

No. M-8. An act relating to approval of amendments to the charter of the town of Berlin.

(H.433)

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

Sec. 1. CHARTER APPROVAL

The general assembly approves the amendments to the charter of the town of Berlin as provided in this act. The proposals of amendment were approved by the voters on March 3, 2009.

Sec. 2. 24 V.S.A. App. chapter 105, § 42 is amended to read:

§ 42. ELECTED OFFICERS

The following officers of the town and such other town officers as are provided by law and previous vote of the electorate as to number, length of term and manner of election at an annual meeting shall be elected by Australian ballot, unless otherwise stated, and shall include the following:

- (1) A moderator to be elected by paper ballot from the floor, for a term of one year;
- (2) A town clerk, for a term of three years;
- (3) ~~A town treasurer/collector of current and delinquent taxes, for a term of three years;~~
- (4) ~~selectboard~~ Selectboard members, three of whom shall serve staggered three year terms and two of whom shall serve one year terms;

~~(5)(4) listers~~ Listers, for terms of three years, staggered to ensure no more than one term ends in any particular year;

~~(6) auditors, for terms of three years, staggered to ensure no more than one term ends in any particular year;~~

~~(7) A first constable, and if needed a second constable, for a term or terms of one year; and~~

~~(8)(5)~~ Such other town officers as the town shall order as provided by law.

Sec. 3. 24 V.S.A. App. chapter 105, § 44 is amended to read:

§ 44. APPOINTED OFFICERS

(a) The selectboard may appoint, recommend or approve the appointment of any town officers, for a term of one year from the date of such appointment, unless otherwise specified below, following such notice and warning as required by this charter, to include the following:

~~(a) Poundkeeper;~~

~~(b)(1)~~ (1) Town service officer;

~~(c)(2)~~ (2) Tree warden;

~~(d) Civil defense chair;~~

(3) Emergency management director;

~~(e)(4)~~ (4) Fire warden, for a term of five years;

~~(f)(5)~~ (5) Health officer;

~~(g)~~ ~~Zoning administrator, for a term of three years;~~

~~(h)~~(6) Members of the town planning commission, for terms of four years;

~~(i)~~(7) Members and alternates of the development review board, for terms of four years;

~~(j)~~(8) Cemetery commissioners, for terms of three years;

~~(k)~~(9) Members of the board of recreation, for terms of three years; and

~~(l)~~(10) Road superintendent;

~~(m)~~(11) Members of the sewer board, for terms of three years;

~~(n)~~(12) Members of the conservation commission, for terms of three years;

~~(o)~~(13) Police chief; ~~and~~

(14) Editor of the town report; and

~~(p)~~(15) Such other town ~~officer(s)~~ officers or municipal appointments that may be necessary as provided by law or otherwise authorized by this charter for the orderly and expeditious operations of town government.

(b) The road superintendent and the police chief shall serve at the pleasure of the selectboard.

(c) All appointed town officers shall be governed by the town personnel policy.

Sec. 4. 24 V.S.A. App. chapter 105, § 46 is amended to read:

§ 46. ZONING ADMINISTRATOR

The zoning administrator shall be appointed by and serve at the pleasure of the selectboard, ~~following consultation with the town planning commission.~~

The zoning administrator shall not be a member of ~~the planning commission or~~ the development review board.

Sec. 5. 24 V.S.A. App. chapter 105, § 49 is added to read:

§ 49. TREASURER; COLLECTOR OF DELINQUENT TAXES

(a) The selectboard shall appoint a treasurer, in the manner set forth in subsection (b) of this section, who shall also serve as the collector of delinquent taxes. The appointee shall be competent in the keeping of records, investments, and accounting, and shall serve at the pleasure of the selectboard.

(b) Prior to appointing a treasurer, the selectboard shall appoint a committee, composed of three members of the selectboard and four residents of the town of Berlin, to review and recommend to the selectboard qualified candidates for the position of treasurer. The committee shall have the authority to solicit candidates, to advertise notice of a vacancy in the treasurer's position and to make an investigation of a candidate's credentials and background as the committee deems appropriate. Upon completion of the investigation and interviewing of candidates, the committee shall submit to the selectboard the names of those candidates deemed qualified for the position of treasurer. The

selectboard shall appoint a treasurer from among those deemed qualified by the committee. In the event that the committee does not submit at least three qualified candidates to the selectboard, the selectboard shall either appoint a treasurer from among the qualified candidates or notify the committee, in writing, that none of the candidates shall be appointed. The committee shall then reconvene and submit the names of additional qualified candidates to the selectboard.

(c) The selectboard shall appoint a treasurer or, if applicable, notify the committee that none of the candidates shall be appointed, no later than 30 days following submission of the names of candidates deemed qualified by the committee.

(d) Members of the committee described in subsection (b) of this section shall serve until a treasurer is appointed by the selectboard. Meetings of the committee shall be warned and conducted as public meetings in accordance with the requirements of Vermont statutes and this charter, and the committee shall be entitled to meet in executive session as authorized by Vermont statutes.

(e) Until such time as a treasurer is appointed pursuant to this section, the selectboard shall appoint an interim treasurer and collector of delinquent taxes.

Sec. 6. EFFECTIVE DATE

This act shall take effect upon passage.

Approved: May 8, 2009