Introduced by Representative Troiano of Stannard

Referred to Committee on

Date:

Subject: Municipal government; municipal charters; Town of Hardwick

Statement of purpose of bill as introduced: This bill proposes to approve the amendments to the charter of the Town of Hardwick to:

(1) merge the town offices of Town Clerk and Town Treasurer into the Town Clerk and Treasurer;

(2) rename the Zoning Board of Adjustment the Development Review Board;

(3) require digital notice of all regular and special town meetings;

(4) eliminate some town offices; and

(5) make clerical edits.

An act relating to amending the charter of the Town of Hardwick

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 Hardwick as set forth in this act. The voters approved the proposals of amendment on December 9, 2021.
Sec. 2. 24 App. V.S.A. chapter 123 is amended to read:

CHAPTER 123. TOWN OF HARDWICK

Subchapter 1. Incorporation and Grant Of Of Powers

§ 101. CORPORATE EXISTENCE RETAINED

The inhabitants of the Town of Hardwick as presently constituted and the inhabitants of the Village of Hardwick as constituted by 1890 Acts and Resolves No. 84, as amended by 1892 Acts and Resolves No. 6, 1892 Acts and Resolves No. 121, 1894 Acts and Resolves No. 180, 1894 Acts and Resolves No. 181, 1898 Acts and Resolves No. 192, 1902 Acts and Resolves No. 220, 1904 Acts and Resolves No. 235, 1906 Acts and Resolves No. 270, 1908 Acts and Resolves No. 271, 1912 Acts and Resolves No. 315, 1915 Acts and Resolves No. 296, 1923 Acts and Resolves No. 198, 1933 Acts and Resolves No. 183, 1939 Acts and Resolves No. 283, 1942 Acts and Resolves No. 182, 1947 Acts and Resolves No. 234, 1949 Acts and Resolves No. 308, 1961 Acts and Resolves No. 313, and 1963 Acts and Resolves No. 251 are hereby incorporated and declared to be a body corporate and politic under the name of the Town of Hardwick and under that name may sue and be sued, prosecute, and defend in any court; may have a common seal and alter it at pleasure; may borrow money on the credit of the Town in the mode and under the restrictions hereinafter provided in this charter and as provided by the general law of this State; and generally shall have, exercise, and enjoy all such rights, immunities,
powers, and privileges as are conferred upon, or are incident to, towns in this State; and shall be subject to like duties, liabilities, and obligations, except as otherwise provided in this charter.

§ 105. RESERVATION OF POWERS TO THE TOWN

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

§ 107. ORDINANCES; ADOPTION BY THE SELECTBOARD

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

* * *

(c) After the public hearing, the Selectboard may finally adopt the
ordinance, with or without amendment. If it the Board amends the ordinance
prior to passage, it the Board shall cause the amended ordinance to be entered
in the official record of its proceedings, and shall also cause notice of the
amended and passed ordinance to be published in a newspaper of general
circulation in the Town on a day not more than 14 days after adoption.

* * *

§ 110. NONAPPLICABILITY NON-APPLICABILITY OF ZONING AND
SUBDIVISION

The provisions of sections 107, 108, and 109 of this charter shall not apply
to the enactment, amendment, or repeal of any zoning ordinance or bylaw, any
land subdivision ordinance or land subdivision bylaw, nor to the enactment,
amendment, or repeal of any municipal plan, or comprehensive regional plan,
the enactment, amendment, or repeal of such zoning ordinances, bylaws, and
plans being specifically controlled by 24 V.S.A. chapter 117, or by such other
statute regulating zoning, subdivision, and municipal and regional plans as
may be enacted from time to time. The adoption, amendment, or repeal of all
other ordinances shall be in conformity with sections 107, 108, and 109 of this
charter.

* * *

§ 112. AUTHORITY OF POLICE OFFICERS

The police officers of the Town shall have those powers conferred
upon them by 24 V.S.A. chapter 55 and by all other laws applicable to
municipal police officers.

§ 113. OPEN MEETINGS

Meetings of all Town boards and commissions shall be open and held in
accordance with the general law of this State relating to public meetings. The
record of all official proceedings shall be available for public inspection and
copying as provided by the general law of this State, commissions, and formal
committees shall conform with the provisions of 1 V.S.A. §§ 310–314 of
Vermont’s Open Meeting Law.

§ 114. FORM OF GOVERNMENT

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

* * *

§ 116. INTERGOVERNMENTAL RELATIONS

The Town, through its Selectboard or Board of School Directors, or both,
may enter into any agreement with the United States of America or in the State
of Vermont, or both, or with any subdivision, department, agency, or activity
of the United States of America or the State of Vermont, or both, to make
public improvements within said the Town, or upon property or rights of said
the Town outside its corporate limits, whether owned by said the Town as sole
owner or owned by said the Town in common with another municipality or
other municipalities, and may make appropriations consistent with this charter
to accomplish such this purpose.

§ 117. TOWN SCHOOL DISTRICT: ESTABLISHMENT

The Town of Hardwick, as established in section 101 of this charter, shall
constitute the Hardwick Town School District. [Repealed.]

* * *
Subchapter 3. Officers

§ 302. ELECTIVE OFFICERS

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

* * *

(3) three trustees of public funds; [Repealed.]

(4) three auditors; [Repealed.]

(5) Town Clerk and Treasurer;

(6) Town Treasurer; [Repealed.]

(7) listers; [Repealed.]

* * *

(14) one or more fence viewers; [Repealed.]

* * *

§ 304. OTHER ELECTIVE OFFICES

(a) The three auditors shall be elected. The auditors’ duties shall otherwise be as established by the general law of the State. [Repealed.]

(b) The Town Meeting Moderator shall be elected and shall perform those duties prescribed by the general law of this State.
(c) The Town Clerk and Treasurer shall be elected for a three-year term and shall carry out the duties of the town clerk and treasurer as specified by statute and by this charter and shall:

1. promptly deposit funds in the depositories as may be designated by the Selectboard;
2. invest Town funds in the manner designated by statute;
3. keep books and accounts as may be required by the Selectboard or the Town Manager in addition to those required by law;
4. make reports to the Selectboard or the Town Manager monthly or at other times as they may require showing the condition of the Town’s finances;
5. perform other duties with respect to the Town’s finances as the Selectboard may request.

§ 305. TREASURER

(a) The Treasurer shall be elected at the Annual Meeting and shall serve for a three-year term. An Assistant Treasurer may be appointed by the Treasurer as provided by Vermont State Statutes.

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

1. promptly deposit funds in such depositories as may be designated by the Selectboard.
(2) Invest Town funds in the manner designated by statute.

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

(4) Make reports to the Selectboard or the Town Manager monthly or at such other times as they may require showing the condition of the Town’s finances.

(5) Perform such other duties with respect to the Town’s finances as the Selectboard may request. [Repealed.]

§ 306. APPOINTED OFFICERS

(a) The Selectboard may appoint any officers required by the Town’s personnel regulations or this charter.

(b) The Town Manager shall function as the personnel officer of the Town.

(e) The Town Manager shall function as the personnel officer of the Town.

(1) A Zoning Administrator whose powers and duties shall be established by law and by ordinance of the Town. The Zoning Administrator shall be appointed in accordance with 24 V.S.A. § 4448. Upon appointment, the Zoning Administrator shall be under the direction of the Town Manager for faithful performance of the Zoning Administrator duties as prescribed in the Vermont statutes and this charter.

(2) A Civil Defense Director whose powers and duties shall be established by law.
(3) A Town Service Officer whose powers and duties shall be as established by law.

(4) A Town Recreation Committee.

(5) Planning commissioners/Zoning Development Review Board of Adjustment whose powers and duties shall be those established by law.

(6) Representative to the Regional Planning Commission whose powers and duties shall be as those established by law.

(7) Town Energy Coordinator.

(8) Dog Warden.

(9) Pound Keeper. [Repealed.]

(10) Health Officer.

§ 307. VACANCIES AND APPOINTMENTS

(a) When the term of any member of the Zoning Development Review Board of Adjustment, the Planning Commission, or any other Town board or commission, or formal committee expires, or when the term of any officer appointed by the Selectboard or the Town Manager expires, or when there is a vacancy in any such board, commission, committee, or office, the Town Manager may cause to be published, in a newspaper or digital news forum of general local circulation or availability, and on the Town website, a notice of the vacancy or the expiration of the term.
(b) Any qualified voter of the Town may, within 10 days of the publication, submit his or her own name to the Town Manager as an applicant for the vacant or expired office. At the expiration or 10 days from the date of publication, the names of all persons being considered shall be entered in the Selectboard minutes. The Selectboard shall not fill the vacancy or expired term until after at least seven days from the date the names of the applicants are entered in the minutes.

* * *

§ 309. OATH OF OFFICE

All elective officials and all municipal police officers of the Town shall, before assuming office, take, subscribe, and file with the Town Clerk the following oath:

“I, _______, solemnly swear (or affirm) that I will faithfully execute the Office of ______ of the Town of Hardwick to the best of my judgment and abilities, according to law, so help me God (or I so affirm).”

* * *

Subchapter 5. Selectmen Selectboard

§ 501. POWERS AND DUTIES

* * *
(7) Exercise each and every power not specifically set forth herein in this section, which is granted to selectboards the Selectboard by the laws of this State.

§ 502. ORGANIZATION

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

(b) The Selectboard shall conduct its business in accordance with Robert’s Rules of Order. The Chair shall be entitled to participate as a full voting member.

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

(d) All meetings of the Selectboard shall be open to the public in accordance with the provisions of the Vermont Open Meeting Law.

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

[Repealed.]
(f) The agenda of the Selectboard meetings shall be made available to the press at least 24 hours prior to the meeting. [Repealed.]

(g) Any members of the Board may add items of business to the written agenda upon commencement of the meeting, provided that a majority of the quorum present votes to add such items to the agenda. [Repealed.]

§ 503. RECORD OF PROCEEDINGS

(a) It shall be the duty of the Selectboard to keep an official record of its proceedings that shall be open for public inspection under State statutes.

(b) The minutes of each meeting shall be approved by the Selectboard and shall be filed in the Town Clerk’s office and Town Manager’s office, a duly certified copy of such minutes, attesting to the accuracy and recording thereof, shall constitute the official transcript of such meeting and shall constitute prima facie evidence of the conduct thereof and the action taken thereat. [Repealed.]

* * *

Subchapter 7. Town Manager

* * *

§ 704. DUTIES OF THE MANAGER

* * *

(h) The Manager shall furnish a monthly quarterly financial statement to the Selectboard, with the assistance and cooperation of the Town Clerk and
Treasurer and the Business Manager, who shall furnish whatever financial data are necessary to enable the Town Manager to fulfill his or her their budgetary and financial responsibilities.

* * *

§ 706. ABSENCE

In the event of a temporary absence or disability, the Town Manager may, with the consent of the Board Selectboard, designate by letter filed with the Town Clerk a qualified person to perform the Manager’s duties. If the Manager fails to make such the designation, the Selectboard may appoint a person to perform the duties of the Manager until he or she the Town Manager shall return or his or her the Town Manager’s disability shall cease.

Subchapter 9. Commissions And and Appointments

* * *

§ 902. WATER SUPPLY; DUTIES OF SELECTBOARD MEMBERS

It shall be the responsibility of the Selectboard, acting as water commissioners, to furnish a clean and sufficient supply of potable water to those parts of the Town served by an existing Town-owned water storage, transmission, and distribution system. In order to implement said the authority, the Selectboard shall have, in addition to those powers enumerated in the general laws of this State with respect to water works and supply, the following powers:
§ 903. SEWAGE COLLECTION AND DISPOSAL; DUTIES OF SELECTBOARD

It shall be the responsibility of the Selectboard, acting as sewer commissioners, to provide adequate collection and disposal for domestic and industrial sewage within those parts of the Town served by existing a Town-owned sewage collection and distribution system. In order to implement said the authority, the Selectboard shall have, in addition to those powers enumerated in the general laws of this State with respect to sewage disposal, the following powers:

(1) Whenever the public health or convenience shall require the construction of a common sewer or sewers in the Town, the Selectboard is hereby authorized and empowered to so construct said sewers and to repair replace the same from time to time when necessary, and for such purpose may take the land of individuals and corporations on making compensation for the lands so taken for construction or replacement of a common sewer or sewers, and the Selectboard shall proceed in the same manner as is prescribed by law for selectboards in taking for public highways and in awarding damages therefore for the taking of land, and the said Selectboard Selectboard shall make a return of their doings to the office of the Town Clerk of said Town and Treasurer who shall record the same in the Town records of the Town, and said
the Town may also lay pipes along and across the streets, alleys, lanes, and
highways in said Town Hardwick.

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

(3) Said The Selectboard, in making, installing, maintaining, or
repairing sewers and drains, shall have the power, on giving 12 days’ notice to
the parties interested of the time and the place of hearing, to assess the owner
or owners of land or lands benefited thereby by access to sewers and drains, so
much of the expense of making altering or repairing the same as said the
Selectboard shall judge such those lands to be benefited thereby by access to
sewers and drains.

(4) When said the Selectboard enters upon lands under the authority and
for the purpose stated in subdivision (3) of this section, they the Selectboard
shall give 12 days’ notice to all persons owning or interested in such those
lands when they the Selectboard will hear and consider the question of
assessments for benefits, or both. And in all cases when either assessments are
made or damages are allowed, the said Selectboard shall forthwith make a
report of their the Selectboard’s doings, which report they the Board shall
cause to be filed in the office of the Town Clerk and Treasurer, who shall
record the same in the Town records of said Town.

(5) When any person shall be dissatisfied with the decision of said the
Selectboard in the award of damages for laying, making, altering, or repairing
any sewer and drain, or in any assessment for benefits of the same, such those
persons may petition a court of competent jurisdiction for a reassessment of
such related damages or benefits. Said The petition shall be served on the
Town Clerk of said Town and Treasurer within 60 days next after said award
of damages or assessment for benefit shall be filed in said Clerk’s the Town
Clerk and Treasurer’s office, and such the petition shall not delay the making
or repairing of such the sewer or drain, or sidewalk or culvert, or laying said
the water pipe.

* * *

§ 905. FIRE DEPARTMENT; APPOINTMENTS

(a) A slate of Fire Department officers, including the Fire Chief, shall be
provided to the Town Manager by the Town Fire Department prior to Town
Meeting as a recommendation for election by the voting residents of the Town.

(b) The Fire Chief and the Assistant Fire Chief shall be elected at large at
Town meeting Meeting.

(b)(c) Members of the Fire Department shall be residents of the Town, unless otherwise determined by the Selectboard.
§ 906. POLICE DEPARTMENT; APPOINTMENTS

Wherever the Town of Hardwick shall maintain a police department, the Police Chief shall be appointed by the Town Manager.

* * *

Subchapter 11. Town Meeting

* * *

§ 1103. POLLING PLACES

In any annual or special Town or Town School District meeting for the purpose of the election of officers and the voting on all questions to be decided by Australian ballot, such polling places as needed shall be established by the Board of Civil Authority. The Board of Civil Authority shall establish a polling place or places as it shall determine appropriate whenever any annual or special Town or Town School District meeting is being held for the purpose of the election of officers or the voting on questions to be decided by Australian ballot.

* * *

Subchapter 13. Zoning And Planning

§ 1301. APPLICABILITY OF STATE LAW TO ZONING AND PLANNING

The Zoning Administrator under the Hardwick zoning ordinance or bylaw shall be appointed annually by the Selectboard after the annual meeting and
shall serve for one year or until a successor is appointed and qualified. The
Zoning Administrator shall be nominated by the Planning Commission and
appointed by the Selectboard for a term of three years promptly after the
adoption of the first bylaws or when a vacancy exists. The appointment shall
be in accord with 24 V.S.A. § 4448. All other matters pertaining to zoning
land subdivision, municipal, and regional plans shall be exclusively controlled
by the general law of the State of Vermont, except as specifically provided in
this charter.

§ 1302. RATIFICATION OF PRESENT ZONING ORDINANCE

The Town of Hardwick zoning and flood hazard regulations, revised and
adopted April 1979, as amended, are hereby ratified and approved, subject to
provisions of 24 V.S.A. chapter 117. [Repealed.]

§ 1303. MINUTES

(a) Copies of the minutes of the Zoning Development Review Board of
Adjustment or the Hardwick Planning Commission, or portions thereof of the
minutes, shall be made available to any member of the public upon request to
the Town Manager and at cost.

(b) Copies of the minutes of the Zoning Development Review Board of
Adjustment and the Planning Commission shall be filed and kept in the Town
Clerk’s office in separate books provided for that purpose.
§ 1502. PREPARATION AND SUBMISSION OF BUDGET

(b) At least 10 days before the annual meeting of the Town, the Selectboard shall publish in a newspaper of general local circulation and post on its website a notice containing the amount that the Town anticipates must be raised by Town taxes and to be voted at its annual meeting.

§ 1506. BUDGET LIMITATIONS- BORROWING

(b) The Town, through its Selectboard, may borrow money in anticipation of taxes.

(c) The Town, by vote at the annual or a special meeting, may borrow money under such terms and conditions and for such lawful municipal purposes as the Town shall vote.

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

* * *

§ 1509. FEES AND FINES

All fines and penalties payable to the Town by reason of any violation of
any law, or ordinance or bylaw, shall be paid over promptly upon receipt to the
Town Treasurer for inclusion in the General Fund of the Town. All fees
established by law or ordinance and payable to any Town officer, except those
fees payable to the Town Clerk, shall be paid over promptly upon receipt to the
Town Treasurer for inclusion in the General Fund of the Town. [Repealed.]

Subchapter 17. General Provisions

* * *

§§ 1702–1704. [TRANSITIONAL PROVISIONS.]. [Repealed.]

§ 1705. AMENDMENT OF CHARTER

This charter may be amended as set forth by the general law of this the State
of Vermont, 17 V.S.A. § 2645.

* * *

§§ 1707–1715. [VILLAGE-TOWN MERGER TRANSITIONAL

PROVISIONS.]. [Repealed.]

Sec. 3 EFFECTIVE DATE

This act shall take effect on passage.