

Title 24 Appendix: Municipal Charters

Chapter 153: TOWN OF STOWE

§ 153-101. General law, application

Except as modified by the provisions of this charter, or by any lawful regulation or ordinance of the Town of Stowe, all provisions of the statutes of this state applicable to towns shall apply to the Town of Stowe.

§ 153-201. Corporate existence retained

The inhabitants of the Town of Stowe within the corporate limits now established shall continue to be a municipal corporation by the name of the Town of Stowe. The town's entire governmental jurisdiction includes the entire area which was previously that of the Village of Stowe.

§ 153-202. Powers of the town

(a) The town shall have all of the powers granted to towns and municipal corporations by the constitution and laws of this state. It may enact ordinances, bylaws and regulations not inconsistent with the Constitution of Vermont or with this charter, and impose penalties for the violation thereof.

(b) The town may acquire real property within or without its corporate limits for any town purpose, in fee simple or lesser interest or estate, by purchase, gift, devise or lease, and may sell, lease, mortgage, hold, manage and control such real property as its interests may require. The town may further acquire property within its corporate limits by condemnation where such authority is granted to towns by the statutes of the State of Vermont. The vote of the town shall be required for purchase or sale of any real property, except that purchase, lease or sale of real property or any right or interest therein may be approved by the Selectboard from authorized conservation funds for conservation purposes consistent with 10 V.S.A. chapter 155 after following the ordinance procedures set forth in section 204 of this charter. A petition for rescission under this subsection must be filed within ten (10) days of final passage.

(c) In this charter no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the town would have if the particular power were not mentioned.

§ 153-203. Particular powers

In addition to powers otherwise conferred upon it by law, the town is, for the purpose of promoting the public health, safety, welfare and convenience, authorized:

- (1) To adopt and enforce ordinances relating to the making and installation of local improvements including curbs, sidewalks and storm drains in a manner specified by the town as a condition precedent to the issuance of a building permit.
- (2) To adopt and enforce police ordinances regulating the parking, operation and speed of motor vehicles upon town and state aid streets and highways.
- (3) To adopt and enforce ordinances relating to regulations, licensing or prohibition of the storage and accumulation of garbage, ashes, rubbish, refuse and waste materials; regulation of the removal and disposal of such materials; licensing for revenue and regulation or prohibition of the collection, removal and disposal of such material; collection and removal of such materials by the town either by contract or by a town officer or department now existing or created for that purpose; establishment of service rates to be paid the town for such services.
- (4) To establish and maintain a police department and to adopt ordinances pertaining thereto.
- (5) To establish and maintain a fire department and to adopt ordinances pertaining thereto.
- (6) To establish and maintain a water department and to adopt ordinances pertaining thereto.
- (7) To establish and maintain an electric power system and to regulate power line installations, provided, however, that the town shall have no authority under this charter which conflicts with that authority granted to the public service board or any other state governmental agency. It shall have power to adopt ordinances pertaining thereto.
- (8) To establish and maintain a sewer department and to adopt ordinances pertaining thereto.
- (9) To compel the demolition, completion, and/or repair of any premises in such condition as to be substantially injurious or dangerous to persons or to other property in the vicinity and to adopt ordinances pertaining thereto.
- (10) To establish and maintain an ambulance service and to adopt ordinances pertaining thereto.
- (11) To establish and maintain a highway department and to adopt ordinances pertaining thereto.
- (12) To regulate or prohibit the moving of buildings in the streets or public highways of the town.

(13) To regulate the holding of public meetings in the streets, highways or on public property of the town.

(14) To prevent riots, noises, disturbances and disorderly assembly.

(15) To establish and enforce an ordinance to control dogs.

(16) To adopt and enforce ordinances establishing building codes.

§ 153-204. Ordinances

(a) Method of adoption and enforcement.

(1) Ordinance-making authority granted to the town by this charter and general law shall be exercised pursuant to the provisions of subsections (b) through (e) of this section.

(2) The Selectboard may provide penalties for the breach of any ordinance authorized by general law or this charter; may prosecute any person violating the same through the town grand jurors or police officers who for such purposes shall be informing officers; and may maintain actions to restrain actual or threatened violations of the same; the establishment of any fine or penalty shall be by ordinance.

(b) Introduction; first and second readings; public hearings.

(1) Every ordinance shall be introduced in writing. The enacting clause of all ordinances shall be "The Selectboard of the Town of Stowe hereby ordains". If the Selectboard passes the proposed ordinance upon first reading they shall cause it to be published in a newspaper of general circulation in the town in the form passed, at least once, together with a notice of the time and place when and where there will be a public hearing to consider the same for final passage. The first such publication shall be at least one week prior to the date of said public hearing.

(2) At the time and place so advertised, or at any time and place to which such hearing may from time to time be adjourned, such ordinance shall be read in full, and after such reading, all persons interested shall be given an opportunity to be heard.

(3) After such hearing, the Selectboard may finally pass such ordinance with or without amendment, except that, if the Selectboard makes an amendment, they shall cause the amended ordinance to be published at least once together with a notice of the time and place of a public hearing at which such amended ordinance will be further considered, which publication shall be at least three (3) days prior to the public hearing. At the time so advertised or at any time and place to which such meeting may be adjourned, the amended ordinance shall be read in full, and after such hearing, the Selectboard may finally pass such amended ordinance, or again amend it subject to the same procedure as outlined herein.

(c) Effective Date. Every ordinance shall become effective upon passage unless otherwise specified.

(d) Rescission. All ordinances shall be subject to rescission by a special town meeting, as follows: If, after final passage by the Selectboard of any such ordinance, a petition signed by voters of the town not less in number than five (5) percent of the legal voters of the town is filed with the town clerk requesting its reference to a special town meeting, the Selectboard shall fix the time and place of such meeting, which shall be within sixty (60) days after the filing of the petition, and notice thereof shall be given in the manner provided by law in the calling of a special town meeting. An ordinance so referred shall remain in effect upon the conclusion of such meeting unless a majority of those present vote against the ordinance at the special meeting.

(e) Petition for enactment.

(1) Subject to the provisions of subsection (d) of this section, voters of the town may at any time petition in the same manner as in subsection (d) for the enactment of any proposed lawful ordinance by filing such petition, including the text of such ordinance, with the town clerk. The Selectboard shall call a special town meeting to be held within sixty (60) days of the date of such filing, unless prior to such meeting such ordinance shall be enacted by the Selectboard. The ordinance shall take effect immediately after the conclusion of such meeting provided that voters constituting a majority of those voting thereon, shall have voted in the affirmative.

(2) The proposed ordinance shall be examined by the town attorney before being submitted to the special town meeting. The town attorney is authorized, subject to the approval of the Selectboard, to correct such ordinances so as to avoid repetitions, illegalities and unconstitutional provisions and to ensure accuracy in its text and references and clearness and precision in its phraseology, but he or she shall not materially change its meaning and effect.

(f) Filing. The town clerk shall prepare and keep in the town clerk's office a book of ordinances which shall contain each ordinance finally passed by the Selectboard, together with a complete index of the ordinances according to subject matter.

(g) Existing ordinances. All existing ordinances shall remain in effect.

§ 153-205. Reservation of powers to the town

Nothing in this subchapter shall be so construed as in any way to limit the powers and functions conferred upon the Town of Stowe and the Selectboard of the town by general or special enactments in force or effect or hereafter enacted by the General Assembly; and the powers and functions conferred by this charter shall be cumulative and in addition to the provisions of such general or special enactments.

§ 153-301. Application of general law

Provisions of the laws of the State of Vermont relating to the qualifications of voters, the manner of voting, the duties of election officers and all other particulars respective to preparation for, conducting and management of elections, so far as they may be applicable shall govern all town elections, and all general and special meetings, except as otherwise noted in this subchapter. The moderator shall conduct all town meetings according to Robert's Rules of Order. The town clerk shall keep a record of the proceedings of all town meetings.

§ 153-302. Annual town report and warning

Copies of the annual town report and warning shall be made available not later than ten (10) days prior to the annual meeting.

§ 153-303. Time of holding

(a) The annual town meeting for the consideration of the budget and other town business shall be held on the first Tuesday of March.

(b) The election of officers by Australian ballot and the voting on all questions to be decided by Australian ballot shall take place on the annual town meeting day. The polls shall be opened for a minimum of nine (9) consecutive hours between 6:00 a.m. and 10:00 p.m. as shall be determined and warned by the Selectboard.

§ 153-401. -Elected Officers - Recall

(a) The elected officers of the Town of Stowe shall be: Selectboard members, town clerk, moderator, treasurer, and listers. Such officers shall have all the powers and authority necessary to carry out their duties and responsibilities under this charter and the laws of the State of Vermont.

(b) Elected Town officers may be removed from office as follows:

A petition signed by not less than thirty percent (30%) of the registered voters of the Town shall be filed with the Selectboard requesting a vote on whether one or more elected officer(s) shall be removed from office before the expiration of the officer's term. 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. If the petition, as filed, meets the requirements of this section, the Selectboard shall call a Special Town Meeting, to be held within forty-five (45) days of the filing of the petition, to vote on whether the named elected town officer(s) shall be removed. The named elected town officer 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. Notwithstanding any other provision of law or of this charter to the contrary, any vote on a recall petition shall be by the Australian ballot.

(c) A vacancy resulting from the recall of an elected town officer shall be filled in a manner prescribed by law.

(d) A recall petition shall not be brought against a particular named individual more than once within any 12 month period.

§ 153-402. Selectboard; number of members; terms of office; election

(a) There shall be a Selectboard consisting of five (5) members.

(b) The term of office of a Selectboard member shall be as follows: Three (3) Selectboard members shall serve for terms of three (3) years and two (2) Selectboard members shall serve for terms of two (2) years. Selectboard members shall serve until their successors are elected and qualified.

(c) All Selectboard members shall be elected at large.

§ 153-403. Organization of Selectboard

(a) Forthwith after their election and qualification, the Selectboard shall organize and elect a chair, vice-chair and clerk by a majority vote of the entire Selectboard, and shall file a certificate of such election for record in the office of the town clerk. The clerk shall not be a member of the Selectboard.

(b) The chair of the Selectboard or, in his or her absence, the vice-chair, shall preside at all meetings of the Selectboard and shall be recognized as head of the town government for all ceremonial purposes.

(c) In the event of death, resignation, change of residence to a location outside the town, or incapacity of any Selectboard member, the remaining members of the Selectboard may appoint a person eligible to fill that position until the next annual or special town meeting. Incapacity shall include the failure by any member of the Selectboard to attend at least seventy (70) percent of the meetings of the Selectboard in any calendar year. In the event the Selectboard is unable to agree upon an interim replacement until the next annual town meeting, a special election shall be held forthwith to fill the position. In the event of a second vacancy, an election shall be held forthwith to fill both positions.

§ 153-404. Meetings of the Selectboard

(a) As soon as possible after the election of the chair and vice-chair, the Selectboard shall fix the time and place of its regular meetings. Such meetings shall be held at least once a month.

(b) The Selectboard shall determine its own rules and order of business.

(c) The presence of three (3) members shall constitute a quorum.

(d) All meetings of the Selectboard shall be open to the public unless, by an affirmative vote of the majority of the members present, the Selectboard shall vote that any particular session shall be an executive session in accordance with 1 V.S.A. § 313.

§ 153-405. Record of proceedings of the Selectboard

(a) An official record of the proceedings of the Selectboard shall be kept by its clerk, which shall be kept in the office of the town clerk and shall be open for public inspection within five (5) days of the meeting.

(b) The minutes of each meeting shall be approved by the Selectboard at its next meeting and the official copy authenticated by signature of the clerk of the Selectboard.

§ 153-406. Appointments by the Selectboard

(a) Before making appointments, the Selectboard shall make public a list of all vacancies.

(b) The Selectboard shall appoint the following:

(1) Members of the zoning board of adjustment or development review board;

(2) Members of the planning commission;

(3) Town Manager; and

(4) Constable(s)

(c) The Selectboard may appoint such additional commissions, committees and officers they feel to be in the best interest of the town.

(d) The Selectboard may appoint in the event their services become necessary: Grand jurors, real estate appraiser, fence viewers and all other appointive or elective officers authorized by statute.

(e) The terms of all appointed officers shall be not more than three (3) years except as otherwise specified in this charter and shall commence on the first day of the second month following the annual town meeting.

§ 153-407. Compensation of officers; appointees

(a) Compensation paid to the Selectboard members and other elected officials shall be set by the voters at the annual meeting. Officers' salaries must be set forth as a separate item in the annual budget presented to the meeting.

(b) The Selectboard shall fix the compensation of all appointees and the Town Manager, except as otherwise provided in this charter.

(c) Except as hereinafter provided, all fees prescribed by state law, charter, ordinance or otherwise shall be collected for the benefit of the town and paid to the town treasurer. No fees shall be used directly by any receiving officer or inure directly to the benefit of the officer. Insofar as this subsection applies to the town clerk and town treasurer, it shall not be of force and effect until the person(s) serving as such as of the effective date of this charter shall retire, resign or otherwise cease to serve as town clerk and/or treasurer.

§ 153-408. Powers and duties of the Selectboard

(a) The members of the Selectboard shall constitute the legislative body of the Town of Stowe for all purposes required by statute except as otherwise herein specifically provided in this charter, and shall have all powers and authority given to and shall perform all duties required of town legislative bodies or Selectboards under the laws of the State of Vermont and this charter.

(b) Within the limitations of the foregoing, the Selectboard shall have the power to:

(1) Authorize the expenditure of all town money, except where such powers are expressly conferred upon another body by this charter.

(2) Appoint and remove the town manager or interim town manager and supervise, create, change and abolish offices, commissions or departments other than the offices, commissions or departments established by this charter and by law.

(3) Appoint the members of all boards, commissions, committees or similar bodies unless specifically provided otherwise by this charter and by law.

(4) Inquire into the conduct of any officer, commission or department and investigate any and all municipal affairs.

153-409. Interference with Administration

Neither the Selectboard nor its members shall give orders to or seek to direct the actions of any employee who is subject to the direction and supervision of the town manager.

§ 153-501. Board of listers

The board of listers shall consist of three (3) listers, one elected each year for a term of three (3) years. The board shall have the same powers and duties prescribed for listers under the laws of the State of Vermont.

§ 153-502. Appraisal of property

The board of listers shall appraise or cause to be appraised by the real estate appraiser appointed by the Selectboard all real property for the purpose of establishing the grand list.

153-503. Board of Library Trustees

The Board of Library Trustees shall consist of seven (7) members appointed by the Selectboard to staggered three (3) year terms. The Library Trustees are responsible for setting general policies concerning library operations, including programs and collections, consistent with the provisions of this charter. The Library Director shall be responsible for ensuring library policy adopted by the Library Trustees is effectively implemented.

Library personnel are town employees subject to the personnel policies and labor agreements duly adopted by the Selectboard, and the Town Manager shall have the authority to hire, appoint, fix the salary of, discipline, suspend, and remove the Library Director and all employees pursuant to the provisions of this charter and personnel rules adopted pursuant to this charter.

On the hiring of the Library Director, the Town Manager shall seek the advice of the Library Trustees in the appointment of the Library Director. The Library Trustees shall have at least two (2) Trustees on the search committee to review resumes and interview candidates. The Town Manager shall give seven (7) days notice to the Library Trustees of his intent to hire the Library Director prior to extending a job offer.

Trust funds established and other donations made expressly to benefit the Library shall be under the exclusive control and direction of the Library Trustees subject to the terms of the document creating the trust or evidencing the gift. The Town Treasurer shall maintain separate accounts for these funds and shall write checks from those accounts as directed by the Library Trustees. Town appropriations and all other taxpayer sourced library funds shall be subject to and handled in accord with financial policies and controls duly adopted by the Selectboard.

Except as otherwise provided in this section 153-503, to the extent of any conflict between the provisions of this Charter and the provisions of Vermont statutes pertaining to municipal libraries, this charter shall control.

§ 153-602. Annual audit

(1) The Selectboard shall provide for an annual independent audit by a certified public accountant.

§ 153-701. Town Manager; appointment; qualifications; term

The Selectboard shall appoint a town manager for an indefinite term. The Manager shall be chosen solely on the basis of executive and administrative and professional qualifications and not on the basis of political affiliation. The Manager shall not be a candidate for or simultaneously hold any elective office within the town, nor shall he or she be employed by the town in any capacity except as Manager, nor organize or direct any political party or serve as a member of a party committee.

§ 153-702. Oath; bond

Before entering upon his/her official duties, the Manager shall be sworn to the faithful performance of those duties by the town clerk and shall give a bond to the town in such amount and with such sureties as the Selectboard may require.

§ 153-703. Powers and duties

(a) The Manager shall be the chief executive officer and the head of the administrative branch of the town government, and shall be responsible to the Selectboard for the efficient administration of the municipal affairs of the Town.

(b) The Manager shall attend all meetings of the Selectboard, except when the Manager's removal or discipline is being considered, and shall keep the Selectboard informed of the financial condition and future needs of the Town, and shall make such reports as may be required by law, this article, or ordinance, or which may be requested by the Selectboard. The Manager shall make such other reports and recommendations as the Manager may deem advisable. The Manager shall perform such other duties as may be prescribed by this charter, or required of the manager by law, ordinance, or resolution of the Selectboard not inconsistent with this charter.

(c) The Manager shall be an ex-officio member of all standing committees of the Town but shall not have or cast a vote.

(d) The Manager shall prepare and submit a recommended annual budget to the Selectboard and be responsible for its administration after adoption.

(e) The Manager shall be the general purchasing agent of the Town and purchase all supplies for every department thereof, except the Electric Department.

(f) The Manager shall perform any other duties assigned by state law not in conflict with this charter.

(g) The Manager shall be responsible for the operation of all departments of the town, not otherwise provided for in this charter.

(h) The Manager shall have authority to hire, appoint, fix the salary of, discipline, suspend and remove the zoning administrator and all other employees of the Town not hired or appointed by the Selectboard, subject to the provisions of this charter or personnel rules adopted pursuant to this charter. The Manager may authorize any Department Head subject to the Manager's direction and supervision to exercise these powers with respect to that Department Head's subordinates. Prior to hiring a Department Head, the Manager shall notify the Selectboard of the intent to hire a Department Head, and the Selectboard may take action within seven days of receipt of that notice overriding the Manager's authority to hire that Department Head. Thereafter, the Manager shall select and submit notification to the Selectboard of an alternate choice for that Department Head.

(i) The Manager may, when advisable or proper, delegate to subordinate officers and employees of the town, any duties conferred upon the manager by this charter or by action of the Selectboard.

(j) The Manager shall be responsible for the enforcement of all Town ordinances.

(k) Where final authority for policy formulation and adoption rests with the Selectboard, the Manager shall play an integral role in developing and analyzing policies and alternatives for the Selectboard's consideration and be responsible for implementation of policies approved by the Selectboard.

§ 153-704. Compensation

The Manager shall receive such compensation as may be determined by the Selectboard, subject to the provisions of this charter.

§ 153-705. Removal of Town Manager

The Selectboard may remove the Manager by a vote of at least three (3) of its members to be effective not less than sixty (60) days after said vote. The Manager may be suspended during the period from initial action to remove the Manager by the Selectboard to the end of the removal date, but the Manager shall continue to be paid throughout the suspension.

§ 153-801. Fiscal year

The fiscal year of the town shall begin on the first day of July and end on the last day of June of each calendar year. The fiscal year shall constitute the budget and accounting year as used in this charter.

§ 153-802. General fund budget -preparation and submission

(a) The Manager, at least fifty (50) days before the annual town meeting, or at such previous time as may be directed by the Selectboard, shall submit to the Selectboard a financial report containing:

- (1) An estimate of the financial condition of the town as of the end of the fiscal year.
- (2) An itemized statement of appropriations recommended for current expenses, during the next fiscal year, with - actual appropriations and expenditures for the immediate preceding fiscal year.
- (3) An itemized statement of estimated revenues from all sources other than taxation, for the next fiscal year, and comparative figures of tax and other sources of revenue for the current and immediate preceding fiscal years.
- (4) A capital budget - and program showing anticipated capital expenditures, financing and tax requirements.
- (5) Such other information as may be required by the Selectboard.

(b) The budget shall be published not later than two (2) weeks after its preliminary adoption by the Selectboard. The Selectboard shall fix the time and place for holding a public hearing for the budget, and shall give a public notice of such hearing. The Selectboard shall then review the budget and propose it, with or without change, to the annual town meeting.

§ 153-803. Publication

The proposed budget shall be published in the town report and copies made available at least ten (10) days before the annual meeting.

§ 153-804. Appropriations

From the effective date of the budget, the several amounts stated therein, as approved by the annual town meeting, become appropriated to the several agencies and purposes therein named.

§ 153-805. Amount to be raised by taxation

The town shall annually consider an article to raise by taxes on the grand list an amount equal to those expenditures to be paid by taxes which amount was appropriated by the voters at town meeting and which expenditures are not met by funds from other sources.

§ 153-901. Taxes on real property

Taxes on real property shall be -due in four (4) equal -installments with due dates established annually by the Selectboard provided the first payment in each fiscal year is not earlier than thirty (30) days after the date tax bills for that fiscal year are mailed to taxpayers.- -Any taxes not paid when due shall be deemed delinquent and payable to the collector of delinquent taxes.

§ 153-902. Interest

An additional charge of two (2) percent of the unpaid tax shall be imposed per month for each month or fraction of the month as interest on any tax not paid on or before the dates specified in section 901 of this charter.

§ 153-903. Board of abatement

The board of civil authority (the Selectboard members, town clerk and justices of the peace) with the town treasurer and listers shall constitute a board of abatement as provided by law.

§ 153-1001. Appointment and removal of Town Employees

(a) Subject to the provisions of this Charter, all employees other than elected officials and appointees of the Selectboard shall be appointed, suspended and removed by the Manager without interference by the Selectboard. The Town and its employees shall comply with Vermont's Fair Employment Practices Act and shall not discriminate in its employment practices on account of political opinions or affiliations. Appointments, layoffs, promotions, and discipline including suspensions, demotions and removals, shall be determined on the basis of the training, experience, fitness and performance of the individual, and be undertaken to ensure that the responsible administrative officer will secure efficient and competent service.

(b) Employees of the town whose terms and conditions of employment are not governed by the provisions of a collectively bargained labor agreement shall be hired, disciplined, suspended, demoted, removed, or laid off in accordance with the personnel rules and policies adopted by the Selectboard. ~~personnel rules adopted by the Selectboard.~~

(c) The Manager may remove Department Heads from their positions provided notification that the Manager intends to remove a Department Head is given in advance to the Selectboard.

§ 153-1002. Personnel rules and regulations

(a) The Manager or his/her designee shall be the personnel director. He or she may prepare personnel rules and regulations protecting the interests of the town and of the employees. These rules and regulations must be approved by the Selectboard and shall include the procedure for amending them and for placing them into practice.

(b) The rules and regulations may deal with the following subjects or with other similar matters of personnel administration: job classification, jobs to be filled, tenure, retirement, pensions, leaves of absence, vacations, holidays, hours and days of work, group insurance, salary plans, rules governing hiring, temporary appointment, lay-off, reinstatement, promotion, transfer, demotion, settlement of disputes, dismissal, probationary periods, permanent or continuing status, in-service training, injury, employee records, and further regulations concerning the hearing of appeals.

§ 153-1003. Prohibitions

No person in the service of the town shall either directly or indirectly give, render, pay or receive any service or other valuable thing for or on account of or in connection with any appointment, proposed appointment, promotion or proposed promotion.

§ 153-1004. Conflict of interest

All appointed town officials employees of the Town, including Commissioners and employees of the Electric Department, shall be governed by and adhere to an Ethics Policy duly adopted by the Selectboard.

§ 153-1101. Electric utility commission

(a) There shall be a Town of Stowe Electric - Department.

(b)(1) The Electric - Commission shall be composed of three Commissioners appointed by the Town of Stowe Selectboard for staggered terms of three years each.

(2) It shall be the policy of the Town, as implemented by the Selectboard, insofar as possible to appoint Commissioners with appropriate background and with an interest in the utilities field, bearing in mind the complexities of those related operations.

(3) Should any Commissioner become unable to serve for any reason, or resign, the Selectboard shall appoint a replacement to serve until the end of that term. The Selectboard may remove a Commissioner if just cause is stated to the member in writing and after a public meeting if the Commissioner requests one.

(c) The- Commissioners shall serve as electric commissioners under 30 V.S.A., Sections 2915 and 2916. The Electric - Commission shall have authority to construct an electric light plant, for the purpose of lighting the street, walks, and other public grounds, and lighting any buildings therein, and supplying and furnishing electricity for domestic and other purposes to such persons and corporations in Stowe and adjoining town as it may

desire upon such terms as may be agreed upon. And for this purpose may take, purchase or acquire and hold any water power, land and rights of way in said town, needed for the construction, maintenance and operation of said electric light plant, and may use any public highway over which it may be necessary or desirable to pass with the poles and wire of the same, provided the use of such public highway for the purpose of public travel is not thereby unnecessarily impaired.

The Electric Commission shall have the power to purchase, hire, construct or otherwise acquire an interest in, to maintain, operate, and to sell, lease or otherwise dispose of any plant (including but not limited to a gas plant) or system (including but not limited to existing rights of way, poles, lines, towers and fixtures and transmission line serving the existing system owned by others) located within or outside the state, for the production, distribution, purchase or sale of electricity, to extend, enlarge or improve the same and for that purpose to purchase, hire, construct or otherwise acquire any real or personal property. These powers may be exercised through a taking by eminent domain in the manner prescribed by law.

The Electric Commission shall also have the power to purchase, sell and otherwise acquire and dispose of electricity including sale to electric distribution companies, cooperatives, municipal and privately owned, within or outside the state and to make all agreements, conveyances and regulations necessary or convenient in connection therewith. All of the foregoing powers are in addition to and not in substitution for or in limitation of any other powers conferred by law, and are subject to regulatory review for municipal utilities as provided in Title 30, Vermont Statutes Annotated.

(d) The Electric Department shall have its own professional management, staff, plan, equipment, and entirely separate financial accounts.

(e) The Electric Department shall be directly managed by a General Manager, who shall be responsible to the Electric Commission for the performance of his or her duties.-

(f) The General Manager shall be the chief executive officer and the head of the Electric Department, and shall be responsible to the Electric Commission for the efficient administration of the Electric Department.

(g) The General Manager shall attend all meetings of the Electric Commission, except when the General Manager's removal or discipline is being considered, and shall keep the Electric Commission informed of the financial condition and future needs of the Electric Department, and shall make such reports as may be required by law, or ordinance, or which may be requested by the Electric Commission. The General Manager shall make such other reports and recommendations as the General Manager may deem advisable. The General Manager shall perform such other duties as may be prescribed by this charter, or required of the manager by law, ordinance, or resolution of the Electric Commission not inconsistent with this charter.

(h) Prior to hiring a General Manager, the Commissioners shall notify the Selectboard of the intent to hire and the Selectboard may take action within seven days of receipt of that notice overriding the Commissioner's authority to hire the identified individual as the General Manager. Thereafter, the Commissioners shall select and submit notification to the Selectboard of an alternate choice for General Manager until the Selectboard is in agreement.

(i) The Commissioners shall have the authority to enter into labor agreements and to adopt personnel policies affecting the working conditions and terms of employment for Electric Department employees without approval of the Selectboard.

The General Manager of the Electric Department shall, subject to the terms of labor agreements and personnel policies adopted by the Electric Commissioners, have the authority to hire, appoint, fix the salary of, discipline, suspend and remove all employees of the Electric Department

The General Manager of the Electric Department shall receive all funds due the Electric Department, shall issue bills for services rendered, have -responsibility to maintain books of account. The Commissioners shall approve the expenditure of all money as it pertains to the Electric Department. The General Manager and other designated persons with authority specifically approved by the Commissioners shall execute and issue on behalf of the Stowe Electric Department drafts, checks and/or other negotiable orders for the payment of bills and charges. All such accounting functions of the Electric Department shall be subject to an annual independent audit by a certified public accountant chosen by the Electric Commissioners.

(j) The Town of Stowe Electric Department shall- shall operate under the statutory authority and requirements of 30 V.S.A., Chapter 79, relating to municipal electric plants, and 24 V.S.A., Chapter 53, relating to municipal indebtedness, all of which control the financing, improvements, expansion and disposal of the municipal electric plant and its operations. With specific reference to the legislative authorization contained in 24 V.S.A., Chapter 53, subchapter 2, "Indebtedness for Public Utility Purposes," Sections 1821-1828, the Electric Commission is permitted to issue revenue-backed bonds and/or general obligation bonds for any capital improvement purpose related to their responsibilities to operate such utilities for the benefit of the people of Stowe, provided each such issue of bonds is approved by the Selectboard and the voters according to law.

(k) The charges and rates for electric service shall be a lien on real estate, wherever located, furnished with such service in the same manner and to the same effect as taxes are a lien upon real property under 32 V.S.A. Section 5061. The owner of such property, furnished with electric service, wherever located, shall be liable for such charges and rates.

(l) The Electric Department shall every year make a contribution to the Town of Stowe in lieu of taxes in form of a cash payment and/or the equivalent in free services and municipal rate benefits in an amount equaling the amount of money which would be received by the Town of Stowe in ad valorem real estate taxes were such department a privately owned utility.

(m) An official record of the proceedings of the Commission shall be kept by its clerk, which shall be kept in the office of the town clerk and shall be open for public inspection within five (5) days of the meeting. The minutes of each meeting shall be approved by the Commission at its next meeting and the official copy authenticated by signature of the clerk of the Selectboard.

§ 153-1201. Water utility commission

(a) There shall be a Town of Stowe Water Department which shall be responsible initially for continuing the present specific water services in existence and being provided on June 30, 1996.

(b) The water system taken over from the Village of Stowe and any additions thereto or modifications thereof shall be maintained separate from all other departments of the Town and no part of the rents and revenues there from may be used for any other purpose.

(c) Unless otherwise voted by the Town at a town meeting, all costs of the Water Department shall be paid by the users thereof and the annual water rents or charges shall be at a rate sufficient to cover annual expenditures, temporary indebtedness, the amortizing of bonded indebtedness and interest and any dedicated (sinking) funds. Prior to the setting of the annual budget and annual water rents or charges, the Water Commissioners shall each year hold a public hearing for the purpose of receiving input concerning a proposed annual budget and annual water rents or charges for the Water Department. The public notice for such public hearing shall be given not less than 15 days prior to the date of the public hearing by the publication in a newspaper of general circulation in the Town of Stowe and by the posting of the same information in one or more public places within the Water Department service area. With specific reference to the legislative authority contained in 24 V.S.A., chapter 53, subchapter 2, "Indebtedness for Public Utility Purposes," sections 1821-1828, the Stowe Water Utility Commission is permitted to issue revenue-backed bonds and/or general obligation bonds for any capital improvement purpose related to their responsibilities to operate such utilities for the benefit of the people of Stowe, provided each such issue of bonds is approved by the Selectboard and the voters according to law.

(d) The Selectboard of the Town of Stowe shall be the Water Commission, -, and shall have the power to adopt and enforce rules, regulations or ordinances concerning the control and operation of such water system in accordance with the powers enumerated in the general laws of the State with respect to waterworks and water supply.

(e) The Water Department service area may be enlarged or modified by the Water Commission- after holding a public hearing on any such proposed enlargement or modification. The public notice for each such public hearing shall be given not less than 15 days prior to the date of the public hearing by the publication of the date, place and purpose of the hearing in a newspaper of general circulation in the Town of Stowe and by the posting of the same information in one or more public places within the Water Department service area.

§ 153-1301. Laws governing

No section or provision of this charter may be repealed or amended unless the act making such repeal or amendment refers specifically to this charter and to the sections or provisions so repealed or amended. Any amendment to this charter must be submitted to the voters for their approval and, upon such approval, submitted to the legislature as provided by statutes. Amendments may be placed on the ballot by the Selectboard, a duly authorized charter review commission appointed by the Selectboard, or upon petition filed with the town clerk by five (5) percent of the legal voters of the town. The petition must clearly state the amendment and must be filed at least seventy-five (75) days before any annual town meeting. In the event the petition is filed more than ninety (90) days prior to the next annual town meeting, the Selectboard shall be required to hold a special town meeting for the purpose of considering the proposed amendment.

§ 153-1401. Effective date

This charter shall become effective upon approval in accordance with 24 V.S.A. Section 703. Any amendments hereto shall become effective in accordance with the laws of Vermont then in effect.

§ 153-1501. Merger of the village and town of Stowe

Effective as of July 1, 1996, the Village of Stowe as constituted by Act No. 168 of the Laws of 1896, as amended, shall merge with and into the Town of Stowe, within its present geographic limits, as a single municipal corporation under the name of the Town of Stowe, and the Village of Stowe shall, except as hereinafter specifically provided otherwise for transition purposes, cease to exist as a municipal corporation and its charter shall be abolished.

1st Public Hearing – 1/25/10
2nd Public Hearing – 2/8/10
Approved by Board – 2/8/10
Signed by Governor 5/5/10