

1 H.743

2 Introduced by Representative Troiano of Stannard

3 Referred to Committee on

4 Date:

5 Subject: Municipal government; municipal charters; Town of Hardwick

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

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

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

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

13 (4) eliminate some town offices; and

14 (5) make clerical edits.

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

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

17 Sec. 1. CHARTER AMENDMENT APPROVAL

18 The General Assembly approves the amendments to the charter of the Town
19 of Hardwick as set forth in this act. The voters approved the proposals of
20 amendment on December 9, 2021.

1 Sec. 2. 24 App. V.S.A. chapter 123 is amended to read:

2 CHAPTER 123. TOWN OF HARDWICK

3 Subchapter 1. Incorporation ~~And~~ and Grant ~~Of~~ of Powers

4 § 101. CORPORATE EXISTENCE RETAINED

5 The inhabitants of the Town of Hardwick as presently constituted ~~and the~~
6 ~~inhabitants of the Village of Hardwick as constituted by 1890 Acts and~~
7 ~~Resolves No. 84, as amended by 1892 Acts and Resolves No. 6, 1892 Acts and~~
8 ~~Resolves No. 121, 1894 Acts and Resolves No. 180, 1894 Acts and Resolves~~
9 ~~No. 181, 1898 Acts and Resolves No. 192, 1902 Acts and Resolves No. 220,~~
10 ~~1904 Acts and Resolves No. 235, 1906 Acts and Resolves No. 270, 1908 Acts~~
11 ~~and Resolves No. 271, 1912 Acts and Resolves No. 315, 1915 Acts and~~
12 ~~Resolves No. 296, 1923 Acts and Resolves No. 198, 1933 Acts and Resolves~~
13 ~~No. 183, 1939 Acts and Resolves No. 283, 1942 Acts and Resolves No. 182,~~
14 ~~1947 Acts and Resolves No. 234, 1949 Acts and Resolves No. 308, 1961 Acts~~
15 ~~and Resolves No. 313, and 1963 Acts and Resolves No. 251 are hereby~~
16 incorporated and declared to be a body corporate and politic under the name of
17 the Town of Hardwick and under that name may sue and be sued, prosecute,
18 and defend in any court; may have a common seal and alter it at pleasure; may
19 borrow money on the credit of the Town in the mode and under the restrictions
20 hereinafter provided in this charter and as provided by the general law of this
21 State; and generally shall have, exercise, and enjoy all ~~such~~ rights, immunities,

1 powers, and privileges as are conferred upon, or are incident to, towns in this
2 State; and shall be subject to like duties, liabilities, and obligations, except as
3 otherwise provided in this charter.

4 * * *

5 § 105. RESERVATION OF POWERS TO THE TOWN

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

13 * * *

14 § 107. ORDINANCES; ADOPTION BY THE SELECTBOARD

15 (a) If the Selectboard desires to adopt an ordinance, ~~they~~ the Selectboard
16 shall ~~cause it to be entered~~ record it in the official record kept of ~~their~~ the
17 Selectboard proceedings, and ~~thereafter, they~~ the Selectboard shall adopt it
18 subject to final approval after the public hearing as ~~hereafter~~ set forth in this
19 section. The ordinance shall then be posted in three public places within the
20 Town and published by title and summary setting forth the subject matter,
21 effective date, and penalty for violation ~~thereof~~ of the ordinance in a

1 newspaper of general circulation in the Town, together with a notice of the
2 time and place of a public hearing to consider the ordinance for final passage,
3 ~~such~~ the publication and posting to be on a day at least one week and not more
4 than two weeks prior to the hearing.

5 * * *

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

12 * * *

13 § 110. ~~NONAPPLICABILITY~~ NON-APPLICABILITY OF ZONING AND
14 SUBDIVISION

15 The provisions of sections 107, 108, and 109 of this charter shall not apply
16 to the enactment, amendment, or repeal of any zoning ordinance or bylaw, any
17 land subdivision ordinance or land subdivision bylaw, nor to the enactment,
18 amendment, or repeal of any municipal plan, or comprehensive regional plan,
19 the enactment, amendment, or repeal of ~~such~~ zoning ordinances, bylaws, and
20 plans being specifically controlled by 24 V.S.A. chapter 117, or by ~~such~~ other
21 statute regulating zoning, subdivision, and municipal and regional plans as

1 may be enacted from time to time. The adoption, amendment, or repeal of all
2 other ordinances shall be in conformity with sections 107, 108, and 109 of this
3 charter.

4 * * *

5 § 112. AUTHORITY OF POLICE OFFICERS

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

9 § 113. OPEN MEETINGS

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

16 § 114. FORM OF GOVERNMENT

17 The municipal government provided by this charter shall be known as the
18 council ~~anager~~ manager form of government. Pursuant to its provisions and
19 subject only to the limitations imposed by the Vermont Constitution and by
20 this charter, all powers of the Town shall be vested in an elective Council,
21 which shall be known as the Selectboard ~~n~~, which shall enact ordinances,

1 codes, and regulations; propose budgets; determine policies; and appoint the
2 Town Manager, who shall execute the laws and administer the government of
3 the Town. All powers of the Town shall be exercised in the manners
4 prescribed by this charter or prescribed by ordinance.

5 * * *

6 § 116. INTERGOVERNMENTAL RELATIONS

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

16 § 117. ~~TOWN SCHOOL DISTRICT: ESTABLISHMENT~~

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

19 * * *

1 (c) The Town Clerk and Treasurer shall be elected for a three-year term and
2 shall carry out the duties of the town clerk and treasurer as specified by statute
3 and by this charter and shall:

4 (1) promptly deposit funds in the depositories as may be designated by
5 the Selectboard;

6 (2) invest Town funds in the manner designated by statute;

7 (3) keep books and accounts as may be required by the Selectboard or
8 the Town Manager in addition to those required by law;

9 (4) make reports to the Selectboard or the Town Manager monthly or at
10 other times as they may require showing the condition of the Town's finances;
11 and

12 (5) perform other duties with respect to the Town's finances as the
13 Selectboard may request.

14 § 305. ~~TREASURER~~

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

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

20 ~~(1) Promptly deposit funds in such depositories as may be designated by~~
21 ~~the Selectboard.~~

1 ~~(2) Invest Town funds in the manner designated by statute.~~

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

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

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

9 § 306. APPOINTED OFFICERS

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

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

13 ~~(c) The Town Manager shall function as the personnel officer of the Town.~~

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

20 (2) A Civil Defense Director whose powers and duties shall be
21 established by law.

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

3 (4) A Town Recreation Committee.

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

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

8 (7) Town Energy Coordinator.

9 (8) Dog Warden.

10 (9) ~~Pound Keeper.~~ [Repealed.]

11 (10) Health Officer.

12 § 307. VACANCIES AND APPOINTMENTS

13 (a) When the term of any member of the ~~Zoning~~ Development Review
14 ~~Board of Adjustment~~, the Planning Commission, or any other Town board or
15 commission, or formal committee expires, or when the term of any officer
16 appointed by the Selectboard or the Town Manager expires, or when there is a
17 vacancy in any ~~such~~ board, commission, committee, or office, the Town
18 Manager may cause to be published, in a newspaper or digital news forum of
19 general local circulation or availability, and on the Town website, a notice of
20 the vacancy or the expiration of the term.

1 (b) Any qualified voter of the Town ~~may~~, within 10 days of the publication,
2 may submit ~~his or her~~ their own name to the Town Manager as an applicant for
3 the vacant or expired office. At the expiration or 10 days from the date of
4 publication, the names of all persons being considered shall be entered in the
5 Selectboard minutes. The Selectboard shall not fill the vacancy or expired
6 term until after at least seven days from the date the names of the applicants
7 are entered in the minutes.

8 * * *

9 § 309. OATH OF OFFICE

10 All elective officials and all municipal police officers of the Town shall,
11 before assuming office, take, subscribe, and file with the Town Clerk the
12 following oath:
13 “I, _____, solemnly swear (or affirm) that I will faithfully execute the Office
14 of _____ of the Town of Hardwick to the best of my judgment and abilities,
15 according to law, so help me God (or I so affirm).”

16 * * *

17 Subchapter 5. ~~Selectmen~~ Selectboard

18 § 501. POWERS AND DUTIES

19 * * *

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

4 § 502. ORGANIZATION

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

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

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

16 (d) All meetings of the ~~Board~~ Selectboard shall be open to the public in
17 accordance with the provisions of ~~1 V.S.A. chapter 5, subchapter 2~~ the Vermont
18 Open Meeting Law.

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

21 [Repealed.]

1 Treasurer and the Business Manager, who shall furnish whatever financial data
2 are necessary to enable the Town Manager to fulfill ~~his or her~~ their budgetary
3 and financial responsibilities.

4 * * *

5 § 706. ABSENCE

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

12 Subchapter 9. Commissions ~~And~~ and Appointments

13 * * *

14 § 902. WATER SUPPLY; DUTIES OF SELECTBOARD MEMBERS

15 It shall be the responsibility of the Selectboard, acting as water
16 commissioners, to furnish a clean and sufficient supply of potable water to
17 those parts of the Town served by an existing Town-owned water storage,
18 transmission, and distribution system. In order to implement ~~said~~ the
19 authority, the Selectboard shall have, in addition to those powers enumerated
20 in the general laws of this State with respect to water works and supply, the
21 following powers:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

§ 903. SEWAGE COLLECTION AND DISPOSAL; DUTIES OF
SELECTBOARD

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

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

1 the Town may also lay pipes along and across the streets, alleys, lanes, and
2 highways in ~~said Town~~ Hardwick.

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

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

14 (4) When ~~said~~ the Selectboard enters upon lands under the authority and
15 for the purpose stated in subdivision (3) of this section, ~~they~~ the Selectboard
16 shall give 12 days' notice to all persons owning or interested in ~~such~~ those
17 lands when ~~they~~ the Selectboard will hear and consider the question of
18 assessments for benefits, or both. And in all cases when either assessments are
19 made or damages are allowed, the ~~said~~ Selectboard shall ~~forthwith~~ make a
20 report of ~~their~~ the Selectboard's doings, which report ~~they~~ the Board shall

1 cause to be filed in the office of the Town Clerk and Treasurer, who shall
2 record the same in the Town records ~~of said Town~~.

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

13 * * *

14 § 905. FIRE DEPARTMENT; APPOINTMENTS

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

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

20 (b)(c) Members of the Fire Department shall be residents of the Town,
21 unless otherwise determined by the Selectboard.

1 § 906. POLICE DEPARTMENT; APPOINTMENTS

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

4 * * *

5 Subchapter 11. Town Meeting

6 * * *

7 § 1103. POLLING PLACES

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

16 * * *

17 Subchapter 13. Zoning ~~And~~ and Planning

18 § 1301. APPLICABILITY OF STATE LAW TO ZONING AND
19 PLANNING

20 ~~The Zoning Administrator under the Hardwick zoning ordinance or bylaw~~
21 ~~shall be appointed annually by the Selectboard after the annual meeting and~~

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

9 § 1302. ~~RATIFICATION OF PRESENT ZONING ORDINANCE~~

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

13 § 1303. MINUTES

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

18 (b) Copies of the minutes of the ~~Zoning~~ Development Review Board ~~of~~
19 ~~Adjustment~~ and the Planning Commission shall be filed and kept in the Town
20 Clerk's office in separate books provided for that purpose.

1 longer than one year. ~~Any debt so incurred for a project shall be repaid from~~
2 ~~the first federal or State funds received for that project.~~

3 * * *

4 § 1509. ~~FEES AND FINES~~

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

11 Subchapter 17. General Provisions

12 * * *

13 §§ 1702–1704. ~~[TRANSITIONAL PROVISIONS.]~~. [Repealed.]

14 § 1705. AMENDMENT OF CHARTER

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

17 * * *

18 §§ 1707–1715. ~~[VILLAGE TOWN MERGER TRANSITIONAL~~
19 ~~PROVISIONS.]~~. [Repealed.]

20 Sec. 3 EFFECTIVE DATE

21 This act shall take effect on passage.