

H.743

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~~ 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, ~~the 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~~ the Selectboard shall ~~cause it to be entered~~ record it in the official record kept of ~~their~~ the Selectboard proceedings, and ~~thereafter, they~~ the Selectboard 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~~ of the ordinance 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 Selectboard amends the ordinance prior to passage, ~~it~~ the Selectboard 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.

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§ 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.

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§ 112. AUTHORITY OF POLICE OFFICERS

~~The police~~ 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 ~~anager~~ 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 ~~n~~, which shall enact ordinances, codes, and regulations;₂ propose budgets;₂ determine policies;₂ 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 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~~ the Town, or upon property or rights of ~~said the~~ the Town outside its corporate limits, whether owned by ~~said the~~ the Town as sole

owner or owned by said ~~the~~ 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.]~~

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Subchapter 3. Officers

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§ 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;

and

(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.

~~(c) 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, may submit ~~his or her~~ their 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.

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§ 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 and Treasurer 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

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(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~~ After the 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 ~~Board~~ 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 Board~~ the 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 ~~Board~~ Selectboard shall be open to the public in accordance with the provisions of ~~1 V.S.A. chapter 5, subchapter 2~~ 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.]

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Subchapter 7. Town Manager

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§ 704. DUTIES OF THE MANAGER

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(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.

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§ 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

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§ 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 ~~sewerage~~ 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~~ the Selectboard shall judge ~~such those~~ those lands to be benefited ~~thereby~~ by access to sewers and drains.

(4) When ~~said the~~ the Selectboard enters upon lands under the authority and for the purpose stated in subdivision (3) of this section, ~~they the~~ the Selectboard shall give 12 days' notice to all persons owning or interested in ~~such those~~ those lands when ~~they the~~ 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~~ the Selectboard's doings, which report ~~they the~~ 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~~ 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~~ those persons may petition a court of competent jurisdiction for a reassessment of ~~such related~~ related damages or benefits. ~~Said The~~ 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~~ the Town Clerk and Treasurer's office, and ~~such the~~ 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.

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§ 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

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

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Subchapter 11. Town Meeting

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§ 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 meeting is being held for the purpose of the election of officers or the voting on questions to be decided by Australian ballot.

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Subchapter 13. Zoning ~~And~~ 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.

Subchapter 15. Budget ~~And~~ and Taxation

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§ 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.

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§ 1506. BUDGET LIMITATIONS- BORROWING

* * *

(b) The Town, through ~~the~~ 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~~ those 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.~~

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§ 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

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§§ 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.