

# The Vermont Statutes Online

## Title 24 Appendix: Municipal Charters

### *Chapter 101: TOWN OF BARRE*

#### *Sub-Chapter 1: Town Officers Responsible To Citizens; Town Meetings*

##### **§ 101-1. Authority of citizens**

All governmental authority of the Town of Barre rests with the citizens of the Town, who exercise their powers in Town meeting, and/or town elections, and to whom the elected and appointed officers of the Town are ultimately responsible.

##### **§ 101-2. Meetings and elections**

(a) The second Tuesday in May shall be the date for the annual election of Town officers and for voting upon all questions to be decided by Australian ballot. Polls shall be open no less than nine consecutive hours. The Selectboard may designate one or more polling places within the Town for voting and may provide for the use of any mechanical or computer type devices for voting or counting votes, consistent with requirements of law. The Wednesday evening preceding the date for the annual election of the Town officers, beginning at 7:30 p.m. at a place designated by the Barre Town Selectboard, shall be the date of the annual meeting at which time there will be considered all non-Australian ballot matters. However, the voters at any annual election may designate a different date, time, or place for annual Town elections.

(b) Special Town meetings or elections:

(1) may be called by a majority of the selectmen; or

(2) shall be called by the Town Clerk upon receipt by him or her of a petition signed by at least 10 percent of the voters. The petition shall specify the business to be transacted at such meeting. The meeting shall be held within 60 days from the date the petition is filed with the Clerk.

(c) The budget proposal, established by the selectmen, in accordance with Section 28 of this charter, shall be submitted to the electorate at the annual election. If this proposal fails, the Town Clerk shall immediately warn an open Town meeting at which the budget shall be determined without a subsequent Australian ballot election. Section 5 of this charter on reconsiderations, shall not apply to budget votes. (Amended 2011, No. M-3, § 2, eff. April 4, 2011.)

##### **§ 101-3. Warnings**

(a) Public notice of every annual or special Town meeting or Town election shall be given by a warning posted in at least five public places in the Town at least 14 days prior to the meeting; and published two times, on the same day of the week for two consecutive weeks, in a newspaper having general circulation in the Town. The first such publication shall be at least 10 days prior to the date of the meeting.

(b) The warning shall:

(1) state the date, time, and place of the meeting;

(2) be signed by a majority of the selectmen;

(3) specifically indicate by separate articles what business is to be transacted at the meeting;

(4) contain any article approved by the selectmen;

(5) contain any article requested by petition signed by at least 10 percent of the voters and filed with the Town Clerk at least 45 days prior to the day of the meeting; and

(6) state that copies of the proposed budget shall be available as required by Section 28(b) of this charter. (Amended 2011, No. M-3, § 2, eff. April 4, 2011.)

#### **§ 101-4. Conduct**

(a) The Moderator shall preside at all Town meetings, but 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 a Moderator Pro Tempore to preside for the duration of the meeting. The Moderator shall conduct every meeting according to this charter, the laws of Vermont, and Robert's Rules of Order, Revised, when not in conflict with this charter or the laws of Vermont. He or she shall preserve order in the conduct of the business of the meeting and in all things preserve the principles of fairness and openness in Town government.

(b) The Town Clerk shall be the presiding official at all Town elections and shall cooperate with the Board of Civil Authority to assure that all laws relating to elections are faithfully observed. While the polls are open, the Town Clerk may rule on all questions concerning the conduct of the election, and shall not be disqualified from performing any such duties by reason of his or her own candidacy for any office. In the Town Clerk's absence, the members of the Board of Civil Authority who are present may designate one of their members to perform the Town Clerk's duties under this section.

#### **§ 101-5. Reconsideration of actions taken**

A question considered at any Town meeting or election may not be submitted to the voters for reconsideration or rescission except at a subsequent annual meeting or special meeting or election, specifically warned for the purpose and called by the selectmen by a resolution or by the Town Clerk pursuant to a petition requesting such reconsideration or rescission. Such petition must be signed by not less than 10 percent of the voters and filed with the Town Clerk within 30 days following the date of the meeting or election at which the question was first considered. The Clerk shall call for a vote in accordance with the petition within 60 days of the date of filing. The manner of reconsideration shall

be the same manner by which a question was originally considered. A question voted on or considered shall not be presented for reconsideration or rescission more than one time; provided, however, that after the passing of at least eight months from the date of any such reconsideration or rescission, the same or a similar question may be newly submitted for consideration. Unless rescinded as provided in this section, any vote or action lawfully taken at a Town meeting or election shall remain in effect indefinitely.

### **§ 101-6. Board of Civil Authority**

(a) A Board of Civil Authority shall consist of the justices of the peace residing within the Town, the Town Clerk, and the selectmen. At the first meeting following each annual Town election, the Board shall elect a Chairman from among its members; the Town Clerk shall be the Clerk of the Board. In the event of the absence of either the Chairman or Clerk from any meeting of the Board, the first order of business shall be the election of a Chairman or Clerk, Pro Tempore, to serve for the balance of the meeting.

(b) The Board of Civil Authority shall meet prior to every regular or special Town meeting or election to prepare, revise, and post in the manner required by law, an alphabetical list of all the legal voters in the Town. For that purpose the Board shall have access to any books or lists belonging to the Town, except as provided by law, and may require the assistance of any of the Town officers. The Board shall post in five places an attested copy of the list of voters so prepared and corrected, at least four days prior to the meeting or election, and the said list of voters so prepared and corrected, and no others, shall be used at annual or special meetings and elections. In preparing the list of voters the Board shall record each name in such manner as to identify each voter precisely, so as to avoid any possible confusion.

(c) In addition to any other requirement of law, the Board shall cause at least two notices of the time and place of each of its meetings for the purpose of revising the checklist to be published in a newspaper of general circulation in the Town. Publication shall be at least two and not more than 10 days prior to such meeting, but no notice need be published with respect to an adjourned session of a meeting for which notice has been given.

(d) The Board shall assist the Town Clerk and Moderator in supervising all Town elections and meetings and shall take care that all laws and requirements relating to elections and election procedures and Town meetings are fully and faithfully kept. The Board may require the presence of any law enforcement officers it may judge necessary to preserve the integrity of any election or Town meeting.

(e) A majority of all of the members of the Board shall constitute a quorum for all purposes.

(f) Ballots, conduct of elections, counting of votes, recount of votes, and certification of results shall be governed by the general State law, except as otherwise provided in this charter.

### **§ 101-7. Nomination of candidates**

Nominations of persons to fill Town offices shall be by petition containing the signatures of at least 30 voters or one percent of the voters, whichever is less. Petitions shall be filed with the Town Clerk, together with a written assent signed by the nominee. Both petition and written assent shall be filed at least 30 and not more than 40 days prior to the election. When a petition is presented to the Town Clerk for filing, the Town Clerk shall immediately examine the same and ascertain whether it conforms to the provisions of this section. If not found in conformity, the Town Clerk shall designate the defect in writing and return the petition, together with the written reason for rejection, within six hours, to the candidate in whose behalf it was filed. Such petition may again be presented when properly amended if this can be done within the time allowed for filing such petition. All Town elections shall be nonpartisan and no party designation or slogan shall be printed on any Town ballot or petition. (Amended 2011, No. M-3, § 2, eff. April 4, 2011.)

### *Sub-Chapter 2: Powers Of The Town*

#### **§ 101-8. General powers**

The Town shall have all powers which Towns have under the Constitution and laws of the State of Vermont, as fully and completely as though they were specifically enumerated in this charter, together with all powers that may hereafter be granted to towns by the Legislature. All such powers shall be exercised in the manner prescribed in this charter, or if not prescribed herein, in such manner as may be prescribed by ordinance. The Town's powers shall include such as may be necessarily or reasonably implied from other powers and shall be construed liberally in favor of the Town; any mention of specific powers in this charter shall not be construed as limiting in any way the general power stated in this section.

#### **§ 101-9. Intergovernmental relations**

Subject only to any applicable superior laws or constitutional provisions, the Town through the Board of Selectmen may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof, including other towns, cities, and school systems.

### *Sub-Chapter 3: Elected Officers*

#### **§ 101-10. Elected officers; general**

(a) The following officers shall be elected by the legal voters of the Town of Barre and voting for all such officers shall be by Australian ballot:

- (1) Five selectmen

- (2) Three listers
- (3) Three auditors
- (4) One Constable
- (5) One Clerk-Treasurer
- (6) One Moderator.

(b) The Office of Clerk-Treasurer may be changed to an appointive office upon approval by the voters at any annual meeting of the Town. The Office of Lister may be abolished and replaced by a single full-time assessor hired by the selectmen at such salary as the selectmen may approve; provided the voters authorize such action at any annual Town meeting.

(c) Only a voter of the Town of Barre may seek election to or hold a Town elective office, and no person may hold more than one Town elective office at the same time. No person shall hold offices which are defined as incompatible in Vermont statutes.

(d) Vacancies occurring in any elective office shall be filled by a majority vote of the selectmen. The appointment shall be valid until the next annual Town election, at which time the voters shall elect a person to fill the position for the unexpired term.

(e) Except as otherwise provided in this charter, all elected officers shall perform the duties prescribed by ordinance. (Amended 2011, No. M-3, § 2, eff. April 4, 2011.)

#### **§ 101-11. Board of Selectmen**

(a) Except as otherwise provided in this charter, all the powers of the Town shall be entrusted to and exercised by a Board of five selectmen chosen by the voters of the Town of Barre. Three members shall be elected for terms of three years, and two members shall be elected for terms of two years. The Board shall discharge all the duties conferred or imposed upon boards of selectmen by law, including the duties of sewer commissioners, Board of Liquor Commissioners, and any similar ex officio duties; and when sitting in such ex officio capacity, it shall not be necessary specially to convene in a separate capacity.

(b) The selectmen shall meet within seven business days after the annual Town election to elect a Chairman and a Vice Chairman and to designate a Clerk. At the same meeting the Board shall adopt rules of order and fix the time and place of its regular meeting, which shall be held at least twice a month. Special meetings of the Board may be called at any time by the Chairman, or in his or her absence, the Vice Chairman, or by a majority of the Board in writing to the Chairman. Notice of any special meeting shall be served on members, posted in the municipal building, and, except for an emergency meeting, released to the news media at least 12 hours prior to the meeting.

(c) No action of the Board, except on purely procedural matters, shall be valid or binding unless approved by a majority of the full Board, except that in the case of passage of an emergency ordinance, at least four affirmative votes shall be required.

Voting on all matters, except procedural matters, shall be by roll call unless in the case of unanimous agreement.

(d) Upon due notice and hearing, the Board may remove one of its members from office for failure to attend four consecutive, regular meetings of the Board without prior approval of the Chairman. Such removal shall be done only upon the affirmative vote of all four remaining members.

(e) The selectmen shall, from time to time, designate an acting town manager who shall have all the powers and duties of the Town Manager in the event of the latter's absence or disability. The name of the acting town manager shall be on file in the Town Clerk's office at all times.

### **§ 101-12. Auditors**

Auditors shall be elected for terms of three years, with one elected each year. They shall be responsible for the proper financial accountability of the Town, and for this purpose all Town officers shall, within 30 days after the close of the fiscal year, submit to the auditors such reports, records, and materials as the auditors may require for the discharge of their duties. The auditors shall thereupon proceed to examine and adjust the accounts of all Town officers and report their findings in writing, not later than 185 days after the close of the fiscal year. They shall cause their findings to be printed and made available to the voters. The auditors may employ the services of a certified public accountant at Town expense, for such purposes as they shall deem proper. They shall also supervise the preparation, publication, and, within budgetary limitations, the distribution of the annual Town report. (Amended 2011, No. M-3, § 2, eff. April 4, 2011.)

### **§ 101-13. Board of Listers**

(a) The Board of Listers shall consist of three listers, one elected each year for a term of three years. The Board shall have the same powers and duties prescribed for listers under the laws of the State of Vermont.

(b) The Board shall annually review, or cause to be reviewed, their appraisals of all property in the Town which is subject to taxation. The property shall be appraised in accordance with standards established by the laws of the State.

(c) If the Town shall vote to replace the Board of Listers with a single assessor in the manner provided in Section 10(b) of this charter, then the assessor shall perform all of the duties and have all of the powers prescribed for listers under the laws of Vermont.

### **§ 101-14. Moderator**

A Moderator shall be elected for a term of one year and shall perform all duties required by this charter, and to the extent not in conflict with this charter, all duties required by the laws of Vermont.

### **§ 101-15. Constable**

A Constable shall be elected to serve for a term of one year. He or she shall have all the powers and duties prescribed for constables under the laws of Vermont, except as provided in this charter.

#### **§ 101-16. Clerk-Treasurer**

(a) The Clerk-Treasurer shall be elected for a period of three years. He or she shall keep account of monies, bonds, notes, and evidences of debt paid or delivered to him or her, and of moneys paid out by him or her for the Town. In addition he or she shall:

(1) record the amount voted for support of highways, special departments, and for general Town purposes;

(2) collect taxes, assessments, charges, and levies, including delinquencies in the hands of the Tax Collector, and maintain a record of monies collected and uncollected;

(3) receive fees for filing copies of records and other instruments;

(4) pay orders drawn on him or her by officials authorized to draw orders;

(5) provide detailed financial statements and reports, as may be required by the selectmen;

(6) maintain a record of all action taken at special or annual Town meetings;

(7) maintain all Town records and an index to those records;

(8) maintain and file all reports required by law;

(9) perform any other duties required of him or her by law, this charter, or ordinances.

(b) Before entering upon the duties of his or her office, the Clerk-Treasurer shall give a bond conditioned for the faithful performance of his or her duties. The bond shall be of a sum and with such surety as prescribed and approved by the Board of Selectmen, and the premium for such bond shall be paid by the Town.

#### ***Sub-Chapter 4: Administrative Department***

#### **§ 101-17. Town Manager; appointment; term**

A Town Manager shall be the Chief Administrative Officer of the Town. He or she shall be appointed by a majority of the full Board of Selectmen. He or she shall be selected with special reference to his or her training, experience, education, and ability to perform the duties of his or her office, and without reference to his or her political persuasion. He or she shall be appointed for an indefinite period and shall be removable at the discretion of the Board of Selectmen, subject to such conditions relative to hearings, timing of notices, severance pay, and grounds of dismissal as may be specified in this charter, ordinances of the Town, or any employment agreement or contract. The

Town Manager shall not simultaneously hold any elective office within the Town, nor shall he or she be employed by the Town in any capacity except as Town Manager.

### **§ 101-18. Removal of the Town Manager**

The Manager may be removed by a majority vote of the full Board of Selectmen. At least 30 days before the proposed removal of the Manager, the Board shall adopt a resolution in executive session, stating its intention to remove him or her and the reasons for removal, a copy of which shall be delivered forthwith to the Manager. Upon or after passage of such resolution, the Board may suspend the Manager from duty, but his or her pay shall continue until removal. If the resolution is not withdrawn, the resolution shall automatically take effect. In case of such a suspension, the Board may appoint an acting manager to serve at the discretion of the Board. By ordinance or by contract with any Manager, the selectmen may provide for the Manager to have additional rights in removal proceedings, including the right to a hearing, provided such rights are otherwise consistent with the provisions of this section. The action of the Board in removing the Manager shall be final.

### **§ 101-19. Oath and bond**

Before entering into the duties of his or her office, the Town Manager shall be sworn to the faithful and impartial performance of his or her duties, and a certificate to that effect shall be filed with the Town Clerk. He or she shall execute a bond in favor of the Town for the faithful performance of his or her duties in such sum and with such surety as may be determined by the Board, and the premium on such bond shall be paid by the Town.

### **§ 101-20. Responsibilities of the Town Manager in general**

The Town Manager shall be accountable to the selectmen. He or she shall have general supervision of the property and business affairs of the Town and expenditure of all monies appropriated for Town purposes subject to prior approval of the selectmen. He or she shall not supervise any elected Town officer in the conduct of such officer's duties.

### **§ 101-21. Powers and duties in particular**

The Town Manager shall have power, and it shall be his or her duty:

(a) To organize, operate, continue, or discontinue such departments as the Board of Selectmen may determine.

(b) To carry out the policies laid down by the Board, to keep the Board informed of the financial condition and future needs of the Town, and to make such reports as may be required by law or requested by the Board, together with any other reports and recommendations which he or she may deem advisable.

(c) To appoint and remove, upon merit and fitness alone, all subordinate officials, employees, and agents under his or her control and, with the approval of the selectmen, to fix their compensation as provided in section 39(c) of this charter. Although the Town Manager may hold subordinate officers and employees of the Town responsible for the

faithful discharge of their duties, the Town Manager shall remain ultimately responsible to the Board for all administrative actions under his or her jurisdiction.

(d) To be present at all regular meetings of the Board of Selectmen, except when excused by the Board, and to have the right to attend all other meetings of said Board and committees thereof, except when his or her removal or suspension is being discussed, provided that this section shall not be construed to deny any right the Town Manager may otherwise have to a public hearing relative to his or her removal.

(e) To keep full and complete records of the actions of his or her office, to keep necessary accounts, to render to the Board of Selectmen an itemized monthly report showing in detail the disbursements of the preceding month, and to maintain an appropriate budget control system.

(f) To keep the Board of Selectmen fully advised as to the needs of the Town within the scope of the Manager's duties; and annually to furnish to them, as prescribed in this charter, a detailed budget proposal; and also to furnish to them annually, a five-year projection of capital improvements for the Town. To enable the Town Manager to make estimates of expenditures and receipts, all boards, officers, and committees of the Town shall, upon his written request, furnish all information in their possession and submit to him or her in writing a detailed estimate of anticipated income and appropriations required for the efficient and proper conduct of their respective responsibilities during the next fiscal year.

(g) To examine or cause to be examined, with or without notice, the affairs of any department under his or her control, or the conduct of any officer or employee thereof. For that purpose, he or she shall have access to all books and papers of such department for the information necessary for the proper performance of his or her duties.

(h) To be the General Purchasing Agent of the Town and purchase all supplies for every department.

(i) To supervise all special programs of the Town as if the same were a separate department of the Town, unless otherwise voted by the Town.

(j) To have charge, control, and supervision of the following matters:

(1) The Police Department, including appointment and removal of the Chief thereof, with the consent of the selectmen.

(2) Any Town Fire Department supported by Town funds, including the appointment and removal of the Chief thereof, with the consent of the selectmen.

(3) The system of licenses not otherwise regulated by law.

(4) The system of sewers and drainage.

(5) Lighting of highways, bridges, and public places.

(6) Construction and maintenance of Town highways.

(7) Town buildings, and repairs and construction on Town buildings.

(8) Maintenance of parks, playgrounds, forests, and other public lands, unless otherwise provided for in the Administrative Code.

(9) Any public water system owned or operated by the Town.

(k) To cause duties prescribed for towns and not committed to the care of any particular officer to be duly performed and executed.

(l) To participate in the discussion of matters coming before the selectmen and its committees, but not the right to vote.

(m) To perform such other duties which may be required of him or her by vote of the Board of Selectmen, by law, or by ordinance, consistent with this charter.

#### **§ 101-22. Noninterference with administration**

(a) Except for emergencies and for the purpose of inquiries or investigations authorized under this charter, the Board, its members, and committees, shall deal with Town officers and employees who are subject to the direction and supervision of the Manager, solely through the Town Manager, and shall not give orders to any such officers or employees, either publicly or privately.

(b) Neither the Board nor any of its members or committees shall in any manner dictate the appointment or removal of any Town administrative officers or employees whom the Manager is empowered to appoint. The Board may, however, express its views fully and freely and discuss with the Manager, in open or executive session, consistent with law, anything pertaining to appointment and removal of such officers and employees.

(c) No member of the Board of Selectmen shall attempt to control or direct the Manager in the discharge of the duties entrusted to him or her, except by vote of the Board at a duly constituted meeting.

#### **§ 101-23. Filling of a vacancy**

Any vacancy in the Office of Town Manager shall be filled as soon as practicable by the Board of Selectmen, and pending such appointment, or in case of the Manager's absence or disability, the Board shall designate some person to perform the duties of the office. In no case shall a Selectman temporarily assume the duties of Town Manager for a period in excess of 30 days and then only in the absence or disability of the Town Manager and acting Town Manager.

#### **§ 101-24. Compensation of the Town Manager**

The compensation of the Town Manager shall be set by resolution of the Board of Selectmen, within any budgetary limitations set by the voters at Town meeting. As used in this section, the term "compensation" includes salary, additional benefits, time for sick leave and vacation, and expense allowance.

**§ 101-25. Administrative Code**

(a) Within two years following the effective date of this charter, the Town Manager shall prepare and submit to the Board of Selectmen a proposal for an ordinance to be known as the Administrative Code of the Town of Barre. For the purpose of preparing the proposal, the Town Manager may have the assistance of the Town Attorney and shall have the authority to request a committee of citizens to assist in the preparation of the proposal. The proposal shall be a comprehensive code of administrative organization and procedure for the Town and, at a minimum, shall include the following:

(1) Organization of the administrative departments and elected offices of the Town into such divisions as may be appropriate, defining the functions and duties of each.

(2) A complete personnel policy for Town employees.

(3) A detailed outline of financial procedures to be followed by the Town including purchasing policy, expenditure of appropriated funds, the system of accounting for the Town, and the form and frequency of financial reports.

(b) The Administrative Code shall be passed by the selectmen in the same manner as any ordinance and may be amended by the selectmen in the manner provided for amendment of ordinances. The Administrative Code shall provide for all specific requirements set forth in this charter, and to such extent as the provisions of the Administrative Code are not inconsistent with this charter, the Code shall be considered a valid extension of the policies set forth in the charter.

***Sub-Chapter 5: Financial*****§ 101-26. Fiscal year**

The fiscal year of the Town and all its departments shall begin on the first day of July and end on the last day of June unless another date is fixed by voters at any annual Town election.

**§ 101-27. Committee of Five**

Annually, prior to January 31, a committee of five voters shall be appointed to review, with the selectmen, the proposed Town budget. Their terms shall expire upon final adoption of the budget. The selectmen shall appoint two members and the Clerk-Treasurer, one member; these three shall appoint two additional members.

**§ 101-28. Budget preparation**

(a) At such time as may be prescribed by the Selectboard, the Town Manager shall propose a budget and submit a line itemized estimate of the income and expenditures required for the operation of the Town government for the next ensuing fiscal year.

(b) The Selectboard, with the Committee of Five, shall review and finalize the proposed Town budget publicly and prepare it for submission to the voters at the annual Town election. Sufficient copies shall be available to the voters not less than 10 days prior to the election at the five public places required by section 3 of this charter, and the warning shall state the availability of said proposed budget. (Amended 2011, No. M-3, § 2, eff. April 4, 2011.)

### **§ 101-29. Appropriation**

(a) All amounts specified in the budget and approved by the voters at an annual Town election, are appropriated for the purpose specified in the budget. Adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy for all revenues proposed in the budget. The selectmen may transfer within the fiscal year any unexpended appropriation balance or portion thereof between general classifications or expenditures.

(b) Money shall not be paid out of the Town Treasury except on a payroll or warrant signed by at least three of the members of the Board of Selectmen and authenticated by the Town Manager.

(c) Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for capital expenditure shall continue in force until the purposes for which it was made have been accomplished or formally abandoned.

### **§ 101-30. Budget control**

At the beginning of each quarterly period during the fiscal year, and more often if required by the Board, the Manager shall submit to the Board data showing the relation between the estimated and actual income and expenses to date, together with outstanding indebtedness and estimated future expenses and income. The Manager may provide for monthly or quarterly allotments of appropriations to departments, funds, or agencies under such rules as he or she shall have prescribed.

### **§ 101-31. Purchasing policy**

The Town Manager may expend an amount determined by the Selectboard; and the Selectboard may expend \$10,000.00 for any established program without requesting competitive bids. Any expenditures other than those specified above shall be open to competitive bidding, except if the Selectboard shall find that bidding would be of no advantage to the Town. In such case, they shall then detail in their minutes the reasons for such findings and no bidding shall be required for that particular expenditure.

### **§ 101-32. Tax rate**

(a) If the municipal and school budgets have been adopted by July 1, then as soon as practicable after the final adoption of the last budget and the filing by the listers of the grand list, the Selectboard shall annually vote a uniform rate of tax sufficient to raise the amount of revenue voted by the Town and Town School District for the support of the Town and Town School District government for the ensuing fiscal year. In setting the

rate, the Board shall consider all other sources of revenue available to the Town and Town School District, including any surplus carried over from the previous year, and shall also make such allowance for delinquent taxes as they may think proper.

(b) If the final municipal and school budgets have not been adopted by July 1, then as soon as practicable thereafter the Selectboard shall set an interim rate of tax. The interim tax rate shall be sufficient to raise the amount of tax revenue in any budget which has been adopted, plus an amount sufficient to raise 100 percent of the last adopted budget of the same type as that budget which has not yet been adopted. Once the final budgets have been adopted, the Selectboard shall proceed to set a rate of tax as set forth in subsection (a) of this section.

### **§ 101-33. Collection of taxes**

(a) Real and personal property taxes and any other taxes, assessments, charges, or levies by the Town shall be due either in one payment or in not more than four equal installments on dates specified by the voters at the annual Town election. If an interim tax rate has been set, the installments shall be calculated as though it were not an interim rate. However, once the budgets have been passed, revised tax bills shall be sent to the taxpayers and the remaining installments shall be calculated to offset equally the over-or-underpayment caused by the interim rate. Any installment not paid when due shall be delinquent and there shall immediately be added to the amount due a charge for late payment equivalent to five (5) percent of the delinquent installment. For a period of 30 days immediately following the due date, delinquent accounts shall be retained by the Treasurer and shall be payable to his or her office.

(b) As soon as practicable after the expiration of 30 days from the due date of each installment, the Treasurer shall forward all accounts then remaining unpaid to the Tax Collector, together with a warrant for the collection of such accounts, in the form prescribed by law. Thereafter, all such accounts shall be payable only to the Tax Collector. Accounts forwarded to the Tax Collector shall bear simple interest at the rate of one percent per month, which is an annual rate of 12 percent, on the original amount of the tax due. In addition, a collection fee of eight percent of the original tax due shall be charged together with any reasonable attorney fees and court costs incurred in the collection of any delinquent account. All such charges, fees, interest, and other added amounts shall be cumulative and shall accrue at the times and in the manner herein specified.

(c) The Tax Collector shall have all the powers which tax collectors of towns have under the general law of the State, including the power to levy on personal property, bring actions at law, conduct tax sales, and bring petitions for foreclosure of tax liens. Such acts shall be done in the name of the Town of Barre and in the manner provided by such general law, except as modified by any provision of this charter.

### **§ 101-34. Board of Abatement**

(a) The Board of Civil Authority, together with the listers, shall constitute the Board of Abatement. The Chairman and Clerk of the Board of Civil Authority shall serve as the Chairman and Clerk, respectively, of the Board of Abatement.

(b) The Board shall meet at least one time each year, at the call of the Clerk, to consider all requests for abatement of any tax, including any special assessment, charge, or other levy made by the Town.

(c) Public notice of every meeting of the Board of Abatement shall be given by posting in at least five public places within the Town and by publishing the notice two times in a newspaper having general circulation within the Town within at least two and not more than 10 days prior to the meeting.

(d) Any taxpayer may request abatement of any tax for which he or she is or may become liable. The Tax Collector may also submit to the Board for its consideration such taxes as he or she may see fit and may also offer his or her recommendations to the Board. If the Board finds:

- (1) that there is no reasonable probability that the tax can be collected, or
- (2) that the tax was not properly assessed, or
- (3) that all persons liable for tax have died or removed from the State, or
- (4) that the persons liable for the tax are financially unable to pay same, or
- (5) that collection of the tax would work an injustice, or

(6) that collection of the tax would create an undue expense for the Town, then the Board may abate the tax in whole or in part. If wholly abated, all accrued penalties, interest, and other delinquent charges shall also abate in full. If partly abated, such penalties, interest, and charges shall abate pro rata.

### **§ 101-35. Bonded indebtedness**

The limits of bonded indebtedness of the Town and the procedures for incurring a debt shall be governed by the general laws of the State of Vermont.

### **§ 101-35a. Bonding; Aldrich Public Library**

By a majority vote of those present and voting at an annual or special meeting warned for the purpose, the Town may issue municipal bonds for the cost of capital improvements to the Aldrich Public Library, which is located in the City of Barre, and used by the residents of both the City and Town; and such improvements shall be considered "improvements" for the purposes of 24 V.S.A. chapter 53.

## ***Sub-Chapter 6: Procedural Matters***

### **§ 101-36. Meetings; open government**

It shall be the policy of the Town of Barre to afford to all of its citizens the opportunity to participate in the government of their Town as fully and completely as may be possible. To this end, all meetings of agencies, boards, citizen committees, and

any other group acting under authority or color of authority of the Town of Barre, shall be conducted openly and in accordance with the policy of the laws of the State of Vermont relative to meetings of governmental bodies, and no executive session shall be held except in accordance with the terms of the law; provided, however, that the penalties set forth in the general law shall not extend to any person solely by reason of this charter.

### **§ 101-37. Ordinances**

(a) Town legislation shall be by ordinance. The Board of Selectmen shall constitute the legislative body of the Town, except as otherwise provided herein, to adopt, amend, repeal, and enforce ordinances. Each ordinance, when introduced, shall be in writing and shall be identified by a short title. The enacting clause of each ordinance shall be "The selectmen of the Town of Barre hereby ordain" and the effective date of each ordinance shall be specified not less than 15 days after final passage by the selectmen, except that if the ordinance is conditioned upon the approval of the voters, then the ordinance shall be effective upon favorable vote of a majority of those voting thereon.

(b) Each proposed ordinance shall be introduced by one or more selectmen at a duly convened meeting of the Board and, with the consent of a majority of the Board, introduction may be "by request" with no obligation on the part of the selectmen causing the proposed ordinance to be introduced to support said ordinance or work for its passage. At the time of introduction the ordinance shall be read for the first time and, by majority vote of the Board, such reading may be by title only. At the time of the first reading the selectmen shall call a public hearing to consider the ordinance not less than 10 nor more than 21 days from the date of the first reading. They shall further order that notice of the hearing be given by posting the notice in at least five conspicuous public places in the Town and publishing the notice at least seven days prior to the date of the hearing in a newspaper having general circulation within the Town. The notice shall specify the date, time, and place of hearing and shall state that the hearing is called for the consideration of the ordinance in question. Unless the selectmen find that publication of the full text of the ordinance would be unduly cumbersome, expensive, or otherwise inexpedient, the full text of the proposed ordinance shall also be included in the notice; if the full text is not published, then a brief explanation of the purpose of the ordinance shall be given together with information as to where and when any citizen of the Town may obtain a copy of the complete ordinance. Such copies shall be available from the Town Clerk's library, without charge, at least seven days prior to the date set for the hearing.

(c)(1) At the time and place advertised, the ordinance shall be read for the second time. If the selectmen shall find that sufficient copies of the proposed ordinance have been made available to the citizens, by publication or otherwise, and that no person would be prejudiced by failure to read the full text of the ordinance the Board may, by majority vote of its members, order that reading shall be by title only; otherwise the full text shall be read. All voters and all other persons whose legal interests may be directly affected by the ordinance shall have an opportunity to be heard at the hearing. If the Board shall see fit, the hearing may be adjourned from time to time, and from place to place. After such hearing the selectmen may:

(A) advance such ordinance to a third reading, which shall be held not less than five and not more than 10 days from the time of such advancement; or

(B) vote against adoption of the ordinance, in which case no further action shall be taken on the proposal; or

(C) vote to make such changes or amendments in the proposed ordinance as they shall see fit, in which case they shall then order that another public hearing be held and shall cause notice of said hearing to be given in the manner set forth.

(2) The public hearing procedure, and the procedure for the vote of the selectmen on second reading, shall be followed as many times as may be necessary either to advance the proposal to a third reading without any changes in its form as publicly noticed before hearing, or until a vote not to adopt the ordinance is passed.

(d) If a proposal is advanced to a third reading, the selectmen shall, at the time of such advancement, specify the date, time, and place at which third reading and final consideration will take place. At such third reading the ordinance shall be read either in full, or if a majority of the Board shall so vote, by title only. The Board may, in its discretion, hear the comments of any citizens interested in the ordinance, but they are not required to do so. Following such discussion as the Board may deem appropriate, it shall either vote to adopt or reject said ordinance, and if the vote shall be in favor of adoption, the Chairman of the Board of Selectmen and the Town Clerk shall thereupon authenticate the original copy of said ordinance, and it shall become effective as herein provided, except if rescinded by a Town meeting in the manner hereafter specified.

(e) All ordinances when finally passed shall be permanently recorded by the Town Clerk in the form adopted, as authenticated by the signature of the Chairman of the Board of Selectmen and the Clerk. The Clerk shall also record each ordinance adopted in such manner as he or she shall find will provide the Town with a current, useable codification of all Town ordinances, excising repealed provisions, adding newly adopted material in an appropriate place, and organizing and indexing all such material in such manner as may best facilitate its intended use. For this purpose, the Clerk may employ the services of the Town Attorney at Town expense. The resulting product shall be maintained by the Town Clerk in his or her office, shall be known as the "Barre Town Code," and shall be available for public inspection and copying during regular business hours. The selectmen may by resolution direct that the entire Barre Town Code, or only certain portions thereof, be printed and copies made available, either free of charge or at a cost not in excess of the Town's cost of preparation and printing.

(f) The selectmen shall cause the entire text of each adopted ordinance to be published one time in a newspaper having general circulation within the Town; such publication to be at least seven days prior to the effective date of the ordinance. If the selectmen shall find that publication of the full text of an adopted ordinance would be unduly cumbersome, expensive, or otherwise inexpedient, they may cause to be published a brief explanation of the purpose of the ordinance together with information as to where and when any citizen of the Town may obtain a copy of the complete ordinance. This subsection, however, shall not require the publication of any standard code of technical regulations adopted pursuant to the provisions of subsection (i) of this section.

(g) An ordinance adopted by the Board in the manner set forth above shall be subject to rescission by a Town meeting in the manner set forth in this subsection. If a petition signed by not less than 10 percent of the voters is filed with the Town Clerk on or before

the effective date of the ordinance, the Clerk shall call for a vote to be held within 45 days of the filing, at the annual Town meeting or at a special Town meeting duly warned to consider the question of rescission of the ordinance. Until the vote and the question of rescission is held, the ordinance shall not become effective. If a majority of votes cast shall be in favor of rescinding the ordinance, the same shall be rescinded, and no further action shall be taken on it. If a majority of votes cast shall be opposed to rescission, the ordinance shall become effective as of 12:01 a.m. on the day following such vote.

(h) To meet a genuine public emergency affecting life, health, property, or the public peace, the Board may adopt one or more emergency ordinances. Such ordinances may not levy taxes, set the rate charged by the Town for any services, authorize the borrowing of money, or raise revenue in any manner. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least four selectmen shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance automatically stands repealed as of the 61st day following the day on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(i) The Board may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally, except that the requirements of this charter for filing of copies of the ordinance shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and a copy of each adopted code of technical regulations shall be authenticated and recorded by the Chairman of the Board of Selectmen and the Town Clerk pursuant to this charter. Prior to adoption, such copies shall be available from the Town Clerk's library without charge. After adoption, copies shall be available from the Town Clerk either without charge or for purchase at a reasonable price, as determined by the Board.

(j) The general penalty for violation of an ordinance of the Town shall be a fine not to exceed the sum of \$500.00 for a single offense, or in the case of a continuing offense, a fine not to exceed the sum of \$100.00 per day for each day a violation shall continue unabated. Any ordinance may contain a provision setting penalties for the violation thereof, provided such penalties are not in excess of the general penalty. If an ordinance does not contain any specific provision for a penalty, then the general penalty shall apply. No ordinance of the Town of Barre shall provide for the imprisonment or incarceration of any person for the violation thereof, except as the same may be imposed as a civil remedy for contempt of court. The selectmen may authorize the Town Attorney to bring an action in the name of the Town of Barre for any relief, including injunctive relief, which the Town Attorney may deem appropriate for the enforcement of any Town ordinances.

### **§ 101-38. Appointed officers**

(a) The selectmen, by majority vote, shall appoint the following Town officers for the terms indicated:

(1) A Town Attorney for a term of one year, to fulfill the duties prescribed by law for the grand juror and town agent of a town, and to perform such other professional duties as may be requested by the selectmen, or by any other officer or agency of Town government, with the approval of the selectmen.

(2) A Tax Collector, for a term of one year.

(3) Five cemetery commissioners, each for a term of five years, with one term beginning each year.

(4) Such other officers as the laws of the State of Vermont or the ordinances of the Town of Barre shall direct the selectmen to appoint. The appointments shall be for the term indicated in the governing law, provided that any office abolished by this charter shall not be deemed reestablished by this section.

(b) A vacancy in any appointive Town office may be filled for the duration of the unexpired term by the person, Board of Selectmen, or other board having the authority to appoint such office holder for the usual term of office.

(c) When it becomes necessary to make appointments to any office or position created by this charter, ordinance, or law, the Board shall give notice in a newspaper of general circulation within the Town specifying positions open and for which appointment will be made so that interested persons may apply.

### **§ 101-39. Compensation and fees**

(a) The Town election shall annually vote the compensation to be paid to the following officers:

(1) selectmen

(2) listers

(3) auditors

(4) Moderator.

(b) The selectmen shall annually consider and from time to time shall set the compensation of the following officers:

(1) Town Clerk-Treasurer

(2) Constable

(3) Town Attorney

(4) Tax Collector

(5) Town Manager

(6) Board of Civil Authority

(7) Board of Abatement.

(c) The Town Manager, with approval of the Board of Selectmen, shall set the compensation for all other Town officers and employees.

(d) All fees prescribed by State law, charter, ordinance, or otherwise shall be collected for the benefit of the Town and paid to the Town Treasurer. No fees shall be used directly by any receiving officer or enure directly to the officer.

#### **§ 101-40. Conflict of interest**

No elective or appointive officer or employee of the Town shall be beneficially interested directly or indirectly in any contract with the Town, regardless of amount, or furnish any material, or perform any labor, except in the discharge of his or her official duties, unless such contract shall have been awarded upon bids advertised for by publication. Such publication shall be at least two times in a newspaper having general circulation in the Town; the second publication shall be at least seven days prior to the opening of such bids. No officer or employee of the Town shall take part in any decision concerning the business of the Town in which he or she has a direct or indirect financial interest, aside from his or her salary as an officer or employee, greater than any other citizen or taxpayer in the Town.

#### **§ 101-41. Public lands**

With the approval of the voters given at any duly warned meeting, the selectmen may sell any portion of real estate owned by the Town and not needed for Town purposes, or change the use of any real property owned by the Town. Such authorization may be given in blanket form by the voters at the annual Town meeting; and when so given, shall remain effective until the next annual Town meeting. However, the selectmen shall not sell or substantially change the use of any such real estate without first holding a public hearing giving notice by posting in at least five conspicuous public places within the Town and by publication in a newspaper having general circulation in the Town. The notice shall be published not less than seven nor more than 21 days prior to the date of the hearing and shall also identify specifically the real estate involved. At the hearing all citizens of the Town shall have an opportunity to be heard, to express their views, and to inquire as to the reasons, method, time, and terms of the proposed sale or change of use. After all proper persons have had an opportunity to be heard, the selectmen shall vote upon the question and, if a majority of the full Board shall vote in favor of the proposed action, the question shall be approved. If voter approval has previously been given to such action, the selectmen may then take such action as they have approved; otherwise, they shall submit the question to the voters at a Town meeting and upon approval by a majority of those voting upon the question, the selectmen may proceed to sell or change the use of the real estate in question, as the case may be.

#### **§ 101-42. Mergers and consolidation of municipalities**

The procedures for mergers or consolidation of municipalities shall be as provided for in the general laws of the State of Vermont.

### *Sub-Chapter 7: General Provisions*

#### **§ 101-43. Application of general law**

Except as altered, enlarged, or modified by the provisions of this charter or by any lawful ordinance or regulation of the Town of Barre, all provisions of the laws of the State of Vermont relating to towns and town officers shall apply to the Town of Barre and its officers.

#### **§ 101-44. Definitions**

As used in this charter, except where the context or express terms require a contrary interpretation:

(1) "Board" or "selectmen" shall mean the duly elected Board of Selectmen of the Town, acting as a group and in their official capacity.

(2) "Day" shall mean a calendar day.

(3) A "vacancy" in any office shall be deemed to exist if the holder of the office resigns, dies, is removed from office, moves from the Town, is convicted of a felony, or is judicially declared to be mentally incompetent.

(4) "Voters" shall mean the names included, at any given point in time, on the checklist most recently revised by the Board of Civil Authority for use in a Town meeting or election.

(5) Terms of the masculine gender are intended in a generic sense and are used solely for clarity of expression. Such terms are intended to include the feminine counterpart and to carry no substantive meaning with respect to the sex of any person.

(6) The terms "Town Clerk" or "Town Treasurer" as used in this charter, any existing ordinance, or any ordinance enacted after adoption of this charter shall be understood as referring to the Clerk-Treasurer.

#### **§ 101-45. Offices abolished**

The Offices of Road Commissioner, tree warden, fence viewer, grand juror, inspector of lumber-wood-shingles, second constable, Town agent, and weigher of coal are all hereby abolished. Except as otherwise provided in this charter, the Town Manager or his or her designee shall exercise the powers, duties, and responsibilities of any of the offices abolished by this section in the event that the need should arise.

#### **§ 101-46. Separability**

The sections of this charter and the parts thereof are separable. If any portion of this charter or its application to any person or circumstance shall be held invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances, shall not thereby be affected.

**§ 101-47. Construction**

The provisions of this charter shall be construed liberally in favor of the Town and in such manner as to give effect to the intent of this charter to make government more efficient and more responsive to the citizens of the Town.

**§ 101-48. [Transitional Provisions]**

**§ 101-49. Amendment or repeal**

No section or provision of this charter may be repealed or amended unless the act making such repeal or amendment refers specifically to this charter and to the sections or provisions so repealed. Any amendment to this charter must be submitted to the voters for their approval and, upon such approval, submitted as provided by statutes. Amendments may be placed on the ballot by the selectmen, a duly authorized Charter Review Commission appointed by the selectmen, or upon petition filed with the Town Clerk by 10 percent of the voters. The petition must clearly state the amendment and must be filed at least 45 days before any annual or special Town election, but the Town shall not be required to hold a special Town election solely for the purpose of considering a proposed charter amendment.

**§ 101-50. [Effective Date]**

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