

The Vermont Statutes Online

Title 24 Appendix: Municipal Charters

Chapter 123: Town of Hardwick

Subchapter 1: Incorporation and Grant Of Powers

§ 123-101. Corporate Existence Retained

The inhabitants of the Town of Hardwick as presently constituted and the inhabitants of the Village of Hardwick as constituted by No. 84 of the Acts of 1890, as amended by No. 6 of the Acts of 1892, No. 121 of the Acts of 1892, No. 180 of the Acts of 1894, No. 181 of the Acts of 1894, No. 192 of the Acts of 1898, No. 220 of the Acts of 1902, No. 235 of the Acts of 1904, No. 270 of the Acts of 1906, No. 271 of the Acts of 1908, No. 315 of the Acts of 1912, No. 296 of the Acts of 1915, No. 198 of the Acts of 1923, No. 183 of the Acts of 1933, No. 283 of the Acts of 1939, No. 182 of the Acts of 1942, No. 234 of the Acts of 1947, No. 308 of the Acts of 1949, No. 313 of the Acts of 1961, and No. 251 of the Acts of 1963, are hereby incorporated and declared to be a body corporate and politic under the name of the Town of Hardwick and under that name may sue and be sued, prosecute, and defend in any court; may have a common seal and alter it at pleasure: may borrow money on the credit of the Town in the mode and under the restrictions hereinafter provided and as provided by the general law of this State; and generally shall have, exercise, and enjoy all such rights, immunities, powers, and privileges as are conferred upon, or are incident to, towns in this State; and shall be subject to like duties, liabilities and obligations, except as otherwise provided in this charter.

§ 123-102. General law, application

Except when changed, enlarged, or modified by the provisions of this charter, all provisions of the statutes of the State of Vermont relating to municipalities shall apply to the Town of Hardwick.

§ 123-103. Powers of the Town

(a) The Town of Hardwick shall have all the powers granted to towns, town school districts, and municipal corporations by the Constitution and laws of this State and this charter, together with all the implied powers necessary to carry into execution all the powers granted. The Town of Hardwick may enact ordinances not inconsistent with the Constitution and laws of the State of Vermont or with this charter, and impose penalties for violation thereof.

(b) The Town may acquire real and personal property within or without its corporate limits necessary or convenient for any lawful purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, consistent with the Constitution and laws of the State of Vermont, and may sell, lease, mortgage, hold, manage, and control such property as its interest may require consistent with the Constitution and laws of the State.

(c) In this charter, no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the Town would have if the particular power were not mentioned, unless this charter otherwise provides.

(d) The Seal of the Town of Hardwick, heretofore adopted, is declared to be the Official Seal of the Town, to be used as required by law and custom.

(e) The Town may purchase, hold, and convey any real estate, and erect and keep in repair any buildings necessary or convenient for its purposes: and may acquire, construct, and maintain such water wells, springs, aqueducts, reservoirs, sewage disposal facilities as it may deem necessary for the benefit of the Town.

§ 123-104. Additional powers

The general grant of authority in section 103 of this charter shall include the following powers, and the enumeration thereof shall not be deemed to be in derogation of the authority conferred by this charter.

(1) To adopt and enforce ordinances relating to the installation, maintenance, repair, and replacement of water lines, sewer lines, and equipment necessary for their operation. The installation of such improvements in a particular manner specified may be imposed as a condition precedent to the issuing of a building, occupancy, or use permit under any Town ordinance. The apportionment of part or all the cost of such improvements against property owners or rate payers benefiting thereby may be required. Such assessments shall constitute a lien on the property against which the assessment is made in the same manner and to the same extent as taxes assessed on the grand list of the Town, and all procedures and remedies for the collection of taxes shall apply to special assessments.

(2) To adopt and enforce police ordinances regulating or prohibiting the use, but not the possession of, firearms, air rifles, and devices having the capacity to inflict personal injury; and the parking, operation, and speed of vehicles of any kind upon Town and State aid streets and highways, private and public property; and to regulate or prohibit any activities constituting a hazard to the safety, health, or welfare of the public.

(3) To adopt and enforce ordinances relating to the prevention of pollution of air, land, streams, ponds, and other waterways, public and private supplies, waste water, and reservoirs within the Town.

(4) To adopt and enforce ordinances relating to the cleaning or repair of any premises which, in the judgment of the ~~Board of Selectmen~~ Selectboard, is dangerous to the health, welfare, or safety of the public.

(5) To adopt and enforce ordinances relating to regulation, licensing, or prohibition of the storage and accumulation of garbage, ashes, rubbish, refuse, and waste materials; regulations of the removal, and disposal of such materials; licensing for revenue and regulation or prohibition of the collection, removal and disposal of such materials by contract or by a Town officer or department now existing or created for that purpose. Service rates to be paid the Town for such service may be established.

(6) To adopt and enforce ordinances prohibiting willful injuries to trees planted for shade, ornament, convenience, or use, public and private, and to prevent and punish trespassing or willful injuries to or upon public or private buildings, property, or lands.

(7) To adopt and enforce ordinances relating to codes for building construction, including also wiring and plumbing.

(8) To adopt and enforce ordinances relating to fire prevention and control.

(9) To adopt and enforce ordinances relating to the use, protection, care, and management of all public recreation and natural resource facilities of the Town.

(10) To adopt, amend, repeal, and enforce ordinances relating to public assemblages and the prevention of riots, noises, concerts, nuisances, disturbances, and disorderly assembly.

(11) To adopt and enforce ordinances establishing regulations for signs and billboards as provided by the general law of this State.

(12) To exercise the right of eminent domain in the taking of property by condemnation for public parks, sewage collection and treatment, water storage and distribution.

(13) To adopt and amend ordinances relating to public bidding procedures and conflicts of interest involving elected and appointed officers and employees.

§ 123-105. Reservation of powers to the Town

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

§ 123-106. Ordinances: penalties for breach thereof

(a) A Town ordinance may provide:

(1) for a fine in an amount no greater than \$1,000.00; and

(2) that each week a violation continues shall constitute a separate offense.

(b) A violation of a Town ordinance shall be classified as misdemeanor or a rule violation in the same manner as it would be classified by statute now or hereafter enacted and prosecuted accordingly. The Town may maintain an action to enjoin the violation of any ordinance or rule, but the election of the Town to proceed with an application for an injunction or to seek any other remedy or redress permitted by law shall not prevent a criminal prosecution for the violation of such ordinance or rule.

§ 123-107. Ordinances; adoption by ~~selectmen~~ the Selectboard

(a) If the ~~selectmen~~ Selectboard desires to adopt an ordinance, ~~they~~ the Board shall cause it to be entered in the official record kept of their proceedings, and thereafter, ~~they~~ the Board shall adopt it subject to final approval after the public hearing as here-after set forth. The ordinance shall then be posted in three public places within the Town and published by title and summary setting forth the subject matter, effective date, and penalty for violation thereof in a newspaper of general circulation in the Town, together with a notice of the time and place of a public hearing to consider the ordinance for

final passage, such publication and posting to be on a day at least one week and not more than two weeks prior to the hearing.

(b) At the public hearing or at any time and place to which the hearing may be adjourned, the ordinance shall be read in full, unless the ~~Board of Selectmen~~ Selectboard elects to read the ordinance by title. After such a reading all persons interested shall be given an opportunity to be heard.

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

(d) Every ordinance shall become effective 60 days after adoption, unless the ~~selectmen~~ Selectboard ~~specify~~ specifies a longer period or if the ordinance is conditioned on approval by voters of the Town, then upon such voter approval. If within 30 days of the adoption, a petition for reconsideration and repeal is filed, the ordinance shall not become effective until after the question of reconsideration and repeal is voted.

(e) The Town Clerk shall prepare and keep in the Town Clerk's office and the Town Manager's office a book of ordinances, which shall contain each Town ordinance, together with a complete index of the ordinances according to subject matter. Failure to comply with this provision shall not invalidate any Town ordinance lawfully passed or heretofore adopted.

§ 123-108. Referendum

(a) All Town ordinances, except as specified in section 110 of this charter, may be repealed by vote of the Town as follows: A petition signed by not less than 15 percent of the registered voters shall be filed with the Town Clerk requesting a vote on the question of repealing the ordinance. The ~~selectmen~~ Selectboard shall call a special Town Meeting to be held within 60 days of the date of the filing of the petition, to vote on whether the ordinance shall be repealed.

(b) Within 30 days after passage of an ordinance, 15 percent of the registered voters shall constitute sufficient signatures for referendum petition, and any other procedures of section 108(a) of this charter apply.

§ 123-109. Ordinances; adoption on petition

Any lawful ordinance may be enacted by vote of the Town as follows: A petition signed by not less than 15 percent of the registered voters shall be filed with the Town Clerk requesting enactment of the ordinance and accompanied by the text thereof. The ~~selectmen~~ Selectboard shall call a special Town meeting to be held within 60 days of the date the petition is filed, unless prior to such meeting, the ~~selectmen~~ Selectboard shall have enacted the ordinance. The warning for the meeting shall include a summary of the text of the proposed ordinance, its effective date and penalty provision for violation thereof, and shall be posted and published as the law of this State requires for special meeting generally. The warning shall provide for a "yes" and "no" vote by ballot as to its enactment. Copies of the proposed ordinance shall be posted in its entirety in at least five locations in Town for at least 30 consecutive days to the date of said special Town meeting. In the discretion of the ~~selectmen~~ Selectboard, the enactment of such ordinance may be proposed as an article in the warning for the next ensuing annual Town meeting, providing that such annual meeting shall be held within 120 days of the filing of such petition for enactment.

§ 123-110. ~~Non-applicability~~ Non-applicability of zoning and subdivision

The provisions of sections 107, 108, and 109 of this charter shall not apply to the enactment, amendment, or repeal of any zoning ordinance or bylaw, any land subdivision ordinance or land subdivision bylaw, nor to the enactment, amendment, or repeal of any municipal plan, or comprehensive regional plan, the enactment, amendment, or repeal of such ordinances, bylaws, and plans being specifically controlled by 24 V.S.A. chapter 117, or by such other statute regulating zoning, subdivision, and municipal and regional plans as may be enacted from time to time. The adoption, amendment, or repeal of all other ordinances shall be in conformity with sections 107, 108, and 109 of this charter.

§ 123-111. Applicability of referendum and initiative

The right of referendum and initiative contained in sections 108 and 109 of this charter shall apply to the amendment or repeal of an ordinance as well as to its enactment.

§ 123-112. Authority of police officers

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

§ 123-113. Open meetings

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

§ 123-114. Form of government

The municipal government provided by this charter shall be known as the council ~~anager~~ manager form of government. Pursuant to its provisions and subject only to the limitations imposed by the Vermont Constitution and by this charter, all powers of the Town shall be vested in an elective Council, which shall be known as the ~~Board of Selectmen~~ Selectboard, which shall enact ordinances, codes, and regulations, propose budgets, determine policies, and appoint the Town Manager, who shall execute the laws and administer the government of the Town. All powers of the Town shall be exercised in the manners prescribed by this charter or prescribed by ordinance.

§ 123-115. Change of form of government

Upon petition of a number of legal voters equal to at least 15 percent of the total registered voters of the Town may, at any annual meeting or special meeting duly warned and held for that purpose, vote to change the council-manager form of government to any other legal form. A majority of the legal votes cast shall be needed to effect a change of government.

§ 123-116. Intergovernmental relations

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

~~§ 123-117. Town School District: establishment~~

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

§ 123-118. Special service district

(a) By ordinance, enacted as herein provided, the Town of Hardwick may designate, establish, enlarge, and modify the boundaries of certain special service districts, in which are provided municipal services not available elsewhere in the Town. For the cost of providing such municipal services, including the cost of financing capital improvements relating to such services, the Town may assess, levy, and collect annually a special benefit tax upon all property within such special service district.

(b) No such special service district may be designated, established, enlarged, or modified without the approval of the residents in said District as existing or proposed, expressed by the affirmative vote of a majority of those residents within said District present and voting at a special meeting thereof.

(c) Regular water and sewer charges, fees, and rates shall not be considered a special benefit tax within the meaning of this section, and shall be assessed and collected as provided by general law.

Subchapter 3: Officers

§ 123-301. Generally

The officers of the Town of Hardwick shall be those provided by law for towns, except as otherwise provided by this charter. Such officers shall have all the powers and duties necessary to carry out the provisions of this charter as well as those provided by law.

§ 123-302. Elective officers

(a) The officers elected and their compensation fixed by the Town at its annual meeting shall be:

(1) Five ~~selectmen~~ Selectboard members

(2) Town Meeting Moderator

~~(3) Three trustees of public funds [Repealed.]~~

~~(4) Three auditors [Repealed.]~~

~~(5) Town Clerk [Amended see appointments.]~~

~~(6) Town Treasurer [Amended see appointments.]~~

~~(7) Listers [Repealed.]~~

(8) Cemetery trustees

(9) Library trustees

(10) Fire Department officers

(11) A First Constable, and a Second Constable, if needed.

~~(12) [Repealed.]~~

12(13) A Tree Warden

~~13(14) One or more fence viewers [Repealed.]~~

14(15) One or more grand jurors

(b) All elected officers shall be chosen from the legally qualified voters of the Town and shall hold office for the terms hereafter specified and until their successors are elected and qualified.

(c) All ~~selectmen~~ Selectboard members shall be elected by Australian ballot.

(d) When an elected officer specified in section 302(a) of this charter resigns, makes another Town his or her residence, dies, or becomes incapacitated, the office shall become vacant and the ~~selectmen~~ Selectboard shall appoint an eligible person to fill the vacancy until the next annual meeting. The person elected shall at the annual meeting serve until the predecessor's term expires. Incapacity shall include the failure of a ~~selectman~~ Selectboard member to attend 50 percent of the meetings of the Board in any calendar year. (Amended 2019, No. 84 (Adj. Sess.), § 7.)

§ 123-303. Terms of office; ~~selectmen~~ Selectboard members

(a) Three ~~selectmen~~ Selectboard members shall be elected for a three-year term and two ~~selectmen~~ Selectboard members for a one-year term.

(b) All ~~selectmen~~ Selectboard members shall be elected at large. The persons with the largest number of votes for office of equal terms shall be elected to those offices. If there are ~~selectmen's~~ Selectboard offices with different terms, each candidate shall specify the term for which he or she seeks election. No person shall seek election to concurrent terms for the office of ~~selectmen~~ Selectboard.

§ 123-304. Other elective offices

(a) ~~The three auditors shall be elected. The auditors' duties shall otherwise be as established by the general law of the State. [Repealed.]~~

(a) ~~(b)~~ The Town Meeting Moderator shall be elected and shall perform those duties prescribed by the general law of this State.

(c) ~~The Town Clerk shall be elected for a three-year term and shall carry out the duties of the town clerk as specified by statute and by this charter. [Repealed.]~~

~~§ 123-305. Treasurer [§ 123-305 (a) – (b) 5 Repealed.]~~

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

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

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

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

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

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

~~(5) Perform such other duties with respect to the Town's finances as the selectmen may request.~~

§ 123-306. Appointed officers

(a) The ~~Selectboard~~ Board of Selectmen may appoint any officers required by the Town's personnel regulations or this charter.

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

~~(c) The Town Manager shall function as the personnel officer of the Town. [Repealed.]~~

~~(1) A Zoning Administrator whose powers and duties shall be established by law and by ordinance of the Town. [Repealed.]~~ The Zoning Administrator shall be appointed in accordance with 24 V.S.A. §4448. Upon appointment, the Zoning Administrator shall be under the direction of the Town Manager for faithful performance of his/her duties as prescribed in the Vermont statutes and this charter.

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

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

(4) A Town Recreation Committee.

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

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

(7) Town Energy Coordinator.

(8) Dog Warden.

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

(10) Health Officer.

(11) Town Clerk and Treasurer, and the assistant Town Clerk and Treasurer who will be employees of the Town and shall be appointed for 3-year terms concurrent with the Town's fiscal year or for such lesser terms as necessary to match the remaining portion of the then-current fiscal year. They may be reappointed, although the Selectboard is under no obligation to do so.

§ 123-307. Vacancies and appointments

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

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

§ 123-308. Bonding of officers

All officers of the Town required to be bonded by the State law shall be so bonded.

§ 123-309. Oath of office

All elective officials and all municipal police officers of the Town shall, before assuming office, take, subscribe, and file with the Town Clerk the following oath:

"I, _____, solemnly swear (or affirm) that I will faithfully execute the Office of _____ of the Town of Hardwick to the best of my judgment and abilities, according to law, so help me God (or I so affirm)."

§ 123-310. Town Clerk and Treasurer

~~The Clerk, auditors, and Treasurer of the Town shall perform those duties imposed upon them by the general law of this State. [Repealed.]~~

The Town Clerk and Treasurer and the assistant Town Clerk and Treasurer shall fulfill the statutory requirements for their respective positions plus such other duties as the Selectboard may from time to time assign. They shall follow all adopted Town ordinances, policies, and procedures applicable to their respective positions.

All appointed positions shall be subject to the personnel policies of the Town and, during their appointed terms, and may be terminated for cause by the Selectboard. The Selectboard shall determine compensation level and methodology.

§ 123-311. Recall of elected officials

(a) Any elected Town officer may be removed from office as follows:

A petition signed by not less than 25 percent of the registered voters shall be filed with the ~~selectmen~~ Selectboard, requesting a vote on whether the elected officer shall be removed from office. The date of signing by each voter shall be indicated in the petition and such date shall not be earlier than 30 days prior to the filing of the petition. The ~~selectmen~~ Selectboard shall call a special Town meeting, to be held within 45 days of receiving the petition, to vote on whether the elected town officer shall be removed. The officer shall be removed only if at least as many registered voters of the Town vote as voted in the election wherein the officer was elected, or at least one-third of the registered voters of the Town vote, whichever is greater, and a majority of the number of votes is cast for removal. Notwithstanding any other provision of law or of this charter to the contrary, any vote on a recall petition shall be by the Australian ballot system.

(b) If the Town votes for removal of an elected officer, the office shall thereupon become vacant, and the ~~selectmen~~ Selectboard shall call a special meeting, to be held within 45 days of the vote for removal, to fill the vacancy until the term of the officer so removed expires. The office shall remain vacant until the next annual Town meeting if such special meeting would fall within 75 days prior to the annual Town meeting.

Subchapter 5: ~~Selectmen~~ Selectboard

§ 123-501. Powers and duties

(a) The members of the ~~Board of Selectmen~~ Selectboard shall constitute the legislative body of the Town of Hardwick for all purposes required by law and except as otherwise herein specifically provided, and shall have all powers and authority given to, and perform all duties required of town legislative bodies or boards of selectmen under the Constitution and laws of the State of Vermont.

(b) Within the limitations of the foregoing, the ~~selectmen~~ Selectboard shall have the power to:

(1) Appoint and remove the Town Manager and supervise, create, change, and abolish offices, commissions, or departments other than the offices, commissions, or departments established by this charter or by law. The ~~selectmen~~ Selectboard may prescribe the duties of all offices, commissions, or departments created by them.

(2) Assign additional duties to officers, commissions, or departments established by this Charter, but may not discontinue or assign to any other office, commission or department duties assigned to a particular office, commission, or department established by this charter or by law.

(3) Appoint members of all boards, commissions, committees, or similar bodies unless specifically provided otherwise by this charter or law.

(4) Make, amend, and repeal ordinances in compliance with sections 107 and 108 of this Charter.

(5) Inquire into the conduct of any officer, employee, commission, or department and investigate any and all municipal affairs when deemed necessary for the proper and orderly conduct of Town government.

(6) Submit an annual budget to the voters, to be voted on at Town meeting, in accordance with the provision of subchapter 15 of this charter dealing with the budget.

(7) Exercise each and every power not specifically set forth herein, which is granted to the ~~selectmen~~ Selectboard by the laws of this State.

§ 123-502. Organization

(a) Forthwith after their election and qualification, the ~~selectmen~~ Selectboard shall organize and elect a ~~Chairman~~ and Vice ~~Chairman~~ by a majority vote of the entire Board.

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

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

(d) All meetings of the Board shall be open to the public in accordance with the provisions of 1 V.S.A. § 312 of the Vermont State Statutes ~~1 V.S.A. chapter 5, subchapter 2.~~ [Repealed.]

(e) ~~The agenda of the selectmen's selectboard meetings shall be made available to the public at least 24 hours prior to the meeting and posted in one public place.~~ [Repealed.]

(f) ~~The agenda of the selectmen's meetings shall be made available to the press at least 24 hours prior to the meeting.~~ [Repealed.]

(g) ~~Any members of the Board may add items of business to the written agenda upon commencement of the meeting, provided that a majority of the quorum present votes to add such items to the agenda.~~ [Repealed.]

~~§ 123-503. Record of proceedings~~ [Repealed.]

(a) ~~It shall be the duty of the Board of Selectmen to keep an official record of its proceedings which shall be open for public inspection under State statutes.~~ [Repealed.]

(b) ~~The minutes of each meeting shall be approved by the Selectmen and shall be filed in the Town Clerk's office and Town Manager's office, a duly certified copy of such minutes, attesting to the accuracy and recording thereof, shall constitute the official transcript of such meeting and shall constitute prima facie evidence of the conduct thereof and the action taken thereat.~~ [Repealed.]

§ 123-504. Jurisdiction over offices and employees

Neither the ~~Board of Selectmen~~ Selectboard nor any of its members shall direct or request the appointment, by any officer or employee of the Town, of any person to office or employment, or their suspension or removal therefrom, or in any manner take part in the appointment, discipline, or removal of subordinates and employees of the Town, except as otherwise provided in this charter. The ~~Board of~~

~~Selectmen~~ Selectboard and its members shall deal with that position of the service of the Town for which the Manager is responsible solely through the Town Manager and neither the ~~Board of Selectmen~~ Selectboard or any of its members shall give any orders or request any action by a subordinate in office. This shall not be construed to prohibit the selectmen from recommending to the Town Manager a prospective employee for consideration and making general complaints to the Town Manager.

Subchapter 7: Town Manager

§ 123-701. Appointed by ~~selectmen~~ Selectboard

The ~~Board of Selectmen~~ Selectboard shall appoint a Town Manager upon such conditions as they may determine.

§ 123-702. Manager nonpartisan

- (a) The Manager shall be chosen solely on the basis of his or her executive, administrative, and professional qualifications.
- (b) The Manager shall not take part in the organization or direction of a political party, serve as member of a party committee, nor be a candidate for election to any public office.
- (c) The Manager shall be a resident of the Town of Hardwick once appointed in office. The Board of Selectmen may grant permission for the Manager to live outside the Town should there be sufficient reason.

§ 123-703. Oath and bond

Before entering office, the Manager shall be sworn to the faithful performance of his or her duties by the Town Clerk and shall give a bond to the Town in such amount and with such sureties as the ~~selectmen~~ Selectboard may require.

§ 123-704. Duties of ~~manager~~ the Manager

- (a) The Manager shall be the Chief Executive Officer of the Town and shall carry out the policies established by the ~~Board of Selectmen~~ Selectboard, to whom the Manager shall be responsible.
- (b) The Manager shall attend all meetings of the ~~Board of Selectmen~~ Selectboard, except when compensation or removal of the Town Manager is being considered, or the ~~Board of Selectmen~~ Selectboard allows such absence. The Manager shall keep the ~~selectmen~~ Selectboard informed of the financial condition and further needs of the Town and shall make such other reports as may be required by law, requested by the ~~selectmen~~ Selectboard, or deemed by the Town Manager to be advisable.
- (c) The Manager has the right to attend all meetings of standing committees, boards, and agencies appointed by the ~~Board of Selectmen~~ Selectboard.
- (d) The Manager shall be an ex-officio member of all standing committees, but may not vote.
- (e) The Manager shall perform all other duties prescribed by this charter, required by laws of this State, or resolution of the ~~selectmen~~ Selectboard.
- (f) The Manager shall prepare an annual budget, submit it to the ~~selectmen~~ Selectboard, and be responsible for its administration after adoption by the voters of the Town.
- (g) The Manager shall compile for general distribution at the end of each fiscal year a complete report on the finances and administrative activities of the Town of the year.
- (h) The Manager shall furnish a ~~monthly~~ quarterly financial statement to the ~~selectmen~~ Selectboard, with the assistance and cooperation of the Town Treasurer and Business Manager, who shall furnish whatever financial data are necessary to enable the Town Manager to fulfill his or her budgetary and financial responsibilities.
- (i) The Manager shall be responsible for the operation of all departments as designated by the ~~selectmen~~ Selectboard.
- (j) The Manager shall be the general purchasing agent for the Town and its departments, agencies, and commissions.

(k) The Manager shall be responsible for the administration of a system of accounts.

(l) The Manager shall have the authority to appoint, fix the salary of, within the salary ranges established by the ~~selectmen~~ Selectboard, suspend, and remove all employees of the Town appointed by him or her, subject to the provisions of the charter and any Personnel Regulations as approved by the ~~Board of~~ Selectmen Selectboard.

(m) The Manager may, when advisable or proper, and with the approval of the ~~selectmen~~ Selectboard, delegate to subordinate officers and employees of the Town, any duties conferred upon him or her.

(n) The Manager, with the department heads, shall prepare annually for the ~~Selectmen~~ Selectboard a three-year Capital Improvement Plan.

(o) The Manager shall serve as Collector of Delinquent Taxes unless otherwise provided for by the Town at an annual or special meeting.

§ 123-705. Compensation

The Manager shall receive such compensation as may be fixed by the ~~selectmen~~ Selectboard.

§ 123-706. Absence

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

Subchapter 9: Commissions ~~And~~ and Appointments

§ 123-901. Appointments

The ~~selectmen~~ Selectboard may appoint commissions or committees as needed, and delegate incidental powers necessary for the proper functioning thereof, as established by law.

§ 123-902. Water supply; duties of Selectboard members

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

- (1) The power to erect and keep in repair any buildings necessary or convenient for water supply purposes, and may construct and maintain such aqueducts and reservoirs as they judge best for furnishing the said Town a suitable water supply.
- (2) The power to contract with any aqueduct or reservoir company from time to time for supplying said Town with water for fire purposes, for watering the streets, and for other public purposes, for such length of time and upon such terms as the Town at its annual meeting or any special meeting duly called for that purpose shall direct. All contracts made by said Town with said aqueduct or reservoir companies, as provided by this section, shall be legal and binding on said Town, and said Town may vote, levy, and collect taxes for fulfilling such contract or contracts.
- (3) The power to lay water pipes, within the limits of said Town, and for that purpose may enter upon the lands of any landowner in said Town, and lay and maintain water pipes through such land, and repair the same when necessary, upon payment or tender of payment of such compensation as damages therefore as the said Selectboard shall award to such land owner, and to any tenant or occupant of such land to the amount that his or her interests are affected thereby.
- (4) The power to take the water of any fountains, springs, ponds, or streams for the purpose of supplying the inhabitants of said Town with water for fire, domestic, and other purposes, provided the owner or other person having any interest in the same shall not be deprived of such portion of such water as may be necessary for agricultural and domestic purposes.
- (5) The power to construct and complete an aqueduct with all necessary reservoirs and appurtenances, to conduct said water to distribute the same through said Town, and for this purpose may enter upon and use any land over or through which it may be necessary or desirable for said aqueduct to pass, and may thereon lay and construct such pipes, reservoirs, and appurtenances as may be necessary for the

complete construction and repairing of the same, and it may also, for the purposes aforesaid, dig up or occupy any common, highway, street, or bridge for the purpose of laying, constructing, or repairing such aqueduct and the appurtenances thereof.

(6) In any case where damages or compensation to owners of, and other persons interested in, the water so taken, or land as may be used for laying, extending, constructing, and maintaining the aqueduct, and for the reservoirs and appurtenances, is not adjusted by agreement, or if the owners thereof be a minor, or a person who lacks capacity to protect his or her interests due to a mental condition or psychiatric disability, or out of the State, or otherwise incapacitated to sell or convey, the same shall be fixed by the Selectboard after hearing all parties interested, the hearing to be had upon written notice of the time and place thereof, given at least six days before the hearing, file their award in the Town Clerk's office in the town or towns where the property in question is situated, and cause the same to be recorded in the land records of the town or towns.

(7) When any person shall be dissatisfied with the award of the Selectboard so made, in any of the cases mentioned in section 901 of this charter, such person may petition a court of competent jurisdiction for a reassessment and award of damages, and such proceedings shall be had in said court on said petition as are provided by law for the assessment of damages for land taken for highway. Said petition shall be served on the Clerk of said Town within 60 days next after said award shall be filed in the Town Clerk's office as aforesaid, but nothing in such proceedings shall prevent the Selectboard from entering on such land, and laying and constructing said aqueduct, reservoirs, and appurtenances, and using said water after their award shall have been made and the amount thereof tendered by them.

(8) The Selectboard, as aforesaid, may make and adopt such bylaws and regulations concerning the management and use of such aqueduct, reservoirs, and appurtenances not inconsistent with law, as it may deem expedient, including the fixing and collecting of water rates; and the said water rates so fixed shall, until paid, be and remain a lien upon the premises of the parties so furnished with water in like manner as real estate is by said law held for other taxes.

(9) The charges and rates for water service shall be a lien upon real estate, wherever located, furnished with such service in the same manner and to the same effect as taxes are a lien upon real estate under 32 V.S.A. § 5061. The owner of such property furnished with water service, wherever located, shall be liable for such charges and rates. (Amended 2013, No. 96 (Adj. Sess.), § 166; 2013, No. 161 (Adj. Sess.), § 72; 2017, No. 113 (Adj. Sess.), § 162.)

§ 123-903. Sewage collection and disposal; duties of ~~selectmen~~ the Selectboard

It shall be the responsibility of the ~~Board of Selectmen~~ Selectboard, acting as sewer commissioners, to provide adequate collection and disposal for domestic and industrial sewerage within those parts of the Town served by ~~existing a Town owned~~ sewage collection and distribution system. In order to implement said authority, the ~~Board of Selectmen~~ 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 ~~Board of Selectmen~~ 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, and the ~~selectmen~~ Selectboard shall proceed in the same manner as is prescribed by law for ~~selectmen~~ selectboards in taking for public highways and in awarding damages therefore, and the said ~~selectmen~~ selectboards shall make a return of their doings to the office of the Hardwick Town Clerk of ~~said Town~~ who shall record the same in the Town records of the Town, and ~~said the~~ Town may also lay pipes along and across the streets, alleys, lanes, and highways in ~~said Town~~ Hardwick.

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

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

(4) When ~~said Board of Selectmen~~ the Selectboard enters upon lands under the authority and for the purpose stated in subdivision (3) of this section, they shall give 12 days' notice to all persons owning or interested in such lands when they will hear and consider the question of assessments for benefits, or both. And in all cases when either assessments are made or damages are allowed, the ~~said Board of Selectmen~~ Selectboard shall forthwith make a report of their doings, which report ~~they the Board~~ shall cause to be filed in the office of the Town Clerk, who shall record the same in the Town records of ~~said Town~~.

(5) When any person shall be dissatisfied with the decision of ~~said Board of Selectmen~~ the Selectboard in the award of damages for laying, making, altering, or repairing any sewer and drain, or in any assessment for benefits of the same, such persons may petition a court of competent jurisdiction for a reassessment of such damages or benefits. Said petition shall be served on the Hardwick Town Clerk of ~~said Town~~ within 60 days next after said award of damages or assessment for benefit shall be filed in

~~said~~ the Town Clerk's office, and such petition shall not delay the making or repairing of such sewer or drain, or sidewalk or culvert, or laying said water pipe.

(6) The ~~Board of Selectmen~~ Selectboard, as aforesaid, may make and adopt such bylaws and regulations concerning the management and use of such sewers and drains and appurtenances not inconsistent with law as it may deem expedient, including the fixing and collecting of sewer use and benefit rates and assessments and said sewer use and benefit rates so fixed shall, until paid, be and remain a lien upon the premises of the parties so furnished with sewer service in like manner as real estate is by law held for other taxes.

(7) The charges and rates for sewage service shall be a lien upon real estate, wherever located, furnished with such service in the same manner and to the same effect as taxes are a lien upon real estate under 32 V.S.A. § 5061. The owner of such property furnished with sewage service, wherever located, shall be liable for such charges and rates.

§ 123-904. Electric Department commissioners

(a) The Town of Hardwick may own and operate municipal electric plants as provided in 30 V.S.A. chapter 79, the management, operation, and administration of which shall be vested in a Board of Electric Utility Commissioners consisting of five persons to be appointed by the ~~Board of Selectmen~~ Selectboard whose initial terms shall be established by resolution of the ~~Board of Selectmen~~ Selectboard so as to provide that no more than two of such commissioners shall be appointed annually. Each appointment shall take effect on July 1 of each year, and no Commissioner may be removed from office except for cause. Notwithstanding any provision of this charter or the general law, the ~~Board of Selectmen~~ Selectboard may appoint no more than two electric utility Commissioners who are not residents of the Town; provided, however, that such Commissioners reside within and are full time residents of the area served by the Town's municipal electric plant.

(b) The provisions of 24 V.S.A. chapter 53 and 30 V.S.A. chapter 79, as amended, or similar general enactments, shall control the financing, improvements, expansion, and disposition of the Town municipal electric plant.

(c) The charges and rates for electric service shall be a lien upon real estate, wherever located, furnished with such service in the same manner and to the same effect as taxes are a lien upon real estate under 32 V.S.A. § 5061. The owner of such property furnished with electric service, wherever located, shall be liable for such charges and rates.

§ 123-905. Fire Department; appointments

A slate of Fire Department officers including the Fire Chief will be provided to the Hardwick Town Manager by the Hardwick Fire Department prior to Town Meeting as a recommendation for election by the voting residents of the Town.

(a) The Fire Chief and the Assistant Fire Chief shall be elected at large at Town meeting.

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

§ 123-906. Police Department; appointments, whenever the Town of Hardwick shall maintain a police department:

The Police Chief shall be appointed by the Town Manager.

§ 123-907. Fire and Police Departments; general provisions

(a) Members and officers of the Town Fire and Police Departments shall satisfactorily complete such courses of instruction and training as shall be required generally of fire department members and police officers by the laws of this State.

(b) The ~~Board of Selectmen~~ Selectboard shall determine and establish the conditions under which fire department members and police officers may exercise the functions of their respective offices beyond the limits of the Town to the extent authorized by law.

§ 123-908. Cemetery Commission

Responsibilities and powers shall be as established by law.

§ 123-909. Board of Health

The ~~Board of Selectmen~~ Selectboard shall act as and constitute the Town Board of Health, the responsibilities, and powers of which shall be as established by law.

Subchapter 11: Town Meeting

§ 123-1101. Application of general laws

Provisions of the laws of this State relating to voter qualification, warnings, methods of voting, the duties of town officers at town meetings and elections, and all other particulars relating to preparation for, conduct, and management of town meetings and elections shall, so far as they may be applicable, govern all municipal elections and all annual and special Town meetings, except as otherwise provided in the charter.

§ 123-1102. Eligible voters

A method for the identification and designation of the eligible voters in Town meeting shall be established and enforced by the Board of Civil Authority.

§ 123-1103. Polling places

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

§ 123-1104. Postponement and combining of town meeting

(a) If an application for a special Town meeting is made not more than 60 days and not less than 40 days before annual Town meeting day, the ~~selectmen~~ Selectboard may postpone voting on any one or more of the articles requested in the petition until annual Town meeting day.

(b) If, within five days after application is made for a special Town meeting, a petition for another Town meeting is filed, the ~~selectmen~~ Selectboard may postpone voting on any one or more of the articles

requested in the first petition until the Town meeting called upon the second petition, provided that the meeting on the second petition is warned for a day falling not more than 60 days after the filing date of the first petition.

§ 123-1105. Voting question by Australian ballot

Voting on any public question or the election of any Town officer by Australian ballot shall be as provided by the general law of the State.

§ 123-1106. Annual meeting; date and time

The annual meeting of the Town for the consideration of all matters to be voted upon by ballot shall be held on the first Tuesday in March, commencing at 10 o'clock in the forenoon.

Subchapter 13: Zoning ~~And~~ and Planning

§ 123-1301. Applicability of State law to zoning and planning

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

~~§ 123-1302. Ratification of present zoning ordinance~~

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

§ 123-1303. Minutes

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

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

Subchapter 15: Budget ~~And~~ and Taxation

§ 123-1501. Fiscal year

The fiscal year shall commence on the first day of July and end with the last day of June.

§ 123-1502. Preparation and submission of budget

(a) The Town Manager, at least 90 days before the date of the regular annual Town meeting, shall submit to the ~~selectmen~~ Selectboard a budget which, except as required by law or this charter, shall be in such form as the Manager deems desirable or the selectmen may require. The budget shall contain:

(1) An estimate of the financial condition of the Town as of the end of the fiscal year and as of the date of the submission of the budget.

(2) An itemized statement of appropriations recommended for current expenses and for capital improvements, during the next fiscal year with comparative statements in parallel columns of appropriations and estimated expenditures for the year and actual appropriations and expenditures for the next preceding fiscal year.

(3) An itemized statement of estimated revenues from all sources, other than taxation, for the next fiscal year; a statement of taxes required for the next fiscal year; and comparative figures of tax and other sources of revenue for the current and last preceding fiscal year.

(4) Such other information as may be required by the ~~Board of Selectmen~~ Selectboard.

(b) At least 10 days before the annual meeting of the Town, the ~~selectmen~~ Selectboard shall publish in a newspaper of general local circulation and post on its website a notice containing the amount which the Town anticipates must be raised by Town taxes and to be voted at its annual meeting.

(c) The ~~selectmen's~~ Selectboard's budget in its final form and the warning of the meeting shall be made available to the legal voters of the Town at least 10 days prior to the annual meeting.

§ 123-1503. Saving clause

Failure to perform any of the duties specified in section 1502 of this charter, or failure to perform any of such duties within the time limits above specified, shall not invalidate any action taken at a duly warned annual meeting.

§ 123-1504. Appropriations

The Town at the annual meeting shall adopt a budget which shall include the proposed expenditure of each department for the coming fiscal year, and adoption of a budget at the annual meeting shall be deemed an appropriation to each department of the sum allotted in the budget for such department. A department's expenditures may not exceed the amount appropriated to it, except by consent of the ~~selectmen~~ Selectboard and subject to the provisions of sections 1506 and 1507 of this charter. The amounts stated in the budget, and as approved by the Town, shall become appropriated to the several agencies, departments, and purposes therein named.

§ 123-1505. Amount to be raised by taxation

Upon passage of the budget by the annual Town meeting, the amounts stated therein as the amount to be raised by property taxes shall constitute a determination of the amount of the levy for the purposes of the Town in the corresponding tax year, and the ~~selectmen~~ Selectboard shall levy such taxes on the grand list furnished by the listers for the corresponding tax year.

§ 123-1506. Budget limitations- borrowing

(a) The incurring of bonded indebtedness, the issuing of bonds, the making of temporary loans in anticipation of bond sales, and all other matters pertaining to bonded indebtedness shall be controlled by such statutes as are applicable.

(b) The Town, through ~~the selectmen~~ its Selectboard, may borrow money in anticipation of taxes.

(c) The Town, by vote at the annual or a special meeting, may borrow money under such terms and conditions and for such lawful municipal purposes as the Town shall approve.

(d) In cases of emergency, the ~~Selectmen~~ Selectboard may appropriate funds or borrow money in the name of the Town.

(e) The ~~selectmen~~ Selectboard, in the name of the Town, may borrow funds in anticipation of federal and State funds which have been approved and committed, until such time as such funds are available, but in no event for a term of longer than one year. ~~Any debt so incurred for a project shall be repaid from the first Federal or State funds received for that project.~~

(f) Any appropriation beyond the amount in the Town budget, except as specified in subsection (d) of this section and all borrowing, except as specified in subsections (a), (b), (c), (d), and (e) of this section, shall be by vote of the Town and upon such terms and conditions as the Town shall vote.

§ 123-1507. Transfers of appropriations

At any time during the fiscal year the Manager may transfer part or all of any unused appropriation balance among the programs within a department, office, or agency. Upon written request by the Manager, the ~~selectmen~~ Selectboard may by resolution transfer part or all of any unused appropriation balance from one department, office, or agency to another. Notwithstanding the above, no unexpended balance in any appropriation not included in the budget of the ~~selectmen~~ Selectboard shall be transferred or used for any other purpose.

§ 123-1508. Taxation

(a) Taxes on real and personal property shall be paid as voted at annual Town meeting.

(b) Taxes may be paid with discount if approved at annual Town meeting.

(c) Taxes shall be collected as established by law.

(d) Delinquent property taxes shall accrue penalty, interest, fees, and costs to the maximum extent permitted by law, and all such penalty, interest, fees, and costs shall be paid over to the Town Treasurer for inclusion in the General Fund of the Town.

~~§ 123-1509. Fees and fines [Repealed]~~

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

Subchapter 17: General Provisions

§ 123-1701. Separability

If any provision of this charter is held invalid, the other provisions of this charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

~~§§ 123-1702-1704. [Transitional Provisions.]. [Repealed].~~

§ 123-1705. Amendment of charter

This charter may be amended as set forth by the general law of ~~this State~~ the State of Vermont, presently Title 17, Section 2645 of the Vermont Statutes Annotated.

§ 123-1706. Reference to statute

If any matter mentioned in this charter is said to be controlled by a special statute, the reference to such statute shall include the statute as amended or renumbered, or any statute substituted therefore and having a similar subject matter.

~~§§ 123-1707-1715. [Village-Town Merger Transitional Provisions]. [Repealed]~~

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