

1

H.459

2

Introduced by Representatives Burke of Brattleboro, Edwards of Brattleboro

3

and Stuart of Brattleboro

4

Referred to Committee on

5

Date:

6

Subject: Municipal government; municipal charters; town of Brattleboro;

7

amendment

8

Statement of purpose: This bill proposes to approve amendments to the charter

9

of the town of Brattleboro.

10

An act relating to approval of amendments to the charter of the town of

11

Brattleboro

12

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

13

Sec. 1. CHARTER APPROVAL

14

The general assembly approves the amendments to the charter of the town

15

of Brattleboro as set forth in this act. Proposals of amendment were approved

16

by the voters of the special representative town meeting on January 22, 2011

17

and February 5, 2011.

1 Sec. 2. 24 App. V.S.A. chapter 107 is amended to read:

2 CHAPTER 107. TOWN OF BRATTLEBORO

3 Subchapter 1. Preamble

4 (a) The Brattleboro town charter is a legal governance document designed  
5 and enacted to serve the needs of all Brattleboro residents by:

6 (1) addressing the common good of all citizens;

7 (2) respecting the will of the people;

8 (3) supporting individual rights;

9 (4) funding public services;

10 (5) promoting compliance with the Brattleboro town plan; and

11 (6) encouraging public service and charity among all its residents.

12 (b) The town of Brattleboro has conducted its public affairs since 1753  
13 under three charters. The first was issued to the original proprietors of the  
14 town of Brattleboro in 1753 by Benning Wentworth, governor of the ~~royal~~  
15 Royal Colony of New Hampshire.

16 ~~(b)~~(c) For nearly two centuries Brattleboro conducted its town affairs under  
17 that charter and the successive laws and ~~constitutions~~ constitutions of the  
18 governing bodies of this territory and, subsequently, this State. Prior to  
19 Vermont becoming the 14th State of the Union on March 4, 1791, the town  
20 was subject to the laws of New Hampshire, the Colony and State of New York,  
21 and the Republic of Vermont.

1       ~~(e)~~(d) In 1927, Brattleboro adopted a charter which merged the existing  
2 town and village. It was also the first charter granted by the legislature to any  
3 town in the state. With amendments, it governed the affairs of Brattleboro  
4 until a new charter was adopted.

5       (e) In 1984, a major revision was done to bring the charter up to date and  
6 make it conform with existing practices and No. 302 of the Acts of 1959  
7 entitled “An Act to Authorize Representative Town Meetings in the Town of  
8 Brattleboro.”

9       ~~(d) This new~~ (f) As was stated then, “This charter is a living document,  
10 replete with checks and balances, under which the ~~selectmen~~ selectboard,  
11 school directors, and representative town meeting can legislate for the good of  
12 the people. The overall structure of government has been designed to be  
13 flexible yet strong, concise, and complete, in order to guide the town as it  
14 prepares to enter the new ~~century.~~ century.”

15                   Subchapter 2. Organization of Town Government

16       § 2.1. DEFINITIONS

17       (a) “General town meeting” shall mean a meeting of the voters of the town  
18 of Brattleboro, the town school district, or both, to act on matters of election of  
19 all officers, referenda, and matters to be acted upon by Australian ballot.

20       (b) “Representative town meeting” shall mean the meeting of town meeting  
21 members as defined in section 2.4 of this chapter and who are elected pursuant

1 to section 2.3 of this chapter to act on all articles, including municipal bonding  
2 articles, except those which relate to the election of officers, referenda, and  
3 other matters to be voted upon by Australian ballot and any other articles or  
4 subjects reserved to a general town meeting.

5 § 2.2. ELECTED OFFICERS

6 ~~The~~ On the first Tuesday in March the voters of the town shall elect by  
7 Australian ballot the following:

8 (1) ~~Town~~ Representative town meeting members, by district, in  
9 accordance with section 4, No. 302, Acts of 1959. The size of the  
10 representative town meeting body shall not exceed 140 members excluding ex  
11 officio members.

12 (2) A selectboard of five members, elected at large, of whom two shall  
13 serve for one year and three shall serve for three years.

14 (3) A board of five school directors, elected at large, of whom two shall  
15 serve for one year and three shall serve for three years.

16 (4) Union high school directors, who shall be elected for terms and in  
17 numbers as required by state law.

18 (5) A board of three listers, elected at large, of whom one shall be  
19 elected each year to serve for three years.

20 (6) ~~Three auditors, elected at large, of whom one shall be elected to~~  
21 ~~serve for three years.~~

1           ~~(7)~~ Three trustees of public funds, elected at large, of whom one shall be  
2 elected each year to serve for three years.

3           ~~(8)(7)~~ Other officers: ~~For a term of~~ elected for one year: terms shall  
4 include a moderator, a first constable, and a second constable, ~~and a town~~  
5 ~~grand juror.~~

6           ~~§ 2.2.~~ § 2.3. MANNER OF ELECTION

7           (a) ~~Town~~ Representative town meeting members: ~~Town~~ Representative  
8 town meeting members shall be elected by Australian ballot on the first  
9 Tuesday in March of each year. Voters in each district shall elect, for  
10 staggered terms, three members for every one hundred eighty voters or major  
11 fraction thereof. Members shall serve for three years, except that a member  
12 elected to fill a vacancy shall serve for the remainder of the term. The manner  
13 of elections is fully prescribed in No. 302 of the Acts of 1959.

14           (b) Other officers: Other officers shall be elected at large by Australian  
15 ballot on the first Tuesday in March.

16           (c) The Australian ballot system for election of officers shall require the  
17 use of printed ballots. Such ballots shall be retained to ensure that a verifiable  
18 record of all votes taken is preserved and available in the event of a challenge  
19 or recount.

20           (d) Candidacy for town officers and representative town meeting members,  
21 with the exception of write-in candidates, shall conform with state statute or

1 No. 302 of the Acts of 1959. A candidate who intends to be a write-in  
2 candidate for a town office or a representative town meeting member shall  
3 notify the town clerk prior to the close of the polls on election day. Only votes  
4 for declared candidates shall be counted.

5 ~~§ 2.3.~~ § 2.4. REPRESENTATIVE TOWN MEETING

6 (a) Description:

7 (1) In the event of a discrepancy between this section of the chapter and  
8 No. 302 of the Acts of 1959, the provisions set forth in this chapter shall  
9 prevail.

10 (2) ~~The representative town meeting is a body, not exceeding one~~  
11 ~~hundred forty voters of the town,~~ consists of up to 140 elected voters. It is a  
12 guiding body for the town and a source of ideas, proposals, and comments,  
13 elected by district to exercise, as defined by the board of civil authority. It  
14 exercises exclusively all powers vested in the voters of the town. In addition to  
15 the elected members, the following shall be members ex officio: the members  
16 of the selectboard, the school directors, the treasurer, the clerk, the moderator,  
17 and those state senators and state representatives who reside in Brattleboro.  
18 Representative town meeting shall act upon all articles on the town meeting  
19 warning except those which relate to the election of officers, referenda, and  
20 other matters voted upon by Australian ballot.

1           ~~(2)(3)~~ The representative town meeting is a ~~guiding body for the town~~  
2           ~~and a source of ideas, proposals and comments. (See Addendum A, No. 302 of~~  
3           ~~the Acts of 1959.) In the event of a discrepancy between this section and No.~~  
4           ~~302 of the Acts of 1959, the provision set forth in this charter shall prevail~~  
5           shall convene annually on the third Saturday after the first Tuesday in March.  
6           Such date shall be confirmed at the preceding annual representative town  
7           meeting and shall remain the same until changed by the representative town  
8           meeting.

9           (b) Ratifications:

10           (1) The representative town meeting shall:

11           (A) ~~Ratify or reject the date proposed by the selectboard and school~~  
12           ~~directors for the annual town and town school district meeting. Such date shall~~  
13           ~~be set at the preceding annual town meeting and shall remain the same until~~  
14           ~~changed by the representative town meeting.~~

15           (B) Ratify or reject the appointment by the selectboard of a town  
16           clerk for a term of one year whose term shall run from annual representative  
17           town meeting to annual representative town meeting. The town clerk shall  
18           have all rights and duties of the office of town clerk as prescribed by Vermont  
19           statutes.

1                   ~~(i) The town clerk shall keep the official records of the town,~~  
2                   ~~including the records of the proceedings of all town meetings. In addition, the~~  
3                   ~~town clerk shall:~~

4                   ~~(I) Record deeds and other instruments respecting real estate,~~  
5                   ~~writs of execution, other writs and other instruments which are delivered to be~~  
6                   ~~recorded;~~

7                   ~~(II) Record the assignments and discharges of mortgages;~~

8                   ~~(III) Maintain a general index of all transactions concerning~~  
9                   ~~real estate;~~

10                  ~~(IV) Record and index attachments of personal property;~~

11                  ~~(V) Maintain a file of maps and surveys;~~

12                  ~~(VI) Furnish plain or certified copies of any instrument on~~  
13                  ~~record in his office;~~

14                  ~~(VII) Subject to the approval of the selectboard, appoint one or~~  
15                  ~~more assistants, remaining responsible, for their acts and omissions, and able~~  
16                  ~~to revoke said appointment at any time;~~

17                  ~~(VIII) Administer oaths; and~~

18                  ~~(IX) Perform other duties as prescribed in 24 V.S.A.~~  
19                  ~~chapter 35.~~

20                  (C) Ratify or reject the appointment by the selectboard of a town  
21                  treasurer for a term of one year whose term shall run from annual



1 representative town meeting to annual representative town meeting. The town  
2 treasurer shall have all the rights and duties of the office of town treasurer as  
3 prescribed by Vermont statutes.

4 ~~(i) The town treasurer shall:~~

5 ~~(I) Keep an account of the moneys, bonds, notes, and other~~  
6 ~~evidences of debt paid or delivered to the town and a record of moneys paid~~  
7 ~~out by the town for the town and town school district, all of which shall be~~  
8 ~~open to the inspection of persons interested;~~

9 ~~(II) Keep a record of taxes voted for support of highways,~~  
10 ~~schools, special departments, and general town purposes;~~

11 ~~(III) Pay orders drawn on the town by officials authorized by~~  
12 ~~law to draw such orders;~~

13 ~~(IV) Keep an account with the tax collector of each annual tax~~  
14 ~~bill showing levies, payments, and abatements;~~

15 ~~(V) Keep accounts of taxes and of moneys allocated to~~  
16 ~~highways, schools, special departments, and general town purposes;~~

17 ~~(VI) Subject to the approval of the selectboard, appoint one or~~  
18 ~~more assistants, remaining responsible for their acts and omissions, and able to~~  
19 ~~revoke said appointment at any time; and~~

20 ~~(VII) Perform other duties as prescribed in 24 V.S.A.~~  
21 ~~chapter 51.~~

1           (D) Ratify or reject the appointment by the selectboard of a town  
2 attorney (which may be a law firm) for a term of one year whose term shall run  
3 from annual representative town meeting to annual representative town  
4 meeting.

5                     ~~(i) The town attorney shall:~~

6                             ~~(I) Serve as town agent and prosecute and defend suits in which~~  
7 ~~the town is interested; and he may prosecute violations of any by-law, rule,~~  
8 ~~regulation or ordinance;~~

9                             ~~(II) Serve as an assistant grand juror and prosecute crimes~~  
10 ~~committed within the town not prosecuted by the Windham County state's~~  
11 ~~attorney;~~

12                            ~~(III) Provide legal advice to the selectboard, town manager,~~  
13 ~~department heads, development review board, planning commission, and other~~  
14 ~~town boards, commissions, and committees;~~

15                            ~~(IV) Perform other duties pertaining to the office as directed by~~  
16 ~~the selectboard; and~~

17                            ~~(V) Have the right to appoint, subject to approval of the~~  
18 ~~selectboard, one or more assistants remaining responsible for their official acts~~  
19 ~~and omissions, and may revoke said appointment at any time.~~

1           (E) Ratify or reject the recommendations of the selectboard and the  
2 school directors regarding administrative and functional organization of the  
3 town or school district.

4           (c) ~~Elections:~~

5           ~~(1) Any article which requires balloting shall be among the first articles~~  
6 ~~in the warning. The annual town meeting shall elect by ballot:~~

7           ~~(A) The board of trustees of the Brooks Memorial Library, which~~  
8 ~~shall determine library policy, approve the library budget, and employ a~~  
9 ~~librarian. Operating policies and procedures are established by the library~~  
10 ~~trustees and executed by the librarian and staff.~~

11           ~~(i) The board of library trustees consists of nine members serving~~  
12 ~~three years each. Three trustees are elected each year from among persons~~  
13 ~~nominated by the selectboard, by the board of library trustees, and from the~~  
14 ~~floor of the annual town meeting.~~

15           ~~(ii) Vacancies on the board of library trustees are filled by the~~  
16 ~~selectboard until the next annual town meeting, at which time a trustee shall be~~  
17 ~~elected to serve for the remainder of the term. [Deleted.]~~

18           (d) Finance committee: The representative town meeting shall establish a  
19 finance committee for the general purpose of reviewing proposed and actual  
20 expenditures by the town, town school district, and other budgets which affect  
21 the taxpayers of the town of Brattleboro, ~~as from time to time they see fit to~~

1 ~~review, and of making recommendations to the voters with respect thereto~~  
2 including Brattleboro Union High School District 6. A review will include  
3 making recommendations to the representative town meeting and the voters.  
4 The committee will work with the town finance director, school finance  
5 director, and other town officials in assessing the recommendations and impact  
6 of the proposed annual budget and all finance policy including fund balances,  
7 debt management, capital improvements, and the capital plan. It is also  
8 recommended that the committee review all auditor's reports and other matters  
9 of financial import that impact the voters of the town. The representative town  
10 meeting shall fix and from time to time may alter the number of members, the  
11 manner of their selection, their terms of office, their compensation if any, and  
12 other duties and functions. The committee may choose its own officers.  
13 Pursuant to the rules established by representative town meeting, appointment  
14 or election of finance committee members shall be made at each annual  
15 representative town meeting.

16 ~~§ 2.4.~~ § 2.5. SELECTBOARD

17 \* \* \*

18 ~~§ 2.5.~~ § 2.6. BOARD OF SCHOOL DIRECTORS

19 The board of school directors is a body of five persons elected at large by  
20 the voters of the town school district. The school directors direct the affairs of

1 the school district within areas specified in ~~subchapter 5~~ subchapter 6 of this  
2 charter.

3 ~~§ 2.6.~~ § 2.7. RELATIONSHIP OF THE BODIES BOARD OF LIBRARY

4 TRUSTEES

5 ~~The town meeting, the selectboard, and the school directors act~~  
6 ~~independently of one another but all of them are responsible for performing the~~  
7 ~~functions of the town. The selectboard and the school directors are~~  
8 ~~accountable to town meeting. They may act in conjunction with each other in~~  
9 ~~the performance of their respective functions.~~

10 (a) The library of the town of Brattleboro, the Brooks Memorial Library, is  
11 incorporated under 22 V.S.A. Chapter 3. It is also a town department.

12 (b) The board of library trustees is a body of nine persons serving  
13 three-year terms. Three trustees shall be elected each year by the  
14 representative town meeting from among persons nominated by the selectboard  
15 and the board of library trustees and from the floor of the annual representative  
16 town meeting.

17 (c) The board of library trustees shall establish the operating procedures  
18 and policies of the Brooks Memorial Library and its branches, approve the  
19 library budget request to be forwarded to the selectboard, and employ a library  
20 director who shall be responsible for executing the same through a library staff.

1        (d) Vacancies on the board of library trustees shall be filled by the  
2        selectboard upon recommendation of the library trustees until the next annual  
3        representative town meeting, at which time a trustee shall be elected to serve  
4        for the remainder of the vacated term.

5        ~~§ 2.7.~~ § 2.8. CONSOLIDATION OF SERVICES

6        The selectboard and the school directors may negotiate for the  
7        establishment of regional departments of public service, schools, or like  
8        regional organizations. No regional affiliation shall be established, however,  
9        without the consent of the representative town meeting. The town or town  
10       school district may, by vote of representative town meeting, also withdraw  
11       from any regional affiliation or organization.

12       ~~§ 2.8.~~ § 2.9. CONFLICT OF INTEREST

13       No member of any town or town school district board, commission, or  
14       committee shall vote on any matter where there is a direct or indirect financial  
15       or personal interest ~~or any direct or indirect personal interest, without the~~  
16       ~~consent of the majority of his fellow board, commission, or committee~~  
17       ~~members given in public session.~~ It is expected that any member of any town  
18       or town school district board, commission, or committee with a conflict of  
19       interest will fully disclose the nature of his or her conflict and will recuse  
20       himself or herself from a vote on the issue at hand. The member with a  
21       conflict of interest may participate in the discussion of the issue at hand with

1 the consent of the majority of the remaining board, commission, or committee  
2 members. Any interested person may publicly request that a member recuse  
3 himself of herself due to a conflict of interest.

4 ~~§ 2.9.~~ § 2.10. LIMITS ON TERMS OF OFFICE

5 A member of any appointed commission or committee shall not serve for  
6 more than nine consecutive years or two consecutive terms, whichever is  
7 longer, and shall thereafter be ineligible for one year to serve in such office.  
8 This section does not apply to representative town meeting members or to  
9 appointed town officials.

10 Subchapter 3. Powers of the People

11 § 3.1. POWERS

12 (a) In addition to the powers granted under this charter, the town shall have  
13 all powers conferred upon towns by the constitution and laws of the state.  
14 Enumeration of particular powers in this charter shall not be construed as  
15 limiting the general powers of the town.

16 (b) All powers of the town not specifically delegated in this charter to the  
17 voters or to the selectboard, school directors or other boards, commissions,  
18 committees, or officers shall be vested in the representative town meeting.

19 § 3.2. INITIATIVE

20 The voters of the town shall have the power to:

1           (1) Petition for inclusion in the warning of an article to reflect public  
2 sentiment and to be advisory only.

3           (A) Such petition, stating that it is advisory only, shall be signed by  
4 at least five percent of the voters of the town ~~and shall state that it is to be~~  
5 ~~advisory only~~. If it is desired that the article be acted upon by all voters of the  
6 town by Australian ballot, the petition shall so state. If the petition is silent as  
7 to being acted upon by the voters of the town at a general town meeting, said  
8 article shall be acted upon by the representative town meeting as an advisory  
9 vote.

10           (B) The selectboard or the school directors, upon receipt of such  
11 petition requesting an article to reflect public sentiment to be voted upon by all  
12 voters of the town, shall place the article on the warning for the next general  
13 ~~town or town school district~~ meeting; otherwise the selectboard or the school  
14 directors shall place it on the warning for the next annual representative town  
15 meeting. Neither body shall deny the petition or refuse to place it on the  
16 warning on grounds that the body considers the matters raised in the petition  
17 frivolous or not to be the business of the town.

18           (C) ~~If the date of the next town or town school district meeting falls~~  
19 ~~within 60 days after receipt of the petition, and if the petition is presented~~  
20 ~~within sufficient time to be legally warned for the meeting, it shall be included~~  
21 ~~as an article on the warning for that meeting. Otherwise, a special town or~~



1 ~~town school district meeting shall be called within 60 days after receipt of the~~  
2 ~~petition.~~

3 (D) An initiative defeated in two consecutive years shall not be  
4 placed on the warning for three years thereafter.

5 (E) For the purposes of this section, "article" shall include any  
6 nonbinding question relating to domestic, regional, statewide, national, or  
7 international concerns, whether constituting the 'business to be transacted' at  
8 any election or not.

9 (F) No petition shall be rejected for inclusion in the warning for any  
10 reason other than insufficient signatures.

11 (2) Petition for inclusion in the warning of an article to adopt an  
12 ordinance.

13 (A) Such petition shall be signed by at least ~~20~~ 10 percent of the  
14 voters of the town and shall state that it is to be binding.

15 (B) The selectboard or school directors, upon receipt of such petition,  
16 shall place the article on the warning for the next representative town or town  
17 school district meeting.

18 (C) If the date of the next representative town or town school district  
19 meeting falls within 60 days after receipt of the petition, and if the petition is  
20 presented within sufficient time to be legally warned for the meeting, it shall  
21 be included as an article on the warning for that meeting. Otherwise, a special

1 representative town or town school district meeting shall be called within ~~sixty~~  
2 60 days after receipt of the petition.

3 (D) A binding initiative article passed by the representative town  
4 meeting shall be acted upon by all voters of the town by Australian ballot, no  
5 later than the next townwide election or via a called special general town or  
6 town school district meeting within 60 days following passage of the binding  
7 initiative, whichever comes first.

8 (E) An initiative approved under the provisions of this subsection  
9 shall be considered in all respects as if it had been adopted by the selectboard  
10 or school directors.

11 (3) Petition to bring to a vote of the town a proposed amendment to the  
12 town plan, zoning bylaws, or subdivision regulations.

13 \* \* \*

14 (D) If the date of the annual general town meeting falls within 60  
15 days after the selectboard hearing, the article relating to the proposed  
16 amendment shall be included as an article on the warning for that meeting.  
17 Otherwise, a special general town meeting of the voters shall be held within 60  
18 days after the selectboard hearing.

19 § 3.3. RECONSIDERATION

20 (a) The voters of the town may petition for reconsideration by the  
21 representative town meeting of ordinances adopted by the selectboard.

1           (1) The selectboard, upon receipt of a petition signed by at least 20  
2 percent of the voters of the town, shall place the language of the petition for  
3 reconsideration on the warning for the representative town meeting or shall call  
4 a special representative town meeting for the purpose of reconsideration.

5           (2) If the date of the next representative town meeting falls within  
6 60 days after receipt of the petition, and if the petition is presented within  
7 sufficient time to be legally warned for the meeting, it shall be included as an  
8 article on the warning for that meeting. Otherwise, a special representative  
9 town or town school district meeting shall be called within 60 days after  
10 receipt of the petition.

11          (b) A petition for reconsideration must be filed within 15 calendar days  
12 after the action to be reconsidered.

### 13 § 3.4. REFERENDUM

14          The voters of the town may petition for a referendum, by Australian ballot  
15 of all voters of the town, on ~~any action of the~~ a final vote on a warned article  
16 taken by representative town meeting. Such petition shall be filed within ~~five~~  
17 ten days after ~~the decision to be reconsidered and in accordance with No. 302,~~  
18 ~~section 8, of the Acts of 1959. (Ref. Addendum A)~~ adjournment of the  
19 meeting.

20          (1) A petition for referendum shall be signed by at least ~~250~~ five percent  
21 of the voters of the town, ~~including a proportion from each district equal to its~~

1 ~~proportion of total voters. Additional signatures may be of voters from any~~  
2 ~~district; or~~

3 (2) A petition for referendum shall be signed by at least 50  
4 representative town meeting members.

5 § 3.5. RECALL

6 \* \* \*

7 (c) When such a petition is approved by a majority of the ballots cast at  
8 such special election, the town officer named in the petition shall thereupon  
9 cease to hold ~~his~~ the office.

10 \* \* \*

11 Subchapter 4. Powers and Responsibilities of the ~~Selectmen~~ Selectboard

12 § 4.1. COMPOSITION; ELIGIBILITY; ELECTIONS; TERMS

13 (a) The selectboard shall be elected at large by the voters of the town from  
14 among their number, and newly elected selectboard members' terms shall  
15 begin on the first Monday following the final adjournment of the annual  
16 representative town meeting.

17 \* \* \*

18 § 4.2. COMPENSATION

19 The annual representative town meeting shall fix the compensation of the  
20 selectboard.

1 § 4.3. PROHIBITIONS

2 \* \* \*

3 (c) The selectboard may investigate all matters pertaining to town officers  
4 and employees, and shall conduct all appeals and hearings required by law, but  
5 shall not abrogate the town manager shall otherwise have manager's  
6 responsibility for exclusive supervision of town employees.

7 § 4.4. VACANCIES

8 (a) When a member of the selectboard resigns, is removed from office,  
9 ceases to be a resident of the town, dies, or if his or her name is removed from  
10 the checklist, the office shall become vacant.

11 \* \* \*

12 (c) When a vacancy occurs on the board, the remaining selectboard shall  
13 fill the vacancy by appointment until the next regularly scheduled election. If  
14 there is more than one vacancy, the board shall call a special election to fill the  
15 vacancies for the remainder of the terms. Such election shall be held not less  
16 than 40 nor more than 60 days following the occurrence of the vacancies.

17 (d) When a vacancy occurs in any other town office, with the exception of  
18 the school directors, the selectboard shall forthwith fill such vacancy by  
19 appointment until the next regularly scheduled election.

1 § 4.5. APPOINTMENTS

2 (a) ~~Forthwith~~ At the first meeting after their election and qualification, the  
3 selectboard shall elect a chair, a vice chair, and a clerk.

4 (b) The chair shall preside at meetings of the board, shall represent the  
5 town government for ceremonial purposes, but he or she shall have no  
6 administrative duties. The vice chair shall act as chair during the absence or  
7 disability of the chair.

8 (c) The selectboard shall appoint a town manager and may remove same  
9 for cause. The selectboard shall not have the power to remove the office of  
10 town manager nor the power to remove the offices that report to the town  
11 manager, or those offices mandated by state law that do not contradict the  
12 content of this chapter.

13 (d) The selectboard shall have the power to appoint and remove a town  
14 attorney. A town attorney (which may be a law firm) is subject to ratification  
15 by the representative town meeting. The town attorney shall:

16 (1) Serve as town agent and shall prosecute and defend suits in which  
17 the town is interested; and he or she may prosecute violations of any bylaw,  
18 rule, regulation, or ordinance;

19 (2) Prosecute crimes committed within the town not prosecuted by the  
20 Windham County state's attorney;







1 charter and the rights, powers, duties, and responsibilities specified therein.  
2 The commission may propose amendments and may redraft the charter in  
3 whole or in part. Any amendments or changes shall be voted upon in  
4 accordance with subchapter 7 § of this charter or as otherwise required by law.

5 § 4.6. GENERAL POWERS, DUTIES, AND RESPONSIBILITIES OF THE  
6 SELECTBOARD

7 The selectboard shall have the general ~~supervision~~ oversight of the affairs  
8 and property of the town not committed by law to the care of any particular  
9 officer, including but not limited to the following powers, duties, and  
10 responsibilities:

11 (1) To establish and maintain a police department, including quarters,  
12 vehicles, and equipment, and to provide for the appointment of police officers.

13 (2) To establish and maintain a fire department, including quarters,  
14 vehicles, and equipment, and to provide for the appointment of fire fighting  
15 officers.

16 (3) To establish and maintain a rescue ~~department~~ service, including  
17 quarters, vehicles, and equipment, and to provide for ~~the appointment of an~~  
18 ambulance service and the appointed emergency medical technicians.

19 (4) To ~~render~~ establish health services as provided in 24 V.S.A.  
20 chapter 69.



1 and other commercial or industrial waste materials as consistent with ~~section~~  
2 ~~6607a of Title 10 V.S.A. § 6607a.~~

3 (12) To provide and operate facilities for public recreation, including  
4 land, buildings, vehicles, and equipment.

5 (13) To accept or reject on behalf of the town, grants or donations of  
6 property, both real and personal, from the federal government, or any agency  
7 or political subdivision thereof; from any state, or any agency or political  
8 subdivision thereof; from corporations, both public and private; and from  
9 individuals or partnerships, including payments in kind or in services, and to  
10 pay all necessary expenses in the acquisition thereof, including the making of  
11 loan guarantees or relocation payments and assistance. (Ref. subchapter ~~6~~ 7,  
12 sections ~~6.1~~ 7.1 and ~~6.2~~ 7.2)

13 \* \* \*

14 (15) To conduct such inquiries and investigations as may be deemed  
15 necessary to promote the health, safety, and welfare of the people.

16 \* \* \*

17 (20) To provide for all other services that would otherwise be performed  
18 by an elected auditor, including the production of the annual town report.

19 (21) To provide for the regulation and licensing of such activities as it  
20 deems necessary to secure the general welfare, including, but without  
21 limitation thereto, theaters, restaurants and public places where food is sold,

1 pool halls, bowling alleys and places for the operation of video games and  
2 other coin operated machines, laundries, dry cleaning establishments, arcades,  
3 clubs or other privately owned places where food or liquor is offered for sale,  
4 itinerant vendors, peddlers, transient merchants, pawn shops, bicycles,  
5 taxicabs, and taxidrivers.

6 ~~(21)~~(22) To establish traffic regulations governing the operation of  
7 motor vehicles, coasting with sleds or otherwise, bicycling, skateboarding,  
8 roller skating, or other uses of the public roads, parking lots, bridges, or  
9 sidewalks by pedestrians or otherwise.

10 ~~(22) To establish and maintain a police court (formerly designated as a~~  
11 ~~traffic court), with the sole jurisdiction of receiving waiver of service of~~  
12 ~~process and trial, admission and violation, and fines from violators of the~~  
13 ~~provisions of parking ordinances of the town and for the sole purpose and with~~  
14 ~~the sole authority of carrying out the provisions of any ordinance adopted~~  
15 ~~establishing such a court.~~

16 ~~(23) To regulate the installation and maintenance of sanitary and~~  
17 ~~plumbing facilities in and appurtenant to all public and private buildings, and~~  
18 ~~to enforce the conformity of existing sanitary and plumbing facilities to such~~  
19 ~~regulations.~~

20 ~~(24)~~(23) To regulate, restrain, or control the running at large of dogs and  
21 other domestic animals. In addition to the tax imposed by the laws of Vermont

1 upon the owner or keeper of dogs, to impose and collect charges for the  
2 keeping, impoundment, or examination thereof, and to prescribe such penalties  
3 in default thereof as may be deemed necessary. All monies received hereunder  
4 shall be paid into the town's treasury and belong to said town.

5 ~~(25)~~(24) To provide for the licensing and regulation of community  
6 antenna television systems and community cable television systems, including  
7 the right to lease and operate such systems, and to acquire, establish, and  
8 maintain such systems, for furnishing community antenna and cable television  
9 services for the welfare and convenience of the people, and for use by the  
10 town. The power and responsibility granted herein does not include the power  
11 to determine, proscribe, or censor program material distributed over such  
12 systems, whether publicly or privately owned. Any such system publicly  
13 owned or leased shall be operated under the supervision of an independent  
14 board of directors.

15 ~~(26)~~(25) To promote and safeguard the public health, safety, comfort, or  
16 general welfare by the adoption of ordinances and regulations relating to the  
17 following subjects:

18 (A) The design, construction, repair, alteration, removal, and  
19 demolition of buildings and structures of all kinds;

20 (B) The design, installation, repair, alterations, removal, and  
21 maintenance of plumbing systems, sanitary sewers, and drains;



1           (L) Prescribing the powers and duties of building inspectors,  
2 inspectors of electric wiring, plumbing inspectors, fire prevention inspectors,  
3 and housing inspectors;

4           (M) Providing penalties for noncompliance with orders of any  
5 inspector named in subdivision (L) of this subdivision, made by virtue of any  
6 resolution, ordinance, bylaws, or regulation adopted by the selectboard  
7 hereunder. However, provision shall be made to appeal such orders and  
8 decisions in the manner specified by 24 V.S.A. chapter 83;

9           (N) Expanding and enlarging, consistent with this section and the  
10 charter, the requirements, powers, duties, and other provisions of 24 V.S.A.  
11 chapter 83;

12           (O) Regulating and licensing electricians and electrical contractors,  
13 plumbers and plumbing contractors, handlers of explosives, radioactive  
14 materials and devices, and other hazardous chemicals, materials, substances  
15 and devices, and persons engaged in installing, repairing, or servicing  
16 ventilating equipment, air conditioning equipment, heating equipment,  
17 electrical or electronic appliances, or equipment, or sanitary sewers and drains.

18           ~~(27)~~(26) To provide for the preservation of the public peace and to  
19 define, prohibit, abate, or remove nuisances.

20           ~~(28)~~(27) To adopt ordinances, including emergency ordinances effective  
21 for no more than 30 days, rules, regulations, plans, ~~and~~ directives, ~~or to~~

1 ~~promulgate~~ maps, or by-laws in furtherance of the powers of the town, whether  
2 under the authority of this charter or of other general or special enactments, ~~all~~  
3 ~~of which shall be published in accordance with law. All ordinances,~~  
4 ~~regulations, plans, or bylaws of the town, except emergency ordinances,~~  
5 ~~whether enacted under authority of general or special law, shall be published in~~  
6 ~~a newspaper to be designated by the selectboard and circulated in the town at~~  
7 ~~least 20 days before the effective date thereof. Publication of the ordinances,~~  
8 ~~regulations, plans, or bylaws shall meet the requirements of section 1972 of~~  
9 ~~Title 24. All such ordinances, regulations, plans, or bylaws shall thereupon be~~  
10 ~~recorded at length by the town clerk in a book kept for that purpose of the~~  
11 ~~general assembly. The adoption process shall follow the applicable state law~~  
12 ~~adoption procedure as applicable to the subject matter, except that proposed~~  
13 ~~ordinances or amendments thereto shall have two readings before the~~  
14 ~~selectboard: the first reading shall be for information purposes; the second~~  
15 ~~reading shall be for a public hearing on the ordinance or amendment thereto~~  
16 ~~and adoption or nonadoption by the selectboard. All publishing, posting,~~  
17 ~~recording, and referendum requirements shall be as set forth in the applicable~~  
18 ~~statute for the adoption of an ordinance.~~

19 ~~(29)(28)~~ To provide by ordinance for the abatement of nuisances and the  
20 ~~prosecution~~ prosecution of violations of the ordinances or other regulations  
21 enacted under the authority of this charter, and to fix the penalty for such



1 violation. ~~When no other penalty is specified by law, the penalty shall be a~~  
2 ~~fine not exceeding \$250.00 or imprisonment for not more than 60 days or both.~~

3 (29) To report annually in writing on the town's progress toward  
4 accomplishing the goals set out in the duly adopted town plan.

5 Subchapter 5. Powers and Responsibilities of the Town Manager

6 § ~~4.7~~ 5.1. GENERAL POWERS; DUTIES; RESPONSIBILITIES OF THE  
7 TOWN MANAGER

8 Subject to the provisions of law and under the supervision of the  
9 selectboard, the town manager shall have the authority:

10 \* \* \*

11 (7) To supervise the expenditure of all special appropriations of the  
12 town, unless otherwise voted by the representative town meeting.

13 \* \* \*

14 (9) To ensure the collection of all taxes due the town, including  
15 delinquent taxes as permitted by law and unless otherwise voted by the  
16 representative town meeting.

17 \* \* \*

18 Subchapter 5 6. Powers and Responsibilities of the School Directors

19 § ~~5.1~~ 6.1. COMPOSITION; ELIGIBILITY; ELECTIONS; TERMS

20 (a) The board of school directors shall be elected at large by the voters of  
21 the school district from among their number, and newly elected school

1 directors' terms shall begin on the first Monday following the final  
2 adjournment of annual representative town meeting.

3 \* \* \*

4 § ~~5.2~~ 6.2. COMPENSATION

5 The annual representative town meeting shall fix the compensation of the  
6 school directors.

7 \* \* \*

8 § ~~5.3~~ 6.3. PROHIBITIONS

9 \* \* \*

10 § ~~5.4~~ 6.4. VACANCIES

11 \* \* \*

12 (c) ~~When a vacancy occurs on the board, the selectboard shall fill the~~  
13 ~~vacancy. If there is more than one vacancy, the board shall call a special~~  
14 ~~election to fill the vacancies. The election shall be held not less than 40 nor~~  
15 ~~more than 60 days following the occurrence of the vacancies (1) Except as~~  
16 otherwise provided, when one but not more than two vacancies occur on the  
17 board, within 30 days of the creation of the vacancy or vacancies, the school  
18 board shall, by majority vote of those present and voting, appoint a qualified  
19 person to fill each vacancy on the town school board until an election at a  
20 special or annual meeting is held, and a record thereof shall be made in the  
21 office of the town clerk.





1 to capital improvements still pending or in process of construction or  
2 acquisition.

3 (b) No capital expenditure by the town shall be made or submitted for  
4 action at representative town meeting without prior consideration of the  
5 selectboard.

6 \* \* \*

7 § ~~6.2~~ 7.2. CAPITAL GRANT REVIEW BOARD

8 A capital grant review board shall be established to study and evaluate all  
9 requests made on behalf of the town or its boards for grants or loans for capital  
10 expenditures. The board shall consist of two representatives appointed  
11 annually by the selectboard, two representatives appointed annually by the  
12 school directors, and two representatives appointed annually by the  
13 representative town meeting. The board shall submit its recommendations in  
14 writing to the selectboard or the school directors, as the case may be. Its  
15 recommendations are advisory only.

16 § ~~6.3~~ 7.3. REVENUE

17 (a) The town may levy local taxes in such form as authorized by the  
18 general assembly. Any such taxes must first be considered by the selectboard  
19 or the school directors and then approved by the representative town meeting.

20 \* \* \*



1 § ~~6.7~~ 7.7. BORROWING IN ANTICIPATION OF TAXES

2 \* \* \*

3 Subchapter ~~7~~ 8. Amendment

4 § ~~7.1~~ 8.1. CHARTER AMENDMENTS

5 This charter may be amended:

6 (1) In the manner provided by 17 V.S.A. § 2645, or

7 (2) By the selectboard or the school directors, pursuant to vote by the  
8 voters of the town, by Australian ballot, and subject to approval of the  
9 legislature, or

10 (3) By resolution of the representative town meeting containing the full  
11 text of the proposed amendment, followed by at least one public meeting  
12 warned for that purpose, and approved by the next annual representative town  
13 meeting or a special representative town meeting held not less than ~~sixty~~ 60  
14 days following such public meeting, and subject to approval of the legislature,  
15 or

16 (4) By recommendation of ~~any~~ the charter revision commission created  
17 pursuant to this charter, ~~and approved in the same manner as provided for~~  
18 ~~under subdivision (3) of this section.~~ Any recommendations approved by the  
19 charter revision commission shall be voted upon at a special representative  
20 town meeting, with votes subject to the rights of referendum set forth herein.  
21 This special representative town meeting shall be preceded by one public

1 meeting warned for that purpose and held at least 60 days prior to the special  
2 representative town meeting. Any approved recommendations shall be  
3 promptly delivered to the state general assembly for ratification.

4 Subchapter ~~8~~ 9. Transitional Provision

5 §§ ~~8.1-8.3~~ 9.1-9.3. [Transitional provisions.].

6 Subchapter ~~9~~ 10. Addendum A; Representative Town Meetings

7 § ~~9.1~~ 10.1. REPRESENTATIVE TOWN MEETING; AUTHORIZED

8 \* \* \*

9 § ~~9.2~~ 10.2. DISTRICTS; REPORT OF SELECTBOARD; MEETINGS;

10 VOTING

11 \* \* \*

12 § ~~9.3~~ 10.3. ELECTION OF TOWN MEETING MEMBERS;

13 CERTIFICATION OF VOTERS; TOWN MEETING

14 MEMBERSHIP; NOTICE; QUALIFICATION;

15 RESPONSIBILITIES

16 \* \* \*

17 § ~~9.4~~ 10.4. NOMINATION OF CANDIDATES; PREPARATION AND

18 DELIVERY OF BALLOTS; RETURN OF UNUSED BALLOTS

19 \* \* \*

20 § ~~9.5~~ 10.5. RESIGNATION OR DISQUALIFICATION OF MEMBERS;

21 VACANCIES; HOW FILLED



1 \* \* \*

2 § ~~9.6~~ 10.6. VOTING; MEMBERS TO RECEIVE NO COMPENSATION;  
3 QUORUM; WARNING

4 \* \* \*

5 § ~~9.7~~ 10.7. ARTICLES IN WARNING; ACTION ON

6 \* \* \*

7 § ~~9.8~~ 10.8. REFERENDUM

8 \* \* \*

9 § ~~9.9~~ 10.9. INTERPRETATION OF TOWN ACTS

10 \* \* \*

11 § ~~9.10~~ 10.10. LIMITATION

12 \* \* \*

13 §§ ~~9.11, 9.12~~ 10.11, 10.12. TRANSITIONAL PROVISIONS

14 \* \* \*

15 Subchapter ~~10~~ 11. Addendum C: Description of Officers, Officials, Boards,  
16 Commissions, and Committees

17 § ~~10.1~~ 11.1. DESCRIPTION OF OFFICERS, OFFICIALS, BOARDS,  
18 COMMISSIONS, AND COMMITTEES

19 \* \* \*

20 § ~~10.2~~ 11.2. BUS SERVICE ADVISORY COMMITTEE

21 \* \* \*

- 1       Sec. 3. EFFECTIVE DATE
- 2       This act shall take effect on passage.