

TOWN OF SPRINGFIELD
SELECTMEN'S HALL – 96 MAIN STREET – THIRD FLOOR
CHARTER REVIEW COMMITTEE MEETING
WEDNESDAY, JUNE 22, 2016 @ 6:00 PM

MEETING MINUTES

1. ~~CALL MEETING TO ORDER AND ROLL CALL:~~ Chair John Hall called the meeting to order at 6:00 p.m. The following Committee Members were present –John Bond, John Follett, John Hall, Barbara Schultz, Barbara Courchesne, Kristi Morris, Jeff Mobus, Richard Andrews, and Walter Martone. Members absent included Tom Yennerell and Sharon Ayer.
2. MINUTES:
 - a. Town Charter Review Committee Minutes, June 15, 2016: Amendments to the minutes included –
 - i. Page two, item 6.b. – Section ~~IX~~ XI ; Tom is ~~has~~ recommended; not be changed;
 - ii. Page two, item 6.c. – Committee members ~~from Administration~~, should be
 - iii. Page two, item 7.a. – Motion failed on roll call vote. Ayes were Walter and John B., noes were John F., John H., Barbara C., Tom, Kristi, Jeff, and Sharon. There was one abstention – Barbara S.

It was moved by Kristi and seconded by Barbara S. to approve the minutes as amended. Motion passed with eight (8) ayes and one (1) abstention (Richard).

3. SUGGESTED AGENDA CHANGES: John B. requested that item 7. be added to discuss “public input.” Walter requested that item 8 be added to discuss “style.” John H. requested that item 9. be added to discuss an “updated schedule.”
4. FINAL DISCUSSION ON BLIGHT LANGUAGE WORDING FOR INCORPORATING INTO CHARTER CHANGES:
 - a. It was noted that at the last meeting the Committee approved a motion “to include some form of blight language in the Charter” and to include it under a new subsection to the “Powers of the Town,” that would be titled “Additional Powers.”
 - b. The Committee had extensive discussion on the various proposals for specific language and how the different proposals might be received by the Legislature and by the voters of Springfield. The proposals included
 - i. Language that was submitted by the Town to the Legislature, including amended language.
 - ii. Language that was adopted by the Legislature as an amendment to the Charter for the Town of Shelburne.
 - iii. Language submitted by Sharon at the May 18th meeting.
 - iv. 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.”
 - c. John B. moved and Richard seconded to use the language from Section A of the proposal by Sharon, followed by item (4) from the Charter for the Town of Shelburne with the following deletions and additions. “...relating to the ~~cleaning and repair~~ remediation of any...such condition as to ~~impair the general appearance of~~ be injurious to the Town, to be injurious ...health hazard, ~~and to control the removal of rubbish, waste, and objectionable material therefrom.~~” After extensive discussion the motion was withdrawn. There was also discussion about whether the language addressing blight, should be included in a new subsection (Additional Powers), or if it should be added to the existing section (Powers of the Town).
 - d. A new motion was made by John B. and sectioned by Richard as follows: To add under Article One, Section III. Powers of the Town, a new provision that includes the following language – “B. Without limiting any of the express or implied powers granted by the Charter, the Town of Springfield shall have the following additional specific authorities: a. To adopt and enforce ordinances relating to the remediation of any premises when in such condition as to be injurious to the Town, to be injurious to other property in the vicinity, or to be a health hazard. b. To create, after conducting a public hearing, not for profit corporations for the purpose of implementing economic development or neighborhood improvement, empowered to hold title to, lease, or manage, real property.” The former language in B. starting with “Nothing in this Charter...” will be renumbered to become C. The motion was approved on a roll call vote. Ayes were John B., John F., Barbara S., Barbara C., Kristi, Jeff, Walter, and Richard. One no vote was cast by John H.

5. REVIEW OF CHANGES MADE ARTICLE 2, PAGES 10-13 (SECTION II, 10d):
 - a. The edits made by the Committee to the Charter language is reflected in the Town Charter Edits attachment to these minutes.
6. REVIEW ARTICLE 2, PAGES 13 – 21 (END OF ARTICLE TWO):
 - a. The edits made by the Committee to the Charter language is reflected in the Town Charter Edits attachment to these minutes.
 - b. Barbara C. will check with the Secretary of State's Office about the election requirements for Justices of the Peace.
 - c. Walter will check with VLCT about how other municipalities and the Statutes address the removal of an elected officer convicted of a felony (including situations where the conviction occurred before the individual was elected and took office, or if it occurred after the individual has taken office (III.B.7.d. and III.B.8.a.)).
 - d. Tom submitted written comments for consideration, which are attached to these minutes.
 - e. Tom requested that under Sections III.A. and III.C.5., that the information regarding the position of Constable be changed to an appointed position and moved to the section dealing with appointed positions (Section IV.B.). There was general consensus from the Committee to make this change.
 - f. Under Section III.C.7., Jeff offered to write a brief definition of Public Funds to insert after the title. It was felt that most people are not familiar with what this term means and what the Trustees of Public Funds are responsible for.
 - g. Under Section IV.C. Appointed Boards and Commissions, there was discussion about whether members of these bodies should be required to be registered voters in Springfield. John H. moved and Jeff seconded that all members of the Planning Commission, Zoning Board of Adjustment, and Housing Authority, must be registered voters in Springfield. Motion passed with a role call vote. Ayes included Kristi, Jeff, John F., John H., Barbara C., and Walter. Noes included Richard, Barbara S., and John B.
 - h. John F. moved and John B. seconded that discussion on the Airport Commission be continued to the next meeting. Motion passed unanimously.
7. DISCUSSION ON PUBLIC INPUT: At a previous meeting, there was discussion about information gathering from knowledgeable individuals who are active in Town (for example former elected officials or employees of the Town) and had prior problems with the current Charter. The purpose would be to discover if these individual had discovered problems that could have been resolved through amendment to the language or provisions in the Charter. Richard volunteered to draft a press release soliciting such input, and bring it to the Committee for consideration at its next meeting.
8. STYLE: A list of words that should be capitalized, words or phrases that should be changed to other words, was sent out with the Committee packet. Members were requested to review the list to see if they are in agreement with it, and to notify Walter of items that should be added/deleted. This list will help to ensure that the editing of the Charter is consistent.
9. UPDATED SCHEDULE: John H. presented an updated schedule to keep the Committee on track to complete its assignment by the agreed upon deadline.
10. PUBLIC COMMENTS: No one from the public was present.
11. ADJOURNMENT: It was moved by Richard and seconded by Jeff to adjourn the meeting at 9:45 p.m. Motion approved unanimously.
12. NEXT MEETING: The next meeting will be held on **Thursday, July 7th**, 2016 at 6:00 p.m. at Town Hall. The Goal to Reach will be – Final Review of Articles One and Two, and preparation for submission to VLCT. **PLEASE NOTE THAT THIS IS A SPECIAL MEETING THAT WAS ADDED TO THE SCHEDULE.**

Respectfully submitted,
Walter Martone

6/22/2012

TIME TABLE FOR CHARTER REVIEW COMMITTEE TO MET GOAL

<u>Month</u>	<u>Date</u>	<u>Goal to reach</u>
April	13 th	Organization and set schedule
April	20 th	Start review of Article #1
May	11 th	Finish review of Article #1
May	18 th	Final sign off of Article #1, start Article #2
May	25 th	Review of Article #2
June	15 th	Final review and sign off on Article #2,
June	22 nd	Finish review of Article 2 & pending areas
July	7 th	Final Review of Article 1 & 2 , prep for VLCT
July	13 th	Review of Article #3
July	20 th	Review of Article #3 continued
August	17 th	Final sign off on Article #3
August	24 th	Start Article #4
September	14 th	Review of Article #4
September	21 st	Continued review of Article #4
October	5 th	Final Review and sign off of Article #4
October	12 th	VLCT feedback on Articles 1 & 2
October	19 th	Overview of Charter and discussion on other additions to the document
November	16 th	Final meeting before sending to Selectboard

**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 21, 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

I. 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 [t]Town shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it under this Charter.

II. Application of general law/proposed charter.

- A. Purpose: This document is drafted to supersede and replace the existing Charter.
- B. Application of general laws:

Except when modified by the provisions of this Charter, or by any regulation or ordinance of the [t]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 [s]State [s]Statute, this Charter shall prevail.

III. Powers of the town.

- A. 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[.], and such additional powers as conferred by this Charter which are consistent with the Constitution. All powers and functions conferred or implied by the Charter shall be in addition to the powers and functions conferred upon the [t]Town by laws now in force or hereinafter enacted.

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- B. Without limiting any of the express or implied powers granted by the Charter, the Town of Springfield shall have the following additional specific authorities:
1. To adopt and enforce ordinances relating to the remediation of any premises when in such condition as to be injurious to the Town; to be injurious to other property in the vicinity, or to be a health hazard.
 2. To create, after conducting a public hearing, not for profit corporations for the purpose of implementing economic development or neighborhood improvement, empowered to hold title to, lease, or manage, real property.
- C. Nothing in this Charter shall be construed as a limitation of such powers and functions incident to public and municipal corporations.

IV. Intergovernmental relations.

The [town] Selectboard 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.

V. Ordinances.

- A. 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.
- B. Legislative body:
1. The [board of selectmen] Selectboard shall constitute the legislative body of the [t]Town with the power, between town meetings, to adopt, amend, repeal or enforce ordinances.
 2. 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.
 - a. Ordinances to be so considered by town meeting can only be placed on the warning in such manner as authorized by this Charter.
 - b. 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] Selectboard, at least thirty (30) days before the meeting.
 - c. Any ordinance to be considered by town meeting shall be reviewed by the [t]Town [a]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.
 - d. The effect of town meeting action on an ordinance shall take place upon passage unless otherwise provided therein.
 - e. 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] Selectboard, or to the appointment or designation of the [selectmen] Members of the Selectboard, or their rules of order.

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- f. Ordinances passed by town meeting may not alter or limit any provision of this Charter.
- g. Any ordinance to be passed by either town meeting or the [board of selectmen] Selectboard must be set forth in a uniform format as follows:
 - 1) Ordinances shall be numbered consecutively;
 - 2) If the action is an amendment, it shall be referenced and incorporated into the amended ordinance;
 - 3) Ordinances shall be short titled and contain a statement of purpose;
 - 4) Outline format shall match that used in the existing codification.

C. Ordinance adoption procedure:

- 1. The [selectmen] Selectboard shall designate the category into which action an ordinance shall fall.
- 2. There shall be five (5) categories of action as follows:
 - a. New legislation adoption or rejection;
 - b. Repeal in total of existing legislation;
 - c. Major amendment - changing the nature and substance of the original ordinance;
 - d. Minor amendment - minor adjustment in meaning, procedure or definition;
 - e. Emergency ordinance as defined herein in paragraph F;
 - f. Changes in the town's zoning and subdivision bylaws.

D. Procedure for drafting, adoption, rejection, major amendment or repeal of ordinances:

- 1. Drafting:
 - a. The Selectboard may appoint an ordinance subcommittee consisting of not more than two (2) Selectboard members.
 - b. Ordinances, or actions related thereto, shall be drafted by, and [or] submitted in draft form [to an] by the ordinance subcommittee [consisting of no more than two (2) [board of selectmen] Selectboard members].
- 2. Reporting out:
 - a. The ordinance subcommittee shall review the ordinance for form and report it out to the [board of selectmen] Selectboard for first review.
 - b. Ordinances reported out for first review must be reviewed beforehand by the [t]Town [a]Attorney or other counsel, and signed by him/her signifying proper legal form and constitutionality.
 - c. Copies of ordinances providing for criminal offenses should be transmitted to the [s]State's [a]Attorney for review.

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3. Introduction and first review:
 - a. The proposed ordinance or action shall be introduced at a [board of selectmen] Selectboard meeting by the ordinance subcommittee.
 - b. During first review, the proposed ordinance or action may be amended.
 - c. [A final draft] The proposed ordinance including any amendments, must be accepted or rejected at the completion of first review.
 - d. 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)] forty (40) days from first review.
4. Second review and public hearing:
 - a. Notice of the date of second review must be published no later than seven (7) days before the date of second review itself.
 - b. 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.
 - c. At the time and place specified in the notice, a public hearing shall be held.
5. Amendment during second review: Should the [board of selectmen] Selectboard 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)] forty (40) days and all notice requirements to be met in subsection 4 above.
6. Final action:
 - a. Upon completion of the second review, the [board of selectmen] Selectboard shall act to adopt or reject the ordinance.
 - b. Failure to act in fourteen (14) days shall constitute a rejection.
7. Repeal: The repeal of any existing ordinance shall follow the procedure prescribed herein for passage of an ordinance.
- E. Minor amendments: An action classed by [board of selectmen] Selectboard vote as a minor amendment, pursuant to section C immediately above, may be adopted after the completion of first review.
- F. Emergency ordinances:
 1. To meet a public emergency affecting life, health, property or the public peace, the [board of selectmen] Selectboard may adopt one (1) or more emergency ordinances.
 2. 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.
 3. 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

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[Board of Selectmen] Selectboard in a form consistent with other ordinances.

4. An emergency ordinance must be clearly titled as such, contain a clear declaration of the emergency, describing it in specific terms.
 5. 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 (4) [board of selectmen] Selectboard Members is required for adoption.
 6. Emergency ordinances shall be effective upon adoption unless the ordinance specifies otherwise.
 7. Any emergency ordinance shall automatically stand repealed on the sixty-first (61st) day following adoption; this shall not prevent reenactment of the ordinance if the emergency still exists.
 8. 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] Selectboard, the ordinance must be ratified in a manner similar to other ordinances.
 9. An emergency ordinance may also be repealed by the adoption of a repealing ordinance in the manner specified in this section for emergency ordinance.
- G. Changes in zoning and subdivision bylaws: Changes in zoning and subdivision bylaws shall be in accordance with Vermont Statutes.
- H. Standard codes of technical regulations:
1. The [board of selectmen] Selectboard may adopt any standard code of technical regulations by references thereto in an adopting ordinance.
 2. 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 [t]Town [c]Clerk for distribution or for purchase at a reasonable price.
- I. Authentication and recording, codification, printing:
1. Authentication and recording: The [t]Town [c]Clerk shall authenticate, by signature, and recording, in full, all ordinances and resolutions adopted by the [board of selectmen] Selectboard.
 2. Printing of ordinances and resolutions:
 - a. The [board of selectmen] Selectboard shall cause each ordinance and resolution having the force and effect of law to be printed.
 - b. [Printed o]Ordinances, resolutions, Charters and Charter amendments shall be published electronically and made available in printed form for sale [distributed or sold] to the public at reasonable prices set by the [board of selectmen] Selectboard.
 - c. All printed ordinances, codes, resolutions and Charter amendments should follow a uniform format or style [established by the initial codification following this Charter adoption].

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3. Codification:

- a. Within one (1) year after the adoption of this Charter, and at least every [five (5)] ten (10) years thereafter, the [board of selectmen] Selectboard shall provide for the uniform codification of all ordinances and resolutions having the force of law.
- b. When completed, the updated codification will be adopted by the [board of selectmen] Selectboard by ordinance, shall be published in a form convenient for general use and shall be incorporated into the town code.

J. Penalties:

1. The [selectmen] Selectboard may provide for and authorize within an ordinance, penalties for the breach of any ordinance which the general law or this Charter authorizes.
2. The [t]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].

VI. Open meetings, freedom of information. (Ask VLCT to draft update to this section)

A. Meetings, workshops, minutes and records:

1. 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.
2. 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.
3. Only actions taken at meetings shall be official and binding.
4. 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.
5. No minutes shall be required at a workshop, but a public record of the workshop must be kept for two (2) years.

B. Executive sessions:

1. 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.
2. 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.
3. A body constituted under this Charter may hold an executive session for one of the following reasons:
 - a. For the discussion or consideration of contracts, labor relations agreements with employees, arbitration, grievances, civil actions at law, or prosecutions by the state,

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where premature general public knowledge would clearly place the state, municipality, other public body, or person involved at a substantial disadvantage;

- b. The negotiating or securing of real estate purchase options;
 - c. The appointment or employment or evaluation of a public officer or employee;
 - d. 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;
 - e. A clear and imminent peril to the public safety;
 - f. 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;
 - g. 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.
4. The only binding action which may be taken in executive session shall be the securing of real estate or property purchase options.
 5. The public body may admit persons to executive sessions whose presence it judges to be critical to deliberations.
- C. Meetings/warning/agenda:
1. The regular meeting schedule of a public body shall be posted in the [T]own [c]lerk's office.
 2. Workshops must be publicly announced.
 3. Special meetings may be called upon twenty-four (24) hour prior notice to the media.
 4. Emergency meetings may be called without special notice, provided efforts to notify the media and all members, verbally or in writing, is documented.
 5. 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.
- D. Access to public records:
1. 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.
 2. The [board of selectmen] Selectboard 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.

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VII. Potential or actual conflict of interest, personal financial interest. (Ask VLCT if they have a model for this section)

- A. At a meeting, no elective or appointive officer, acting in an official capacity, or employee of the [t]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 [t]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.
- B. Personal and business interests shall include direct or indirect ownership of land, stock, property, materials, supplies or services.
- C. Discussions of salary and benefits shall be exempt from this prohibition.
- D. Any officer or employee having such an interest shall immediately make said interest known publicly.
- E. 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.8.b.
- F. Any contract, sale or action taken in violation of this section shall be voidable by the [board of selectmen] Selectboard.
- G. Officers of the [t]Town may buy/sell goods and services from/to the [t]Town subject to the restrictions above, provided said procurement is done competitively in accordance with the procurement ordinance.
- H. The [board of selectmen] Selectboard 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.
- I. No officer shall devote any [t]Town property or labor to private use, except as may be provided by law or ordinance.

VIII. Licenses, fees, charges, user fees, fees for service.

- A. The [board of selectmen] Selectboard shall have the sole authority for the setting of all fees, charges, user fees, or fees for services, related to [t]Town government, except those prescribed by [s]State [s]Statute relating to the office of the [t]Town [c]Clerk. All fees and charges set by the [board of selectmen] Selectboard shall be reasonably related to actual costs.
- B. The [board of selectmen] Selectboard shall have the authority to license or issue permits for any function or activity taking place or occurring within the boundaries of the [t]Town over which jurisdiction is established by statute, ordinance or this Charter.
- C. All licenses required by the [t]Town shall be authorized by passage and/or amendment of a license ordinance.
- D. [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.]
- D. No officer of the [t]Town shall collect fees or prerequisites for his/her own use, and all fees or charges shall be accrued to the general fund.

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IX. Acquisition and disposition of town property.

- A. The [board of selectmen] Selectboard shall pass [an ordinance] a policy governing the acquisition or disposition of [t]Town property, which shall outline procedures for the handling of such matters.
- B. The [board of selectmen] Selectboard may acquire or dispose of real property in accordance with such [ordinance] policy.

X. Emergency powers.

- A. Declaration of public emergency: The [board of selectmen] Selectboard may, upon majority vote, declare a state of public emergency which threatens life, property or the public health or welfare.
- B. 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] Selectboard action at a [duly warned] meeting warned in accordance with State Statute, the [board of selectmen] Selectboard, by unanimous vote, 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.
- C. 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] On an annual basis, the Selectboard shall adopt an emergency preparedness plan that shall go into effect upon declaration of a public emergency.

XI. Procedures for [c]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] of 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 (10)] nine (9) members, which shall include 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 [c]Charter [r]Review [c]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 [a]effected 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 [s]State [s]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

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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 [s]Statute.
- E. Charter amendment revote shall be subject to the limits prescribed in Article Two, section II, subsection B(7) herein.

XII. [Transitional procedures.

- A. ~~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.~~
- B. ~~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.~~
- C. ~~All employees of the town shall retain their present status upon adoption of this Charter.~~
- D. ~~All ordinances and bylaws of the town shall continue in force until altered or repealed, except where a contrary intent herein appears.~~
- E. ~~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]~~

XII. 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.

XIII. [Separability]Severability.

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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 [t]Town who shall exercise their power by Australian ballot at the annual town meeting in determining:

- A. The election of officers of the [t]Town;
- B. The approval of the [t]Town budgets;
- C. All authorizations for major bonding or borrowing;
- D. All special appropriations;
- E. Any articles placed on the warning which involve the expenditure of tax dollars or in [the provision of direction in the exercise of] directing 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 [t]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] Selectboard, the [t]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

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[t]Town [c]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 (5)] four (4) public places in the [t]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 s] Separate articles [which reflect the business to be voted] specifically indicating the business to be transacted, 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:
 - 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 [t]Town [c]Clerk not less than forty-seven [(40)] (47) days before the date of the meeting unless modified by State Statute.
4. Power of [selectmen] Selectboard on Australian ballot decree:
- a. The [selectmen] Selectboard may cause any question not covered in section 1([A]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 [m]Moderator shall preside at all town meetings. In the [m]Moderator's absence, the [t]Town [c]Clerk shall call the meeting to order and the first order of business shall be the election of a [m]Moderator [p]Pro-[t]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.

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- c. It shall be the duty of the [m]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 [t]Town [c]Clerk shall be the presiding official at all Australian ballot elections, and in cooperation with the [b]Board of [c]Civil [a]Authority, shall assure that all laws related to elections are faithfully observed.
 - e. While the polls are open, the [t]Town [c]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 [b]Board of [c]Civil [a]Authority members present.
 - f. In the absence or disability of the [t]Town [c]Clerk and Assistant Town Clerk, should it occur before an election, the [b]Board of [c]Civil [a]Authority shall designate an acting clerk for the duration of the election. Should such absence or disability occur on election day, the [b]Board of [c]Civil [a]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] of the annual town meeting.
 - 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 [t]Town [c]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.]
 - e. The phrasing and presentation of a revote on any question shall be identical to that used on initial consideration.

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- f. Any question voted on or considered shall be subject to revote or rescission only once in the twelve (12) months following the initial vote, except for the town budget which shall be voted until passed.
 - 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 will require an [shall be subject to] immediate recount[.]. If the tie is affirmed, [the] articles [or election shall] must be revoted [subject to immediate revote] at a special town meeting within the timetable prescribed by Charter. If an affirmed tie vote is 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 [s]State [s]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 [c]Civil [a]Authority:
- a. The [b]Board of [c]Civil [a]Authority shall consist of the Justices of the Peace residing within the [t]Town who shall be elected in accordance with [s]State [s]Statute, the [t]Town [c]Clerk and the [board of selectmen] Selectboard.
 - b. At the first meeting following the first day of February of odd numbered years, the [b]Board of [c]Civil [a]Authority shall elect a [c]Chair[man] and a [v]Vice [c]Chair[man] from among its members.
 - c. The [t]Town [c]Clerk shall be the clerk of the [b]Board of [c]Civil [a]Authority.
 - d. The [b]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.

III. Local elected officials.

- A. Local elective offices to be filled by the voters of the Town of Springfield shall be only those articulated by this Charter and shall include:
- 1. [Board of selectmen] Selectboard;
 - 2. Listers;
 - 3. Moderator;
 - 4. [First constable] Library Trustees;
 - 5. Cemetery [c]Commissioners;
 - 6. Town [a]Agent;
 - 7. Trustees of [p]Public [f]Funds.

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B. Provisions related generally to all elected local offices:

1. Term:

- a. Terms for elective offices shall begin officially at the point which the [t]Town [c]Clerk and [b]Board of [c]Civil [a]Authority certify election returns as final.
- b. In the event of a recount, or unresolved irregularities in election returns, should emergency action be required, it shall be taken by the elective officials sitting at the time of the election.

2. Oath of office:

- a. Before taking any official action, an elected official shall take the oath of office prescribed by [s]Statute.
- b. A signed copy of the oath must be filed with the [t]Town [c]Clerk within one (1) week from its execution.

3. Compensation:

- a. The manner of compensation for the [selectmen] Selectboard Members and the [m]Moderator shall be fixed by the voters, and for all other elective offices, by the [board of selectmen] Selectboard.
- b. Expenses, actual and necessary to the performance of the duties of office may be paid, provided they are submitted through the administration for processing and payment, except as may be provided by the voters.

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] Selectboard, requesting a vote on whether the elected officer shall be removed from office. The date of signing by each voter shall be indicated in the petition and such date shall not be earlier than thirty (30) days prior to the filing of the petition. The [selectmen] Selectboard 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.
- b. If the town votes for removal of an elected officer, the office shall thereupon become vacant, and the [selectmen] Selectboard shall call a special meeting, to be held within forty-five (45) days of the vote for removal, to fill the vacancy until the term of the officer so removed expires. The office shall remain vacant until the next annual town meeting if such special meeting would fall within seventy-five (75) days prior to the annual town meeting.

5. Attendance: Any elected official shall be required to regularly attend all meetings.

6. Holding of more than one office:

- a. Elective offices: Nothing herein shall be interpreted as limiting any person from holding a state or federal elective office at the same time he/she holds local office, provided such

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service does not interfere or conflict with the proper attendance at meetings and execution of the duties of the office.

- b. Local appointed boards and commissions: Elected officials shall not be prevented from serving on local appointed boards and commissions, provided said service does not conflict or interfere with the proper execution of the elective office.

7. Qualification to run for and hold local office:

- a. No person shall be qualified to run for or be elected to hold an elective office unless he/she is a [duly qualified] registered voter in the Town of Springfield and a resident.
- b. Should an elected holder of local office establish residence in some place other than Springfield, the office shall be declared immediately vacant by the [board of selectmen] Selectboard and said vacancy shall be filled in accordance with the provisions of the Charter.
- c. The requirements above dictate that a candidate or officeholder must actually dwell in the town, and not merely maintain a residence therein.
- d. A person who is incarcerated, on probation or parole for a felony or misdemeanor involving a breach of public trust, or is judicially declared to be mentally incompetent, is not qualified to run for and hold office.

8. Vacancy:

- a. In addition to the requirement of subsection 7 above, a vacancy shall be deemed to exist in any local office where an officer dies, resigns, is removed or recalled from office, is convicted of a felony or misdemeanor involving a breach of public trust, or is judicially declared to be mentally incompetent, or is no longer a resident.
- b. The declaration of a condition for forfeiture of office shall be made by the unanimous vote of the [board of selectmen] Selectboard, or in the case of a [selectman] Selectboard Member, by the other members of the [board of selectmen] Selectboard, and shall be according to procedures established in 3 V.S.A. chapter 25, as they pertain to contested cases, and may be appealed to the superior court as contested cases are appealed.

C. Elected officers, duties, responsibilities and conduct:

1. [Board of selectmen] Selectboard:

- a. Number and term: Unless altered by the procedures provided herein, the policy making body for the [t]Town shall be a five (5) member [board of selectmen] Selectboard, elected at large, on a non-partisan basis, to rotating, three (3) year terms.
- b. Powers and duties: The [board of selectmen] Selectboard shall discharge all duties conferred, imposed or implied, by statute or prescribed by this Charter, for [boards of selectmen] Selectboards, except as herein limited, or specifically transferred to the [t]Town [m]Manager. Further, unless stated in this Charter, the powers and duties of any elected or appointed office not created by this Charter, shall be conferred on the [board of selectmen] Selectboard. All committees of the [b]Board, and all citizen boards and commissions shall be advisory in nature, unless a specific legal or policy making function is otherwise provided by state law or ordinance as limited by this Charter. In this Charter, the failure to mention a particular power shall not serve to exclude it or be restrictive of the scope of powers which the [board of selectmen] Selectboard would otherwise have.

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- c. Organization of the [board of selectmen/chairman, vice chairman] Selectboard/Chair, Vice Chair:
- i. The [board of selectmen] Selectboard shall have a [c]Chair[man] who shall be elected annually by a majority vote of the five (5) [m]Members.
 - ii. The [b]Board shall, in a similar manner, choose a [v]Vice [c]Chair[man] to serve in the absence or disability of the [c]Chair[man].
- d. Duties of the [c]Chair[man]:
- i. The [c]Chair[man] shall be the official head of the town for all ceremonial purposes.
 - ii. The [c]Chair[man] shall preside at all meetings of the [board of selectmen] Selectboard and may participate in all proceedings as a regular member.
 - iii. All duties of an administrative nature, except as otherwise provided by this Charter, shall be exercised by the [t]Town [m]Manager as provided herein.
- e. Meetings. All meetings will be conducted in accordance with Vermont Open Meeting Laws:
- i. Organizational meeting:
 - a) Within seven (7) days after the annual town meeting, the [board of selectmen] Selectboard, duly certified, shall meet for the purpose of taking the oath of office, organizing, electing a [c]Chair[man] and [v]Vice [c]Chair[man], and the adoption of rules for the transaction of business.
 - b) The [t]Town [c]Clerk shall preside at the organizational meeting of the [board of selectmen] Selectboard prior to the election of the [b]Board [c]Chair[man].
 - c) The [b]Board may transact any other business required at that meeting.
 - ii. Regular meetings:
 - a) The [b]Board shall hold regular meetings at a regular time, twice a month, with allowances for one (1) monthly meeting during the months of June, July and August.
 - b) The time and place of regular [board of selectmen] Selectboard meetings shall be publicly announced to the media in accordance with the open meeting law.
 - iii. Agenda:
 - a) The [c]Chair[man] or [v]Vice [c]Chair[man] shall, with the [t]Town [m]Manager, prepare a written agenda for each regular meeting of the [board of selectmen] Selectboard in accordance with the open meeting law.
 - b) Any [board of selectmen] Selectboard [m]Member, citizen in attendance, or the [m]Manager, may only request at the start of the meeting that items be added to the agenda, provided all [selectmen] Selectboard Members present so vote to add the item.

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iv. Quorums/votes:

- a) Three (3) [m]Members shall constitute a quorum for any [b]Board meeting except as provided otherwise by this Charter.
- b) [All voting shall be by individual roll call vote.] The minutes of the meetings will record the vote of each Selectboard Member.
- c) No action of the [b]Board shall be valid or binding unless acted upon by the affirmative vote of three (3) or more [m]Members of the [b]Board unless otherwise provided for by this Charter.

v. Clerk/minutes:

- a) The [t]Town [c]Clerk or the Town Clerk's designee shall be the official clerk of the [b]Board and shall be responsible for minutes in a form prescribed by the [b]Board in accordance with the open meeting law.
- b) [The board of selectmen may employ a stenographer to assist the town clerk in the discharge of duties related to minutes.]

vi. Special meetings and workshops:

- a) Special meetings may be called at any time by the [c]Chair[man], or the [v]Vice [c]Chairman in the absence of the [c]Chairman, or by written request, signed by three (3) [b]Board [m]Members.
- b) Notice of a special meeting shall be served, in a reasonable manner, on all members of the [board of selectmen] Selectboard.
- c) Notice of the special meeting shall be released to the local news media.
- d) Whenever practical, an agenda shall be issued at a special meeting, with additions to be handled in the same manner as regular meetings.
- e) If an emergency meeting of the [board of selectmen] Selectboard is required, on very short notice, every possible effort shall be made to notify the media.

vii. Public meetings/citizen input/executive session:

- a) All meetings of the [board of selectmen] Selectboard shall be open to the public, and shall comply with all the pertinent provisions of this Charter.
- b) Allowances should be made informally or on the agenda for citizen comment unless it interferes with regular business.
- c) The [b]Board may, upon a vote of four (4) [m]Members hold an executive session to discuss any action in accordance with the provisions of Article One, section VI of this Charter.

- viii. Correction of irregularities: Any irregularities or defects in the notice of or conduct of any meeting of the [board of selectmen] Selectboard may be cured at any subsequent regular meeting, provided that such resolution is included on the agenda of a regular or special meeting and is adopted by a majority of the [b]Board.

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- ix. Vacancies: A vacancy on the [board of selectmen] Selectboard shall be filled by a majority vote of the remaining [b]Board, said appointment to run until the next annual town meeting at which an election can be warned to fill the unexpired term.

2. Listers:

- a. There shall be two (2) elected [l]Listers elected on a non-partisan basis for three (3) year terms which shall not coincide.
- b. The [c]Chief [a]Assessor shall serve as a third [l]Lister.
- c. Duties and responsibilities of the [l]Listers shall be in accordance with [s]tate statute and herein limited.
- d. Vacancies on the [b]Board of [l]Listers shall be filled by a majority vote of the [board of selectmen] Selectboard, said appointment to run until the next annual town meeting at which an election can be warned to fill the unexpired term.

3. Moderator:

- a. There shall be a [m]Moderator elected on a nonpartisan basis for a one (1) year term, who shall perform all duties prescribed by this Charter and state law.
- b. Should a vacancy occur in the office of [m]Moderator, it shall be filled by a majority vote of the [board of selectmen] Selectboard for the unexpired term.

4. [T]own constable:

- a. There shall be elected a town constable, who shall serve a one (1) year term.
- b. The constable shall be responsible for assisting the town clerk in the regulation and licensing of dogs.
- c. The constable shall be in attendance at all town meetings thereby serving as a sergeant at arms to assist the moderator as necessary in the maintenance of order.
- d. The constable shall have powers of service equal to a deputy sheriff under Vermont Statute.
- e. The constable may exercise the law enforcement duties vested in the position only upon completion of certifiable training and being subject to the supervision of the chief of police.
- f. A vacancy in the office of constable shall be filled by a majority vote of the board of selectmen.]

4. Cemetery [c]Commissioners:

- a. There shall be elected five (5) [c]Cemetery [c]Commissioners for a term of five (5) years on a rotating basis.
- b. The [t]town [c]Clerk shall be a sixth (6th) [c]Cemetery [c]Commissioner, but shall not vote.

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- c. The [c]Cemetery [c]Commission shall advise the [board of selectmen] Selectboard regarding the condition, operation and maintenance of cemeteries, but shall in no way supervise administration of cemetery personnel.
 - d. The [t]Town [c]Clerk shall, under the direction of the [c]Cemetery [c]Commissioners, ensure that cemetery lots are properly laid out and that sale of lots is properly conducted.
 - e. The [c]Cemetery [c]Commissioners shall issue and update regulations regarding cemetery use, interment and burial fees.
 - f. Vacancies in the office of [c]Cemetery [c]Commissioner shall be filled by a majority vote of the [selectmen] Selectboard, said appointment to run until the next annual town meeting at which an election can be warned to fill the unexpired term.
5. Trustees of [p]Public [f]Funds: (Jeff will provide a definition of "Public Funds.")
- a. There shall be elected three (3) [t]Trustees of [p]Public [f]Funds, each to serve a three (3) year term.
 - b. [The town treasurer shall serve the trustees of public funds in an advisory capacity in connection with fund management and shall attend all meetings.]
 - b. The [t]Trustees shall perform all duties as provided for by [s]Statute as limited or defined by Charter.
 - c. The [t]Trustees shall be charged with maximizing the return on all invested funds while maintaining their security. In service of this goal, they shall file with the [board of selectmen] Selectboard an annual plan outlining the program of investments for the year.
 - d. All funds entrusted to the [t]Trustees shall be audited yearly as part of the [t]Town's annual audit.
 - e. Vacancies on the [t]Trustees of [p]Public [f]Funds shall be filled by a majority vote of the [board of selectmen] Selectboard, said appointment to run until the next annual town meeting at which an election can be warned to fill the unexpired term.

IV. Appointed non-administrative officials.

A. General provisions applying to all appointed positions:

1. The appointed positions herein shall all be appointed by a majority vote of the [board of selectmen] Selectboard.
2. Terms of appointment shall begin immediately upon [board of selectmen] Selectboard action and run for a period as specified herein.
3. All appointees shall be administered the oath of office in the form as provided for by statute.
4. Appointees may be afforded compensation or reimbursement for expenses as determined by the [board of selectmen] Selectboard.
5. [For the purposes of the administrative code, within one (1) year after the adoption of this Charter, all appointees, positions, boards and commissions shall be required to submit a proposed ordinance to the board of selectmen outlining duties and responsibilities, which the board of selectmen shall amend and adopt.]

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5. To the highest degree possible, the [board of selectmen] Selectboard shall strive for a balance of opinion on all appointive positions, boards and commissions.
 6. Although operating independently, all appointive boards and commissions shall be required to cooperate with the [board of selectmen] Selectboard in the exercise of their duties in the pursuit of the public good. They shall be required to file an annual report for inclusion in the town report, and also to file any other reports requested by the [board of selectmen] Selectboard, and be in attendance at any meeting so requested by the [board of selectmen] Selectboard.
 7. If an appointed official misses three (3) consecutive regular scheduled meetings of the appointed body for reasons other than health or personal emergency, that office may be declared immediately vacant by the [board of selectmen] Selectboard. The official shall be entitled to a hearing before the [b]Board prior to a final determination.
 8. Elected officials shall serve in appointed positions, boards and commissions if the specific membership of the board or commission calls for their service, subject to the limits outlined herein.
 9. Members of the administrative service may serve in appointive positions as limited by Charter, but may not vote on any issue directly affecting their position or conditions of employment.
- B. Appointed positions:
1. The following positions are created by this Charter, their functions to be governed by the applicable [s]State [s]Statute, as limited by Charter or ordinance:
 - a. [Weigher of coal
 - b. Fence viewers
 - c. Tree warden
 - d. Surveyor of wood and lumber]
 - a. Pound [k]Keeper
 - b. Town [c]Clerk
 - c. Town [a]Attorney
 - d. Town [t]Treasurer
 - e. [Grand juror]
 - e. Delinquent [t]Tax [c]Collector
 - f. Town Constable:
 - i. The Selectboard shall elect a Town Constable, who shall serve a one (1) year term.
 - ii. The Constable shall be responsible for assisting the Town Clerk in the regulation and licensing of dogs.

INCLUDING AMENDMENTS FROM APRIL 20, MAY 11, May 18, June 15, AND JUNE 22, 2016
ADDITIONS ARE UNDERLINED AND DELETIONS ARE [BRACKETED]

- iii. The Constable shall be in attendance at all town meetings thereby serving as a Sergeant At Arms to assist the Moderator as necessary in the maintenance of order.
- iv. A vacancy in the office of Constable shall be filled by a majority vote of the Selectboard.

C. Appointed boards and commissions established by charter:

1. Planning [c]Commission:

- a. The [board of selectmen] Selectboard shall appoint the members of the [p]Planning [c]Commission in accordance with state statute. All members shall be registered voters in Springfield.
- b. The duties and responsibilities of the [p]Planning [c]Commission shall be in accordance with [s]State [s]Statute as limited herein.

2. Zoning [b]Board of [a]Adjustment:

- a. The [board of selectmen] Selectboard shall appoint the members of the [z]Zoning [b]Board of [a]Adjustment in accordance with [s]State [s]Statute. All members shall be registered voters in Springfield.
- b. Duties and responsibilities of the [z]Zoning [b]Board of [a]Adjustment shall be in accordance with [s]State [s]Statute as limited herein.

3. Housing [a]Authority:

- a. The [board of selectmen] Selectboard shall appoint members of the [h]Housing [a]Authority. All members shall be registered voters in Springfield.
- b. The [h]Housing [a]Authority shall be the agency responsible for dealing with all publicly owned housing, and subsidized housing issues in the Town of Springfield.
- c. The [h]Housing [a]Authority shall also advise the [board of selectmen] Selectboard on housing issues generally when so requested.

4. Airport [c]Commission:

- a. So long as there is an airport in Springfield, the [board of selectmen] Selectboard shall appoint an [a]Airport [c]Commission, the number of members to be decided by the [board of selectmen] Selectboard.
- b. The purpose of the [a]Airport [c]Commission shall be to advise the [board of selectmen] Selectboard on airport related matters.
- c. The [a]Airport [c]Commission shall serve as the airport advisory committee as prescribed by [s]State [s]Statute.

D. Boards, commissions, committees created by [board of selectmen] Selectboard action:

- 1. The [board of selectmen] Selectboard may, at any time, in response to a perceived need, create, by ordinance or resolution, a board, commission or committee.

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2. In doing so, the action must clearly state the reason for the creation of the body.
3. Any body created under this section shall not have an effective life of more than three (3) years. At the end of that period the mandate creating the committee shall terminate and the [board of selectmen] Selectboard shall be required to review the reason for the body's existence and may act to reconstitute the body.

SUGGESTED CHANGES FROM T. YENNERELL TOWN CHARTER ARTICLE TWO

III. Local elected officials.

A. Local elective offices to be filled by the voters of the Town of Springfield shall be only those articulated by this Charter and shall include:

1. Board of selectmen;
2. Listers;
3. Moderator;
4. ~~First constable;~~
- 4.5. Cemetery commissioners;
5. ~~6.~~ Town agent;
- 6.7. Trustees of public funds.

~~Trustees~~ Trustees

This makes the First Constable an appointed position and may also require a separate vote. Will need an opinion from VLCT

B. Elected officers, duties, responsibilities and conduct:

a. Meetings:

i. Organizational meeting:

- a) ~~Within seven (7) days after the annual town meeting~~ At the next regular meeting, the board of selectmen, duly certified, shall meet for the purpose of taking the oath of office, organizing, electing a chairman and vice chairman, and the adoption of rules for the transaction of business.

i. Clerk/minutes:

- a) The town clerk or the town clerk's designee shall be the official clerk of the board and shall be responsible for minutes in a form prescribed by the board.
-

5. Town constable:

- a. ~~There~~ The Selectboard shall be elected to appoint a town constable, who shall serve a one (1) year term.

Ask Barbara C.
about this
is it needed? →

b. The constable shall be responsible for assisting the town clerk in the regulation and licensing of dogs.

c. The constable shall be in attendance at all town meetings thereby serving as a sergeant at arms to assist the moderator as necessary in the maintenance of order.

~~d. The constable shall have powers of service equal to a deputy sheriff under Vermont Statute.~~

~~e. The constable may exercise the law enforcement duties vested in the position only upon completion of certifiable training and being subject to the supervision of the chief of police.~~

~~f. The constable may exercise the law enforcement duties vested in the position only upon completion of certifiable training and being subject to the supervision of the chief of police.~~

g.d. A vacancy in the office of constable shall be filled by a majority vote of the board of selectmen.