

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.

(2) ~~The representative town meeting is a body, not exceeding one~~
~~hundred forty voters of the town,~~ consists of up to 140 elected voters. It is a
guiding body for the town and a source of ideas, proposals, and comments,
elected by district ~~to exercise,~~ as defined by the board of civil authority. It
exercises exclusively all powers vested in the voters of the town. In addition to
the elected members, the following shall be members ex officio: the members
of the selectboard, the school directors, the treasurer, the clerk, the moderator,
and those state senators and state representatives who reside in Brattleboro.
~~The town clerk and town treasurer shall be nonvoting ex officio members if~~
~~appointed by the town manager.~~ Representative town meeting shall act upon
all articles on the town meeting warning except those which relate to the

election of officers, referenda, and 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.

 (B) The selectboard or the school directors, upon receipt of such
petition requesting an article to reflect public sentiment to be voted upon by all
voters of the town, shall place the article on the warning for the next general
town or town school district meeting; otherwise the selectboard or the school
directors shall place it on the warning for the next annual representative town
meeting. Neither body shall deny the petition or refuse to place it on the
warning on grounds that the body considers the matters raised in the petition
frivolous or not to be the business of the town, ~~unless it is deemed illegal or~~
~~unconstitutional by the body, in consultation with the town attorney.~~

10 (C) ~~If the date of the next town or town school district meeting falls~~
11 ~~within 60 days after receipt of the petition, and if the petition is presented~~
12 ~~within sufficient time to be legally warned for the meeting, it shall be included~~

1 ~~as an article on the warning for that meeting. Otherwise, a special town or~~
2 ~~town school district meeting shall be called within 60 days after receipt of the~~
3 ~~petition.~~

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

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

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

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

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

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

19 (C) If the date of the next representative town or town school district
20 meeting falls within 60 days after receipt of the petition, and if the petition is
21 presented within sufficient time to be legally warned for the meeting, it shall

1 be included as an article on the warning for that meeting. Otherwise, a special
2 representative town or town school district meeting shall be called within ~~sixty~~
3 60 days after receipt of the petition.

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

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

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

14 * * *

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

20 § 3.3. RECONSIDERATION

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

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

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

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

15 § 3.4. REFERENDUM

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

1 (1) A petition for referendum shall be signed by at least ~~250~~ five percent
2 of the voters of the town, ~~including a proportion from each district equal to its~~
3 ~~proportion of total voters. Additional signatures may be of voters from any~~
4 ~~district; or~~

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

7 § 3.5. RECALL

8 * * *

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

12 * * *

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

14 § 4.1. COMPOSITION; ELIGIBILITY; ELECTIONS; TERMS

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

19 * * *

20 § 4.2. COMPENSATION

1 The annual representative town meeting shall fix the compensation of the
2 selectboard.

3 § 4.3. PROHIBITIONS

4 * * *

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

9 § 4.4. VACANCIES

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

13 * * *

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

19 (d) When a vacancy occurs in any other town office, with the exception of
20 the school directors, the selectboard shall forthwith fill such vacancy by
21 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 (3) Provide legal advice to the selectboard, town manager, department
2 heads, development review board, planning commission, and other town
3 boards, commissions, and committees;

4 (4) Perform other duties pertaining to the office as directed by the
5 selectboard; and

6 (5) Have the right to appoint, subject to approval of the selectboard, one
7 or more assistants, remaining responsible for their official acts and omissions,
8 and may revoke said appointment at any time.

9 (e) The selectboard shall contract with a certified public accountant,
10 licensed in Vermont, to perform an annual financial audit of all town funds as
11 required by Vermont statutes, including the provisions of 24 V.S.A.
12 chapter 51.

13 ~~(e)(f)~~ The selectboard shall appoint the following officers of the town and
14 members of all boards, commissions, and committees and shall certify such
15 appointments to the town clerk. All vacancies ~~in appointed offices~~ shall be
16 published in a local newspaper at least ten days before they are filled. ~~Unless~~
17 ~~required by this charter, officers, boards, commissions and committees~~
18 ~~described herein may be abolished by the selectboard and new ones may be~~
19 ~~created (See addendum C for descriptions of the various officers, officials,~~
20 ~~boards, commissions and committees):~~

21 * * *

1 (9) A town clerk, subject to ratification by the representative town
2 meeting;

3 (10) A town treasurer, subject to ratification by the representative town
4 meeting;

5 (11) ~~A town attorney (which may be a law firm), to serve also as town~~
6 ~~agent and assistant grand juror, subject to ratification by the town meeting;~~

7 (12) ~~A town manager~~ The required number of appointees to the
8 Windham Solid Waste Management District;

9 (13) Members of the following boards, commissions, and committees as
10 required to fill vacancies therein; All vacancies shall be published in a local
11 newspaper at least ten days before they are filled:

12 * * *

13 (I) Development review board.

14 (g) The selectboard may abolish and create new offices, committees,
15 boards, and commissions as changing circumstances dictate as long as such
16 acts are not contradictory to the town manager form of government central to
17 this chapter nor to those positions specifically mandated by this chapter. All
18 vacancies in appointed offices shall be published in a local newspaper at least
19 ten days before they are filled.

20 ~~(d)~~(h) At least as often as every 15 years, the selectboard shall appoint from
21 among the voters a charter revision commission to review the language of the

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 (C) The installation, repair, alteration, use, and maintenance of
2 electrical wiring, motors, devices, equipment and appliances, and
3 appurtenances thereof;

4 (D) The handling, transportation, storage, and use or sale of
5 explosives, radioactive materials or devices, and other hazardous chemicals,
6 materials, substances or devices, and the use and occupancy of buildings,
7 structures, land, and premises for such purposes;

8 (E) The installation, repair, and alteration of furnaces, stoves,
9 fireplaces, and devices used for heating, cooking, or in any industrial process
10 from which damage by fire may occur;

11 * * *

12 (K) The adoption of a building code, electric code, plumbing code,
13 fire prevention code, and housing code. A book, pamphlet, or other
14 publication may be made a part of any ordinance, by-law, or regulation by
15 reference therein to such publication by its title, clearly identifying it. When a
16 book, pamphlet, or other publication is so incorporated by reference, it need
17 not be published in a newspaper; but copies shall at all times be available for
18 public inspection in the office of the town clerk, who shall keep a reasonable
19 supply in his or her office for sale, at cost to residents of the town;

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 (2) If three or four vacancies occur concurrently on the town school
2 board, the vacancies shall be filled by a special general town meeting called by
3 the selectboard for that purpose. The remaining board member or members are
4 authorized to draw orders for payment of continuing obligations and necessary
5 expenses until a majority of the vacancies is filled.

6 (3) If there are no town school board members in office, the selectboard
7 shall call a special general town meeting to fill any vacancies and for that
8 interim shall appoint and authorize the town school district clerk or the town
9 school district treasurer to draw orders for payment of continuing obligations
10 and necessary expenses until a majority of the vacancies is filled. The election
11 shall be held not less than 40 nor more than 60 days following the occurrence
12 of the vacancy or vacancies.

13 * * *

14 § ~~5.5~~ 6.5. APPOINTMENTS

15 * * *

16 § ~~5.6~~ 6.6. GENERAL POWERS AND RESPONSIBILITIES OF THE
17 SCHOOL DIRECTORS

18 The school directors are responsible for the administration and maintenance
19 of the public schools; and, in addition to other duties specifically assigned by
20 law (See 16 V.S.A. § 563), shall:

21 * * *

1 (10) Prepare and publish a report of the condition and needs of the
2 schools, including the superintendent's and treasurer's annual reports, and ~~an~~
3 ~~auditor's report~~ contract with a certified public accountant, licensed in
4 Vermont, to perform an annual financial audit report on the condition of all
5 school funds as required by Vermont statutes.

6 * * *

7 (15) ~~Exercise the general powers given to the selectboard.~~

8 * * *

9 (17) When so authorized by the town school district meeting, employ a
10 public accountant to audit the financial affairs of the school district ~~and prepare~~
11 ~~the annual financial report.~~

12 Subchapter ~~6~~ 7. Finances

13 § ~~6.1~~ 7.1. CAPITAL EXPENDITURES

14 (a) The selectboard and the school directors shall submit to the annual
15 representative town meeting a list of possible capital expenditures for the next
16 five years for the guidance and information of representative town meeting
17 which shall not be binding on either the selectboard or the school directors.
18 Such list, which shall not be regarded as indicative of intent, should specify
19 possible and preferred methods of financing such capital expenditures and the
20 estimated annual cost of operating and maintaining the facilities to be
21 constructed or acquired. It may be revised and expanded each year with regard

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 § ~~6.4~~ 7.4. REAPPRAISAL OF PROPERTY

2 Taxable property within the town may be reappraised from time to time as
3 may be deemed expedient by the representative town meeting on
4 recommendation of the selectboard when advised by the board of listers that
5 the state division of property valuation and review has determined that the
6 common level of assessment has dropped below 80 percent or the coefficient
7 of dispersion has exceeded 20 percent. In the event that a sufficient sum is not
8 appropriated or existing in any reserve fund designated for reappraisals to
9 defray the expense of such reappraisal, the selectboard shall impose a special
10 assessment on the grand list in addition to all others approved by the voters or
11 as provided by law.

12 * * *

13 § ~~6.5~~ 7.5. LAPSE OF APPROPRIATION

14 * * *

15 § ~~6.6~~ 7.6. INDEPENDENT AUDIT

16 The selectboard and the school directors ~~may~~ shall provide for an
17 independent audit of all town and town school district accounts ~~as they deem~~
18 when necessary or as directed by representative town meeting. Such audit
19 shall be made by a certified public accountant or firm of accountants having no
20 direct or indirect personal interest in the fiscal affairs of the town or the school
21 district or any of their officers.

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 Commissions₂ and Committees

17 § ~~10.1~~ 11.1. DESCRIPTION OF OFFICERS, OFFICIALS, BOARDS,
18 COMMISSIONS₂ 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.