

No. M-16. An act relating to approval of amendments to the charter of the town of Hartford.

(H.790)

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

Sec. 1. CHARTER APPROVAL

The general assembly approves the amendments to the charter of the town of Hartford as set forth in this act. Proposals of amendment were approved by the voters on March 6, 2012.

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

§ 101. INCORPORATED

The inhabitants of the town of Hartford, including the historical, unincorporated villages of Hartford, West Hartford, Quechee, Wilder, and White River Junction, are a corporate and political body under the name of “town of Hartford” (herein called “the town”). As such, inhabitants enjoy all rights, immunities, powers, and privileges and are subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation. The Hartford school district (herein called “the school district”) is the town school district for the town of Hartford and shall enjoy all rights, immunities, powers, and privileges and ~~is are~~ subject to all the duties and liabilities now appertaining to or incumbent upon it as a state school district.

§ 102. GENERAL POWERS

(a) All provisions of the Constitution and ~~Laws~~ laws of the State of Vermont relating to towns, ~~villages~~ and town school districts shall apply to the town and the school district, except as otherwise provided by this chapter.

(b) The town and school district shall have ~~all the powers and functions conferred upon towns and school districts~~ and enjoy the rights, immunities, powers, and privileges conferred by the Constitution and ~~Laws~~ laws of the State of Vermont and shall also have all implied, necessary, and incidental powers ~~necessary to implement those powers and functions for the discharge of their respective purposes.~~

(c) The powers and functions ~~conferred upon~~ of the town and school district ~~by set forth in~~ this chapter shall be ~~separate and be~~ in addition to the powers and functions otherwise conferred ~~upon the town and school district by the Constitution and laws now in force or hereafter enacted of the state of Vermont.~~ Nothing in this chapter shall be construed as a limitation upon these previously specified powers and functions.

(d) The town or school district may acquire real property for any town or school district purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, or lease, and may sell, lease, hold, manage, and control real property as its interests may require. The town or school district may further acquire property ~~within its legal limits~~ by condemnation where that authority is

granted to towns ~~and~~ or school districts by state statutes. ~~A petition for rescission shall be filed within 10 days from the posting of approved selectboard or school board minutes related to the property decision, and the petition shall be signed by no less than 350 registered voters.~~

(e) In this ~~charter~~ chapter, no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers ~~which~~ that the town or school district would have if the particular power were not mentioned. The selectboard and the school board shall operate as separate and independent entities. Nothing in this chapter shall be interpreted as allowing either one to exercise, inhibit, or infringe upon the rights, powers, or privileges of the other.

§ 103. PARTICULAR POWERS

In addition to powers otherwise conferred upon it by law, the town is, for the purpose of promoting the public health, safety, welfare, and convenience, authorized to: adopt and enforce ordinances, rules, and regulations concerning:

(1) ~~Adopt and enforce policies relating to the making~~ Making and ~~installation of~~ installing local improvements, including curbs, sidewalks, and storm drains in a manner specified by the town as a condition precedent to the issuance of a building permit.

(2) ~~Adopt and enforce policies regulating~~ Regulating the parking, operation, and speed of motor vehicles upon town and Vermont state aid streets and highways.

(3) ~~Adopt and enforce policies relating to: regulations, licensing, or prohibition of the storage and accumulation~~ Regulating or providing for the storage, accumulation, collection, removal, and disposal of garbage, ashes, rubbish, refuse, and other waste materials; ~~the regulation of the removal and disposal of those materials; licensing for revenue and regulation or prohibition of the collection, removal, and disposal of those materials; the collection and removal of those materials by the town either by contract or by a town officer or department now existing or created for that purpose; and the establishment of service rates to be paid to the town for those services, including contracting with third parties for any or all of those services and establishing service rates for those services.~~

(4) ~~Establish~~ Establishing and ~~maintain~~ maintaining a police department and adopt policies pertaining to that department.

(5) ~~Establish~~ Establishing and ~~maintain~~ maintaining a fire department and adopt policies pertaining to that department.

(6) ~~Establish~~ Establishing and ~~maintain~~ maintaining an ambulance service and adopt policies pertaining to that service.

(7) ~~Establish~~ Establishing and ~~maintain~~ maintaining a water department financed by an enterprise fund and adopt policies pertaining to that department.

(8) ~~Establish~~ Establishing and ~~maintain~~ maintaining a wastewater department financed by an enterprise fund and adopt policies pertaining to that department.

(9) ~~Establish~~ Establishing and ~~maintain~~ maintaining a highway department and adopt policies pertaining to that department.

(10) ~~Regulate~~ Regulating the moving of buildings in the streets or public highways of the town.

(11) ~~Regulate~~ Regulating the holding of public meetings in the streets, highways, or on public property of the town.

(12) ~~Regulate~~ Regulating riots, noises, disturbances, and disorderly assembly and adopt pertinent policies.

(13) ~~Establish~~ Establishing and ~~maintain~~ maintaining control of domestic animals within the town and adopt pertinent policies.

(14) ~~Establish~~ Establishing and ~~maintain~~ maintaining a financial services department.

(15) ~~Establish~~ Establishing and ~~maintain~~ maintaining a planning and development department.

(16) ~~Establish~~ Establishing and ~~maintain~~ maintaining a park and recreation department.

(17) ~~Establish~~ Establishing and ~~maintain~~ maintaining any other proper and lawful town departments or services as deemed necessary, including the establishment of enterprise funds.

§ 201. TOWN MEETING

(a) ~~Town operational~~ and school district meeting. All governmental authority for the town of ~~Hartford~~ and the ~~Hartford~~ school district not vested by law in a particular town or town school district officer ultimately rests with town voters ~~within the boundaries of the town~~ who ~~exercise their duty and power~~ vote at town meeting ~~and or by Australian ballot election~~. In this tradition, the Hartford annual town meeting will combine and consider town ~~operational~~ and school district matters, and the warnings, meetings, and elections ~~into a single entity shall be combined~~.

(b) ~~Standing town/school district meeting committee. Responsibility for organization, (including School and town meeting committee. To augment the statutory responsibilities for the annual town and school district meetings that are specified to the town and the school district and their respective officers, there shall be a school and town meeting committee which shall organize, arrange, and provide for the comfort, presentation, publicity, program, refreshments, entertainment), entertainment, and other nonstatutory aspects of the budget discussion/candidates night meeting (hereafter referred to as pretown meeting) and the combined town/school district meeting, other than as~~

~~stated in this chapter and state statute, shall rest with a committee of five registered voters of the town. Appointing authority by: Town Clerk one for two years; Selectboard one for two years, one for three years; School District one for two years, one for three years. The appointing authority may work with the committee but may not self appoint (hereafter referred to as the floor meeting). The town clerk shall appoint one member for a two-year term. The selectboard shall appoint one member for a two-year term and one member for a three-year term. The school board shall appoint one member for a two-year term and one member for a three-year term. No school board member, selectboard member, or town clerk may serve on the school and town meeting committee. Each appointing body or person shall have the power to remove any incumbent member of the school and town meeting committee appointed by that body or person and shall have the power to appoint a replacement member to serve the unexpired term of any person who is removed or who resigns.~~

(c) The method for identification and designation of eligible voters in the town and school district shall be established by the board of civil authority.

(d) Polling places. Locations of annual or special town or school district meetings for the purpose of election of officers and voting all questions to be decided by Australian ballot shall be established by the board of civil authority.

(e) Meetings, dates, times, votes, ballots:

(1) ~~Budget discussion/candidates night meeting. On Pretown meeting.~~
At 7:00 p.m. on the last final Monday night in February at 7:00 p.m. that meets
the statutory warning requirement for the town meeting day Australian ballot
vote at a place determined by the ~~town and school district~~ school and town
meeting committee, a town and school district budget discussion and
candidates night meeting shall be called for the purpose of:

(A) presentation, explanation of, and citizen comment upon town and
school district budgets;

(B) introduction of candidates, ~~presentation~~ presentations by
candidates, and opportunity for citizen questioning of candidates;

(C) any other appropriate informational matters or discussion of
articles to be voted on by Australian ballot.

(2) Australian ballot/election day. Australian ballot/election day shall be
on Vermont town meeting day, the first Tuesday after the 1st Monday in
March, at which time any business, budgets, and candidate election involving
Australian ballots will be transacted beginning at 7 a.m. until closing at 7 p.m.
The town ~~operational~~ budget as warned by the selectboard and the school
district budget as warned by the school ~~district~~ board shall be submitted to the
electorate at this town election. A majority vote shall be ~~the~~ a simple majority
of votes cast in this election. Under this subdivision:

(A) The time and place of a recount or a new vote ~~(other on any question other than town and school district budgets)~~ budgets shall be determined by the board of civil authority preceded by warning notice and public hearing. A tie vote ~~for on town and or school district budgets~~ (interpreted as a “no” vote by Robert’s Rules of Order, Newly Revised) shall be ~~determined pursuant to~~ deemed to be a negative vote and reconsideration of any defeated budget shall proceed as provided in subdivision (3) of this subsection.

(B) Absentee ballots shall be available ~~30 days~~ prior to the election as provided by Vermont and federal election laws and may be mailed or otherwise delivered to a voter, ~~hand-carried by voter, or the~~ upon a voter’s request, and when completed by the voter, mailed or otherwise delivered to the town clerk. The voter also may vote by absentee ballot by completing the ballot in the town clerk’s office. A team of If an absentee ballot is hand-delivered to a voter requiring assistance, then delivery and assistance shall be provided by no fewer than two board of civil authority members from different political parties ~~may take a ballot to a voter in the voter’s home or health care facility if he or she needs assistance voting. Ballots shall be acting together. Any absentee ballots~~ returned to the town clerk by the close of polls on election day ~~and~~ shall be counted along with all other ballots.

(3) ~~Annual town/school district Floor~~ meeting. The annual town and school district floor meeting shall be called for the ~~first Monday night four full weeks after~~ fourth Saturday following the Australian ballot/election day held under subdivision (2) of this subsection. If the town or school district budget fails in the Australian ballot, deciding votes at the ~~annual town and school district floor~~ meeting shall be according to ~~Robert's Rules of Order, Newly Revised and state statute~~ provide a further opportunity for consideration of any rejected budget and a final vote by the town voters. In addition to budget votes, the ~~town and school district floor~~ meeting shall may consider:

- (A) the state of the town and of the school district;
- (B) long-range planning, capital improvement projections;
- (C) other business not determined at Australian ballot election.

(f) Special town and school district ~~meeting~~ meetings. A special town or school district meeting may be called at any time by a majority of the applicable board, or by the ~~decree of the~~ town clerk upon receipt of a petition signed by no less fewer than 350 registered voters. A special town or school district meeting, ~~called within 30 days of receipt of the filed petition,~~ shall be ~~held within 30 days from the date of the official call to meeting~~ called and warned ~~10 days prior to the meeting~~ in accordance with state statute.

(g) Warnings. Warnings for town or school district meetings shall be posted on the town or school district websites, printed in area newspapers, and

posted in at least 12 public places in the town ~~at least 40 or not less than 30~~
~~days before town meeting~~ under a schedule that is in accordance with state
statute. The warning shall be signed and recorded by the town clerk before it
is posted. Budgets and other applicable reports shall be available not later than
10 days prior to the budget informational meeting as established under
subdivision (e)(1) of this section.

(h) Presiding officials:

(1) A moderator shall preside at ~~town and school district budget~~
~~discussion and candidates night meetings, annual town and school district~~
~~meeting~~ pretown meeting, the floor meeting, and any special town or school
district meetings. In the moderator's absence, the town clerk shall ~~call the~~
~~meeting to order and the first order of business shall be the election of~~ appoint
a moderator pro tempore to preside for the duration of the meeting.

(2) Town and school district meetings shall be conducted in accordance
with state statute, this chapter, and Robert's Rules of Order, Newly Revised.

(3) The town clerk shall be the presiding official at all Australian ballot
elections and, in cooperation with the board of civil authority, shall ensure that
all laws related to elections are faithfully observed.

(4) In the absence or a disability of the town clerk, should it occur
before an election, the board of civil authority shall designate ~~an acting clerk a~~
presiding official for the duration of the election. Should the absence or

disability occur on election day, the board of civil authority shall designate an on-site temporary officer to preside for the duration of the election.

§ 202. ELECTED OFFICERS

(a) Local elected offices to be filled by the town voters ~~of the town~~ shall be only those articulated by this chapter.

(b) Terms for elected officers shall begin officially when the town clerk certifies election returns as final and the elected candidates take their oath of allegiance and oath of office as prescribed by state statute.

(c) All officers elected prior to the effective date of this chapter shall remain in office until the end of their terms. Those persons in office as of the effective date of this chapter whose terms would otherwise expire prior to the next annual meeting shall remain in office until that meeting.

(d) Qualifications for serving in elected office:

(1) shall be a resident of the town;

(2) shall be a registered voter in the town;

(3) shall hold no other elected town ~~or~~ school district, or statutorily incompatible office, with the exception of town moderator who may be both the town ~~operational~~ and school district moderator;

(4) shall not be a town or school district employee.

(e) The elected officers of the town shall be:

(1) seven selectboard members, elected as set forth in section 203 of this chapter;

(2) one moderator, elected for a one-year term;

(3) ~~one~~ a town clerk, elected for a three-year term;

(4) three listers, one elected each year for three years;

(5) ~~five town library trustees, one elected each year for five years~~ a town treasurer, elected for a three-year term;

(6) three trustees of public funds, one elected each year for three years;

~~(6)(7) all others as set forth~~ other town officers provided in this chapter or state statute.

(f) The elected officers of the school district shall be:

(1) one moderator, elected for a one-year term;

(2) five school board members, elected in accordance with state statute.

(g) The elected board of civil authority shall consist of 15 justices of the peace, elected every two years in accordance with ~~state statute at November elections~~ the general law. The town clerk shall be the clerk of the board of civil authority. The duties performed by the board of civil authority shall be in accordance with state statute.

(h) Compensation for elected officers of the town and school district shall be determined by vote at the annual town and school district meeting as a separate item in the annual town and school district budgets.

§ 203. DUTIES OF ELECTED OFFICERS

(a) Selectboard.

(1) Terms of office:

(A) There shall be a selectboard consisting of seven members.

(B) Terms of office shall be as follows:

(i) Four members ~~shall serve~~ for three years;

(ii) Three members ~~shall serve~~ for two years.

* * *

(2) Organization.

* * *

(E) The presence of four or more members shall constitute a quorum for the purposes of holding a meeting. The affirmative vote of a simple majority of the members present and voting at a meeting at which a quorum is present shall be necessary to adopt any matter before the selectboard.

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(3) Appointments.

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(E) The selectboard may appoint or dissolve any authorities, boards, commissions, or committees, under their purview as authorized by this chapter or state statute, excluding the ~~standing town/school district~~ school and town meeting committee established in subdivision 201(b) of this chapter and any

authorities, boards, commissions, or committees created by the general assembly.

(4) Powers and duties.

(A) General. The selectboard shall constitute the legislative body of the town for all purposes required by statute except as otherwise provided in this chapter, and shall have all powers and authority given to, and perform all duties required of, town legislative bodies or selectboards under the laws of the state of Vermont.

(B) Powers. The selectboard may:

* * *

~~(3) exercise each and every other power which is not specifically set forth in this chapter, but which is granted to the selectboard by the statutes of the state of Vermont. [Repealed.]~~

* * *

(c) Town clerk. The town clerk shall perform all duties and responsibilities prescribed by ~~this chapter and~~ the laws of the state of Vermont and any additional duties set forth in this chapter.

* * *

~~(e) Town library trustees. The town library trustees shall perform all duties and responsibilities prescribed by this chapter and the state of Vermont.~~

(f) All others. ~~Shall include all others as deemed necessary for the conduct of town or school district business~~ Any other elected officials of the town or school district shall have powers and duties proscribed to that office as specified in the general law.

§ 301. APPOINTED OFFICERS

(a) ~~Acting town~~ Town manager. The town manager shall be the chief ~~administrative~~ executive officer of the town appointed by a majority of the selectboard. The town manager shall be selected with special reference to training, experience, education and ability to perform the executive and administrative duties of the manager's office and without reference to his or her political position or persuasion. The town manager shall be responsible to the selectboard for the proper and efficient administration of departments under the manager's charge as outlined in this chapter.

* * *

(b) Acting town manager.

(1) In the event the town manager shall be absent from town for a period of up to two consecutive weeks, he or she may designate an acting manager with selectboard approval, who shall exercise the duties of the manager. The town manager may overrule the actions of the acting manager.

(2) In the event the manager is unable to discharge his or her duties or in the event the manager is suspended or placed on administrative leave, the

selectboard shall appoint an acting manager to serve until the manager is able to assume regular duties or a new manager is appointed. The acting manager appointed to fill a declared vacancy in the office shall have all powers and perform all duties of the manager. An acting manager shall be reviewed within 180 days.

(3) In no case shall a serving selectboard member act as the acting town manager.

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§ 401. MISCELLANEOUS

(a) Conflict of interest. The selectboard and the school board and school superintendent shall each maintain comprehensive conflict of interest policies which shall apply to ~~all~~ their respective town and school district employees, elected and appointed officials, and committee and board members.

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Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

Approved: May 7, 2012