

H.58

An act relating to approval of amendments to the charter of the Town of Barre

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

Sec. 1. CHARTER AMENDMENT APPROVAL

The General Assembly approves the amendments to the charter of the Town of Barre. Voters approved the proposals of amendment on May 8, 2018.

Sec. 2. 24 App. V.S.A. chapter 101 is amended to read:

CHAPTER 101. TOWN OF BARRE

\* \* \*

§ 2. MEETINGS AND ELECTIONS

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(b) Special Town meetings or elections:

(1) may be called by a majority of the ~~selectmen~~ Selectboard members;

or

\* \* \*

(c) The budget proposal, established by the ~~selectmen~~ Selectboard, in accordance with Section 28 of this charter, shall be submitted to the electorate at the annual election. If this proposal fails, the Town Clerk shall immediately warn an open Town meeting at which the budget shall be determined without a

subsequent Australian ballot election. Section 5 of this charter on reconsiderations; shall not apply to budget votes.

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#### § 5. RECONSIDERATION OF ACTIONS TAKEN

A question considered at any Town meeting or election may not be submitted to the voters for reconsideration or rescission except at a subsequent annual meeting or special meeting or election; specifically warned for the purpose and called by the ~~selectmen~~ Selectboard by a resolution or by the Town Clerk pursuant to a petition requesting such reconsideration or rescission. ~~Such~~ The petition must be signed by not less than 10 percent of the voters and filed with the Town Clerk within 30 days following the date of the meeting or election at which the question was first considered. The Clerk shall call for a vote in accordance with the petition within 60 days of the date of filing. The manner of reconsideration shall be the same manner by which a question was originally considered. A question voted on or considered shall not be presented for reconsideration or rescission more than one time; provided, however, that after the passing of at least eight months from the date of any such reconsideration or rescission, the same or a similar question may be newly submitted for consideration. Unless rescinded as provided in this section, any vote or action lawfully taken at a Town meeting or election shall remain in effect indefinitely.

§ 6. BOARD OF CIVIL AUTHORITY

(a) A Board of Civil Authority shall consist of the justices of the peace residing within the Town, the Town Clerk, and the ~~selectmen~~ Selectboard. At the first meeting following each annual Town election, the Board shall elect a ~~Chairman~~ Chair from among its members; the Town Clerk shall be the Clerk of the Board. In the event of the absence of either the ~~Chairman~~ Chair or Clerk from any meeting of the Board, the first order of business shall be the election of a ~~Chairman~~ Chair or Clerk, Pro Tempore, to serve for the balance of the meeting.

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§ 9. INTERGOVERNMENTAL RELATIONS

Subject only to any applicable superior laws or constitutional provisions, the Town through the ~~Board of Selectmen~~ Selectboard may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof, including other towns, cities, and school systems.

\* \* \*

§ 10. ELECTED OFFICERS; GENERAL

(a) The following officers shall be elected by the legal voters of the Town of Barre and voting for ~~all such~~ the officers shall be by Australian ballot:

- (1) Five ~~selectmen~~ Selectboard members.
- (2) Three listers.
- (3) Three auditors.
- (4) One Constable.
- (5) One Clerk-Treasurer.
- (6) One Moderator.

(b) The Office of Clerk-Treasurer may be changed to an appointive office upon approval by the voters at any annual meeting of the Town. The Office of Lister may be abolished and replaced by a single full-time assessor hired by the ~~selectmen~~ Selectboard at such salary as the ~~selectmen~~ Selectboard may approve; provided the voters authorize such action at any annual Town meeting.

\* \* \*

(d) Vacancies occurring in any elective office shall be filled by a majority vote of the ~~selectmen~~ Selectboard. The appointment shall be valid until the next annual Town election, at which time the voters shall elect a person to fill the position for the unexpired term.

\* \* \*

(f) The Office of Auditor may be abolished and replaced by an annual financial audit of all funds of the Town by a public accountant, licensed in Vermont, provided the voters authorize the actions at any annual or special

Town meeting. The vote to eliminate the Office of Auditor shall remain in effect until rescinded by majority vote of the legal voters present and voting at an annual or special meeting duly warned for that purpose. Unless otherwise provided by law, the Selectboard shall provide for all other auditor duties to be performed. The term of office of any auditor in the office on the date the Town votes to eliminate that office shall expire on the 45th day after the vote or on the date that the Selectboard enters into a contract with a public accountant under this section, whichever occurs first.

§ 11. ~~BOARD OF SELECTMEN~~ SELECTBOARD

(a) Except as otherwise provided in this charter, all the powers of the Town shall be entrusted to and exercised by a ~~Board~~ Selectboard composed of five ~~selectmen~~ members chosen by the voters of the Town of Barre. Three members shall be elected for terms of three years, and two members shall be elected for terms of two years. The Board shall discharge all the duties conferred or imposed upon ~~boards of selectmen~~ selectboards by law, including the duties of sewer commissioners, Board of Liquor Commissioners, and any similar ex officio duties; and when sitting in such ex officio capacity, it shall not be necessary specially to convene in a separate capacity.

(b) The ~~selectmen~~ Selectboard shall meet within seven business days after the annual Town election to elect a ~~Chairman~~ Chair and a Vice ~~Chairman~~ Chair and to designate a Clerk. At the same meeting, the Board shall adopt

rules of order and fix the time and place of its regular meeting, which shall be held at least twice a month. Special meetings of the Board may be called at any time by the ~~Chairman~~ Chair, or in his or her absence, the Vice ~~Chairman~~ Chair, or by a majority of the Board in writing to the ~~Chairman~~ Chair. Notice of any special meeting shall be served on members, posted in the municipal building, and, except for an emergency meeting, released to the news media at least 12 hours prior to the meeting.

\* \* \*

(d) Upon due notice and hearing, the Board may remove one of its members from office for failure to attend four consecutive, regular meetings of the Board without prior approval of the ~~Chairman~~ Chair. ~~Such~~ The removal shall be done only upon the affirmative vote of all four remaining members.

(e) The ~~selectmen~~ Selectboard shall, from time to time, designate an acting town manager who shall have all the powers and duties of the Town Manager in the event of the latter's absence or disability. The name of the acting town manager shall be on file in the Town Clerk's office at all times.

## § 12. AUDITORS

~~Auditors~~ Unless the Office of Auditor is abolished as provided in section 10 of this charter, auditors shall be elected for terms of three years, with one elected each year. They shall be responsible for the proper financial accountability of the Town, and for this purpose all Town officers shall, within

30 days after the close of the fiscal year, submit to the auditors ~~such~~ any reports, records, and materials ~~as~~ that the auditors may require for the discharge of their duties. The auditors shall thereupon proceed to examine and adjust the accounts of all Town officers and report their findings in writing, not later than 185 days after the close of the fiscal year. They shall cause their findings to be printed and made available to the voters. The auditors may employ the services of a certified public accountant at Town expense, for ~~such~~ the purposes ~~as~~ they shall deem proper. They shall also supervise the preparation, publication, and, within budgetary limitations, the distribution of the annual Town report.

\* \* \*

§ 16. CLERK-TREASURER

(a) The Clerk-Treasurer shall be elected for a period of three years. He or she shall keep account of monies, bonds, notes, and evidences of debt paid or delivered to him or her, and of ~~monies~~ monies paid out by him or her for the Town. In addition he or she shall:

\* \* \*

(b) Before entering upon the duties of his or her office, the Clerk-Treasurer shall give a bond conditioned for the faithful performance of his or her duties. The bond shall be of a sum and with ~~such~~ a surety ~~as~~ prescribed and approved

by the ~~Board of Selectmen~~ Selectboard, and the premium for ~~such~~ the bond shall be paid by the Town.

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§ 17. TOWN MANAGER; APPOINTMENT; TERM

A Town Manager shall be the Chief Administrative Officer of the Town. He or she shall be appointed by a majority of the full ~~Board of Selectmen~~ Selectboard. He or she shall be selected with special reference to his or her training, experience, education, and ability to perform the duties of his or her office, and without reference to his or her political persuasion. He or she shall be appointed for an indefinite period and shall be removable at the discretion of the ~~Board of Selectmen~~ Selectboard, subject to ~~such~~ the conditions relative to hearings, timing of notices, severance pay, and grounds of dismissal as may be specified in this charter, ordinances of the Town, or any employment agreement or contract. The Town Manager shall not simultaneously hold any elective office within the Town, nor shall he or she be employed by the Town in any capacity except as Town Manager.

§ 18. REMOVAL OF THE TOWN MANAGER

The Manager may be removed by a majority vote of the full ~~Board of Selectmen~~ Selectboard. At least 30 days before the proposed removal of the Manager, the Board shall adopt a resolution in executive session, stating its intention to remove him or her and the reasons for removal, a copy of which



shall be delivered forthwith to the Manager. Upon or after passage of ~~such~~ the resolution, the Board may suspend the Manager from duty, but his or her pay shall continue until removal. If the resolution is not withdrawn, the resolution shall automatically take effect. In case of ~~such~~ a suspension, the Board may appoint an acting manager to serve at the discretion of the Board. By ordinance or by contract with any Manager, the ~~selectmen~~ Selectboard may provide for the Manager to have additional rights in removal proceedings, including the right to a hearing, provided ~~such~~ the rights are otherwise consistent with the provisions of this section. The action of the Board in removing the Manager shall be final.

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#### § 20. RESPONSIBILITIES OF THE TOWN MANAGER IN GENERAL

The Town Manager shall be accountable to the ~~selectmen~~ Selectboard. He or she shall have general supervision of the property and business affairs of the Town and expenditure of all monies appropriated for Town purposes subject to prior approval of the ~~selectmen~~ Selectboard. He or she shall not supervise any elected Town officer in the conduct of ~~such~~ that officer's duties.

#### § 21. POWERS AND DUTIES IN PARTICULAR

The Town Manager shall have power, and it shall be his or her duty:

(~~a~~)(1) To organize, operate, continue, or discontinue ~~such~~ any departments as the ~~Board of Selectmen~~ Selectboard may determine.

(b)(2) To carry out the policies laid down by the Board, to keep the Board informed of the financial condition and future needs of the Town, and to make ~~such~~ any reports as may be required by law or requested by the Board, together with any other reports and recommendations ~~which~~ that he or she may deem advisable.

(c)(3) To appoint and remove, upon merit and fitness alone, all subordinate officials, employees, and agents under his or her control and, with the approval of the ~~selectmen~~ Selectboard, to fix their compensation as provided in section 39(c) of this charter. Although the Town Manager may hold subordinate officers and employees of the Town responsible for the faithful discharge of their duties, the Town Manager shall remain ultimately responsible to the Board for all administrative actions under his or her jurisdiction.

(d)(4) To be present at all regular meetings of the ~~Board of Selectmen~~ Selectboard, except when excused by the Board, and to have the right to attend all other meetings of ~~said~~ the Board and its committees ~~thereof~~, except when his or her removal or suspension is being discussed, provided that this section shall not be construed to deny any right the Town Manager may otherwise have to a public hearing relative to his or her removal.

(e)(5) To keep full and complete records of the actions of his or her office, to keep necessary accounts, to render to the ~~Board of Selectmen~~

Selectboard an itemized monthly report showing in detail the disbursements of the preceding month, and to maintain an appropriate budget control system.

~~(f)~~(6) To keep the ~~Board of Selectmen~~ Selectboard fully advised as to the needs of the Town within the scope of the Manager's duties; and annually to furnish to them, as prescribed in this charter, a detailed budget proposal; and also to furnish to them annually, a five-year projection of capital improvements for the Town. To enable the Town Manager to make estimates of expenditures and receipts, all boards, officers, and committees of the Town shall, upon his or her written request, furnish all information in their possession and submit to him or her in writing a detailed estimate of anticipated income and appropriations required for the efficient and proper conduct of their respective responsibilities during the next fiscal year.

~~(g)~~(7) To examine or cause to be examined, with or without notice, the affairs of any department under his or her control, or the conduct of any officer or employee thereof. For that purpose, he or she shall have access to all books and papers of ~~such~~ the department for the information necessary for the proper performance of his or her duties.

~~(h)~~(8) To be the General Purchasing Agent of the Town and purchase all supplies for every department.

~~(i)~~(9) To supervise all special programs of the Town as if the same were a separate department of the Town, unless otherwise voted by the Town.

~~(10)~~ To have charge, control, and supervision of the following matters:

~~(1)~~(A) The Police Department, including appointment and removal of the Chief ~~thereof~~, with the consent of the ~~selectmen~~ Selectboard.

~~(2)~~(B) Any Town Fire Department supported by Town funds, including the appointment and removal of the Chief ~~thereof~~, with the consent of the ~~selectmen~~ Selectboard.

~~(3)~~(C) The system of licenses not otherwise regulated by law.

~~(4)~~(D) The system of sewers and drainage.

~~(5)~~(E) Lighting of highways, bridges, and public places.

~~(6)~~(F) Construction and maintenance of Town highways.

~~(7)~~(G) Town buildings, and repairs and construction on Town buildings.

~~(8)~~(H) Maintenance of parks, playgrounds, forests, and other public lands, unless otherwise provided for in the Administrative Code.

~~(9)~~(I) Any public water system owned or operated by the Town.

~~(11)~~ To cause duties prescribed for towns and not committed to the care of any particular officer to be duly performed and executed.

~~(12)~~ To participate in the discussion of matters coming before the ~~selectmen~~ Selectboard and its committees, but not the right to vote.

(m)(13) To perform ~~such~~ other duties ~~which~~ that may be required of him or her by vote of the ~~Board of Selectmen~~ Selectboard, by law, or by ordinance, consistent with this charter.

§ 22. NONINTERFERENCE WITH ADMINISTRATION

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(c) No member of the ~~Board of Selectmen~~ Selectboard shall attempt to control or direct the Manager in the discharge of the duties entrusted to him or her, except by vote of the Board at a duly constituted meeting.

§ 23. FILLING OF A VACANCY

Any vacancy in the Office of Town Manager shall be filled as soon as practicable by the ~~Board of Selectmen~~ Selectboard, and pending ~~such~~ the appointment, or in case of the Manager's absence or disability, the Board shall designate some person to perform the duties of the office. In no case shall a ~~Selectman~~ member of the Selectboard temporarily assume the duties of Town Manager for a period in excess of 30 days and then only in the absence or disability of the Town Manager and acting Town Manager.

§ 24. COMPENSATION OF THE TOWN MANAGER

The compensation of the Town Manager shall be set by resolution of the ~~Board of Selectmen~~ Selectboard, within any budgetary limitations set by the voters at Town meeting. As used in this section, the term "compensation"

includes salary, additional benefits, time for sick leave and vacation, and expense allowance.

§ 25. ADMINISTRATIVE CODE

(a) Within two years following the effective date of this charter, the Town Manager shall prepare and submit to the ~~Board of Selectmen~~ Selectboard a proposal for an ordinance to be known as the Administrative Code of the Town of Barre. For the purpose of preparing the proposal, the Town Manager may have the assistance of the Town Attorney and shall have the authority to request a committee of citizens to assist in the preparation of the proposal. The proposal shall be a comprehensive code of administrative organization and procedure for the Town and, at a minimum, shall include the following:

\* \* \*

(b) The Administrative Code shall be passed by the ~~selectmen~~ Selectboard in the same manner as any ordinance and may be amended by the ~~selectmen~~ Selectboard in the manner provided for amendment of ordinances. The Administrative Code shall provide for all specific requirements set forth in this charter, and to such extent as the provisions of the Administrative Code are not inconsistent with this charter, the Code shall be considered a valid extension of the policies set forth in the charter.

\* \* \*

§ 27. COMMITTEE OF FIVE

Annually, prior to January 31, a committee of five voters shall be appointed to review, with the ~~selectmen~~ Selectboard members, the proposed Town budget. Their terms shall expire upon final adoption of the budget. The ~~selectmen~~ Selectboard members shall appoint two members and the Clerk-Treasurer, one member; these three shall appoint two additional members.

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§ 29. APPROPRIATION

(a) All amounts specified in the budget and approved by the voters at an annual Town election, are appropriated for the purpose specified in the budget. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy for all revenues proposed in the budget. The ~~selectmen~~ Selectboard may transfer within the fiscal year any unexpended appropriation balance or portion thereof between general classifications or expenditures.

(b) Money shall not be paid out of the Town Treasury except on a payroll or warrant signed by at least three of the members of the ~~Board of Selectmen~~ Selectboard and authenticated by the Town Manager.

\* \* \*

§ 37. ORDINANCES

(a) Town legislation shall be by ordinance. The ~~Board of Selectmen~~ Selectboard shall constitute the legislative body of the Town, except as otherwise provided herein, to adopt, amend, repeal, and enforce ordinances. Each ordinance, when introduced, shall be in writing and shall be identified by a short title. The enacting clause of each ordinance shall be “The ~~selectmen~~ Selectboard of the Town of Barre hereby ~~ordain~~ ordains” and the effective date of each ordinance shall be specified not less than 15 days after final passage by the ~~selectmen~~ Selectboard, except that if the ordinance is conditioned upon the approval of the voters, then the ordinance shall be effective upon favorable vote of a majority of those voting thereon.

(b) Each proposed ordinance shall be introduced by one or more ~~selectmen~~ members of the Selectboard at a duly convened meeting of the Board and, with the consent of a majority of the Board, introduction may be “by request” with no obligation on the part of the ~~selectmen~~ Selectboard causing the proposed ordinance to be introduced to support ~~said~~ that ordinance or work for its passage. At the time of introduction the ordinance shall be read for the first time and, by majority vote of the Board, ~~such~~ the reading may be by title only. At the time of the first reading the ~~selectmen~~ Selectboard shall call a public hearing to consider the ordinance not less than 10 nor more than 21 days from the date of the first reading. They shall further order that notice of the hearing



be given by posting the notice in at least five conspicuous public places in the Town and publishing the notice at least seven days prior to the date of the hearing in a newspaper having general circulation within the Town. The notice shall specify the date, time, and place of hearing and shall state that the hearing is called for the consideration of the ordinance in question. Unless the ~~selectmen find~~ Selectboard finds that publication of the full text of the ordinance would be unduly cumbersome, expensive, or otherwise inexpedient, the full text of the proposed ordinance shall also be included in the notice; if the full text is not published, then a brief explanation of the purpose of the ordinance shall be given together with information as to where and when any citizen of the Town may obtain a copy of the complete ordinance. ~~Such~~ The copies shall be available from the Town Clerk's library, without charge, at least seven days prior to the date set for the hearing.

(c)(1) At the time and place advertised, the ordinance shall be read for the second time. If the ~~selectmen~~ Selectboard shall find that sufficient copies of the proposed ordinance have been made available to the citizens, by publication or otherwise, and that no person would be prejudiced by failure to read the full text of the ordinance, the Board may, by majority vote of its members, order that reading shall be by title only; otherwise the full text shall be read. All voters and all other persons whose legal interests may be directly affected by the ordinance shall have an opportunity to be heard at the hearing.

If the Board shall see fit, the hearing may be adjourned from time to time, and from place to place. After ~~such~~ the hearing, the ~~selectmen~~ Selectboard may:

\* \* \*

(2) The public hearing procedure, and the procedure for the vote of the ~~selectmen~~ Selectboard on second reading, shall be followed as many times as may be necessary either to advance the proposal to a third reading without any changes in its form as publicly noticed before hearing, or until a vote not to adopt the ordinance is passed.

(d) If a proposal is advanced to a third reading, the ~~selectmen~~ Selectboard shall, at the time of such advancement, specify the date, time, and place at which third reading and final consideration will take place. At ~~such~~ the third reading, the ordinance shall be read either in full, or, if a majority of the Board shall so vote, by title only. –The Board may, in its discretion, hear the comments of any citizens interested in the ordinance, but they are not required to do so. Following ~~such~~ any discussion as the Board may deem appropriate, it shall either vote to adopt or reject said ordinance, and if the vote shall be in favor of adoption, the ~~Chairman~~ Chair of the ~~Board of Selectmen~~ Selectboard and the Town Clerk shall thereupon authenticate the original copy of ~~said~~ the ordinance, and it shall become effective as herein provided, except if rescinded by a Town meeting in the manner ~~hereafter~~ specified in subsection (g) of this section.

(e) All ordinances when finally passed shall be permanently recorded by the Town Clerk in the form adopted, as authenticated by the signature of the ~~Chairman~~ Chair of the ~~Board of Selectmen~~ Selectboard and the Clerk. The Clerk shall also record each ordinance adopted in ~~such~~ the manner as he or she shall find will provide the Town with a current, useable codification of all Town ordinances, excising repealed provisions, adding newly adopted material in an appropriate place, and organizing and indexing all ~~such~~ the material in ~~such~~ the manner as may best facilitate its intended use. For this purpose, the Clerk may employ the services of the Town Attorney at Town expense. The resulting product shall be maintained by the Town Clerk in his or her office, shall be known as the "Barre Town Code," and shall be available for public inspection and copying during regular business hours. The ~~selectmen~~ Selectboard may by resolution direct that the entire Barre Town Code, or only certain portions thereof, be printed and copies made available, either free of charge or at a cost not in excess of the Town's cost of preparation and printing.

(f) The ~~selectmen~~ Selectboard shall cause the entire text of each adopted ordinance to be published one time in a newspaper having general circulation within the Town; ~~such~~ the publication ~~to~~ shall be at least seven days prior to the effective date of the ordinance. If the ~~selectmen~~ Selectboard shall find that publication of the full text of an adopted ordinance would be unduly cumbersome, expensive, or otherwise inexpedient, they may cause to be

published a brief explanation of the purpose of the ordinance together with information as to where and when any citizen of the Town may obtain a copy of the complete ordinance. This subsection, however, shall not require the publication of any standard code of technical regulations adopted pursuant to the provisions of subsection (i) of this section.

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(h) To meet a genuine public emergency affecting life, health, property, or the public peace, the Board may adopt one or more emergency ordinances. ~~Such~~ The emergency ordinances may not levy taxes, set the rate charged by the Town for any services, authorize the borrowing of money, or raise revenue in any manner. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least four ~~selectmen~~ members of the Selectboard shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at ~~such~~ a later time as it may specify. Every emergency ordinance automatically stands repealed as of the 61st day following the day

on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(i) The Board may adopt any standard code of technical regulations by reference ~~thereto~~ in an adopting ordinance. The procedure and requirements governing ~~such an~~ the adopting ordinance shall be as prescribed for ordinances generally, except that the requirements of this charter for filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and a copy of each adopted code of technical regulations shall be authenticated and recorded by the ~~Chairman~~ Chair of the ~~Board of Selectmen~~ Selectboard and the Town Clerk pursuant to this charter. Prior to adoption, ~~such~~ the copies shall be available from the Town Clerk's library without charge. After adoption, copies shall be available from the Town Clerk either without charge or for purchase at a reasonable price, as determined by the Board.

(j) The general penalty for violation of an ordinance of the Town shall be a fine not to exceed the sum of \$500.00 for a single offense, or, in the case of a continuing offense, a fine not to exceed the sum of \$100.00 per day for each day a violation shall continue unabated. Any ordinance may contain a

provision setting penalties for the violation ~~thereof~~ of the ordinance, provided ~~such~~ that the penalties are not in excess of the general penalty. If an ordinance does not contain any specific provision for a penalty, then the general penalty shall apply. No ordinance of the Town of Barre shall provide for the imprisonment or incarceration of any person for the violation thereof, except as the same may be imposed as a civil remedy for contempt of court. The ~~selectmen~~ Selectboard may authorize the Town Attorney to bring an action in the name of the Town of Barre for any relief, including injunctive relief, ~~which~~ that the Town Attorney may deem appropriate for the enforcement of any Town ordinances.

§ 38. APPOINTED OFFICERS

(a) The ~~selectmen~~ Selectboard, by majority vote, shall appoint the following Town officers for the terms indicated:

(1) A Town Attorney for a term of one year, to fulfill the duties prescribed by law for the grand juror and town agent of a town, and to perform ~~such~~ other professional duties as may be requested by the ~~selectmen~~ members of the Selectboard, or by any other officer or agency of Town government, with the approval of the ~~selectmen~~ Selectboard.

\* \* \*

(4) ~~Such other~~ Other officers as the laws of the State of Vermont or the ordinances of the Town of Barre shall direct the ~~selectmen~~ Selectboard to

appoint. The appointments shall be for the term indicated in the governing law, provided that any office abolished by this charter shall not be deemed reestablished by this section.

(b) A vacancy in any appointive Town office may be filled for the duration of the unexpired term by the person, ~~Board of Selectmen~~ Selectboard, or other board having the authority to appoint ~~such office holder~~ the officeholder for the usual term of office.

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#### § 39. COMPENSATION AND FEES

(a) The Town election shall annually vote the compensation to be paid to the following officers:

- (1) ~~selectmen~~ Selectboard members.
- (2) listers<sub>2</sub>
- (3) auditors<sub>2</sub>
- (4) Moderator.

(b) The ~~selectmen~~ Selectboard shall annually consider and from time to time shall set the compensation of the following officers:

- (1) Town Clerk-Treasurer<sub>2</sub>
- (2) Constable<sub>2</sub>
- (3) Town Attorney<sub>2</sub>
- (4) Tax Collector<sub>2</sub>

- (5) Town Manager,
- (6) Board of Civil Authority,
- (7) Board of Abatement.

(c) The Town Manager, with approval of the ~~Board of Selectmen~~ Selectboard, shall set the compensation for all other Town officers and employees.

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#### § 41. PUBLIC LANDS

With the approval of the voters given at any duly warned meeting, the ~~selectmen~~ Selectboard may sell any portion of real estate owned by the Town and not needed for Town purposes, or change the use of any real property owned by the Town. ~~Such~~ The authorization may be given in blanket form by the voters at the annual Town meeting, and when so given, shall remain effective until the next annual Town meeting. However, the ~~selectmen~~ Selectboard shall not sell or substantially change the use of ~~any such~~ the real estate without first holding a public hearing giving notice by posting in at least five conspicuous public places within the Town and by publication in a newspaper having general circulation in the Town. The notice shall be published not less than seven nor more than 21 days prior to the date of the hearing and shall also identify specifically the real estate involved. At the hearing, all citizens of the Town shall have an opportunity to be heard, to



express their views, and to inquire as to the reasons, method, time, and terms of the proposed sale or change of use. After all proper persons have had an opportunity to be heard, the ~~selectmen~~ Selectboard shall vote upon the question and, if a majority of the full Board shall vote in favor of the proposed action, the question shall be approved. If voter approval has previously been given to ~~such the~~ the action, the ~~selectmen~~ Selectboard may then take ~~such the~~ the action as ~~they the voters~~ the voters have approved; otherwise, they shall submit the question to the voters at a Town meeting and upon approval by a majority of those voting upon the question, the ~~selectmen~~ Selectboard may proceed to sell or change the use of the real estate in question, as the case may be.

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#### § 44. DEFINITIONS

As used in this charter, except where the context or express terms require a contrary interpretation:

(1) "Board" ~~or "selectmen"~~ shall mean the duly elected ~~Board of~~ Selectmen Selectboard of the Town, acting as a group and in their official capacity.

\* \* \*

#### § 49. AMENDMENT OR REPEAL

No section or provision of this charter may be repealed or amended unless the act making ~~such the~~ the repeal or amendment refers specifically to this charter

and to the sections or provisions so repealed. Any amendment to this charter must be submitted to the voters for their approval and, upon ~~such~~ approval, submitted as provided by statutes. Amendments may be placed on the ballot by the ~~selectmen~~ Selectboard, a duly authorized Charter Review Commission appointed by the ~~selectmen~~ Selectboard, or upon petition filed with the Town Clerk by 10 percent of the voters. The petition must clearly state the amendment and must be filed at least 45 days before any annual or special Town election, but the Town shall not be required to hold a special Town election solely for the purpose of considering a proposed charter amendment.

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### Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.