

Hardwick Town Charter Changes Explained

On December 9, the voters in the Town of Hardwick will vote on whether to accept the changes to the Town charter being requested by the Selectboard. The ballot will have 4 Articles to vote on. Below we want to explain each article.

Why are we proposing these changes? When the Incorporated Village of Hardwick and the Town of Hardwick merged in 1988, the Village Trustees and Town Selectmen created the charter that governs Hardwick today. Thirty-some years later, changing circumstances make updating the Charter important, and now happens to be a good time, because, the current elected Listers and the current elected Town Clerk all plan to retire as of our next Town Meeting. In light of that, now seems like a particularly good time to upgrade the charter.

How can the public get involved? The Selectboard will hold two meetings to get public opinion. While the Warning for those two public hearings meets the legal requirements, it just points to the changes – it does not explain them. To explain them, the Selectboard has created this document.

How to read this document: All Town charters become part of the laws of Vermont, and each part of the charter gets “named” with its place in the Vermont Statutes.¹ Here's how the naming works: All charters appear in the Appendix to Title 24 – called Municipal Charters. Chapter 123 of that Appendix holds Hardwick's charter. The charter is divided into sections called “Subchapters,” and the specific items in each Subchapter have a three-digit number: for example the first item in Subchapter 1 appears as 123-101. We will use these “names” below.

General Change:

Throughout the Charter, we changed “Selectmen” to “Selectboard,” and each Article on the ballot includes instances of this change. If that's the *only* change in a subchapter, we did not include it in this explanation.

Article 1 on the ballot covers these changes:

§ 123-101. We changed this by removing a lot of references to laws that used to apply to the Village. Our current charter eliminated the Village of Hardwick and this section contained all the laws that related to the Village. In 2021, with no Village to worry about, we don't need any of those references and have crossed them out.

§ 123-110 *Non-applicability of zoning and subdivision*; Just editing – we changed “Nonapplicability” to “Non-applicability”

§ 123-112. *Authority of police officers*; Just editing – we changed “police” to “Police”

§ 123-113. *Open meetings*; We adopted the State law that governs how public boards, commissions, committees, etc. must hold their meetings. In the future, when that law changes, we don't have to change our charter, because we have accepted the language in the state law.

§ 123-117. This section created the Town School District. Because our elementary school and our high school have joined a union school district, we need to repeal this section.

¹ You will find Vermont Statutes Online here < <https://legislature.vermont.gov/statutes/title/24APPENDIX> >

(Subchapter 3: Officers)

Two subchapters deal with elected Officers of the Town: 123-302 and 123-304. We don't know why they were broken up like that.

We have several officers whose **positions we want to eliminate**:

§ 123-302.(a) (3) Trustees of Public Funds. *Why?* This office that goes back into the 1700s. These Trustees oversaw the money that came to the Town from land the Town owned and leased to farmers. Since the Town no longer leases land, Trustees of Public Funds no longer have any work to do, so we removed them.

§ 123-302.(a) (4) Auditors. *Why?* We hire professional auditors to check our books, so we no longer need to elect auditors.

§ 123-302.(a) (7) Listers. *Why?* Because the job of the Listers has become very technical, difficult, and time consuming. Nobody wants to run for it. So, several years ago we hired a professional firm to manage our land assessment. The Listers still handle a few routine procedures, but they will retire at the end of this current term and the professionals will assume all duties. They will add an additional \$23,000 to the Town budget – an increase of .006%.

§ 123-302.(a) (14) Fence Viewers. *Why?* The Zoning Administrator does the job of the Fence Viewers, so we don't need them.

§ 123-306 (c) (9) Pound Keeper. *Why?* In the early days of settlement, people didn't have time to build fences. Instead, they branded their animals with a pattern of notches in the ears and let them run free. If they strayed very far, a Pound Keeper (the town had as many as 4) would put them into one of the Pounds the town kept and notify the owner to come get them. We don't have town pounds anymore, so we don't need Pound Keepers. It was not the same as the Animal Control Officer (dog catcher).

§ 123-304. Other elective offices; Here we formally removed the officers we mentioned above.

§ 123-306 (c) This statement repeats, word for word § 123-306 (b). It's an editing mistake that the authors of the 1988 charter missed. We've corrected it.

§ 123-306 (c) (1) This statement of how the Zoning Administrator gets appointed is really vague. We've made it more specific by saying that the appointment will follow state law and that the position will report to the Town Manager.

§ 123-307 (a) We also give details about how we will replace any officer with a 3-year term when the term has expired.

§ 123-309. *Oath of office*; Instead of saying that all police officers must take our oath of office, we say that all municipal police officers must.

(Subchapter 5: ~~Selectmen~~ [Selectboard])

§ 123-502 (d) Instead of using our own language, we adopted State law about warning the meetings, making them available to the public, and handle the minutes. So, if those laws change, ours

do, too, and we don't have to edit the Charter.

§ 123-502 (e), (f), (g) We adopted the State statute, so we no longer need these rules.

§ 123-503. *Record of proceedings [Repealed].*; We adopted the State statute, we don't need these rules.

(Subchapter 9: Commissions ~~And~~ [and] Appointments)

§ 123-905. *Fire Department*; We described the process the Fire Department now uses to nominate a slate of officers which we add to the warning for Town Meeting. We have added that process to the Charter.

§ 123-906. *Police Department appointments, whenever the Town of Hardwick shall maintain a Police department*; We clarified that the Town may decide to look outside Hardwick for its policing.

(Subchapter 11: Town Meeting)

§ 123-1103. *Polling places*; We specify elections for which the Board of Civil Authority must set up polling places.

(Subchapter 13: Zoning ~~And~~ [and] Planning)

§ 123-1301. *Applicability of State law to zoning and planning*; We made the Zoning Administrator a three-year term. We specify the process that requires the Planning Committee to propose an applicant to the Selectboard which will fill the vacancy.

§ 123-1302. *Ratification of present zoning ordinance* The 1988 charter ratified the zoning laws in place then. We've removed that provision so we can change those laws.

§ 123-1303. *Minutes*. Like all Town Boards, Commissions, and Committees, we're requiring the Planning Commission make its minutes public.

(Subchapter 15: Budget ~~And~~ [and] Taxation)

§ 123-1509. *Fees and fines [Repealed]*. This describes how the Town offices handle fees and fines. Our lawyer told us remove it, because how we handle money is controlled by state law.

(Subchapter 17: General Provisions)

§ 123-1702-1704. *[Transitional Provisions.] [Repealed]*; Since we're not transitioning from a Village and Town to just a Town, we don't need these transition rules.

§ 123-1705. *Amendment of charter*; We're clarifying how we can amend the Charter by including the specific State procedure that we will follow.

§ 123-1707-1715. *[Village-Town Merger Transitional Provisions] [Repealed]*. More rules for transitioning from a Village and Town that no longer apply, so we eliminated them.

Articles 2, 3, and 4 on the ballot cover these changes: eliminating the positions of Town Clerk and Town Treasurer and re-creating them as one position – Town Clerk and Treasurer – which the Select Board will appoint.

§ 123-302.(a) (5) Eliminating the Town Clerk. *Why?* The Town Clerk's position has become very technical in the past ten years. The use of computers to manage the many records the Clerk must keep track of, along with the complicated legal requirements that he or she must follow, makes it impossible for an untrained Clerk to walk into the office and do the job at all, much less do it well. If we hire/appoint the Town Clerk and Treasurer, as many towns now are doing, applicants must prove they have the knowledge and skills to do the job well.

§ 123-302.(a) (6) Eliminating the Town Treasurer. *Why?* For more than a century, the Town Clerk has also served as the Town Treasurer by being elected to both positions. Because the two jobs interact so completely, we want to create a single position of Town Clerk and Treasurer.

§ 123-305. Treasurer (a) – (b) 5 This describes the duties of the Town Treasurer. If we remove the position, we must removed the lists of duties for that position. Those duties will become duties of the new position of Town Clerk and Treasurer.

§ 123-306 (c) (11) We removed the Town Clerk as an elected office in 123-302 (a) (5), and here we're creating the position as an appointed office.

§ 123-310. Town Clerk and Treasurer; We clarified the job expectations of the Town Clerk and Treasurer and Assistant Town Clerk and Treasurer.

The Hardwick Selectboard:

Eric Remick, Chair

Ceilidh Galloway-Kane, Vice-Chair

Shari Cornish

Elizabeth H Dow

Michael Deering