



TOWN OF ST. JOHNSBURY

51 Depot Square, Suite 1

St Johnsbury, VT 05819

802-748-4331

www.stjvt.com

Meeting of the St. Johnsbury Charter Committee October 26, 2021 @ 3:30 pm

Present-

Chad Whitehead, Scott Beck, Kevin Oddy, David Reynolds, Tim Clouatre, Frank Empsall, David Roth, Paul Berlejung

- Public Comment: None
- Review Charter Draft: The Committee reviewed the draft Charter (copy attached below).
 - Scott Beck and Chad Whitehead will work on a poll and outreach for business owners and property owners within the Downtown District.
 - David Roth will review the reference to 32 V.S.A. Chapter 131 in Section 151-812 Appeals to see if that is a correct reference and report back to the Committee.
- Local Options Tax Discussion: The group discussed Local Options Tax as it related to rooms and meals or the possibility of proposing something specific to a local options tax, specific to recreational cannabis. It was decided that a local options tax would likely not be supported by the voters at this time and it would be better to wait to see what the State does in regards to distribution of taxes collected on recreational cannabis.
- Charter Borrowing Language: The group discussed language used by Winooski which read “allow the Town of Winooski to adopt any charter provision approved for any other municipality, without seeking approval from the General Assembly”
 - This language has been reviewed by the Legislature, but has not been approved.
 - This would still require Charter Changes to go to the voters at Town Meeting before being adopted.
 - The group thought the local voters would approve and suggested to include in the draft Charter.
- Other Business:
 - The Committee had discussion about people that worked or attended functions within the Special Services District and enjoyed police coverage at the expense of Special Services tax payers, particularly tax exempt entities.
 - Paul Berlejung suggested that the Committee explore a non-resident income tax similar to what is done in other states.
- The Committee Adjourned.

Subchapter 1: Powers Of The Town

- **§ 151-101. General law applies**

(a) All provisions of the Constitution and laws of the State relating to towns and villages shall apply to the Town of St. Johnsbury (The Town), except as modified by this charter.

(b) The Town of St. Johnsbury shall have all the powers and functions conferred upon towns and villages by the Constitution and laws of the State and shall also have all implied powers necessary to implement such powers and functions.

(c) The powers and functions conferred upon the Town of St. Johnsbury by this charter shall be in addition to the powers and functions conferred upon the Town by the laws of the State. Nothing in this charter shall be construed as a limitation upon such powers and functions.

- **§ 151-102. Additional Town powers**

In addition to powers otherwise conferred by law, the Town of St. Johnsbury is authorized to adopt, amend, repeal, and enforce ordinances:

(a) relating to collection and removal of garbage, ashes, rubbish, refuse, waste, and scrap by the Town and establishment of rates to be paid to the Town for such service;

(b) relating to construction and alteration of public and private buildings and the use thereof, including establishment of minimum standards for plumbing, heating, and wiring, so as to prevent hazardous and dangerous conditions, fires, and explosions by precautionary regulations and inspection;

(c) relating to the use of firearms in settled areas;

(d) relating to the packaging, marketing, and handling of produce and other foodstuffs;

(e) relating to the prevention of pollution of streams, ponds, and other waterways within the Town.

- **§ 151-103. Initiative: advisory votes**

The voters of the Town have the power to petition for a nonbinding advisory vote to reflect public sentiment. Such petition shall be signed by at least five percent of the voters of the Town and shall state that it is advisory only. The Select Board, upon receipt of such a petition, shall place the article on the warning for the next Town meeting or any other Town election.

- **§ 151-104. Recall**

Any Town officer, as defined by 17 V.S.A. § 2646, may be recalled by the following process:

(a) A petition shall be filed with the Town Clerk signed by not less than twenty-five percent of the number of registered voters at the time the petition is submitted.

(b) The petition shall request a meeting of the voters of the Town for the purpose of recalling a Town officer and shall set forth the name of the person to be recalled, the reason for the recall, and shall identify the office he or she holds.

- (c) The Selectboard shall, within 15 days of receipt of such petition, warn a meeting to act upon the petition.
- (d) The meeting shall be held not less than 30 nor more than 40 days from the date of the warning.
- (e) The meeting shall be warned as provided by the general laws of the State of Vermont.
- (f) At least four days, but not more than 15 days, prior to the meeting, an informational meeting shall be held at which time both the Town officer who is the subject of the recall petition and the proponents of the recall shall have the opportunity to discuss the petition to recall. The informational meeting shall be warned in conjunction with the warning for the meeting.
- (g) When a two-thirds majority of the voters present and voting on the question at such meeting vote in favor of the recall, the Town officer subject to the petition shall be recalled and the office he or she held shall be deemed vacant.
- (h) A recall petition shall not be brought against the same officer more than once within any 12-month period.

Subchapter 2: Officers

- **§ 151-201. Elective officers**

- (a) The elective officers of the Town shall be five Select Board members elected from the Town at large at a duly warned annual town meeting; a Town Clerk; a Treasurer; and a Moderator (unless by a majority vote of the Town the Moderator becomes an appointed position).

- (b) Select board terms shall include 3 positions with a 3 year term and two positions with a 2 year term. All other elective officers shall hold office for a three-year term. The term shall expire the first day following the annual Town meeting.

- **§ 151-202. Appointive officers**

- (a) The Select Board members shall annually appoint a Constable and other officers required by law or this charter, such appointments to be made as vacancies occur in the elected positions.

- (b) The Select Board members may create such appointive officers not provided for by this charter or required by law as they deem to be in the best interest of the Town.

- **§ 151-203. Compensation**

- (a) Compensation paid to the Select Board members shall be set by the voters at Town meeting.

- (b) Subject to subsection (a) of this section, the Select Board shall fix the compensation of all elective officers and of all officers appointed by the Select Board.

- (c) The Town Manager, under policies approved by the Select Board, shall fix the compensation of all other officers and employees whose compensation is not fixed by the Select Board pursuant to subsection (b) of this section.

Subchapter 3: Select Board

- **§ 151-301. Select Board; the legislative body**

The Select Board shall constitute the legislative body of the Town of St. Johnsbury and shall have all powers and authority necessary for the performance of the legislative function.

- **§ 151-302. Additional powers of Select Board members to adopt ordinances**

In addition to powers otherwise conferred by law, the Select Board members are authorized to adopt, amend, repeal, and enforce ordinances:

- (a) regulating the parking and operation of motor vehicles; including, despite any contrary provisions of law, the establishment of speed zones wherein the limit is less than 20 miles per hour, all as may be required by the safety and welfare of the inhabitants of the Town;
- (b) relating to regulation, licensing, and prohibition of the storage and accumulation of junk cars, garbage, ashes, rubbish, refuse, waste, and scrap, and collection, removal, and disposal of such materials;
- (c) relating to registration and regulation of bicycles;
- (d) relating to the keeping of dogs, cats, and other domestic animals in settled areas.

- **§ 151-303. Further powers of Select Board members**

In addition to powers otherwise conferred by law, the Select Board members shall also have the power to:

- (a) create, consolidate, or dissolve departments as necessary or relevant for the performance of municipal services;
- (b) create, consolidate, or dissolve commissions and committees as necessary or relevant and appoint the members thereof;
- (c) provide on an annual basis an independent audit of all Town financial records by a certified public accountant;
- (d) inquire into the conduct of any officer, commission, or department and investigate any and all municipal affairs;
- (e) discharge all duties heretofore devolving on the Town Agent by general law and hire attorneys on behalf of the Town; and

- **§ 151-304. Organization of Select Board**

- (a) Forthwith after the annual meeting of the town, the Select Board members shall organize and elect a Chair and Vice Chair.
- (b) The Chair of the Board or in his/her absence, the Vice Chair, shall preside at all meetings of the Board and such presiding officer shall be a voting member of the Board.
- (c) When a vacancy occurs on the Select Board, the remaining members may fill the vacancy by appointment of a registered voter of the Town, such appointment to be for the period until the next annual meeting, when the voters of the Town shall fill the vacancy.
- (d) The Board shall fix the time and place of its regular meetings to be held at least twice a month.
- (e) The presence of three members shall constitute a quorum.

Subchapter 4: Town Manager

- **§ 151-401. Appointed by the Select Board**

The Select Board members shall appoint a Town Manager for an indefinite term, and upon such conditions as they may determine.

- **§ 151-402. Town Manager nonpartisan**

(a) The Town Manager shall be chosen solely on the basis of his or her executive, administrative, and professional qualifications.

(b) The Town Manager shall not take part in the organization or direction of a political party, serve as a member of a party committee, nor be a candidate for election to any public office.

- **§ 151-403. Oath and bond**

Before entering upon his or her duties, the Town Manager shall be sworn to the faithful performance of his or her duties by the Town Clerk and shall be bonded in such amount and with such sureties as the Select Board may require.

- **§ 151-404. Duties for Manager**

(a) The Town Manager shall be the Chief Executive Officer of the Town and shall:

(1) Carry out the policies established by the Select Board, to whom the Town Manager shall be accountable.

(2) Attend all meetings of the Select Board, except when his or her compensation or removal is being considered, shall keep the Select Board informed of the financial condition and future needs of the Town, and shall make such other reports as may be required by law, requested by the Select Board, or deemed by him or her to be advisable.

(3) Perform all other duties prescribed by this charter or required by law or by resolution of the Select Board.

(4) Be an ex-officio member of all standing committees except the Development Review Board, and shall not vote.

(5) Prepare an annual budget, submit it to the Select Board, and be responsible for its administration after adoption.

(6) Compile for general distribution at the end of each fiscal year a complete report on the finances and administrative activities of the Town for the year.

(7) Provide to the Select Board a monthly financial statement, with a copy to the Town Treasurer.

(8) Perform all duties now conferred by law on the Road Commissioner within all areas of the Town, except within such villages as may vote not to surrender their charters under this charter, notwithstanding the provisions of 24 V.S.A. § 1236(5).

(9) Perform all duties now conferred by law on the Collector of Delinquent Taxes.

(10) Under policies approved by the Select Board, be the General Purchasing Agent of the Town and purchase all equipment and supplies and contract for services for every department pursuant to the purchasing and bid policies approved by the Select Board.

(11) Be responsible for the system of accounts.

(12) Be responsible for the operation of all departments, including the Police and Fire Departments.

(13) Under policies approved by the Select Board, have exclusive authority to appoint, fix the salaries of, suspend, and remove, all officers and employees except those who are elected or

who are appointed by the Select Board. When the Town Manager position is vacant, this authority shall be exercised by the Select Board.

(b) The Town Manager may, when advisable or proper, delegate to subordinate officers and employees of the Town, any duties conferred upon him or her.

- **§ 151-405. Compensation**

The Town Manager shall receive such compensation as may be fixed by the Select Board.

- **§ 151-406. Appointments**

(a) Except for those appointments made by the Select Board as provided for in this chapter, the Town Manager shall appoint and remove all Town employees, including Chief of the Fire Department, Chief of Police, Director of Public Works, Assistant Town Manager, Finance Director, Zoning Administrator, Assessor, Code Compliance Officer,, Health Officer, Parks Director/Tree Warden, Recreation Director, and all other officers and employees as may be required by general law of the State, by this chapter, or by the Select Board.

- **§ 151-407. Removal of Town Manager**

The Town Manager may be removed from office for cause, by a majority vote of the Select Board at a duly warned meeting for that purpose, as provided by general law or employment contract. At least 30 days prior to the effective date of such removal, the Select Board shall by majority vote of its members adopt a resolution stating the reason for the removal, and cause a copy of such resolution to be given to the Manager. The Select Board may by such resolution immediately suspend the Town Manager from active duty, but shall continue the Manager's salary until final dismissal, unless otherwise contracted between the Select Board and the Town Manager.

(b) Town Manager appointments shall continue until removed by the Town Manager. Removals by the Town Manager shall be in accordance with any personnel policy or plan adopted.

Subchapter 5: Taxation

- **§ 151-501. Taxes**

Taxes shall be assessed by the Town based on the fair market value of real property, in accordance with State law.

- **§ 151-502. Fair market value of real estate**

(a) In the event that the fair market value of real estate is materially changed because of total or partial destruction of, or damage to the property; or because of alterations, additions, or other capital improvements, the taxpayer may appeal as provided by law.

(b) When the fair market value of real estate is finally determined by appeal to the Board of Civil Authority, then the value so fixed shall be the fair market value of such real estate for the year in which the appeal is taken.

(c) When the fair market value of real estate is finally determined by the Director of Property Valuation and Review (PVR) or by a court having jurisdiction, then the value so fixed shall be the fair market value of such real estate for the year for which such appeal is taken and for the ensuing two years, unless the taxpayer's property is altered materially; is damaged; or if the Town in which it is located has undergone a complete revaluation of all taxable real estate, in the event of which, such fair market value may be changed.

- **§ 151-503. Special assessments**

Despite any contrary provision in general law, the Select Board may in its sole discretion make a special assessment upon real estate for the installation or construction of a public improvement, such special assessment to be such proportion of the total cost of such improvement as the benefit to a parcel of real estate bears to the total benefit resulting to the public in general.

- **§ 151-504. Creation of St. Johnsbury Downtown District**

There is hereby created in the Town of St. Johnsbury a special district to be known as the St. Johnsbury Downtown Improvement District (District) which shall be that area set forth on a map approved by the voters of St. Johnsbury and filed with the Town Clerk. The area of the District may be changed upon a majority vote of the legal voters at an annual or special meeting duly warned.

- **§ 151-505. Downtown District Purposes and powers**

(a) The District is created for the general purpose of maintaining and improving the economic, social, cultural, and environmental vitality and quality of the Town of St. Johnsbury (in particular, the District created by section 506 of this charter); to promote the Town and the District as a regional retail, commercial, and service center; and to serve as an advocate for the orderly development of the District in order to encourage expansion of the retail, commercial, and service base of the District and the Town by attracting new business and investment.

(b) The rights, powers, and duties of the District shall be exercised by the Select Board and shall be broadly construed to accomplish the purposes set forth above and shall include the following:

(1) To advertise and promote the Improvement District.

(2) To represent the interests of the District.

(3) To receive and expend contributions, grants, and income.

(4) To expend funds as provided for in the budget or as otherwise approved.

(5) To manage and maintain public spaces and to assume or supplement the services and maintenance heretofore provided to the District by the Town as recommended to and approved by the Select Board.

(6) To acquire and dispose of property on behalf of the Town.

(7) To install and make public improvements.

(8) To improve, manage, and regulate public parking facilities and vehicular traffic within the District.

(9) To enter into contracts as may be necessary or convenient to carry out the purpose of this charter.

(10) To regulate, lease, license, establish rules and fees, and otherwise manage the use of public spaces within the District.

(11) To plan for the orderly development of the District in cooperation with the Town Planning Commission.

(12) To do all other things necessary or convenient to carry out the purposes for which this District was created.

(13) To appropriate annually money for the maintenance, care, improvement, and support of Fairbanks Museum, so long as the same shall remain a nonprofit institution for the promotion of education.

- **§ 151-506. Downtown District Annual budget**

The Town Manager shall submit each year an operating budget of anticipated expenditures and revenues to the Select Board for approval for the next fiscal year. In the event the Select Board does not approve the budget as submitted, the Select Board shall return the budget forthwith to the Town Manager with its recommendations for the Town Manager's reconsideration.

Appropriations other than from contributions, grants, and income shall be raised solely through District taxes which shall be assessed and collected as a tax on property as provided for in section 515 of this charter. The Select Board may borrow money in anticipation of District taxes.

- **§ 151-507. Downtown District taxes**

(a) District taxes are charges levied upon the owners of taxable properties located in the District, excepting properties used exclusively for residential purposes, which taxes shall be used to defray the expenses incurred in connection with the operation, maintenance, and repair of the District.

(b) The District tax for each property in the District subject to the tax shall be based upon a rate on each \$100.00 of listed value of the property as adjusted under subsection (c) of this section. The tax rate shall be determined by dividing the amount to be raised by taxes, by the total value of the taxable properties on the grand list as adjusted located in the District which are subject to the District tax under this subchapter.

(c) The District tax shall be set by the Select Board upon approval of the budget by the Select Board and notice in writing thereof shall be given to owners of record as of April 1 of each year of property so assessed, or to their agents or attorneys, stating therein the amount of such District taxes, and such taxes shall be due and payable to the Town Treasurer when normal Town and school taxes are due. The Town Treasurer shall collect unpaid District taxes as provided for the collection of taxes in the charter. District taxes shall be a lien on the properties when assessed and until the tax is paid or the lien is otherwise discharged by operation of law.

(d) In the case of any property used for both residential and nonresidential purposes within the District as of April 1, the Board of Listers (Board) shall adjust the listed value for the purposes of determining the District tax under this section to exclude the value of that portion of the property used for residential purposes. The Board shall determine the adjusted grand list value of the business portion of the property and give notice of the same as provided under 32 V.S.A. chapter 131. Any property owner may file a grievance with the Board and appeal the decision of the Board as provided for under 32 V.S.A. chapter 131; however, the filing of an appeal of

the determination of the Board and pendency of the appeal shall not vacate the lien on the property assessed, and the District taxes must be paid and continue to be paid as they become due.

Subchapter 7: Water and Wastewater Systems

- **§ 151-701. Town powers**

The Town may make, alter, and repeal ordinances relating to management, operation, maintenance, replacement, and extension of a Town water and wastewater systems and may fix, and from time to time alter water and wastewater rates.

Subchapter 8: Miscellaneous

- **§ 151-801. Severability**

If any provision of this charter is for any reason held invalid, such invalidity shall not affect the remaining provision which can be given effect without the invalid provision. To this end, the provisions of this charter are declared to be severable.

- **§ 151-806. Charter Review Committee**

At least once every five years, the Select Board shall appoint a Charter Review Committee of not fewer than five nor more than nine members from among the residents of the Town. The Committee shall review the charter and recommend any changes it finds necessary or advisable for the purpose of improving the operation of Town government. The Committee shall prepare a written report of its recommendations in time for those recommendations to be submitted to the Select Board for review no later than one year after the appointment of the Committee. At the discretion of the Select Board, the recommendations may be warned for ballot vote at an annual or special Town meeting to be held no later than one year after the submission of the report. The Select Board shall provide in its budget for any year when a Charter Review Committee is appointed funding for the Committee.

- **§ 151-807. Fire District; process for abolition**

The St. Johnsbury Center Fire District No. 1 is abolished when a majority of the legal voters of said Fire District present and voting on the question at a regular or special meeting of said Fire District warned for said purpose so vote and shall thereupon cease to exist as a political entity and body corporate. All the property and funds of said Fire District shall on such date be vested in the Town of St. Johnsbury and the Town of St. Johnsbury shall thereupon assume all indebtedness and obligations of said Fire District unless said liabilities and obligations exceed said assets in which case said Fire District shall continue to exist until such excess is paid unless the Town of St. Johnsbury votes otherwise at a regular or special meeting warned for said purpose. Any existing debt service shall be assessed as a special assessment to those properties within the Fire District.

- **§ 151-808. Merger of Village and Town**

- The Village of St. Johnsbury and the Town of St. Johnsbury are hereby consolidated and merged, and the Village of St. Johnsbury shall, except as hereinafter provided, cease to exist as a political entity or body corporate.

- **§ 151-809. Assets transferred; liabilities; taxation; special services; downtown improvement district**
- (a) All assets of the Village of St. Johnsbury on the date Act No. 345 of the Acts of 1957, as amended, becomes effective shall become the property of the Town of St. Johnsbury, except that those assets shall be subject to the debts of the Village of St. Johnsbury to the extent provided by law on that date. The Village of St. Johnsbury shall remain in existence so far as necessary to complete payment of its indebtedness and other obligations to which it was subject on that date. The taxpayers residing in the Village of St. Johnsbury as it was bounded just prior to that date shall be subject to a tax on their grand list to be assessed annually by the selectmen of the Town of St. Johnsbury in an amount sufficient to pay off any such indebtedness according to its terms.
- (b) The taxpayers residing in the Village of St. Johnsbury as it was bounded just prior to the date Act No. 345 of the Acts of 1957, as amended, becomes effective shall be subject to a tax on their grand list to be assessed annually by the selectmen of the Town of St. Johnsbury in an amount sufficient to pay off current expenses and indebtedness in continuing the present functions and additions thereto within that area which are not common to the Town of St. Johnsbury.
- (c) For the purpose of providing special services to a portion of the Town, the warning for any annual or special meeting may contain appropriate articles under which the legal voters in that area may vote for such special services as they desire. The Town shall furnish to each area such special services as are so voted, and the cost in each area, including the cost of all equipment, replacements, maintenance, salaries, and other operating expenses, shall be paid by a tax on the grand list of each taxpayer therein for his or her ratable share thereof, to be assessed annually by the selectmen to be collected at the same time and in the same manner as the Town votes to have its other taxes collected, and such tax assessed upon grand list shall be a lien thereon with the same priority as other taxes lawfully assessed thereon.
- (d) In order to complete the payment of existing indebtedness of the Village of St. Johnsbury and indebtedness that may be incurred from time to time for that area, the officers of the Town of St. Johnsbury corresponding to those of the Village of St. Johnsbury who had charge of the payment of such debt shall have authority to act as the duly authorized officers of the Village of St. Johnsbury. The tax so assessed shall be collected at the same time and in the same manner as other Town taxes.

- **§ 151-810. Preparation of budgets; Australian ballot**
- (a) The Selectboard shall prepare an annual budget for the Town, including a Town annual budget and a former Village District special services budget. The School Director shall prepare an annual School District budget. The annual budgets, other articles providing for the appropriation of funds, and public questions shall be voted by Australian ballot.
- (b) On any question wherein the vote is not specifically required to be by ballot, a ballot may be demanded by three voters at any meeting. (Amended 2009, No. M-7, § 2, eff. May 8, 2009.)

- **§ 151-811. Department of Assessment**

- (a) Creation. There is hereby created a Department of Assessment headed by a person experienced in the appraisal of real estate, who shall be appointed by the Town Manager with the approval of the Selectboard.
- (b) Appraisal of property. The Department of Assessment shall appraise all real and personal property for the purpose of drawing up the grand list. Appraisals shall be reviewed periodically and updated. Technically qualified individuals or firms may be employed as needed.
- (c) Powers. The Department of Assessment shall have the same powers, discharge the same duties, proceed in the same manner, and be subject to the same liabilities as those prescribed for listers or a board of listers under applicable provisions of Vermont law with respect to drawing up the grand list and grievances.

- **§ 151-812. Appeals**

- A person aggrieved by the final decision of the Department of Assessment under the provisions of section 18 of this chapter may appeal in writing under the provisions of 32 V.S.A. chapter 131.

§ 151-12b. Offices abolished

The Office of Fence Viewer, Inspector of Lumber, Shingles, and Wood, Second Constable, and Weigher of Coal are all hereby abolished. Except as otherwise provided in this chapter, the Town Manager or his or her designee shall exercise the powers, duties, and responsibilities of any of the offices abolished by this section in the event that the need should arise.