

The Vermont Statutes Online

Title 24 Appendix: Municipal Charters

Chapter 123A: Town Of Hartford

§ 123A-101. Incorporated

The inhabitants of the Town of Hartford, including the historical, unincorporated Villages of Hartford, West Hartford, Quechee, Wilder, and White River Junction, are a corporate and political body under the name of "Town of Hartford" (herein called "the Town"). As such, inhabitants enjoy all rights, immunities, powers, and privileges and are subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation. The Hartford School District (herein called "the School District") is the town school district for the Town of Hartford and shall enjoy all rights, immunities, powers, and privileges and is subject to all the duties and liabilities now appertaining to or incumbent upon it as a State school district. (Added 2009, No. M-5, § 2, eff. April 29, 2009; amended 2011, No. M-16 (Adj. Sess.), § 2, eff. May 7, 2012.)

§ 123A-102. General powers

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

(b) The Town and School District shall have and enjoy the rights, immunities, powers, and privileges conferred by the Constitution and laws of the State of Vermont and shall also have all implied, necessary, and incidental powers for the discharge of their respective purposes.

(c) The powers and functions of the Town and School District set forth in this chapter shall be in addition to the powers and functions otherwise conferred by the Constitution and laws of the State of Vermont. Nothing in this chapter shall be construed as a limitation upon these previously specified powers and functions.

(d) The Town or School District may acquire real property for any Town or School District purpose, in fee simple or lesser interest or estate, by purchase, gift, devise, or lease, and may sell, lease, hold, manage, and control real property as its interests may require. The Town or School District may further acquire property by condemnation where that authority is granted to towns or school districts by State statutes.

(e) In this chapter, no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers that the Town or School District would have if the particular power were not mentioned. The Selectboard and the School Board shall operate as separate and independent entities. Nothing in this chapter shall be interpreted as allowing either one to exercise, inhibit, or infringe upon the rights, powers, or privileges of the other. (Added 2009, No. M-5, § 2, eff. April 29, 2009; amended 2011, No. M-16 (Adj. Sess.), § 2, eff. May 7, 2012)

§ 123A-103. Particular powers

In addition to powers otherwise conferred upon it by law, the Town is, for the purpose of promoting the public health, safety, welfare, and convenience, authorized to adopt and enforce ordinances, rules, and regulations concerning any matter or activity permitted by general law, including:

- (1) Making and installing local improvements, including curbs, sidewalks, and storm drains in a manner specified by the Town as a condition precedent to the issuance of a building permit.
- (2) Regulating the parking, operation, and speed of motor vehicles upon Town and Vermont State aid streets and highways.
- (3) Regulating or providing for the storage, accumulation, collection, removal, and disposal of garbage, ashes, rubbish, refuse, and other waste materials, including contracting with third parties for any or all of those services and establishing service rates for those services.
- (4) Establishing and maintaining a Police Department and adopt policies pertaining to that Department.
- (5) Establishing and maintaining a Fire Department and adopt policies pertaining to that Department.
- (6) Establishing and maintaining an ambulance service and adopt policies pertaining to that service.
- (7) Establishing and maintaining a Water Department financed by an enterprise fund and adopt policies pertaining to that Department.
- (8) Establishing and maintaining a Wastewater Department financed by an enterprise fund and adopt policies pertaining to that Department.
- (9) Establishing and maintaining a Highway Department and adopt policies pertaining to that Department.
- (10) Regulating the moving of buildings in the streets or public highways of the Town.
- (11) Regulating the holding of public meetings in the streets, highways, or on public property of the Town.
- (12) Regulating riots, noises, disturbances, and disorderly assembly and adopt pertinent policies.
- (13) Establishing and maintaining control of domestic animals within the Town and adopt pertinent policies.
- (14) Establishing and maintaining a Financial Services Department.
- (15) Establishing and maintaining a Planning and Development Department.

(16) Establishing and maintaining a Park and Recreation Department.

(17) Establishing and maintaining any other proper and lawful Town departments or services as deemed necessary, including the establishment of enterprise funds. (Added 2009, No. M-5, § 2, eff. April 29, 2009; amended 2011, No. M-16 (Adj. Sess.), § 2, eff. May 7, 2012; 2017, No. M-4, § 2, eff. May 17, 2017.)

§ 123A-104. Local option tax

The Town of Hartford is authorized to levy a tax of one percent on rooms, meals, and alcoholic beverages, the net proceeds of which are to be deposited in a capital reserve fund until directed otherwise by vote of the Town. (Added 2017, No. M-6, § 2, eff. May 22, 2017.)

§ 123A-201. Town meeting

(a) Town and School District meeting. All governmental authority for the Town and the School District not vested by law in a particular Town or Town School District officer ultimately rests with Town voters who vote at Town meeting or by Australian ballot. In this tradition, the Hartford annual Town meeting will combine and consider Town and School District matters, and the warnings, meetings, and elections shall be combined.

(b) School and Town Meeting Committee. To augment the statutory responsibilities for the annual Town and School District meetings that are specified to the Town and the School District and their respective officers, there shall be a School and Town Meeting Committee that shall organize, arrange, and provide for the comfort, presentation, publicity, program, refreshments, entertainment, and other nonstatutory aspects of the Town meeting cycle, such as the Budget and Candidates Night meeting and the Town and School District Day meeting. The Town Clerk shall appoint one member for a two-year term. The Selectboard shall appoint one member for a two-year term and one member for a three-year term. The School Board shall appoint one member for a two-year term and one member for a three-year term. No School Board member, Selectboard member, or Town Clerk may serve on the School and Town Meeting Committee. Each appointing body or person shall have the power to remove any incumbent member of the School and Town Meeting Committee appointed by that body or person and shall have the power to appoint a replacement member to serve the unexpired term of any person who is removed or who resigns.

(c) The method for identification and designation of eligible voters in the Town and School District shall be established by the Board of Civil Authority.

(d) Polling places. Locations of annual or special Town or School District meetings for the purpose of election of officers and voting all questions to be decided by Australian ballot shall be established by the Board of Civil Authority.

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

(1) Budget and Candidates Night meeting. At 7:00 p.m. on the Monday night in February eight days prior to Voting Day, a Town and School District budget discussion and candidates night meeting shall be called for the purpose of:

- (A) presentation, explanation of, and citizen comment upon Town and School District budgets;
- (B) introduction of candidates, presentations by candidates, and opportunity for citizen questioning of candidates;
- (C) any other appropriate informational matters.

(2) Town and School District Meeting Day. The annual Town and School District floor meetings shall be called and held on the Saturday preceding Voting Day held under subdivision (3) of this subsection, subject to change as provided by general law. The floor meetings shall:

- (A) be the venue for any public hearing to be held in advance of Voting Day;
- (B) receive the reports of Town and School District officers;
- (C) determine the compensation to be paid Town and School District officers for the ensuing year;
- (D) serve as the public informational hearing for matters to be considered by Australian ballot; and
- (E) conduct other business not determined at Australian ballot election.

(3) Voting Day. Voting Day shall be on Vermont Town Meeting Day, the first Tuesday in March, at which time any business, budgets, and candidate election involving Australian ballots will be transacted beginning at 7 a.m. until closing at 7 p.m. The Town budget as warned by the Selectboard and the School District budget as warned by the School Board shall be submitted to the electorate at this Town election. A majority vote shall be a simple majority of votes cast in this election. All public questions and all matters relating to the adoption of the Town and School District budgets shall be considered by Australian ballot under this subdivision:

(f) Special Town and School District meetings. A special Town or School District meeting may be called at any time by a majority of the applicable board or by the Town Clerk upon receipt of a petition signed by no fewer than 350 registered voters. A special Town or School District meeting shall be called and warned in accordance with State statute.

(g) Warnings. Warnings for Town or School District meetings shall be posted on the Town or School District websites, printed in area newspapers, and posted in at least 12 public places in the Town under a schedule that is in accordance with State statute. The warning shall be signed and recorded by the Town Clerk before it is posted. Budgets and other applicable reports shall be available not later than 10 days prior to the budget informational meeting as established under subdivision (e)(f) of this section.

(h) Presiding officials:

(1) A Moderator shall preside at all Town meeting cycle events, such as Budget and Candidates Night, Town and School District Meeting Day, and any special Town or School District meetings. In the Moderator's absence, the Town Clerk shall appoint a Moderator Pro Tempore to preside for the duration of the meeting.

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

(3) The Town Clerk shall be the presiding official at all Australian ballot elections and, in cooperation with the Board of Civil Authority, shall ensure that all laws related to elections are faithfully observed.

(4) In the absence or a disability of the Town Clerk, should it occur before an election, the Board of Civil Authority shall designate a presiding official for the duration of the election. Should the absence or disability occur on election day, the Board of Civil Authority shall designate an on-site temporary officer to preside for the duration of the election. (Added 2009, No. M-5, § 2, eff. April 29, 2009; amended 2011, No. M-16 (Adj. Sess.), § 2, eff. May 7, 2012; 2017, No. M-4, § 2, eff. May 17, 2017.)

§ 123A-202. Elected officers

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

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

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

(d) Qualifications for serving in elected office:

(1) shall be a resident of the Town;

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

(3) shall hold no other elected Town, School District, or statutorily incompatible office, with the exception of Town Moderator who may be both the Town and School District Moderator;

(4) shall not be a Town or School District employee.

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

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

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

(3) a Town Treasurer, elected for a three-year term;

(4) all other Town officers provided in this chapter or State statute.

(f) The elected officers of the School District shall be:

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

(2) five School Board members, elected in accordance with State statute.

(g) The elected Board of Civil Authority shall consist of 15 justices of the peace, elected every two years in accordance with the general law. The Town Clerk shall be the Clerk of the Board of Civil Authority. The duties performed by the Board of Civil Authority shall be in accordance with State statute.

(h) Compensation for elected officers of the Town and School District shall be determined as provided in subdivision 201(e)(2)(C) of this chapter. (Added 2009, No. M-5, § 2, eff. April 29, 2009; amended 2011, No. M-16 (Adj. Sess.), § 2, eff. May 7, 2012; 2017, No. M-4, § 2, eff. May 17, 2017.)

§ 123A-203. Duties of elected officers

(a) Selectboard.

(1) Terms of office:

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

(B) Terms of office shall be as follows:

(i) Four members for three years;

(ii) Three members for two years.

(C) Members shall serve until successors are elected and qualified.

(D) Members shall be elected at large.

(E) In the event of a death, resignation, change of residence to a location outside the Town, or incapacity of any Selectboard member, the remaining members may appoint a person eligible to fill that position until the next annual or special Town meeting. If the Selectboard is unable to agree upon an interim replacement until the next annual Town meeting, a special election shall be held forthwith to fill the position.

(i) Incapacity shall include the failure by any member of the Selectboard to attend at least 70 percent of the meetings in any 12-month period or missing three consecutive meetings without the consent of the Selectboard.

(ii) In the event of two or more vacancies, an election shall be held forthwith to fill all vacant positions.

(2) Organization.

(A) Forthwith after the election and qualification of the members, the Selectboard shall organize and elect a Chair, Vice Chair, and Clerk by a majority vote of the Board and shall file a certificate of the elections for record in the office of the Town Clerk.

(B) The Chair of the Selectboard, or in his or her absence the Vice Chair, shall preside at all meetings of the Selectboard.

(C) As soon as possible after the election of Chair and Vice Chair, the Selectboard shall fix the time and place of its regular meetings.

(D) The Selectboard shall determine its own rules and orders of business not addressed by this chapter.

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

(F) All meetings of the Selectboard shall be open to the public; unless by an affirmative vote of a majority of members present, the Selectboard shall vote that any particular session shall be an executive session in accordance with State statute.

(G) An official record of the proceedings of the Selectboard shall be kept by its Clerk. The record shall be filed with the office of the Town Clerk and shall be open for public inspection once draft minutes are approved by the Selectboard.

(3) Appointments.

(A) Before any appointments are made, the Selectboard shall compile and publicly post a list of all vacancies.

(B) The Selectboard shall appoint and remove the Town Manager pursuant to section 301 of this chapter.

(C) The Selectboard may examine or cause to be examined, with or without notice, the affairs of the Town Manager by having access to all tools used by the Town Manager in performance of his or her duties, including to books, papers, and wireless and electronic records, for information necessary to determine the proper performance of the Town Manager in the performance of his or her duties and responsibilities.

(D) Standing boards, commissions, and authorities to be appointed include:

- (i) Business Revolving Loan Fund (five appointed, three years);
- (ii) Conservation Commission (seven appointed, four years);
- (iii) Design Review Commission (five appointed, three years);
- (iv) Energy Commission (seven appointed, three years);
- (v) Hartford Housing Authority (five appointed, five years);
- (vi) Historic Preservation Commission (five appointed, three years);
- (vii) Parks and Recreation Commission (seven appointed, three years);
- (viii) Planning Commission (seven appointed, three years);
- (ix) Tree Board (five appointed, three years);
- (x) Zoning Board of Adjustment (ZBA) (five appointed, three years).

(E) The Selectboard may appoint or dissolve any authorities, boards, commissions, or committees under their purview as authorized by this chapter or State statute, excluding the School and Town Meeting Committee established in subsection 201(b) of this chapter and any authorities, boards, commissions, or committees created by the General Assembly.

(4) Powers and duties.

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

(B) Powers. The Selectboard may:

- (i) authorize the expenditure of all Town monies and may:
 - (I) submit the annual operational budget to the town Meeting; and
 - (II) fix the compensation of all officers, appointees, and municipal employees except as otherwise provided in this chapter;
- (ii) inquire into the conduct of any officer, appointee, commission, or department and investigate any and all Town affairs.

(b) The Moderator:

- (1) shall perform all duties and responsibilities prescribed by this chapter and the State of Vermont;
- (2) shall follow Robert's Rules of Order, Newly Revised (RONR) in deliberations and conduct of all meetings;
- (3) may be the same individual who presides at Town and School District budget and candidates night meeting, annual Town meeting, and special Town and School District meeting.

(c) Town Clerk. The Town Clerk shall be appointed by and shall serve at the pleasure of the Selectboard. The Town Clerk shall perform all duties and responsibilities prescribed by the laws of the State of Vermont and any additional duties set forth in this chapter.

(d) Assessor. The Selectboard shall contract with or employ a qualified professional assessor, who need not be a resident of the Town. The Assessor shall have the same powers and responsibilities, and shall perform the same functions as prescribed by law for listers and boards of listers.

(e) Trustees of Public Funds. The Selectboard may appoint annually one trustee of public funds if a qualified candidate presents themselves, otherwise these duties shall be assumed by the Town Manager or his or her designee.

(f) All others. Any other elected officials of the Town or School District shall have powers and duties prescribed to that office as specified in the general law. (Added 2009, No. M-5, § 2, eff. April 29, 2009; amended 2011, No. M-16 (Adj. Sess.), § 2, eff. May 7, 2012; 2017, No. M-4, § 2, eff. May 17, 2017.)

§ 123A-301. Appointed officers

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

(1) The Town Manager shall be appointed for a period not to exceed three years and may thereafter be appointed for successive terms of not more than three years. The Town Manager shall not simultaneously hold any elective office within the Town nor be employed by the Town in any capacity except as specified in this chapter.

(2) The Town Manager need not be a resident of the Town.

(3) Conditions of employment and compensation shall be determined at the time of appointment, and there shall be an annual review of performance and compensation by the Selectboard.

(4) Before entering into the duties of office, the Manager shall be sworn to the impartial and faithful performance thereof with a certificate to that effect to be filed with the Town Clerk.

(5) Removal.

(A) On 90 days' written notice, the Manager may be removed without cause by a majority of the Selectboard so voting at a meeting called for the purpose of voting on removal. During the 90-day period, the Manager may be suspended with pay.

(B) The Selectboard may adopt a resolution stating its intention to remove the Manager and reasons therefore, a copy of which shall be sent to the Manager. The Manager may, within 10 days after notice is sent, request a hearing which shall be held by the Selectboard not less than 10 days nor more than 20 days from the date of the request, after which the Selectboard may dismiss the Manager. If no request for a hearing is filed, the Selectboard may dismiss the Manager immediately. During the period after the resolution of intention is adopted and until the Manager's dismissal, he or she may be suspended with pay.

(C) Termination of benefits will be determined by the Selectboard in conjunction with legal counsel.

(b) Acting Town Manager.

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

(2) In the event the Manager is unable to discharge his or her duties or in the event the Manager is suspended or placed on administrative leave, the Selectboard shall appoint an Acting Manager to serve until the Manager is able to assume regular duties or a new Manager is appointed. The Acting Manager appointed to fill a declared vacancy in the office shall have all powers and perform all duties of the Manager. An Acting Manager shall be reviewed within 180 days.

(3) In no case shall a serving Selectboard member act as the Acting Town Manager. (Added 2009, No. M-5, § 2, eff. April 29, 2009; amended 2011, No. M-16 (Adj. Sess.), § 2, eff. May 7, 2012.)

§ 123A-302. Duties of appointed officers; town manager

Town Manager. The duties of the Town Manager shall include:

(1) The Manager shall be the Chief Executive Officer of the Town and shall carry out policies established by the Selectboard to whom the Manager shall report. The Manager shall be responsible to the Selectboard for the proper and efficient administration of departments under the Manager's charge as outlined in this chapter.

(2) The Manager is expected to attend all meetings of the Selectboard.

(3) The Manager shall provide to the Selectboard a monthly financial statement.

(4) The Manager shall make reports as the Selectboard requires or the Manager deems appropriate, or may be required by law or ordinance regarding any and all functions under the Manager's supervision.

(5) The Manager shall prepare an annual budget, submit it to the Selectboard, and be responsible for its administration after adoption.

(6) 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 for the year.

(7) The Manager or his or her designee shall be the Collector of Delinquent Taxes.

(8) The Manager shall keep the Selectboard apprised of the needs of the Town within the scope of the Manager's duties and annually furnish to the Selectboard a long-range projection of capital expenditures.

(9) The Manager shall examine or cause to be examined, with or without notice, the affairs of any department under the Manager's control or the conduct of any officer or employee thereof. For that purpose, the Manager shall have access to all books, papers, and wireless and electronic records of those departments for the information necessary for the proper performance of his or her duties.

(10) The Manager shall appoint, upon merit and fitness alone, and when the Manager deems necessary for the good of the service, suspend or remove any subordinate official, employee, or agent under the Manager's supervision as provided for in this chapter. All appointments may be without definite terms unless for provisional, temporary, or emergency service, in which case, terms shall not exceed the maximum periods prescribed by personnel rules and regulations. The Manager may authorize the head of a department or office responsible to the Manager to appoint and remove subordinates in the office or department.

(11) The Manager, under policies approved by the Selectboard, shall have the exclusive authority to appoint, fix the salaries of, and suspend and remove all officers and employees except those who are elected or who are appointed by the Selectboard.

(12) The Manager shall direct and supervise the administration of all departments, offices, and agencies of the Town except as otherwise provided by chapter or statute.

(13) The Manager shall keep full and complete records of the Manager's office.

(14) The Manager shall have oversight of buildings, properties, facilities, repairs thereon, and construction by the Town unless otherwise voted.

(15) The Manager shall perform other duties which may be required by the Selectboard, bylaws, or ordinance consistent with this chapter.

(16) The Manager may, when advisable and proper, delegate to Town subordinate officers or employees duties conferred on the Manager.

(17) Neither the Selectboard, any individual member of the Board, nor any of its committees or committee members shall dictate the appointment or discharge of any Town employee by the Manager or in any manner interfere with his or her exercising of judgment in the appointment and discharge of employees in the Town.

(18) The Manager shall perform other duties consistent with his or her office and this chapter as required by the Selectboard, law, ordinance, or mandate. (Added 2009, No. M-5, § 2, eff. April 29, 2009; amended 2017, No. M-4, § 2, eff. May 17, 2017.)

§ 123A-401. Miscellaneous

(a) Conflict of interest. The Selectboard and the School Board and School Superintendent shall each maintain comprehensive conflict of interest policies which shall apply to their respective Town and School District employees, elected and appointed officials, and committee and board members.

(b) Ethics-responsibilities. Any elected or appointed board, commission, or authority member:

(1) has no legal powers unless acting at a duly warned Board meeting or acting for the Board after it formally grants power to act on its behalf;

(2) shall maintain confidentiality of discussion conducted in executive session and of other privileged information;

(3) shall use a chain of command and avoid making commitments or promises that compromise the Town and School District;

(4) shall work to further public interest, maintain public trust, be open and accessible to the public at large, and maintain leadership of the highest degree without regard for personal gain.

(c) Rights and privileges.

(1) Nothing in this chapter, except as otherwise specifically provided, shall affect or impair rights or privileges of persons who are officers or employees of the Town or School District at the time of its adoption.

(2) Except as specifically provided by this chapter, if at the time this chapter takes effect, an individual holds any elected or appointed office or position which is or can be abolished by or under this chapter, he or she shall continue in the office or position until the term expires.

(d) Severability. If any provision of this chapter is for any reason held invalid, that invalidity shall not affect the remaining provisions which can be given effect without the invalid provision. To this end, the provisions of this chapter are declared to be severable.

(e) Charter review.

(1) The Selectboard and School Board may appoint a Charter Review Committee of registered voters of the Town to review its charter and recommend changes as the Committee finds necessary or advisable for the purpose of improving the operation of the Town and School District.

(2) The Committee shall submit a written report of recommendations to the Selectboard and School Board not later than one year after the appointment of the Committee.

(3) Recommendations shall be warned for a vote at the next Australian ballot Town meeting.

(4) The Selectboard and School Board shall provide funds for the Committee in their budgets for any year when a Charter Review Committee is appointed. (Added 2009, No. M-5, § 2, eff. April 29, 2009; amended 2009, No. M-16 (Adj. Sess.), § 2; 2011, No. M-16 (Adj. Sess.), § 2, eff. May 7, 2012.)

