~requests for the next fiscal year.~~

13 (d) ~~The Board shall appoint from among its members, a Clerk who shall~~
14 ~~have the same duties and responsibilities as prescribed by statute. [Repealed.]~~

15 ~~§ 517. APPOINTMENT OF SUPERINTENDENT AND PRINCIPAL;~~

16 ~~COMPENSATION; TERM~~

17 ~~The school commissioners shall annually appoint a Superintendent of~~
18 ~~schools and a principal of high schools and shall fix their compensation which~~
19 ~~shall be paid by the school commissioners in the same manner as other expense~~
20 ~~for the support of schools; and for such cause of incapacity, negligence, or~~
21 ~~misconduct, they may remove such officers and shall by appointment fill any~~

1 ~~vacancy in such office arising from any cause. The Superintendent shall~~
2 ~~perform all such duties in connection with the public schools of the City as~~
3 ~~shall be assigned him or her by the Board of School Commissioners and as~~
4 ~~may be prescribed by law. He or she shall annually report to the City Council~~
5 ~~such statistics as are required by law and such other information as the school~~
6 ~~commissioners shall direct. [Repealed.]~~

7 * * *

8 § 604. NOTICE OF TAX DUE

9 The City Treasurer shall upon ~~delivery to him or her~~ receipt of the tax rate,
10 publish at least three times in a newspaper with the general circulation in the
11 City a notice calling upon the taxpayer to pay their respective taxes on the
12 dates provided in section 601, and to mail to each taxpayer, ~~at his or her~~ the
13 taxpayer's last known address, a tax bill stating the amount of the ~~grant~~ grand
14 list, the amount of taxes due, and when those taxes are payable.

15 * * *

16 * * * Interpretation and Effective Date * * *

17 Sec. 26. INTERPRETATION

18 It is the intent of the General Assembly that the technical amendments in
19 this act shall not supersede substantive changes contained in other bills enacted
20 by the General Assembly during the current biennium. Where possible, the
21 amendments in this act shall be interpreted to be supplemental to other

1 amendments of the same sections of statute; to the extent the provisions
2 conflict, the substantive changes in other acts shall take precedence over the
3 technical changes of this act.

4 Sec. 27. EFFECTIVE DATE

5 This act shall take effect on passage.