

**TOWN OF SPRINGFIELD  
SELECTMEN'S HALL – 96 MAIN STREET – THIRD FLOOR  
CHARTER REVIEW COMMITTEE MEETING  
WEDNESDAY, JUNE 15, 2016 @ 6:00 PM**

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**MEETING MINUTES**

1. CALL MEETING TO ORDER AND ROLL CALL: Chair John Hall called the meeting to order at 6:04 p.m. The following Committee Members were present –John Bond, John Follett, John Hall, Barbara Schultz, Tom Yennerell, Barbara Courchesne, Kristi Morris, Jeff Mobus, Sharon Ayer, and Walter Martone. Members absent included Richard Andrews.
2. MINUTES:
  - a. Town Charter Review Committee Minutes, May 18, 2016: The Next Meeting was corrected to read “Wednesday, June 15, 2016 at 6:00 p.m. at Town Hall. It was moved by Kristi and seconded by Barbara C. to approve the minutes as amended. Motion passed unanimously.
3. SUGGESTED AGENDA CHANGES: Barbara S. requested an item on “References to Percent of Voters in the Charter.” It was moved by Sharon and seconded by John F. to add this item as 5.a on the agenda.
4. REPORT OF VLCT SERVICES FROM WALTER & TOM: Walter and Tom reported that VLCT has provided a proposal to assist the Committee with its work, and the Town has engaged VLCT to perform the work. In summary it will include:
  - a. Develop model language for Article One, Section VI. Open Meetings/Freedom of Information, that will comply with State law in perpetuity.
  - b. Review and recommend revision to Article One, Section VII. Potential or Actual Conflict of Interest, Personal Financial Interest, and specifically recommend the appropriateness of including item C. Discussions of salary and benefits shall be exempt from this prohibition.
  - c. Review the entire Charter and recommend revisions to (1) comply with Vermont law and (2) address best practices from VLCT’s perspective. VLCT proposes to conduct this review after the Committee completes its work on the first two Articles and then after each subsequent two Articles completed by the Committee.
  - d. Research existing municipal charters and recommend articles that would benefit Springfield. VLCT will have an intern this summer who will be researching municipal charters throughout the state and compiling data about common provisions and other information. After this work is completed, VLCT will be able to provide recommendations to the Committee based on this research.
  - e. Assist the Committee in crafting language that helps the Town in addressing blight. After the Committee decides on the basic language they want included, VLCT will assist with formatting it for best presentation to the Legislature. They may also have additional recommendations based on the intern research referenced above in d.
  - f. VLCT will also serve as a resource throughout the amendment process by answering questions, revising language, or other aspects as needed.
  - g. VLCT will also draft charter and hearing notices and submit to Town Manager and Selectboard if requested.
5. DISCUSSION, BLIGHT LANGUAGE FOLLOW UP:
  - a. There was discussion about whether or not to include blight language in the Charter, and if so, should it be under the section “Powers of the Town”, or create a new subsection called “Additional Powers”, or put it under the “Ordinances” section. It was moved by Barbara S. and seconded by Walter to include some form of blight language, in the Charter. Motion passed unanimously.
  - b. Discussion continued on what the language should include and where it should be placed. It was moved by Tom and seconded by John B. to include the language in a new subsection to the “Powers of the Town,” that would be titled “Additional Powers.” Motion passed unanimously.
  - c. The Committee continued to discuss various proposals for specific language. They included
    - 1) Language that was submitted by the Town to the Legislature, including amended language.
    - 2) Language that was adopted by the Legislature as an amendment to the Charter for the Town of Shelburne.
    - 3) Language submitted by Sharon at the May 18<sup>th</sup> meeting.
    - 4) Language that was adopted by the Legislature as an amendment to the Charter for the City of Rutland. It states “To compel the owner or occupant of any unwholesome, noisome, or offensive house or place to remedy such condition so far as may be necessary for the health, safety, or comfort of the inhabitants of the City.”

- d. By consensus the Committee agreed that a decision should be made at the next meeting (June 22<sup>nd</sup>) as to what blight language will be adopted. Copies of proposals 1), 2), and 3) are included with these minutes. A complete copy of the referenced section of the Rutland Charter is also attached (refer to # 53). If any member has further proposals, they should be prepared to present them at the June 22<sup>nd</sup> meeting, and all members need to be prepared to vote on which proposal to put into the Charter.

5.a REFERENCES TO PERCENT OF VOTERS IN THE CHARTER: Barbara S. provided a handout (attached to these minutes) that identifies the places in the current Charter where there are requirements relating to a percent of voters. It was noted that the State requires that a citizen initiative requires a petition signed by 5% of the voters. All of the other places requiring a percent of the voters, are specific to the Springfield Charter. This information was provided to assist in the discussion about the percent of voters required to amend the Charter. It was moved by Tom and seconded by Barbara C. to change all references to “voters” and “qualified voters”, to “registered voters.” Seven such references were noted. Motion passed unanimously. Barbara C. noted that in her research she found some instances where there were a few failed attempts to amend the charter by citizen initiative, and that a prior Charter Review Committee decided to establish the increased percentage of voters required to ensure that only a substantial number of voters could place a charter amendment before the voters.

Walter left the meeting at 6:55 p.m.

#### 6. REVIEW OF CHANGES MADE ARTICLE 1, PAGES 10-11:

- a. It was noted that at the last meeting, there was a motion to table discussion on Section XI. Procedures for Charter revision and amendment, specifically item B.4., the percentage of voters that must be participating. According to Roberts Rules, a tabled item must be held until the end of discussion at the next meeting. Therefore when members wish to simply continue to talk about an item at the subsequent meeting, the motion should be to continue the item to the next meeting.
- b. Section IX. A. and B. Tom is recommended that the language not be changes; therefore the reference to him can be removed.
- c. Section XI. B. 1. Jeff moved that all Charter Review Committee members from Administration, should be registered voters in Springfield. The motion died for lack of a second. It was moved by John B. and seconded by Barbara S. to add “registered voters from” immediately before the reference to “community at large.” Motion passed with nine ayes and one no (Jeff). John F. suggested a possible ex-officio status for a non voting administration member. Tom pointed out that could result in the Committee having an even number of voting members (ten).
- d. The actual changes made by the Committee to the Charter language is reflected in the Charter Amendments attachment to these minutes.

Walter returned to the meeting at 7:15 p.m.

#### 7. REVIEW ARTICLE 2, PAGES 12 – 20 (END OF ARTICLE TWO):

- a. Section I – there was discussion about whether to define the form of government for Springfield. It was moved by John F. and seconded by Jeff to change the title of Section I to “Governmental Authority”. Motion approved unanimously.
- b. Section II. B. 7.e. – It was moved by John F. and seconded by Jeff to delete this item because the wording was confusing. Motion passed unanimously.
- c. The actual changes made by the Committee to the Charter language is reflected in the Charter Amendments attachment to these minutes.
- d. After discussion about getting the Committee back on track to meeting the schedule that was approved, it was decided by consensus to have a special meeting on July 7<sup>th</sup> to conduct the final review of Articles One and Two. After that meeting, these Articles will be ready to send to VLCT for their analysis.

7.a. TABLED ITEM FROM LAST MEETING – ARTICLE ONE, SECTION IX. B. 4: Revision of the percent of voters required to pass a Charter Amendment failed on a tie vote. This item was then tabled. It was noted that in the future items where the Committee want to continue the discussion at the next meeting, should be “continued” and not “tabled.” It was moved by Walter and seconded by John B. to change the twenty-five percent (25%) requirement to a simple majority of the voters participating. Motion failed with seven noes, two ayes (Walter and John B.), and one abstention (Barbara S.).

8. PUBLIC COMMENTS: No one from the public was present.

9. ADJOURNMENT: It was moved by John F. and seconded by Jeff to adjourn the meeting at 9:07 p.m. Motion approved unanimously.

10. NEXT MEETING: The next meeting will be held on Wednesday, June 22, 2016 at 6:00 p.m. at Town Hall.

Respectfully submitted,  
Walter Martone

CHARTER AMENDMENTS FROM MEETING OF JUNE 15, 2016

~~WORKING COPY OF CHARTER THAT HAS BEEN COMPARED  
TO TITLE 24 CHAPTER 149 OF STATE STATUTE~~

~~Town Charter - Adopted May 21, 1985~~

~~CHARTER\*~~

~~\*Editor's note-Printed herein is the Charter of the Town of Springfield approved in referendum held on May 24, 1985. Style and capitalization have been made uniform. Obviously misspelled words have been corrected without notation. Words added for clarification have been added in brackets. Amendments have been included and are indicated by a history note immediately following the amended section.~~

~~Art. One. Incorporation, General Law, Miscellaneous Provisions, §§ I-XIV~~

~~Art. Two. Elections And Local Officials, §§ I-IV~~

~~Art. Three. The Administrative Service, §§ I-IV~~

~~Art. Four. Budgets and Finance, §§ I-IX~~

~~ARTICLE ONE~~

~~INCORPORATION, GENERAL LAW, MISCELLANEOUS PROVISIONS~~

~~Incorporation.~~

~~The inhabitants of the Town of Springfield shall continue to be a body politic and corporate under the name of "Town of Springfield," and as such shall enjoy all rights, immunities, powers and privileges and be subject to all the duties and liabilities now appertaining to, or incumbent upon them as a municipal corporation. All existing property of the town shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it under this Charter.~~

~~Application of general law/proposed charter.~~

~~— Purpose: This document is drafted to supersede and replace the existing Charter.~~

~~— Application of general laws:~~

~~Except when modified by the provisions of this Charter, or by any regulation or ordinance of the town, all Statutes of the State of Vermont relating to municipalities shall apply to the Town of Springfield.~~

~~In the event of any conflict or contradiction, either direct or implied, between the powers conferred herein and state statute, this Charter shall prevail.~~

~~Powers of the town.~~

~~— The Town of Springfield shall have all the powers and functions conferred upon towns and villages by the constitution and general laws of the state, and shall also have all implied powers necessary to implement such powers and functions. All powers and functions conferred or implied by the Charter shall be in addition to the powers and functions conferred upon the town by laws now in force or hereinafter enacted.~~

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~~Nothing in this Charter shall be construed as a limitation of such powers and functions incident to public and municipal corporations.~~

### ~~Intergovernmental relations.~~

~~The town may exercise any of its powers, or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any other towns, cities and school systems, or one or more states or civil division or agencies thereof, or the United States or any agency thereof.~~

### ~~Ordinances.~~

~~Town legislation: Town legislation shall be by ordinance. Ordinances and rules promulgated pursuant thereto shall have the full force of law embodied in this Charter.~~

~~Legislative body:~~

~~0. The board of selectmen shall constitute the legislative body of the town with the power, between town meetings, to adopt, amend, repeal or enforce ordinances.~~

~~0. Town meeting, as constituted herein, in addition to its other functions, shall also serve as a legislative body and may adopt, amend or repeal an ordinance.~~

~~Ordinances to be so considered by town meeting can only be placed on the warning in such manner as authorized by this Charter.~~

~~The entire text of ordinances subject to town meeting action must be published in a newspaper or newspapers of general circulation as may be directed or designated by the board of selectmen, at least thirty (30) days before the meeting.~~

~~Any ordinance to be considered by town meeting shall be reviewed by the town attorney prior to official warning. Said attorney shall be charged with the duty to correct such ordinance to avoid repetition, illegal or unconstitutional provisions, and to ensure accuracy in the text and reference, along with clear and precise phraseology. The ordinance shall not be changed in its meaning and effect.~~

~~The effect of town meeting action on an ordinance shall take place upon passage unless otherwise provided therein.~~

~~Ordinances acted upon by town meeting shall not apply to any appointments of officers, members of boards and commissions to be made by the board of selectmen, or to the appointment or designation of the selectmen, or their rules of order.~~

~~Ordinances passed by town meeting may not alter or limit any provision of this Charter.~~

~~Any ordinance to be passed by either town meeting or the board of selectmen must be set forth in a uniform format as follows:~~

~~0) Ordinances shall be numbered consecutively;~~

~~0) If the action is an amendment, it shall be referenced and incorporated into the amended ordinance;~~

~~0) Ordinances shall be short-titled and contain a statement of purpose;~~

## CHARTER AMENDMENTS FROM MEETING OF JUNE 15, 2016

~~0) Outline format shall match that used in the existing codification.~~

~~— Ordinance adoption procedure:~~

~~0. The selectmen shall designate the category into which action an ordinance shall fall.~~

~~0. There shall be five (5) categories of action as follows:~~

~~— New legislation adoption or rejection;~~

~~— Repeal in total of existing legislation;~~

~~— Major amendment—changing the nature and substance of the original ordinance;~~

~~— Minor amendment—minor adjustment in meaning, procedure or definition;~~

~~— Emergency ordinance as defined herein in aragraph F;~~

~~— Changes in the town's zoning and subdivision bylaws.~~

~~— Procedure for drafting, adoption, rejection, major amendment or repeal of ordinances:~~

~~0. Drafting: Ordinances, or actions related thereto, shall be drafted by or submitted in draft form to an ordinance subcommittee consisting of no more than two (2) board of selectmen members.~~

~~0. Reporting out:~~

~~— The ordinance subcommittee shall review the ordinance for form and report it out to the board of selectmen for first review.~~

~~— Ordinances reported out for first review must be reviewed beforehand by the town attorney or other counsel, and signed by him/her signifying proper legal form and constitutionality.~~

~~— Copies of ordinances providing for criminal offenses should be transmitted to the state's attorney for review.~~

~~0. Introduction and first review:~~

~~— The proposed ordinance or action shall be introduced at a board of selectmen meeting by the ordinance subcommittee.~~

~~— During first review, the proposed ordinance or action may be amended.~~

~~— A final draft must be accepted or rejected at the completion of first review.~~

~~— Upon completion of first review, a date for second review and public hearing shall be fixed within no less than fourteen (14), but not more than twenty-eight (28) days from first review.~~

~~0. Second review and public hearing:~~

~~— Notice of the date of second review must be published no later than seven (7) days before the date of second review itself.~~

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- ~~— The notice shall contain either the text of the ordinance or an explanation of the nature and purpose of the ordinance along with information as to where a citizen may obtain a copy of the full ordinance text.~~
- ~~— At the time and place specified in the notice, a public hearing shall be held.~~
- ~~0. Amendment during second review: Should the board of selectmen decide after the public hearing to amend the text of the proposed ordinance, the process and timetable shall revert back to second review with the new public hearing to be held in no less than fourteen (14), but no more than twenty-eight (28) days and all notice requirements to be met in subsection 4 above.~~
- ~~0. Final action:
  - ~~— Upon completion of the second review, the board of selectmen shall act to adopt or reject the ordinance.~~
  - ~~— Failure to act in fourteen (14) days shall constitute a rejection.~~~~
- ~~0. Repeal: The repeal of any existing ordinance shall follow the procedure prescribed herein for passage of an ordinance.~~
- ~~— Minor amendments: An action classed by board of selectmen vote as a minor amendment, pursuant to section C immediately above, may be adopted after the completion of first review.~~
- ~~— Emergency ordinances:
  - ~~0. To meet a public emergency affecting life, health, property or the public peace, the board of selectmen may adopt one (1) or more emergency ordinances.~~
  - ~~0. Emergency ordinances may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money.~~
  - ~~0. An emergency ordinance shall be exempt from the adoption procedures required for ordinances generally. However, it must be submitted in writing at a public meeting of the Board of Selectmen in a form consistent with other ordinances.~~
  - ~~0. An emergency ordinance must be clearly titled as such, contain a clear declaration of the emergency, describing it in specific terms.~~
  - ~~0. An emergency ordinance may be adopted or rejected, with or without amendment, at the meeting at which it is introduced, but an affirmative vote of four board of selectmen is required for adoption.~~
  - ~~0. Emergency ordinances shall be effective upon adoption unless the ordinance specifies otherwise.~~
  - ~~0. Any emergency ordinance shall automatically stand repealed on the sixty-first (61<sup>st</sup>) day following adoption; this shall not prevent reenactment of the ordinance if the emergency still exists.~~
  - ~~0. In order for actions taken under an emergency ordinance to be binding beyond the time period of the emergency as determined by the board of selectmen, the ordinance must be ratified in a manner similar to other ordinances.~~~~

## CHARTER AMENDMENTS FROM MEETING OF JUNE 15, 2016

~~0. An emergency ordinance may also be repealed by the adoption of a repealing ordinance in the manner specified in this section for emergency ordinance.~~

~~F. Changes in zoning and subdivision bylaws: Changes in zoning and subdivision bylaws shall be in accordance with Vermont Statutes.~~

~~F. Standard codes of technical regulations:~~

~~0. The board of selectmen may adopt any standard code of technical regulations by references thereto in an adopting ordinance.~~

~~0. The procedure and requirements governing such an adopting ordinance shall be the same as prescribed for ordinances generally except that the requirements of this Charter for distribution and filing of copies of the ordinance shall include the adoption ordinance itself, but shall not include the entire set of technical regulations, and a copy of each adopted code of technical regulations shall be authenticated and recorded by the town clerk for distribution or for purchase at a reasonable price.~~

~~F. Authentication and recording, codification, printing:~~

~~0. Authentication and recording: The town clerk shall authenticate, by signature, and recording, in full, all ordinances and resolutions adopted by the board of selectmen.~~

~~0. Printing of ordinances and resolutions:~~

~~— The board of selectmen shall cause each ordinance and resolution having the force and effect of law to be printed.~~

~~— Printed ordinances, resolutions, Charters and Charter amendments shall be distributed or sold to the public at reasonable prices set by the board of selectmen.~~

~~— All printed ordinances, codes, resolutions and Charter amendments should follow a uniform format or style established by the initial codification following this Charter adoption.~~

~~0. Codification:~~

~~— Within one (1) year after the adoption of this Charter, and at least every five (5) years thereafter, the board of selectmen shall provide for the uniform codification of all ordinances and resolutions having the force of law.~~

~~— When completed, the updated codification will be adopted by the board of selectmen by ordinance, shall be published in a form convenient for general use and shall be incorporated into the town code.~~

~~F. Penalties:~~

~~0. The selectmen may provide for and authorize within an ordinance, penalties for the breach of any ordinance which the general law or this Charter authorizes.~~

~~0. The town may take actions necessary to prosecute any person who violates ordinances passed under this Charter. Said prosecution may be through the courts or the town grand juror as may be established under this Charter.~~

~~— Open meetings, freedom of information.~~

## CHARTER AMENDMENTS FROM MEETING OF JUNE 15, 2016

### ~~Meetings, workshops, minutes and records:~~

- ~~0. Meeting as defined by this Charter shall mean any occasion when a public body, created pursuant to this Charter, convenes a quorum for the purpose of voting and doing business, either in person or by telecommunication or video communication. If a meeting is by telecommunication or video communication, all provisions of 1 V.S.A. section 312 shall be met.~~
- ~~0. A workshop shall be defined as the convening of any number of the voting members of a public body for free discussion of predetermined subjects, upon which no action shall be taken, but upon which a nonbinding consensus may be reached.~~
- ~~0. Only actions taken at meetings shall be official and binding.~~
- ~~0. Minutes shall be kept of all meetings, recording results of all votes and major subjects discussed, with a special effort to record comments by voting members.~~
- ~~0. No minutes shall be required at a workshop, but a public record of the workshop must be kept for two (2) years.~~

### ~~Executive sessions:~~

- ~~0. Any public body, as herein constituted, may only convene an executive session at a meeting publicly warned, by a vote of two-thirds (2/3) of the members.~~
- ~~0. A motion taken to go into executive session shall state the reason, in accordance with this section, but need not state the specific subject matter.~~
- ~~0. A body constituted under this Charter may hold an executive session for one of the following reasons:
  - ~~— For the discussion or consideration of contracts, labor relations agreements with employees, arbitration, grievances, civil actions at law, or prosecutions by the state, where premature general public knowledge would clearly place the state, municipality, other public body, or person involved at a substantial disadvantage;~~
  - ~~— The negotiating or securing of real estate purchase options;~~
  - ~~— The appointment or employment or evaluation of a public officer or employee;~~
  - ~~— A disciplinary or dismissal action against a public officer or employee; but nothing in this act shall be construed to impair the right of such officer or employee to a public hearing if formal charges are brought;~~
  - ~~— A clear and imminent peril to the public safety;~~
  - ~~— Discussion or consideration of records or documents excepted from the access to public records provisions of section 317(b) of Title 1, Vermont Statutes Annotated. Discussion or consideration of the excepted record or document shall not itself permit an extension of the executive session to the general subject to which the record or document pertains;~~
  - ~~— Deliberations of a public body of the state or of any state agency or authority, or of political subdivisions thereof when considering a case which it is required by law, after hearing and evidence, to decide with finding of fact and conclusions of law.~~~~

## CHARTER AMENDMENTS FROM MEETING OF JUNE 15, 2016

~~0. The only binding action which may be taken in executive session shall be the securing of real estate or property purchase options.~~

~~0. The public body may admit persons to executive sessions whose presence it judges to be critical to deliberations.~~

### ~~Meetings/warning/agenda:~~

~~0. The regular meeting schedule of a public body shall be posted in the town clerk's office.~~

~~0. Workshops must be publicly announced.~~

~~0. Special meetings may be called upon twenty-four (24) hour prior notice to the media.~~

~~0. Emergency meetings may be called without special notice, provided efforts to notify the media and all members, verbally or in writing, is documented.~~

~~0. All regular meetings, special meetings and workshops shall have a printed agenda specifying subjects to be covered, subject to amendment in accordance with the bylaws or rules of the body.~~

### ~~Access to public records:~~

~~0. All public records, as defined by statute, shall be made available for public inspection during working hours, within a reasonable period. Efforts to produce records which require research or special efforts to pull from dead files, shall be required on a timetable with due consideration to the work load of the department, with the person making the request so notified.~~

~~0. The board of selectmen shall fix a fee for costs of recovering and reproduction of public records in consideration of their availability and effort involved in production and reproduction.~~

### ~~Potential or actual conflict of interest, personal financial interest.~~

~~At a meeting, no elective or appointive officer, acting in an official capacity, or employee of the town, while engaged in his or her duties, shall raise the issue of, place on the agenda, participate in a discussion of, or take part in a discussion concerning any business of the town relating to his/her business or personal financial interests, or those of a spouse, be they direct or indirect, to the degree that said interests exceed those of taxpayers generally.~~

~~Personal and business interests shall include direct or indirect ownership of land, stock, property, materials, supplies or services.~~

~~Discussions of salary and benefits shall be exempt from this prohibition.~~

~~Any officer or employee having such an interest shall immediately make said interest known publicly.~~

~~Any officer who willfully conceals such an interest, or willfully violates any requirement of this section shall forfeit said office or position, as provided under Article Two, section III, B.&.b.~~

~~Any contract, sale or action taken in violation of this section shall be voidable by the board of selectmen.~~

## CHARTER AMENDMENTS FROM MEETING OF JUNE 15, 2016

- ~~Officers of the town may buy/sell goods and services from/to the town subject to the restrictions above, provided said procurement is done competitively in accordance with the procurement ordinance.~~
- ~~The board of selectmen may require public disclosure of assets or financial interest, in a form they may prescribe, of any elected or appointed official as part of an investigation into matters of conflict of interest, or for the purposes of general investigation. Failure to disclose or incomplete or falsified disclosure may be cause for removal as provided under Article Two, section III B.8.b.~~
- ~~No officer shall devote any town property or labor to private use, except as may be provided by law or ordinance.~~

### ~~Licenses, fees, charges, user fees, fees for service.~~

- ~~The board of selectmen shall have the sole authority for the setting of all fees, charges, user fees, or fees for services, related to town government, except those prescribed by state statute relating to the office of the town clerk. All fees and charges set by the board of selectmen shall be reasonably related to actual costs.~~
- ~~The board of selectmen shall have the authority to license or issue permits for any function or activity taking place or occurring within the boundaries of the town over which jurisdiction is established by statute, ordinance or this Charter.~~
- ~~All licenses required by the town shall be authorized by passage and/or amendment of a license ordinance.~~
- ~~All fees, charges, user fees or fees for service shall be implemented by passage of a comprehensive fee ordinance which shall be placed on the board of selectmen agenda for review and/or update, every three (3) years from its date of passage.~~
- ~~No officer of the town shall collect fees or prerequisites for his/her own use, and all fees or charges shall be accrued to the general fund.~~

### ~~Acquisition and disposition of town property.~~

- ~~The board of selectmen shall pass an ordinance governing the acquisition or disposition of town property, which shall outline procedures for the handling of such matters.~~
- ~~The board of selectmen may acquire or dispose of real property in accordance with such ordinance.~~

### ~~Emergency powers.~~

- ~~Declaration of public emergency: The board of selectmen may, upon majority vote, declare a state of public emergency which threatens life, property or the public health or welfare.~~
- ~~Condemnation, eminent domain: In the event of a declared public emergency which threatens life, property, the public health or welfare, duly declared by unanimous board of selectmen action at a duly warned meeting, the board of selectmen may exercise powers of eminent domain and condemnation and take real property or personal property, after notice to the owner and the fixing of fair compensation. An aggrieved party may appeal to superior court.~~
- ~~Civil preparedness: The town manager shall be the designated civil preparedness chairman and shall be duty bound to exercise the powers afforded by statute, and any powers and functions outlined by the board of selectmen in a declared emergency.~~

## CHARTER AMENDMENTS FROM MEETING OF JUNE 15, 2016

### I. ~~Procedures for charter~~ Charter revision and amendment.

- A. The procedures and process for Charter amendment herein may be initiated either by a unanimous vote of the ~~board of selectmen~~ Selectboard, or by a citizen initiative (petition) ~~equal to or at least a minimum of five percent (5%) of the voters.~~
- B. The procedure for Charter revision shall be as follows:
1. The ~~board of selectmen~~ Selectboard shall appoint a charter review committee of not less ~~fewer than ten-nine (109)~~ two (2) members, which shall include ~~two (2)~~ two (2) representatives from the ~~board of selectmen~~ Selectboard, ~~two (2) representatives from the administration one of which must be the Town Clerk, -and registered voters from the community at large, with the majority from the community at large.~~
  2. Within one (1) year after appointment, the charter review committee shall report out any amendments, revisions or changes.
  3. The ~~board of selectmen~~ Selectboard shall determine if the proposed amendments are a comprehensive revision, and shall determine the format of the article.
  4. Any changes in the Charter must be ~~affected~~ effected by a town meeting vote with ~~at least twenty-five (25) percent at least twenty-five (25) percent of voters participating. (reverted back to original)~~
- C. In addition to the procedure set forth above in subdivisions A and B of this section, the Charter may be revised or amended by the submission of a citizen initiative (petition) signed by ten (10) percent of the voters. The petition and subsequent action shall conform to the requirements of state statutes relating to Charter amendment procedures, shall be subject to the determination of the ~~board of selectmen~~ Selectboard as to whether or not they are comprehensive in nature, and shall be approved by a town meeting vote with at least twenty-five (25) percent of voters participating.
- D. Any changes in the town Charter shall become effective immediately upon passage by the voters and approval by the Legislature as prescribed by statute.
- E. Charter amendment revote shall be subject to the limits prescribed in Article Two, section II, subsection B(7) herein.

### I. ~~Transitional procedures.~~

~~All boards, commissions and committees in existence upon the adoption of this Charter shall continue to exist until such time as they may be continued, consolidated or abolished under this Charter.~~

~~The incumbents in all town offices, not herein abolished or superseded when this Charter takes effect, who are not elected by popular vote, shall continue to hold the same until the expiration of their respective terms where a term of years exists, or until such offices are abolished or superseded by lawful ordinance.~~

~~All employees of the town shall retain their present status upon adoption of this Charter.~~

~~All ordinances and bylaws of the town shall continue in force until altered or repealed, except where a contrary intent herein appears.~~

## CHARTER AMENDMENTS FROM MEETING OF JUNE 15, 2016

~~So much of the previous enabling act for the Town of Springfield and the present Charter as is now in force relative to the constitution of its sewer, lighting, and other special precincts and their government and affairs, to its water works, and to the borrowing of money in aid of its school districts, is hereby continued in force, with the exception of such provisions as are inconsistent with this Charter, but all special legislation relative to the government of the town, not herein expressly saved, is hereby repealed. All general laws relative to the government of towns shall be in force in the town so far as the same can be applied consistently with the intents and purposes of this Charter, but shall be deemed superseded as to this town so far as inconsistent herewith. Existing ordinances and other town regulations shall remain in force so far as the same can be applied consistently with the interests and purposes of this Charter, but are hereby annulled so far as inconsistent herewith. In all existing laws, ordinances, and regulations hereby saved, references to bodies or officers hereby abolished and superseded, altered, shall be taken to mean the body or officer upon whom jurisdiction of the matter in question is conferred by this Charter or by the administrative code.~~

~~(Section XII Transitional Procedures above does not appear in the Chapter 149 of the State Statute, however, it does appear in our printed Charter)~~

### ii. **Use of streets by public utilities and private interests.**

Every public utility and private interest that desires to dig up a public street or alley for the purpose of laying pipes or wires shall first obtain from the ~~selectmen~~ Town Manager or designee a written permit stating the place where and the time when digging may be done. Upon receipt of a permit, the digging up and replacing of the street or alley shall be done under the supervision of the ~~selectmen~~ Town Manager or designee, they may complete the work at the expense of the utility or private interest and recover that expense in an action of tort under 19 V.S.A. section 1525, in the name of the town, with costs.

### iii. **Separability/Severability.**

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

## ARTICLE TWO

### ELECTIONS AND LOCAL OFFICIALS

#### i. **Form of government/Governmental authority.**

All governmental authority of the Town of Springfield rests ultimately with the citizens and voters of the town who shall exercise their power by Australian ballot at the annual town meeting in determining:

- A. The election of officers of the town;
- B. The approval of the town budgets;
- C. All authorizations for major bonding or borrowing;
- D. All special appropriations;

## CHARTER AMENDMENTS FROM MEETING OF JUNE 15, 2016

- E. Any articles placed on the warning which involve the expenditure of tax dollars or in directing the provision of direction in the exercise of the power vested in elected or appointed officials.

### II. Town meeting/elections.

- A. Applicability of general laws: Except as otherwise herein limited, provisions of the general laws of the State related to voter qualifications, warnings, methods of voting, duties of town officers at town meeting and elections, counting of votes, recount of votes, certification of results and nominations of candidates, so far as they may be applicable, shall govern all municipal elections and all annual and special town meetings.

- B. Meetings and elections:

- 1. Annual town meeting:

- a. On the Monday preceding the first Tuesday in March, beginning at 7:30-00 p.m. at a place designated by the selectmen, the town shall start its annual meeting and may transact at that time any business not involving Australian ballot. At this meeting, public discussion of ballot issues and all other issues appearing on the warning, other than the election of candidates, shall be permitted.
    - b. A meeting so started shall be adjourned until the following day, the first Tuesday in March at which time business involving Australian ballot will be transacted.
    - c. The date of the annual town meeting may be changed by a vote of the citizens at a town meeting duly warned for that purpose.

- 2. Special town meetings:

- a. Special town meetings may be called at any time for reasons, as prescribed by Charter, by a majority vote of the ~~board of selectmen~~ Selectboard; or by the decree of the town Town clerk ~~Clerk~~ upon receipt of a petition signed by no less than five (5) percent of the voters registered at the time the petition is submitted.
    - b. A special town meeting, called in accordance with the above section, shall be held within sixty (60) days from the date of the official call to meeting.

- 3. Warnings:

- a. Timetable and notice: Public notice of every annual or special town meeting, or town election, shall be given by a warning posted in at least ~~five~~ four (54) public places in the town and on the Town's website, at least thirty (30), but no more than forty (40) days prior to the meeting; and published in a newspaper or newspapers of general circulation in the municipality as may be directed or designated by the ~~board of selectmen~~ Selectboard.
    - b. Contents: The warning shall contain:
      - i. The date, time, and location of the meeting;
      - ii. Specific indications of sSeparate articles, specifically indicating the business to be transacted which reflect the business to be voted, in the language to be voted upon;
      - iii. The signatures of a majority of the ~~board of selectmen~~ Selectboard.
    - c. Placing of articles on a warning for the annual town meeting:

## CHARTER AMENDMENTS FROM MEETING OF JUNE 15, 2016

- i. Articles may be placed on the warning by:
    - a) A majority vote of the ~~board of selectmen~~Selectboard;
    - b) A petition of at least five (5) percent of the voters registered at the time the petition is submitted.
  - ii. Articles submitted by petition must be filed with the ~~town clerk~~Clerk not less than ~~forty-seven~~ (4047) days before the date of the meeting, unless modified by State Statute.
4. Power of selectmen on Australian ballot decree:
- a. The selectmen may cause any question not covered in section 1(A) of this article to be voted by Australian ballot at any annual or special town meeting called on their action, or by petition, provided that the warning for such meeting specifies the question to be voted.
  - b. Any article to be voted by Australian ballot shall be preceded by a public hearing. The warning of the vote shall include notice of the time and place of said public hearing.
5. Presiding officials at town meeting and elections:
- a. The moderator shall preside at all town meetings. In the moderator's absence, the town clerk shall call the meeting to order and the first order of business shall be the election of a moderator pro-tempore to preside for the duration of the meeting.
  - b. Town meetings shall be conducted in accordance with state law, this Charter, and Robert's Rules of Order, Revised.
  - c. It shall be the duty of the moderator to take such actions deemed necessary to preserve order in the conduct of business and to preserve the principles of free speech, openness and fairness in government.
  - d. The town clerk shall be the presiding official at all Australian ballot elections, and in cooperation with the board of civil authority, shall assure that all laws related to elections are faithfully observed.
  - e. While the polls are open, the town clerk shall rule on all questions covering the conduct of elections, except the resolution of questions concerning the checklist which shall be made by the majority of the board of civil authority members present.
  - f. In the absence or disability of the town clerk and Assistant Town Clerk, should it occur before an election, the ~~board~~Board of civil~~Civil authority~~Authority shall designate an acting clerk for the duration of the election. Should such absence or disability occur on election day, the ~~board~~Board of civil~~Civil authority~~Authority shall designate an on-site temporary officer to preside for the duration of the election.
6. Postponing or continuing of town meetings:
- a. The ~~selectmen~~Selectboard may postpone a special town meeting ~~the vote on any question to be voted at a special meeting to the later annual town meeting~~ if the date of the special town meeting would fall within seventy-five (75) days ~~prior to~~ the annual town meeting.

## CHARTER AMENDMENTS FROM MEETING OF JUNE 15, 2016

- b. If a special town meeting falls within forty-five (45) days of a later special town meeting called by petition, the ~~selectmen~~ Selectboard may warn the questions to be voted at such town meeting for the later town meeting, and may by resolution rescind the call of the earlier meeting.
7. Citizen initiatives/revote/recision of articles other than election of officers:
    - a. Any question voted at an annual or special town meeting, except Charter revision or amendment, may be submitted for revote or recision at a subsequent annual or special town meeting, subject to the limits contained herein.
    - b. Requests for revote or recision must be by resolution of at least four (4) members of the ~~board of selectmen~~ Selectboard, or by a petition signed by at least five (5) percent of the voters registered on the date of the action.
    - c. Any action for revote or recision must be taken or filed within thirty (30) days of the date the action was first considered.
    - d. The town clerk shall warn a special town meeting to be held within sixty (60) days of the date of the call for revote or recision.
    - ~~e. The town budget shall be subject to a revote only if voted in the negative, or if voted in the affirmative at an election having a turnout of less than fifteen (15) percent of the registered voters at the time of the town meeting.~~
    - ~~f. e.~~ The phrasing and presentation of a revote on any question shall be identical to that used on initial consideration.
    - ~~g. f.~~ Any question voted on or considered shall be subject to revote or recision only once in the twelve (12) months following the initial vote, except for the town budget which shall be voted until passed.
    - ~~h. g.~~ A proposed amendment or revision of this Charter may be voted only once in three (3) years.
  8. Tie votes:
    - a. ~~A tie vote at any town meeting shall be subject to immediate~~ will require an immediate recount. If the tie is affirmed, the articles or election shall be subject to must be revoted immediate revote at a special town meeting within the timetable prescribed by Charter. An affirmed tie vote for an elected official, the revote will be in accordance with State Statutes.
    - b. Recount other than tie votes may be requested in accordance with ~~state~~ State statute Statute.
  9. Nonproductive elections: In the event that a legal election fails to produce a person to fill any elected town office, the ~~board of selectmen~~ Selectboard shall, within thirty (30) days of the election, appoint a ~~qualified individual~~ registered voter to serve in the position until the next annual town meeting.
  10. Board of ~~civil~~ Civil authority Authority:
    - a. The ~~board~~ Board of civil Civil authority Authority shall consist of the Justices of the Peace residing within the town who shall be elected in accordance with state statute, the ~~town~~ Town clerk Clerk and the ~~board of selectmen~~ Selectboard.

## CHARTER AMENDMENTS FROM MEETING OF JUNE 15, 2016

- b. At the first meeting following the first day of February of odd numbered years, the ~~board~~ Board of civil-Civil authority-Authority shall elect a chairman and a vice chairman from among its members.
- c. The ~~town~~ Town clerk-Clerk shall be the clerk of the ~~board~~ Board of civil-Civil authority-Authority.
- d. The ~~board~~ Board shall perform all duties as required by this Charter, and all duties as required by statute to the extent that they are not in conflict with this Charter.

## STYLE

### Caps

1. Selectboard
2. Town Clerk
3. Town Manager
4. Civil Preparedness Chair
5. Town Attorney
6. Chair
7. Board
8. Vice Chair
9. Chief Assessor
10. Town Constable
11. Trustees of Public Funds
12. Town Treasurer
13. Manager change to Town Manager
14. Moderator
15. Board of Selectmen change to Selectboard
16. Auditor
17. Board of Civil Authority
18. Justices
19. Town Agent
20. Lister
21. Board of Listers
22. Sargent At Arms

6/15/16

## References to Percent of Voters in the Charter

### ARTICLE ONE

#### XI Procedures for charter revision and amendment

A. The procedures and process for Charter amendment herein may be initiated either by a unanimous vote of the board of selectmen, or by a citizen initiative (petition) equal to five percent (5%) of the voters.

B. 4. Any changes in the Charter must be affected by a town meeting vote with at least twenty-five (25) percent of voters participating.

C. In addition to the procedure set forth above in subdivisions A and B of this section, the Charter may be revised or amended by the submission of a citizen initiative (petition) signed by ten (10) percent of the voters. The petition and subsequent action shall conform to the requirements of state statutes relating to Charter amendment procedures, shall be subject to the determination of the board of selectmen as to whether or not they are comprehensive in nature, and shall be approved by a town meeting vote with at least twenty-five (25) percent of voters participating.

### ARTICLE TWO

II. B. 2. a. Special town meetings may be called at any time for reasons as prescribed by Charter, by a majority vote of the board of selectmen; or by the decree of the town clerk upon receipt of a petition signed by no less than five (5) percent of the voters registered at the time the petition is submitted.

II. B. 3. c. Placing of articles on a warning for the annual town meeting:

b) A petition of at least five (5) percent of the voters registered at the time the petition is submitted.

II. B. 7. Citizen initiatives/revote/recision of articles other than election of officers:

b. Requests for revote or recision must be by resolution of at least four (4) members of the board of selectmen, or by a petition signed by at least five (5) percent of the voters registered on the date of the action.

e. The town budget shall be subject to a revote only if voted in the negative, or if voted in the affirmative at an election having a turnout of less than fifteen (15) percent of the registered voters at the time of the town meeting.

III. B. 4. Recall of elected officials:

a. Any elected official may be removed from office as follows: A petition signed by not less than fifteen (15) percent of the registered voters shall be filed with the selectmen, requesting a vote on whether the elected officer shall be removed from office. The date of signing by each voter shall be indicated in the petition and such date shall not be earlier than thirty (30) days prior to the filing of the petition. The selectmen shall call a special town meeting, to be held within forty-five (45) days of receiving the petition, to vote on whether the elected officer shall be removed. The official shall be removed only if at least as many registered voters of the town vote as voted in the election wherein the officer was elected, or at least one-third (1/3) of the registered voters of the town vote, whichever is greater, and a majority of the number of votes is cast for removal.

### ARTICLE FOUR

#### XII. Debt/bonded debt for town and school improvements.

3. Any vote authorizing long term debt shall only be valid if voted at a town meeting at which the total number of votes casting ballots exceeds ten (10) percent of the total number of names on the checklist on the date of the last annual town meeting.