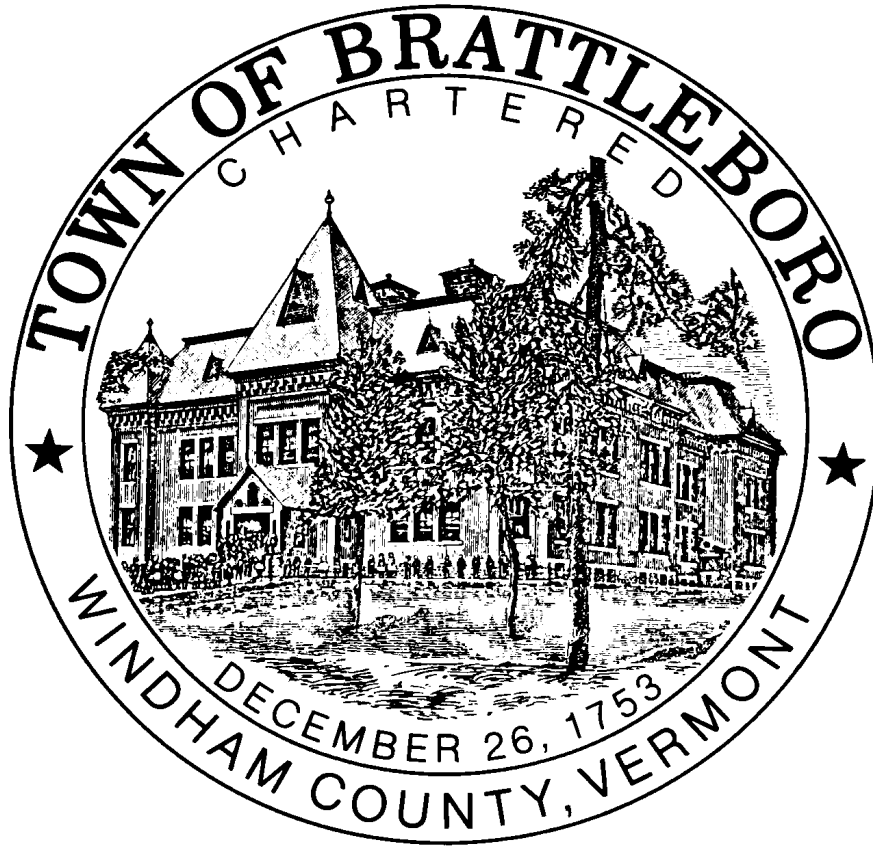


BRATTLEBORO, VERMONT

TOWN CHARTER



**Adopted February 16, 1984
Amended May 17, 2016**

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ARTICLE I PREAMBLE

The Brattleboro town charter is a legal governance document designed and enacted to serve the needs of all Brattleboro residents by:

- A. Addressing the common good of all its citizens,
- B. Respecting the will of the people,
- C. Supporting individual rights,
- D. Funding public services,
- E. Promoting compliance with the Brattleboro town plan, and
- F. Encouraging public service and charity among all its residents.

The town of Brattleboro has conducted its public affairs since 1753 under three (3) charters. The first was issued to the original proprietors of the town of Brattleboro in 1753 by Benning Wentworth, Governor of the Royal Colony of New Hampshire.

For nearly two (2) centuries Brattleboro conducted its town affairs under that charter and the successive laws and constitutions of the governing bodies of this territory and, subsequently, this state. Prior to Vermont becoming the 14th State of the Union on March 4, 1791, the town was subject to the laws of New Hampshire, the Colony and State of New York, and the Republic of Vermont.

In 1927, Brattleboro adopted a charter which merged the existing town and village. It was also the first charter granted by the legislature to any town in the state. With amendments, it governed the affairs of Brattleboro until a new charter was adopted.

In 1984, a major revision was done to bring the charter up to date and make it conform with existing practices and No. 302 of the Acts of 1959 entitled, "AN ACT TO AUTHORIZE REPRESENTATIVE TOWN MEETINGS IN THE TOWN OF BRATTLEBORO".

As was stated then, "this charter is a living document, replete with checks and balances, under which the selectboard, school directors and representative town meeting can legislate for the good of the people. The overall structure of government has been designed to be flexible yet strong, concise and complete, in order to guide the town as it prepares to enter the new century."

ARTICLE II ORGANIZATION OF TOWN GOVERNMENT

Section 1. Definitions.

In the following items the definitions of general town meeting and representative town meeting are:

- A. "General town meeting" shall mean a meeting of the voters of the town of Brattleboro, the town school district, or both, to act on matters of election of all officers, referenda, and matters to be acted upon by Australian ballot.
- B. "Representative town meeting" shall mean the meeting of town meeting members as defined in Article II, Section 4, and who are elected pursuant to Article II, Section 3 of this charter, to act on all articles, including municipal bonding articles, except those which relate to the election of officers, referenda, and other matters to be voted upon by Australian ballot and any other articles or subjects reserved to a general town meeting.

Section 2. Elected officers.

On the first Tuesday in March the voters of the town shall elect by Australian ballot the following:

- A. Representative town meeting members, by district, in accordance with Section 4, No. 302, Acts of 1959. The size of the representative town meeting body shall not exceed 140 members excluding ex officio members.
- B. A selectboard of five (5) members elected at large, of whom two (2) shall serve for one (1) year and three (3) shall serve for three (3) years.
- C. A board of five (5) school directors, elected at large, of whom which two (2) shall serve for one (1) year and three (3) shall serve for three (3) years.
- D. Union high school directors, who shall be elected for terms and in numbers as required by state law.
- E. A board of three (3) listers, elected at large, of whom one (1) shall be elected each year to serve for three (3) years.
- F. Three (3) trustees of public funds, elected at large, of whom one (1) shall be elected each year to serve for three (3) years.
- G. Other officers elected for one (1) year terms shall include a moderator, a first constable, and a second constable.

Section 3. Manner of Election.

A. Early Voting

(a)(1) A voter choosing to vote early by Australian ballot in the Town Clerk's office shall vote in the same manner as those voting on election day provided that the voter completes a "Request for Early Voter Absentee Ballot and Certification" form stating the following:

- (A) That the person is a legal voter on the voter checklist for Brattleboro;
- (B) That the person is a U.S. citizen and will be at least 18 years of age by the date of a general election;
- (C) That the person is not registering, requesting a ballot, or voting in any other jurisdiction except Brattleboro; and
- (D) That the information provided is true, accurate, and complete to the best of the voter's knowledge.

(2) The certificate shall be signed and dated by the voter.

(3) The voter shall mark the early voter absentee ballot and deposit it into a vote tabulator.

(b)(1) During business hours in the Town Clerk's office, the vote tabulator and ballot bin shall be in a secured area accessible only to election officials and voters. The vote tabulator unit shall be secured with an identifiable seal and the ballot box containing voted ballots shall remain locked at all times and secured with an identifiable seal. Neither seal shall be broken prior to the time of closing the polls on election day. Ballots shall be comingled with those voted at the polls on election day prior to being examined for the purpose of identifying write-in votes.

(2) When an election official is not present or at times other than business hours, the sealed vote tabulator and ballot box shall be secured in the Town Clerk's office vault. The sealed vote tabulator and sealed ballot boxes shall be transferred to the polling place on election day by two election officials and shall not be opened until the polls have closed on election day.

(3) Once early voting has commenced in the Town Clerk's office, the Clerk or designee shall certify each

day in a record prepared for this purpose that the seals on the vote tabulator and ballot box are intact.

(c) The Town Clerk shall maintain a record of those voting early voter absentee ballots in person. Prior to opening the polls on election day, the number of early voters who vote in person shall match the number of voted ballots displayed on the vote tabulator.

(d) All provisions regarding early voting, including other methods of early voting and those not addressed in this section, shall be prescribed by 17 V.S.A. §§ 2531-2547.

B. *Representative Town Meeting Members:* Representative town meeting members shall be elected by Australian ballot on the first Tuesday in March of each year. Voters in each district shall elect, for staggered terms, three (3) members for every one hundred eighty (180) voters or major fraction thereof. Members shall serve for three (3) years, except that a member elected to fill a vacancy shall serve for the remainder of the term. The manner of elections is fully prescribed in No. 302 of the Acts of 1959.

C. *Other Officers:* Other officers shall be elected at large by Australian ballot on the first Tuesday in March.

D. The Australian ballot system for election of officers shall require the use of printed ballots. Such ballots shall be retained to insure that a verifiable record of all votes taken is preserved and available in the event of a challenge or recount.

E. Candidacy for town officers and representative town meeting members, with the exception of write-in candidates, shall conform with State statute or No. 302 of the Acts of 1959 (Addendum A, Section 4(a) of this charter). A candidate who intends to be a write-in candidate for a town office or representative town meeting member shall notify the town clerk prior to the close of the polls on election day. Only votes for declared candidates shall be counted.

Section 4. Representative Town Meeting.

A. Description:

1. In the event of a discrepancy between this section of the charter and No. 302 of the Acts of 1959, Addendum A, the provisions set forth in this charter shall prevail.

2. The representative town meeting consists of up to 140 elected voters. It is a guiding body for the town and a source of ideas, proposals and comments, elected by district, as defined by the board of civil authority. It

exercises exclusively all powers vested in the voters of the Town. In addition to the elected members, the following shall be members ex officio: the members of the selectboard, the school directors, the treasurer, the clerk, the moderator, and those state senators and state representatives who reside in Brattleboro. Representative town meeting shall act upon all articles on the town meeting warning except those which relate to the election of officers, referenda, and other matters voted upon by Australian ballot.

3. The representative town meeting shall convene annually on the third Saturday after the first Tuesday in March. Such date shall be confirmed at the preceding annual representative town meeting and shall remain the same until changed by the representative town meeting.

B. Ratifications:

1. The representative town meeting shall:

- (a.) Ratify or reject the appointment by the selectboard of a town clerk for a term of one (1) year whose term shall run from annual representative town meeting to annual representative town meeting. The town clerk shall have all rights and duties of the office of town clerk as prescribed by Vermont statutes.
- (b.) Ratify or reject the appointment by the selectboard of a town treasurer for a term of one (1) year whose term shall run from annual representative town meeting to annual representative town meeting. The town treasurer shall have all rights and duties of the office of town treasurer as prescribed by Vermont statutes.
- (c.) Ratify or reject the appointment by the selectboard of a town attorney (which may be a law firm) for a term of one (1) year whose term shall run from annual representative town meeting to annual representative town meeting.
- (d.) Ratify or reject the recommendations of the selectboard and the school directors regarding administrative and functional organization of the town or school district.

- C. Finance Committee: The representative town meeting shall establish a finance committee for the general purpose of reviewing proposed and actual expenditures by the town, town school district, and such other budgets which affect the taxpayers of the town of Brattleboro, including Brattleboro Union High School District 6. A review will include making recommendations to the representative

town meeting and the voters. The committee will work with the town finance director, school finance director, and other town officials in assessing the recommendations and impact of the proposed annual budget and all finance policy including fund balances, debt management, capital improvements and the capital plan. It is also recommended that the committee review all auditor's reports and any other matters of financial import that impact the voters of the town. The representative town meeting shall fix and from time to time may alter the number of members, the manner of their selection, their terms of office, their compensation, if any, and other duties and functions. The committee may choose its own officers.

Pursuant to the rules established by representative town meeting, appointment or election of finance committee members shall be made at each annual representative town meeting.

Section 5. Selectboard.

The selectboard is a legislative body of five (5) persons elected at large by the voters of the town. The selectboard directs the affairs of the town within areas specified in Article IV of this charter.

Section 6. Board of School Directors.

The board of school directors is a body of five (5) persons elected at large by the voters of the town school district. The school directors direct the affairs of the school district within areas specified in Article VI of this charter.

Section 7. Board of Library Trustees.

- A. The library of the town of Brattleboro, the Brooks Memorial Library, is incorporated under 22 V.S.A. Chapter 3. It is also a town department.
- B. The board of library trustees is a body of nine (9) persons serving three (3) years terms. Three (3) trustees shall be elected each year by the representative town meeting from among persons nominated by the selectboard and by the board of library trustees and from the floor of the annual representative town meeting.
- C. The board of library trustees shall establish the operating procedures and policies for the Brooks Memorial Library and its branches, approve the library budget request to be forwarded to the selectboard, and employ a library director who shall be responsible for executing the same through a library staff.
- D. Vacancies on the board of library trustees shall be filled by the selectboard upon recommendation of the library trustees until the next annual representative town meeting,

at which time a trustee shall be elected to serve for the remainder of the vacated term.

Section 8. Consolidation of Services.

The selectboard and the school directors may negotiate for the establishment of regional departments of public service, schools, or like regional organizations. No regional affiliation shall be established, however, without the consent of the representative town meeting. The town or town school district may, by vote of representative town meeting, also withdraw from any regional affiliation or organization.

Section 9. Conflict of Interest.

No member of any town or town school district board, commission or committee shall vote on any matter where there is a direct or indirect financial or personal interest. It is expected that any member of any town or town school district board, commission, or committee with a conflict of interest will fully disclose the nature of his or her conflict and will recuse himself or herself from a vote on the issue at hand. The member with a conflict of interest may participate in the discussion of the issue at hand with the consent of the majority of the remaining board, commission, or committee members. Any interested person may publicly request that a member recuse himself or herself due to a conflict of interest.

Section 10. Limits on Terms of Office.

A member of any appointed commission or committee shall not serve for more than nine (9) consecutive years or two (2) consecutive terms, whichever is longer, and shall thereafter be ineligible for one (1) year to serve in such office. This section does not apply to representative town meeting members or to appointed town officials.

ARTICLE III POWERS OF THE PEOPLE

Section 1. Powers.

- A. In addition to the powers granted under this charter, the town shall have all powers conferred upon towns by the constitution and laws of the state. Enumeration of particular powers in this charter shall not be construed as limiting the general powers of the town.
- B. All powers of the town not specifically delegated in this charter to the voters or to the selectboard, school directors or other boards, commissions, committees or officers shall be vested in the representative town meeting.

Section 2. Initiative.

The voters of the town shall have the power to:

- A. Petition for inclusion in the warning of an article to reflect public sentiment and to be advisory only.
 1. Such petition, stating that it is advisory only, shall be signed by at least five (5) percent of the voters of the town. If it is desired that the article be acted upon by all voters of the town by Australian ballot, the petition shall so state. If the petition is silent as to being acted upon by the voters of the town at a general town meeting, said article shall be acted upon by the representative town meeting as an advisory vote.
 2. The selectboard or the school directors, upon receipt of such petition, requesting an article to reflect public sentiment to be voted upon by all the voters of the town, shall place the article on the warning for the next general town meeting; otherwise the selectboard or the school directors shall place it on the warning for the next annual representative town meeting. Neither body shall deny the petition or refuse to place it on the warning on grounds that the body considers the matters raised in the petition frivolous or not to be the business of the town.
 3. An initiative defeated in two (2) consecutive years shall not be placed on the warning for three (3) years thereafter.
 4. For the purposes of this section "article" shall include any nonbinding question relating to domestic, regional, statewide, national, or international concerns, whether constituting the 'business to be transacted' at any election or not.
 5. No petition shall be rejected for inclusion in the warning for any reason other than insufficient signatures.
- B. Petition for inclusion in the warning of an article to adopt an ordinance.
 1. Such petition shall be signed by at least ten (10%) percent of the voters of the town and shall state that it is to be binding.
 2. The selectboard or school directors, upon receipt of such petition, shall place the article on the warning for the next representative town or town school district meeting.

3. If the date of the next representative town or town school district meeting falls within sixty (60) days after receipt of the petition, and if the petition is presented within sufficient time to be legally warned for the meeting, it shall be included as an article on the warning for that meeting. Otherwise, a special representative town or town school district meeting shall be called within sixty (60) days after receipt of the petition.
 4. A binding initiative article passed by the representative town meeting shall be acted upon by all voters of the town by Australian ballot, no later than the next town-wide election or via a called special general town or town school district meeting within sixty (60) days following passage of the binding initiative, whichever comes first.
 5. An initiative approved under the provisions of this subsection shall be considered in all respects as if it had been adopted by the selectboard or school directors.
- C. Petition to bring to a vote of the town a proposed amendment to the town plan, zoning bylaws, or subdivision regulations.
1. The petition shall be signed by at least 10 percent of the voters of the town and shall state that it is binding.
 2. The planning commission, having received an amendment proposed by petition, shall promptly call a hearing and make a review of the same. In accord with state law, the planning commission shall then submit the proposal to the selectboard.
 3. The selectboard shall hold a hearing on the proposed amendment within 60 days of receiving the same, and shall then warn a vote by Australian ballot on the proposed amendment.
 4. If the date of the annual general town meeting falls within 60 days after the selectboard hearing, the article relating to the proposed amendment shall be included as an article on the warning for that meeting. Otherwise, a special general town meeting of the voters shall be held within 60 days after the selectboard hearing.

Section 3. Reconsideration.

- A. The voters of the town may petition for reconsideration by the representative town meeting of ordinances adopted by the selectboard.

1. The selectboard, upon receipt of a petition signed by at least twenty (20) percent of the voters of the town, shall place the language of the petition for reconsideration on the warning for the representative town meeting or shall call a special representative town meeting for the purpose of reconsideration.
 2. If the date of the next representative town meeting falls within sixty (60) days after receipt of the petition, and if the petition is presented within sufficient time to be legally warned for the meeting, it shall be included as an article on the warning for that meeting. Otherwise, a special representative town or town school meeting shall be called within sixty (60) days after receipt of the petition.
- B. A petition for reconsideration must be filed within fifteen (15) calendar days after the action to be reconsidered.

Section 4. Referendum.

The voters of the Town may petition for a referendum, by Australian ballot of all voters of the town on a final vote on a warned article taken by representative town meeting. Such petition shall be filed within ten (10) days after adjournment of the meeting.

- A. A petition for referendum shall be signed by at least five (5) percent of the voters of the town, or
- B. A petition for referendum shall be signed by at least fifty (50) representative town meeting members.

Section 5. Recall.

- A. The voters of the town may recall any of the elected town or town school district officers listed in Article II, Section 1, of this charter, with the exception of town meeting members.
- B. A recall petition, signed by at least twenty-five (25) percent of the legal voters of the town, and bearing their addresses, shall be filed with the town clerk within fifteen (15) calendar days of its issue. The town clerk upon receipt of a valid petition shall, between forty-five (45) and sixty (60) calendar days, hold a special election with voting by Australian ballot to consider the recall of an elected town officer.
- C. When such a petition is approved by a majority of the ballots cast at such special election, the town officer named in the petition shall thereupon cease to hold the office.
- D. A vacancy resulting from the recall of an officer shall be filled in the manner prescribed by law.

- E. A recall petition shall not be brought against an individual more than once within twelve (12) months.

ARTICLE IV POWERS AND RESPONSIBILITIES OF THE SELECTBOARD

Section 1. Composition; eligibility; elections; terms.

- A. The selectboard shall be elected at large by the voters of the town from among their number and newly elected selectboard member' terms shall begin on the first Monday following the final adjournment of the annual representative town meeting.
- B. The regular election of the selectboard shall be held on the first Tuesday in March each year as provided in Article II, Section 2(B). One (1) selectboard member shall be elected for a term of three (3) years, and two (2) selectboard members shall be elected for terms of one (1) - year each. The candidate receiving the highest number of votes for the three-year term shall be declared elected. The two (2) candidates receiving the highest number of votes for the one-year terms, even if there is a tie between them, shall be declared elected. In case of a tie between more candidates than there are seats remaining, a recount of ballots shall begin within twenty-four (24) hours. If the tie is not broken, a new election shall be held as soon as is practical.

Section 2. Compensation.

The annual representative town meeting shall fix the compensation of the selectboard.

Section 3. Prohibitions.

- A. Except where authorized by law, a member of the selectboard shall not be employed by the town and shall not be a voting member of any committee to which all members are appointed by the selectboard. A former member of the selectboard shall not hold any appointive office for which compensation is paid until one (1) year after the expiration of the term of office.
- B. The selectboard may not remove or require the removal by the town manager of any employee or officer whom the town manager is empowered to appoint. The selectboard may, however, express their views as to appointment and removal of such officers or employees.
- C. The selectboard may investigate all matters pertaining to town officers and employees, and shall conduct all appeals and hearings required by law, but shall not abrogate the town manager's responsibility for exclusive supervision of town employees.

Section 4. Vacancies.

- A. When a member of the selectboard resigns, is removed from office, ceases to be a resident of the town, dies, or if his or her name is removed from the checklist, the office shall become vacant.
- B. Selectboard members shall forfeit office if the qualifications for the office prescribed by this charter or by state law are no longer met or if they violate any express provisions of this charter, or if they are convicted of a crime involving moral turpitude, or if they are absent from three (3) consecutive regular meetings of the board without being excused by the board. The board shall be the judge of the election and qualifications of its members and of the grounds for forfeiture. For these purposes and for purposes of its hearings, inquiries and investigations, the board may subpoena witnesses, administer oaths, and require the production of evidence. A member of the selectboard charged with conduct requiring forfeiture of office shall have the right to a public hearing.
- C. When a vacancy occurs on the board, the remaining selectboard shall fill the vacancy by appointment until the next regularly scheduled election. If there is more than one (1) vacancy, the board shall call a special election to fill the vacancies for the remainder of the terms. Such election shall be held not less than forty (40) nor more than sixty (60) days following the occurrence of the vacancies.
- D. When a vacancy occurs in any other town office, with the exception of the school directors, the selectboard shall forthwith fill such vacancy by appointment until the next regularly scheduled election.

Section 5. Appointments.

- A. At the first meeting after their election and qualification, the selectboard shall elect a chair, a vice-chair, and a clerk.
- B. The chair shall preside at meetings of the board, shall represent the town government for ceremonial purposes, but he or she shall have no administrative duties. The vice-chair shall act as chair during the absence of or disability of the chair.
- C. The selectboard shall appoint a town manager and may remove same for cause. The selectboard shall not have the power to remove the office of town manager nor the power to remove the offices that report to the town manager, or those offices mandated by state law that do not contradict the content of this charter.
- D. The selectboard shall have the power to appoint and remove a town attorney. A town attorney (which may be a

law firm) is subject to ratification by the representative town meeting. The town attorney shall:

1. Serve as town agent and shall prosecute and defend suits in which the town is interested; and he or she may prosecute violations of any bylaw, rule, regulation or ordinance;
 2. Prosecute crimes committed within the town not prosecuted by the Windham County state's attorney;
 3. Provide legal advice to the selectboard, town manager, department heads, development review board, planning commission, and other town boards, commissions, and committees;
 4. Perform other duties pertaining to the office as directed by the selectboard; and
 5. Have the right to appoint, subject to approval of the selectboard, one (1) or more assistants, remaining responsible for their official acts and omissions, and may revoke said appointment at any time.
- E. The selectboard shall contract with a certified public accountant, licensed in Vermont, to perform an annual financial audit of all town funds as required by Vermont statutes, including the provisions of 24 V.S.A. chapter 51.
- F. The selectboard shall appoint the following officers of the town and members of all boards, commissions, and committees and shall certify such appointments to the town clerk. All vacancies shall be published in a local newspaper at least ten (10) days before they are filled.
1. Three (3) fence viewers;
 2. A poundkeeper;
 3. One (1) or more inspectors of lumber, shingles and wood;
 4. One (1) or more weighers of coal;
 5. A tree warden;
 6. A town energy coordinator;
 7. Two (2) Windham Regional Planning and Development Commissioners;
 8. A representative to Southeastern Vermont Community Action, Inc.;
9. A town clerk, subject to ratification by the representative town meeting;
 10. A town treasurer, subject to ratification by the representative town meeting;
 11. The required number of appointees to the Windham Solid Waste Management District;
 12. Members of the following boards, commissions and committees as required to fill vacancies therein. All vacancies shall be published in a local newspaper at least ten (10) days before they are filled:
 - a. Brattleboro Housing Authority;
 - b. Bus Service Advisory Committee;
 - c. Honor Roll Committee;
 - d. Housing Advisory Committee;
 - e. Personnel Appeals Board
 - f. Planning Commission;
 - g. Recreation and Parks Board;
 - h. Development Review Board.
- G. The selectboard may abolish and create new offices, committees, boards, and commissions as changing circumstances dictate as long as such acts are not contradictory to the town manager form of government central to this charter nor to those positions specifically mandated by this charter. All vacancies in appointed offices shall be published in a local newspaper at least ten (10) days before they are filled.
- H. At least as often as every fifteen (15) years, the selectboard shall appoint from among the voters a charter revision commission to review the language of the charter and the rights, powers, duties, and responsibilities specified therein. The commission may propose amendments and may redraft the charter in whole or in part. Any amendments or changes shall be voted upon in accordance with Article VIII of this charter or as otherwise required by law.

Section 6. General powers, duties, and responsibilities of the Selectboard.

The selectboard shall have the general oversight of the affairs and property of the town not committed by law to the

care of any particular officer, including, but not limited to, the following powers, duties and responsibilities:

- A. To establish and maintain a police department, including quarters, vehicles, and equipment, and to provide for the appointment of police officers.
- B. To establish and maintain a fire department, including quarters, vehicles, and equipment, and to provide for the appointment of fire fighting officers.
- C. To establish and maintain a rescue service, including quarters, vehicles, and equipment, and to provide for an ambulance service and the appointed emergency medical technicians.
- D. To establish health services as provided in 24 V.S.A. chapter 69.
- E. To provide for the construction and maintenance of roads, sidewalks, and bridges under town control, and to lay out, construct, erect, maintain, and repair additional roads, sidewalks, and bridges for the safety and convenience of the people as deemed appropriate.
- F. To provide for the maintenance and repair of water, sewer, and storm water drainage systems, including a system for the supply of water to the people by wells, reservoirs, pipelines, and otherwise, and to provide for treatment of water, sewage, and storm drainage for the health, safety, and welfare of the people as deemed appropriate (as provided in Act No. 180 of the 1943 session, as amended by Act No. 123 of the 1975 session).
- G. To provide for the lighting of roads, sidewalks, bridges, parks, parking lots, and other public places for the safety and convenience of the people as deemed appropriate.
- H. To purchase and distribute electricity or gas, or to acquire, establish, and maintain an electric light and power system and a gas system or other energy system for the welfare and convenience of the people, and for use by the town as circumstances may require.
- I. To establish other departments of government for the orderly and convenient administration of town affairs.
- J. To lease and maintain real and personal property owned by the town.
- K. To provide for the collection, storage, and disposal of garbage and other refuse, including building demolition materials, toxic or chemical wastes, and other commercial or industrial waste materials as consistent with 10 V.S.A. § 6607a.
- L. To provide and operate facilities for public recreation, including land, buildings, vehicles and equipment.
- M. To accept or reject, on behalf of the town, grants or donations of property, both real and personal, from the federal government, or any agency or political subdivision thereof; from any state, or any agency or political subdivision thereof; from corporations, both public and private; and from individuals or partnerships, including payments in kind or in services, and to pay all necessary expenses in the acquisition thereof, including the making of loan guarantees or relocation payments and assistance. (Ref. Article VII, Section 1, 2).
- N. To condemn lands or buildings to which public ownership is deemed necessary for the exercise of any of the powers of the town or selectboard, and to hold public hearings thereon for just compensation to be paid to the owners of any right or interest therein.
- O. To conduct such inquiries and investigations as may be deemed necessary to promote the health, safety and welfare of the people.
- P. To act as a quasi-judicial body in all appropriate cases, and to provide for the orderly conduct of all public meetings or hearings.
- Q. To provide for arbitration of disputes and for the conduct of legal affairs of the town.
- R. To establish appropriate procedures for all purchases and sales, for the award of contracts, and for the borrowing of money when authorized by the legal voters or by law.
- S. To adopt personnel rules for town employees in accordance with 24 V.S.A. Section 1121.
- T. To provide for all other services that would otherwise be performed by an elected auditor, including the production of the annual town report.
- U. To provide for the regulation and licensing of such activities as it deems necessary to secure the general welfare, including, but without limitation thereto, theaters, restaurants and public places where food is sold, pool halls, bowling alleys and places for the operation of video games and other coin-operated machines, laundries, dry cleaning establishments, arcades, clubs or other privately owned places where food or liquor is offered for sale, itinerant vendors, peddlers, transient merchants, pawn shops, bicycles, taxicabs and taxi drivers.
- V. To establish traffic regulations governing the operation of motor vehicles, coasting with sleds or otherwise, bicycling, skateboarding, roller skating, or other uses of the public

roads, parking lots, bridges, or sidewalks by pedestrians or otherwise.

W. To regulate, restrain, or control the running at large of dogs and other domestic animals. In addition to the tax imposed by the laws of Vermont upon the owner or keeper of dogs, to impose and collect charges for the keeping, impoundment, or examination thereof, and to prescribe such penalties in default thereof as may be deemed necessary. All monies received hereunder shall be paid into the town's treasury and belong to said town.

X. To provide for the licensing and regulation of community antenna television systems and community cable television systems, including the right to lease and operate such systems, and to acquire, establish, and maintain such systems, for furnishing community antenna and cable television services for the welfare and convenience of the people, and for use by the town.

The power and responsibility granted herein does not include the power to determine, proscribe, or censor program material distributed over such systems, whether publicly or privately owned. Any such system publicly owned or leased shall be operated under the supervision of an independent board of directors.

Y. To promote and safeguard the public health, safety, comfort, or general welfare by the adoption of ordinances and regulations relating to the following subjects:

1. The design, construction, repair, alteration, removal, and demolition of buildings and structures of all kinds;
2. The design, installation, repair, alterations, removal, and maintenance of plumbing systems, sanitary sewers and drains;
3. The installation, repair, alteration, use, and maintenance of electrical wiring, motors, devices, equipment and appliances, and appurtenances thereof;
4. The handling, transportation, storage, and use or sale of explosives, radioactive materials or devices, and other hazardous chemicals, materials, substances or devices, and the use and occupancy of buildings, structures, land, and premises for such purposes;
5. The installation, repair and alteration of furnaces, stoves, fireplaces, and devices used for heating, cooking or in any industrial process from which damage by fire may occur;
6. The air conditioning and ventilation of buildings and structures;

7. The lighting of buildings and other structures and open areas;
8. The minimum dimensions of rooms used for habitation, based on the number of occupants thereof;
9. The minimum requirements for sanitary facilities in buildings used for habitation or for dispensing food or food products;
10. The fixing and determination of fire limits within the town based on density of buildings, and the prescription of standards for buildings and structures within each fire limit area with reference to the type of occupancy within a building;
11. The adoption of a building code, electric code, plumbing code, fire prevention code and housing code. A book, pamphlet, or other publication may be made a part of any ordinance, bylaw, or regulation by reference therein to such publication by its title, clearly identifying it. When a book, pamphlet, or other publication is so incorporated by reference, it need not be published in a newspaper; but copies shall at all times be available for public inspection in the office of the town clerk, who shall keep a reasonable supply for sale in his or her office for sale, at cost to residents of the town;
12. Prescribing the powers and duties of building inspectors, inspectors of electric wiring, plumbing inspectors, fire prevention inspectors, and housing inspectors;
13. Providing penalties for noncompliance with orders of any inspector named in subsection (12) of this subsection, made by virtue of any resolution, ordinance, bylaws, or regulation adopted by the selectboard hereunder. However, provision shall be made to appeal such orders and decisions in the manner specified by 24 V.S.A. Chapter 83;
14. Expanding and enlarging, consistently with this section and the charter, the requirements, powers, duties and other provisions of 24 V.S.A. Chapter 83;
15. Regulating and licensing electricians and electrical contractors, plumbers and plumbing contractors, handlers of explosives, radioactive materials and devices, and other hazardous chemicals, materials, substances and devices, and persons engaged in installing, repairing, or servicing ventilating equipment, air conditioning equipment, heating equipment, electrical or electronic appliances, or equipment, or sanitary sewers and drains.

Z. To provide for the preservation of the public peace and to define, prohibit, abate, or remove nuisances.

AA. To adopt ordinances, including emergency ordinances effective for no more than thirty (30) days, rules, regulations, plans, directives, maps, or bylaws in furtherance of the powers of the town, whether under the authority of this charter or of other general or special enactments of the general assembly. The adoption process shall follow the applicable state law adoption procedure as applicable to the subject matter, except that proposed ordinances or amendments thereto shall have two readings before the Selectboard: the first reading shall be for information purposes; the second reading shall be for a public hearing on the ordinance or amendment thereto and adoption or non-adoption by the selectboard. All publishing, posting, recording, and referendum requirements shall be as set forth in the applicable statute for the adoption of an ordinance.

BB. To provide by ordinance for the abatement of nuisances and the prosecution of violations of the ordinances or other regulations enacted under the authority of this charter, and to fix the penalty for such violation.

CC. To report annually in writing on the town's progress toward accomplishing the goals set out in the duly adopted town plan.

ARTICLE V

GENERAL POWERS, DUTIES AND RESPONSIBILITIES OF THE TOWN MANAGER

Subject to the provisions of law and under the supervision of the selectboard, the town manager shall have the authority:

- A. To cause duties required by law or by the selectboard or school directors, and not committed to the care of any other particular officer, to be performed and executed.
- B. To ensure the performance of all duties not conferred by law or by this charter on the selectboard, except where prohibited by law.
- C. To be the general purchasing agent of the town and cause the purchase of all supplies for every department.
- D. To have charge and supervision of all public town buildings and repairs thereon.
- E. To perform all the duties now conferred by law upon the road commissioner.
- F. To ensure that appropriate accounting procedures are followed for all town departments.

G. To supervise the expenditure of all special appropriations of the town, unless otherwise voted by the representative town meeting.

H. To control and supervise, and to be the appointing authority for, all town departments.

I. To ensure the collection of all taxes due the town, including delinquent taxes as permitted by law and unless otherwise voted by the representative town meeting.

J. To perform on behalf of the school district such of the above duties as the school directors may request.

ARTICLE VI

POWERS AND RESPONSIBILITIES OF THE SCHOOL DIRECTORS

Section 1. Composition; eligibility; elections; and terms.

- A. The board of school directors shall be elected at large by the voters of the school district from among their number and newly elected school directors' terms shall begin on the first Monday following the final adjournment of annual representative town meeting.
- B. The regular election of school directors shall be held on the first Tuesday in March each year as provided in Article II, Section 2(C). One (1) school director shall be elected for a term of three (3) years, and two (2) school directors shall be elected for terms of one (1) year each. The candidate receiving the highest number of votes for the three-year term shall be declared elected. The two (2) candidates receiving the highest number of votes for the one-year terms, even if there is a tie between them, shall be declared elected. In case of a tie between more candidates than there are seats remaining, a recount of ballots shall begin within twenty-four (24) hours. If the tie is not broken a new election shall be held as soon as is practical.

Section 2. Compensation.

The annual representative town meeting shall fix the compensation of the school directors.

Section 3. Prohibitions.

- A. Except when authorized by law, a school director shall not be employed by the school district and shall not be a voting member of any committee to which all members are appointed by the school directors. No former school director shall hold any appointive office for which compensation is paid until one (1) year after the expiration of his or her term of office.

- B. The school directors may not remove or require the removal by the school superintendent any employee or officer whom the school superintendent is empowered to appoint. The school directors may, however, express their views as to appointment and removal of such employees or officers.
- C. The school directors may investigate all matters pertaining to school district officers and employees, and shall conduct all appeals and hearings required by law, but the school superintendent shall otherwise have exclusive supervision of school district employees.

Section 4. Vacancies.

- A. When a school director resigns, is removed from office, dies or his name is removed from the checklist, the office shall become vacant.
- B. A school director shall forfeit office if the qualifications for the office prescribed by this charter or by state law are no longer met or if they violate any express provisions of this charter, or are convicted of a crime involving moral turpitude or if absent from three (3) consecutive regular meetings of the board without being excused by the board. The board shall be the judge of the election and qualifications of its members and of the grounds for forfeiture. For these purposes and for purposes of its hearings, inquiries and investigations, the board may subpoena witnesses, administer oaths and require the production of evidence. A school director charged with conduct requiring forfeiture of office shall have the right to a public hearing.
- C. Except as otherwise provided, when one (1) but not more than two (2) vacancies occur on the board, within thirty (30) days of the creation of the vacancy or vacancies, the school board shall, by majority vote of those present and voting, appoint a qualified person to fill each vacancy on the town school board until an election at a special or annual meeting is held and a record thereof shall be made in the office of the town clerk.
- D. If three or four vacancies occur concurrently on the town school board, the vacancies shall be filled by a special general town meeting called by the selectboard for that purpose. The remaining board member or members are authorized to draw orders for payment of continuing obligations and necessary expenses until a majority of the vacancies is filled.
- E. If there are no town school board members in office, the selectboard shall call a special general town meeting to fill any vacancies and for that interim shall appoint and authorize the town school district clerk or the town school district treasurer to draw orders for payment of continuing

obligations and necessary expenses until a majority of the vacancies is filled. The election shall be held not less than forty (40) nor more than sixty (60) days following the occurrence of the vacancy or vacancies.

Section 5. Appointments.

At the first meeting after their election and qualification, the school directors shall elect a chair, a vice-chair and a clerk.

Section 6. General powers, duties and responsibilities of the school directors.

The school directors are responsible for the administration and maintenance of the public schools; and, in addition to other duties specifically assigned by law, (see 16 V.S.A. Section 563) shall:

- A. Determine the educational policies of the school district, and prescribe rules and regulations for the conduct and management of the public schools in the district.
- B. Take any action which is required for the sound administration of the school district.
- C. Subject to the authority vested in the electorate or any school district official, have the possession, care, control and management of the property of the school district.
- D. Adopt regulations at scheduled school board meetings.
- E. Keep the school buildings and grounds in good repair, suitably equipped, insured and in safe and sanitary conditions at all times.
- F. Have discretion to furnish more than twelve (12) years of instruction to pupils.
- G. Have the power to relocate or discontinue use of a school house or facility.
- H. Examine claims against the district for school expenses and draw orders for payment thereof.
- I. Establish, with the advice and consent of the state auditor of accounts and the commissioner of education, an accounting system for the proper control of school district finances and for stating the annual financial condition of the school district.
- J. Prepare and publish a report of the condition and needs of the schools, including the superintendent's and treasurer's annual reports, and contract with a certified public accountant, licensed in Vermont, to perform an annual financial audit report on the condition of all school funds as required by Vermont statutes.

- K. Prepare an annual budget.
- L. On prior recommendation of the superintendent, employ such persons as may be required to carry out the work of the school district.
- M. Prepare an annual report detailing the receipt and expenditures of the school district.
- N. Provide, at the expense of the district, all textbooks, learning materials, equipment and supplies.
- O. Execute contracts on behalf of the school district.
- P. When so authorized by the town school district meeting, employ a public accountant to audit the financial affairs of the school district.

ARTICLE VII FINANCES

Section 1. Capital expenditures.

- A. The selectboard and the school directors shall submit to the annual representative town meeting a list of possible capital expenditures for the next five (5) years for the guidance and information of representative town meeting which shall not be binding on either the selectboard or the school directors. Such list, which shall not be regarded as indicative of intent, should specify possible and preferred methods of financing such capital expenditures and the estimated annual cost of operating and maintaining the facilities to be constructed or acquired. It may be revised and expanded each year with regard to capital improvements still pending or in the process of construction or acquisition.
- B. No capital expenditure by the town shall be made or submitted for action at representative town meeting without prior consideration of the selectboard.
- C. No capital expenditure by the town school district shall be made or submitted for action at a town school district meeting without prior consideration of the school directors.

Section 2. Capital Grant Review Board.

A capital grant review board shall be established to study and evaluate all requests made on behalf of the town or its board for grants or loans for capital expenditures. The board shall consist of two (2) representatives appointed annually by the selectboard, two (2) representatives appointed annually by the school directors and two (2) representatives appointed annually by the representative town meeting. The board shall submit its recommendations in writing to the selectboard or the

school directors, as the case may be. Its recommendations are advisory only.

Section 3. Revenue.

- A. The town may levy local taxes in such form as authorized by the general assembly. Any such taxes must first be considered by the selectboard or the school directors and then approved by the representative town meeting.
- B. Special tax districts, for the purpose of raising revenue for specific projects, may be established and special taxes may be levied upon the taxpayers in those districts. (See 24 V.S.A. Chapter 87)
- C. The selectboard or school directors may establish user fees for specific services provided by it and for use of its facilities. User fees shall be based on the cost and value of services provided or on the extent of use of facilities and may take into consideration prior subsidy through taxation.

Section 4. Office of Assessment.

- A. Taxable property within the Town may be reappraised from time to time as may be deemed expedient by the Representative Town Meeting pursuant to a duly warned article.
- B. There shall be an Office of Assessment headed by a professionally qualified assessor or equivalent hereafter known as the Town Assessor, who shall be appointed by the Town Manager.
- C. Except for the duties set forth in subsection (E) of this section, the Town Assessor shall have the authority and shall exercise all powers and shall be responsible to fulfill all duties assigned to the Listers in the Vermont Statutes Annotated and case law, including appraisal of all real and business property for the purpose of establishing the Grand List, as set forth in 32 V.S.A. §3431. Appraisals shall be reviewed periodically and kept up to date.
- D. Neither the Town Assessor nor any employee of the Office of Assessment staff, nor any independent contractor directly or indirectly providing services for the tax assessing function of the Town may simultaneously serve as a Lister for the Town.
- E. The Board of Listers, elected at large under the authority of Article II, Section 2 (E) of this charter, having no appraisal power, shall function as a Board of Appeals with the authority to hear and adjudicate all appeals by citizens disputing Office of Assessment appraisals, and perform other advisory and educational functions for the office of Assessment.

Section 5. Lapse of appropriation.

Every appropriation, exception for a capital expenditure, shall lapse at the close of the fiscal year following the appropriation to the extent it has not been expended or encumbered. An appropriation for a capital expenditure shall not lapse until its purpose has been accomplished or abandoned, or until three (3) years pass without any substantial disbursement or encumbrance. Duly approved sinking funds are exempt from this provision.

Section 6. Independent audit.

The selectboard and the school directors shall provide for an independent audit of all town and town school district accounts when necessary or as directed by representative town meeting. Such audit shall be made by a certified public accountant or firm of accountants having no direct or indirect personal interest in the fiscal affairs of the town or the school district or any of their officers.

Section 7. Borrowing in anticipation of taxes.

The selectboard and the school directors may borrow money, at the most favorable rate of interest they can obtain, in anticipation of town and school district revenues to be collected within the fiscal year.

ARTICLE VIII CHARTER AMENDMENTS

This charter may be amended:

- A. In the manner provided by 17 V.S.A. Section 2645; or
- B. By the selectboard and the school directors, pursuant to vote by the voters of the town, by Australian ballot, and subject to approval of the legislature; or
- C. By resolution of the representative town meeting containing the full text of the proposed amendment, followed by at least one (1) public meeting warned for that purpose, and approved by the next annual representative town meeting or a special representative town meeting held not less than sixty (60) days following such public meeting, and subject to approval of the legislature; or
- D. By recommendation of the charter revision commission created pursuant to Article 4, Section 5(H). Any recommendations approved by the charter revision commission shall be voted upon at a special representative town meeting, with votes subject to the rights of referendum set forth herein. This special representative town meeting shall be preceded by one (1) public meeting warned for that purpose and held at least sixty (60) days prior to the special representative town meeting. Any

approved recommendations shall be promptly delivered to the state general assembly for ratification.

ARTICLE IX. TRANSITIONAL PROVISION

Section 1. Non-Invalidation

Nothing in this charter shall be construed to invalidate any bylaw, rule, regulation, order or act, either on the part of the town or town school district or the selectboard or the school directors, which may be in force and effect on and after the effective date of this charter, providing said bylaw, rule, regulation, order or act was valid and lawful under the special and general laws relating to the town and town school district previous to the effective date of this charter.

Section 2. Effect of Enactment

Enactment of this act supersedes the review and approval process initiated under subsections (e) and (f) of section 2645 of Title 17.

Section 3. Effective Date

This act shall take effect from passage.

**ADDENDUM A
ACTS OF 1959, NO. 302
AN ACT TO AUTHORIZE
REPRESENTATIVE TOWN MEETINGS
IN THE TOWN OF BRATTLEBORO**

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

Section 1. Representative town meetings; authorized.

The town of Brattleboro is hereby authorized to establish the representative form of town meetings as hereinafter set forth. For the purposes of this act, the term "town meeting" shall include meetings of the town school district of Brattleboro.

Section 2. Districts; report of selectboard; meetings; voting.

- a. The selectboard shall divide the territory of the town into four districts and shall define their respective boundaries. The districts shall define their respective boundaries. The districts shall be so established as to consist of compact and contiguous territory and shall be bounded so far as possible by the centerline of streets or by geographical limits. The district boundaries shall be reviewed and, if need be, wholly or partially revised, or the number of districts changed, by the selectboard, every five years thereafter, and in any year when so directed by vote of the annual representative town meeting held that year.
- b. On or before the 15th day of November of any year in which said districts are established, revised or changed as provided in paragraph (a) of this section, the selectboard shall file a report of their proceedings with the town clerk, with maps and descriptions of all of the districts, and shall cause a copy of such maps and descriptions to be posted at the municipal building, and in at least one public place in each district. The division of the town into districts, and any revision of such districts, shall take effect upon the date of the filing of the report thereof by the selectboard with the town clerk.
- c. Elections of the town meeting members for the several districts shall be held on the first Tuesday in March, at the same hour and at such places within the town as the selectboard shall direct in the warning for such elections.

Section 3. Election of town meeting members; certification of voters; town meeting membership; notice; qualifications; responsibilities.

- a. At the first election of town meeting members to be held on the first Tuesday in March after the acceptance of this act, the qualified voters of each district shall elect three town meeting members for every one hundred eighty voters or major fraction thereof, subject to the provisions of paragraph (c) of this section. The first one-third elected in each district, in order of the number of votes received,

shall serve for three years; the second one-third in such order of election shall serve for two years; and the remaining one-third in such order of election shall be elected to serve for one year. In the event of a tie vote the term of such members shall be designated by lot, and the presiding officer of the district shall certify such designation. All town meeting members shall serve for terms commencing on the day of their election.

Annually thereafter, on the first Tuesday in March, the voters of each district shall in like manner elect for the term of three years one town meeting member for every one hundred eighty voters or major fraction thereof, and shall also in like manner fill for the unexpired term or terms any vacancy or vacancies then existing in the number of town meeting members in such district, subject to the provisions of paragraph (c) of this section.

The presiding officer of each district shall certify to the town clerk the results of the election in his district.

- b. On the 15th day of December of any year in which said districts are established, revised or changed, the selectboard shall certify to the town clerk the total number of voters in each district and the total number of town meeting members each district is entitled to elect.
- c. The total number of town meeting members shall in no event be more than one hundred forty nor less than one hundred. If the total number of town meeting members on the basis set forth in paragraph (a) of this section would be more than one hundred forty or less than one hundred, then the selectboard shall revise the proportion of representative so that the total number of town meeting members shall be no more than one hundred forty nor less than one hundred, and the selectboard shall set forth such proportion in their certification to the town clerk provided for in paragraph (b) of this section.
- d. After every election of town meeting members the town clerk shall forthwith mail to each member a notice of his election.
- e. Every town meeting member shall be a qualified voter in the town and living in the district from which he is chosen at the time of this election.
- f. In addition to the elected town meeting members hereinbefore provided for the following shall be members ex officio: the selectboard, school directors, town clerk, town treasurer, moderator and town representative who are residents of Brattleboro.
- g. A person shall not vote for town meeting members, town officers or upon any other matter unless his name appears upon the checklist prepared for such meeting.
- h. Town meeting members shall be expected to attend the annual town meeting, all special town meetings, and any other meetings where issues affecting Brattleboro

taxpayers are voted on and all relevant informational meetings.

Section 4. Nomination of candidates; preparation and delivery of ballots; return of unused ballots.

- a. (1) Nomination of candidates for Town Meeting members shall be made by:
 - (A) a certificate of nomination prepared by the Town Clerk which shall:
 - (i) bear no political designation; and
 - (ii) be signed by not fewer than 10 voters of the district in which the candidate lives; or
 - (B) a notice of intent prepared by a Town Meeting Member on his or her own behalf.
- (2) A certificate of nomination or notice of intent shall be filed with the Town Clerk no later than 5:00p.m. on the sixth Monday preceding the election.
- (3) No certificate of nomination or notice of intent shall be valid in respect of any candidate whose written acceptance is not endorsed thereon or attached thereto when filed.
- b. In addition to the ballots required by law for the election of town and town school district officers, and other questions to be determined by Australian ballot, the town clerk shall prepare a separate ballot for each district, which shall contain the names of all candidates for town meeting members from that district.
- c. The town clerk shall cause to be delivered to the presiding officer of each district before the opening of the polls on the day of election the ballots to be used in such district, sealed and marked for such district, and a receipt shall be returned to him or her from the presiding officer thereof, which receipt, with a record of the number of ballots sent and the used and unused ballots, shall be returned to the town clerk with the check lists hereinbefore provided, and shall be preserved by the town clerk for six months.

Section 5. Resignation or disqualification of members; vacancies, how filled.

- a. A town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect on the date of such filing. A town meeting member who removes from the town shall cease to be a town meeting member. A town meeting member who removes from the district from which he was elected to another district within the town may serve only until the next annual election of town meeting members.
- b. Any vacancy in the full number of town meeting members from any district, whether arising from a failure of the voters thereof to elect, or from any other cause, shall be filled until the next annual election by the remaining town

meeting members of the district by caucus assembled for that purpose. The presiding officer of the district shall certify such action to the town clerk.

Section 6. Voting; members to receive no compensation; quorum; warning.

- a. At any town meeting held after the acceptance of this act, the right to vote on all articles in the warning, except for matters voted on by all voters of the town by Australian ballot, shall be limited to the town meeting members.
- b. The town meeting members as such shall receive no compensation.
- c. The town meeting members shall be the judges of the election and qualifications of their members.
- d. A majority of all the town meeting members shall constitute a quorum, but a lesser number may organize temporarily and may adjourn from time to time.
- e. A majority vote of the town meeting members present and voting shall be necessary for the decision of any question, unless otherwise required by law.
- f. The warning for any town meeting shall be prepared and posted in the manner and form provided by law. The warning for the annual meeting shall include the articles to be voted upon by the representative town meeting members in meeting assembled on the third Saturday following the first Tuesday in March at a time to be designated by the selectboard.
- g. All town meeting shall be public. Any qualified voter of the town who is not a town meeting member may speak at any Representative Town Meeting but shall not vote.
- h. In the absence of the fully elected moderator, the town meeting members may designate a moderator pro tem.

Section 7. Articles in warning; action on.

The articles in the warning for every town meeting so far as they relate to the election of all officers and to referenda and all matters to be acted upon by Australian ballot shall be so acted upon by the voters of the town. All other articles in the warning for any town meeting shall be acted upon exclusively by town meeting members, including questions on municipal bonding issues. The polls at any annual or special representative town meeting shall be opened not later than ten o'clock in the forenoon and shall be closed thirty minutes following the recess of the representative town meeting.

Section 8. Referendum.

No article in the warning shall at any Representative Town Meeting be finally disposed of by a vote to pass over, to lie upon the table, to postpone indefinitely or to take no action thereon. No vote passed at any Representative Town Meeting under any article in the warning, except a vote to adjourn, or a vote for the temporary borrowing of money in anticipation of

taxes, shall be operative until after the expiration of five days, exclusive of Sundays and holidays, from the adjournment of the meeting. If within said five days a petition, signed by not fewer than two hundred fifty (250) votes of the town, including at least fifty from each district, containing their names and addresses as they appear on the check list, or signed by not fewer than fifty town meeting members, be filed with the selectboard requesting that the question or questions involved in such vote be submitted to the voters of the town at large, then the selectboard, within fourteen days after the filing of the petition, shall call a special town meeting, which shall be held within ten days after the issuing of the call, for the sole purpose of presenting to the voters at large the question or questions so involved. The polls shall be opened not later than ten o'clock in the forenoon and shall be closed not earlier than six o'clock in the evening, and all votes upon any question so submitted shall be taken by ballot, and the check list shall be used in the several district meetings in the same manner as in the election of town officers. The questions so submitted shall be determined by vote of the same proportion of voters at large voting thereon as would have been required by law of the town meeting members had the question been finally determined at a Representative Town Meeting. The questions so submitted shall be stated upon the ballot in the same language and form in which they were stated when presented to said Representative Town Meeting by the moderator as appears from the records of the said meeting. If such petition be not filed within the said period of five days, the vote of the Representative Town Meeting shall become operative upon the expiration of the said period.

Section 9. Interpretation of town acts.

The town, after the acceptance of this act, shall continue to have the capacity to act through and to be bound by its town meeting members, who shall when convened from time to time, constitute Representative Town Meetings; and the Representative Town Meetings shall exercise exclusively, all powers vested in the voters of the town. Action in conformity with all provisions of law now or hereafter applicable to the transaction of town affairs in town meetings shall, when taken by any Representative Town Meeting in accordance with the provisions of this act, have the same force and effect as if such action had been taken in a town meeting open to all the voters of the town as conducted before the establishment of Representative Town Meeting government.

Section 10. Limitation.

This act shall not be deemed to abridge the right of the inhabitants of the town to assemble and hold general meetings; nor shall this act confer upon any Representative Town Meeting the power finally to commit the town to any measure affecting its municipal existence without action thereon by the voters of the town at large, using the ballot and the check list therefore.

Section 11. Applicability.

This act shall not affect the existing town manager form of municipal government in the town of Brattleboro, and shall not affect the legal responsibilities and privileges of the town of Brattleboro; and, except as herein otherwise provided, the town meetings and the town school district meetings held hereunder shall be subject to the general law of the state of Vermont relative to towns and town school districts.

Section 12. Effective date; referendum.

This act shall take effect when approved by a majority of the legal voters of the town of Brattleboro present and voting at an annual or a special town meeting duly warned for such purpose, said vote to be taken by ballot.

ADDENDUM B RULES OF PROCEDURES FOR BRATTLEBORO REPRESENTATIVE TOWN MEETING

The following Rules of Procedures for Brattleboro Representative Town Meetings are hereby recommended pursuant to vote of the Town Meeting members at the annual meeting in 1961 and subsequent appointment by the selectboard.

I. Voting –

1. Voting on all matters shall be by standing, by division of the Town Meeting Members, or by roll call vote of the Town Meeting Members.
2. A division of the Town Meeting Members shall be held in the discretion of the Moderator or upon demand of three or more of said Members.
3. A roll call vote shall be had upon demand of six or more Town Meeting Members.

II. Debate –

1. No Town Meeting Member, or voter of the town shall speak more than twice on the same question without leave of the Town Meeting Members.
2. Town Meeting Members, or voters of the town, who have once spoken shall not again be entitled to the floor to the exclusion of another who has not spoken.
3. A Town Meeting Member may not "call the question" immediately after speaking on the issue.

III. Committees –

1. Special committees may be established by the Town Meeting Members.
2. On the motion of a Town Meeting Member, any Meeting may resolve itself into a committee of the whole Meeting on any pending question.

ADDENDUM C

DESCRIPTION OF OFFICERS, OFFICIALS, BOARDS, COMMISSIONS AND COMMITTEES

The officers, officials, boards, commissions and committees described in this addendum are those which were in existence when this Charter was written. These descriptions are included for purposes of information. Because the various positions and bodies described here may change from time to time, the reader is advised to seek current information from the town manager's office.

Unless otherwise stated, all appointments are made by the selectboard and are for terms commencing July 1 and terminating June 30.

Affordable Housing Committee. To be composed of five (5) to nine (9) members appointed by the selectboard with terms of three (3) years; to meet monthly to evaluate quantity and quality of affordable housing in the community and to make recommendations to the selectboard.

Assessor. A town employee or independent contractor hired or contracted with by the Town Manager or selectboard with the assistance of the Board of Listers. Responsible for producing the inventory and annual equitable assessments of all real and personal property and further to administer all special state assessment and tax programs.

Brattleboro Housing Authority. Five 5-year terms. The commissioners set overall policy and goals for the authority which, with the executive director, administers all federally subsidized housing in town, including units at Hayes Court, Ledgewood Heights, Melrose Terrace, Moore Court and Samuel Elliot Apartments. It meets monthly.

Bus Service Advisory Committee. Five unlimited terms. The committee oversees the operation of the town-subsidized bus service and makes recommendations to the selectboard regarding town bus service. It meets monthly.

Constables. A first and second constable are nominated by petition and elected by Australian ballot each year for a one-year term. Constables are town officials whose duties include supervising elections, service of civil process, assisting the town health officer, criminal investigations, control of unlicensed dogs and other miscellaneous duties.

Development Review Board. To be composed of seven (7) members appointed by the selectboard for three (3) year terms and up to three (3) alternate members appointed by the selectboard for one (1) year terms. It meets monthly. The board reviews site plans, conditional uses, planned developments, subdivision applications and other aspects of land development as set forth in the town zoning and subdivision ordinances. It also considers appeals of decisions of the zoning administrator, such as when land development is ruled out of order by the zoning administrator as not conforming with the town zoning ordinance, or if the zoning administrator has issued a notice of violation. The board is also

empowered to grant variances from zoning and subdivision requirements in certain circumstances.

Fence Viewers. Three 1-year terms. The viewers arbitrate disputes between property owners over the location of fence lines and the apportionment of maintenance costs. They meet as needed.

Finance Committee. The number of members, their terms of office and the manner of their selection are set by the town meeting. It meets regularly during the winter months and otherwise as needed. See also Article II, Section 4(c).

Honor Roll Committee. Three or more 1-year terms. The committee oversees the care of the war memorial at the Common, which lists the names of Brattleboro residents who were killed in service during World War I, World War II, the Korean Conflict and the Vietnam War. It meets as needed.

Inspector of Lumber, Shingles and Wood. One 1-year term. The inspector arbitrates in matters of quantity and quality of firewood, bundles of shingles, and lumber when purchaser believes the delivery does not contain quantity or quality as billed. The inspector arbitrates as needed.

Library Board of Trustees. Nine 3-year terms, nominated and elected at the Annual Town Meeting. It meets monthly. See also Article II, Section 7.

Listers. Three 3-year terms, nominated by petition and elected by Australian ballot. The moderator presides over all town meetings.

Moderator. One 1-year term, nominated by petition and elected by Australian ballot. The moderator presides over all town meetings.

Personnel Appeals Board. Three 3-year terms. The board arbitrates disputes between interpretation of the personnel rules; it does not rule on matters pertaining to classification, pay, dismissal, demotion, or suspension. It meets as needed.

Planning Commission. Seven 4-year terms appointed by the Selectboard. The commission is charged with setting the overall policy and goals for development in town. It prepares the town plan and any amendments, as well as other planning reports and studies, and prepares amendments to the zoning and subdivision ordinances. It meets monthly.

Recreation and Parks Board. Seven 3-year terms. The board sets overall policy and goals for the recreation and parks department, which, with the superintendent, oversees all parks, recreation programs and facilities. It meets monthly.

SEVCA Representative. One 1-year term. The board of directors of Southeastern Vermont Community Action conducts programs which encourage persons with low incomes to take part in such matters as energy conservation, alternative energy sources, housing, prevention of child abuse, job training, nutrition and transportation. The board meets monthly.

Town Energy Coordinator. One 1-year term. The energy coordinator, created by the Vermont Legislature, reviews energy-related material received by the town and advises the town on energy conservation measures. He reviews as needed.

Town Service Officer. One 1-year term appointed effective April 15 by the Vermont Department of Social Services upon recommendation of the selectboard. The Service Officer administers emergency service to meet the basic needs, such as food, fuel and shelter, for persons residing in town in need of emergency assistance on evenings and weekends when the social welfare district office is closed. He or she administers as needed.

Trustees of Public Funds. Three 3-year terms, nominated by petition and elected by Australian ballot. The trustees of public funds manage and invest all funds held by the town and in trust for various purposes and the income is expended for the particular purpose specified by each donor.

Weigher of Coal. One 1-year term. The weigher arbitrates in matters of quantity and quality of coal when a purchaser believes the delivery does not contain quantity or quality as billed. He or she arbitrates as needed.

Windham Regional Planning and Development Commission. Two 1-year terms. The commissioners, working with the selectboard and the Planning Commission, represent Brattleboro's interests in setting overall policy and goals for development and special projects in Windham County. It meets monthly.

ADDENDUM D GLOSSARY

This glossary has been included for instructional purposes only and the definitions herein are not intended to be legally binding.

Appropriation – an authorization granted by the town meeting to certain town officials to make expenditures and to incur obligations for specific purposes.

Article – a specific item of business for consideration at an annual or special meeting of the town or town school districts.

Australian ballot – a printed ballot containing the names of candidates or specific questions.

Australian ballot system – technique of voting by the voters of the town on matters specified in the warning.

Capital expenditure – the disbursement of money for facilities or equipment having a useful life expectancy of more than five years.

Elected at large – elected by the voters of the town without regard to district.

Initiative – process in which the voters of the town propose the adoption of ordinances.

No. 302, Acts of 1959 – an enabling act of the legislature authorizing the Representative Town Meeting in Brattleboro.

Officer – the holder of any office of town government which is filled by the voters or by the selectboard.

Ordinance – a local law adopted by the selectboard or by initiative.

Quasi judicial – having the right to hold hearings and to conduct investigations into certain matters and to make decisions in the general manner of courts.

Recall – the power reserved to the voters of the town to remove from office any elected town officer.

Reconsideration – the power reserved to the voters of the town to cause ordinances adopted by the selectboard to be reconsidered by the Representative Town Meeting.

Referendum – the submission to the voters of the town for reconsideration of an action of Representative Town Meeting.

Sinking Fund – a fund, usually invested at interest, established in anticipation of future needs, for paying a debt, for meeting depreciation expenses or for similar purposes, and to which regular and periodic additions are made.

Town meeting members – voters elected to Representative Town Meeting from the district in which they reside.

Voter – a person of full age who is a citizen of the United States and a resident of the State of Vermont and of the Town of Brattleboro who has taken the voter's oath and whose name appears on the checklist of the Town of Brattleboro.

Warning – the legal notice of an annual or special town or town school district meeting.