

The Vermont Statutes Online

Title 24 Appendix: Municipal Charters

Chapter 129: Town Of Milton

- *Subchapter 1: Powers Of The Town Of Milton*
- **§ 129-101. Corporate existence retained**

The inhabitants of the Town of Milton, within the limits as now established, shall be a municipal corporate by the name of the Town of Milton, including the area within the former incorporated Village of Milton, the geographical boundaries of which are referenced in Sec. 1 of No. 183 of the Acts of 1900. (Amended 2003, No. M-4, § 2.)

- **§ 129-102. General law application**

Except when changed, enlarged, or modified by the provisions of this charter, or by the legal regulation or ordinances of the Town of Milton, all provisions of the statutes of the State of Vermont relating to municipalities shall apply to the Town of Milton.

- **§ 129-103. Powers of the Town and School District**

(a) General. The Town of Milton shall have all the powers granted towns, town school districts, and municipal corporations by the Constitution and Laws of this State and this charter, together with all implied powers necessary to carry into execution all the powers granted; it may enact ordinances not inconsistent with the Constitution and Laws of the State of Vermont or with this charter and impose penalties for violation thereof.

(b) Acquisition of Property. The Town may acquire property within or without its corporate limits for any Town or ~~school~~ School District purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, or condemnation consistent with the Constitution and Laws of the State.

(c) Municipal Forest Lands. A Municipal Forest shall be ~~established~~ established, and it shall not be sold, leased, or otherwise disposed of unless so voted by Australian ballot at a legally warned Town meeting. This forest land shall be maintained by using proper forest and wildlife practices.

(d) Exclusions and Restrictions. In the charter, no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the Town or ~~Town~~ School District would have unless this charter otherwise provides.

(e) Reservation of Powers to the Town or School District. Nothing in this charter shall be construed to in any way limit the powers and functions conferred on the Town of Milton or School District and the Selectboard or ~~school trustees~~School Board of Trustees of said Town and School District, its elected and appointed officials by general or special enactments of State Statutes or regulations in force or effect hereafter enacted; and the powers and functions conferred by this charter shall be cumulative and in addition to the provisions of such general or special enactments unless this charter otherwise provides.

(f) Municipal Electric Power Plant. The Town is authorized to purchase, control, construct, maintain, and operate an electric light and power plant, and may generate and purchase electric current for light, heat, and power and for any other purpose for which the current may be used by the Town inhabitants. The Town may furnish electric power to parties residing within or without the corporate limits of the Town, upon such terms and subject to such regulations as may be agreed upon from time to time, or as necessary to comply with federal and State laws and regulations. The Town may hold within its geographical limits by gift, grant, purchase, or by the right of eminent domain, lands and rights-of-way as may be needed for the construction, maintenance, and operation of an electric power plant. The Town may use any public street or way which it may be necessary or desirable to pass through with poles and wires, provided that public travel on such streets and ways is not unnecessarily impaired. (30 V.S.A., Chapter 079, S2901 – 2925)

(g) Milton Fire Department. The Town of Milton may establish a system of fire protection and may create and equip a Fire Department. The Town may contract with a volunteer or nonmunicipal corporation to supply fire protection services, the cost of which shall be included in the Town annual budget. The Selectboard shall appoint a Fire Chief of the Department who shall have the powers and duties of a chief engineer as provided in 20 V.S.A. Chapter 171, § 2673-2671 – 2675, Chapter 175; and 24 V.S.A., Chapter 57, S1953.

(h) Milton Rescue Department. The Town of Milton may establish a system of emergency medical care and may create and equip a Rescue Department. The Town may contract with a volunteer or nonmunicipal corporation to supply emergency medical services, the cost of which shall be included in the Town annual budget. The Selectboard shall appoint a Chief of the Emergency Rescue Department. The Emergency Rescue Department shall be provided and administered in accordance with the requirements of 24 V.S.A. chapter 71. (Amended 2003, No. M-4, § 3.)

(i) Milton Police Department. The Town of Milton may establish a system of police protection and may create and equip a Police Department. The Town may contract with a nonmunicipal corporation to supply police protection services, the cost of which shall be included in the Town annual budget. The Selectboard shall appoint a Police Chief of the Department. The Police Department shall be provided and administered in accordance with the requirements of 24 V.S.A., Chapter 055, S 1931.

- **§ 129-104. Ordinances**

(a) General. To adopt ordinances and regulations for the protection of persons and property both public and private and for the betterment of the community. (24 V.S.A., Chapter 059)

(b) Adoption by Selectboard.

(1) If the Selectboard desires to adopt a new ordinance or amend or repeal an existing ordinance, they shall cause it to be entered in the official record kept of their proceedings. The new or amended section of the ordinance shall then be published in a the official newspaper ~~of general circulation in the Town established by the Selectboard~~ together with a notice of the time and place of a public hearing to consider the ordinance change for final passage, as well as electronically. Such publication to be on a day at least one week and not more than two weeks prior to the date of hearing.

(2) At the public hearing, the new or amended section shall be read in full, unless the Selectboard elects to read the ordinance by title only. After such reading, all persons interested shall be given an opportunity to be heard.

(3) After the public hearing, the Selectboard may adopt the ordinance with or without amendment. If they amend the ordinance prior to passage, they shall cause the amended ordinance to be entered in the official record of their proceedings and shall also cause the entire section of the ordinance, as amended and passed, to be published in a the official newspaper ~~of general circulation in the Town established by the Selectboard, -and~~ posted in four or more public places in the Town, and electronically on a day not more than 14 days after adoption.

(4) Every ordinance shall become effective 40-60 days after adoption unless the Selectboard specify a longer period. If within 40-60 days after adoption, a referendum petition is filed as in subsection (f) of this section, the ordinance shall not become effective until after the question of repeal is voted.

(c) Initiative. Any lawful ordinance may be enacted by vote of the Town as follows: A petition signed by not less than five percent of the registered voters shall be filed with the Town Clerk requesting enactment of the ordinance and accompanied by the text thereof. The warning for the next annual Town meeting shall include the text of the proposed ordinance and shall provide for a "yes" or "no" vote by Australian Ballot.

(d) Filed with Town Clerk.

(1) The Selectboard shall record publications, postings, considerations, and adoption of ordinances with the Town Clerk.

(2) A certificate by the Clerk of the municipality, showing the publication, postings, consideration, and adoption of ordinances or amended ordinances shall be presumptive evidence of the facts as they relate to the lawful adoption of said ordinances

or amended ordinances thereof so stated in any actions or proceedings in court or any other tribunal.

(3) The Town Clerk shall prepare and keep in the Town Clerk's office a book of ordinances. Failure to comply with this provision shall not invalidate any Town ordinance lawfully enacted.

(e) Penalties; Limitations.

(~~12~~) A fine in an amount not greater than ~~\$500.00~~\$800.00.

(~~23~~) Each week a violation continues shall constitute a separate offense.

(~~31~~) A violation of a Town ordinance shall be classified as a misdemeanor or a rule violation in the same manner as it would be classified by the general State statutes now or hereafter enacted and prosecuted accordingly. The Town may maintain an action to enjoin the violation of any ordinance or rule, but the election of the Town to proceed under this subsection shall not prevent prosecution for the violation of the ordinance.

(f) Referendum.

(1) A Town ordinance may be repealed by vote of the Town as follows: A petition requesting a vote on the question of repealing the ordinance shall be signed by not less than five percent of the registered voters and shall be filed with the Town Clerk within ~~40~~44 days following the date of adoption of the ordinance by the Selectboard. The Selectboard shall call a special Town meeting to be held within 60 days of the date of filing the petition to vote by Australian ballot on whether or not the ordinance shall be repealed. The warning shall include the text of the proposed ordinance and shall provide for a "yes" or "no" vote by Australian Ballot.

(2) If a Town ordinance has been considered by referendum vote in accordance with the provisions set forth in this section, a petition to reconsider said referendum vote shall not be permitted except as provided for in section 104(c) of this charter.

- **§ 129-105. Nonapplicability to zoning and subdivision.**

The provisions of section 104 of this charter shall not apply to the enactment, amendment, repeal, or enforcement of any zoning ordinance, zoning bylaw, subdivision ordinance, or municipal and regional plans. (24 V.S.A., Chapter 117)

- *Subchapter 2: Officers*
- **§ 129-201. Preface**

The officers of the Town of Milton shall be those provided by law for towns and town school districts except otherwise provided by this charter. Such officers shall have all powers and duties necessary to carry out the provisions of this charter as well as those provided by law.

- **§ 129-202. Elective officers (17 V.S.A., Chapter 055)**

(a) Officers. The officers elected at its annual meeting shall be:

(1) Five selectpersons

(2) Town Clerk

(3) Town Treasurer

~~(4) Moderator~~

~~(5)~~ Five library trustees

~~(6)~~ Five school trustees

~~(7)~~ Champlain Water District (CWD) Representative

(b) Candidate for office. No candidate for any office listed above that has multiple open seats for an election shall campaign for more than one said seat. However, a candidate may campaign for multiple offices as allowed by law.

~~(c)~~ Qualifications. All elected officers shall be chosen at large from the legally qualified voters at a legally warned Town meeting using the Australian ballot system. Said elected officers shall hold office for the terms hereinafter specified and until their successors are elected and qualified.

~~(d)~~ Bonding. All officers shall be sworn before entering their duties and all officers as described in 24 V.S.A. § 832 shall give a bond conditioned for the faithful performance of their duties in an amount prescribed and approved by the Selectboard.

~~(e)~~ Termination.

(1) When an elected officer specified in subsection (a) of this section resigns, becomes domiciled in another town, dies, or is removed by recall, ~~his or her~~ that office shall become vacant and the Selectboard, in the case of the Town, and the school trustees, in the case of the school, shall appoint an eligible person to fill the vacancy until the next legally warned ~~Town or school~~ Annual meeting. The person appointed shall serve until ~~his or her predecessor's~~ the vacant term expires.

(2) If more than one vacancy occurs on the Selectboard or Board of School Trustees at the same time, then the respective board shall call a special election to fill the vacancies, unless there is less than 90 days to the Annual meeting. (Amended 2013, No. M-14 (Adj. Sess.), § 2, eff. May 9, 2014; 2017, No. 7, § 116.)

- **§ 129-203. Terms of elected officers**

(a) Selectboard.

(1) Shall consist of five (5) members. Three (3) members of the ~~Board~~ Selectboard shall be elected each year; one for a three year term and two members for one-year terms. The two incumbent officers shall complete their elected terms.

(2) Shall constitute the legislative body of the Town of Milton for all purposes required of town legislative bodies or selectboards under the Constitution and the laws of the State of Vermont.

(b) The Town Clerk shall be elected for a three-year term.

(c) The Town Treasurer shall be elected for a three-year term to be concurrent with the Town Clerk's term.

~~(d) The Moderator shall be elected for a one-year term.~~

~~(e)~~ The Library Board shall consist of five (5) trustees. Two (2) trustees shall be elected for a two-year term and three trustees shall be elected for a three-year term.

~~(f)~~ School ~~trustees~~ Board of Trustees.

(1) Shall consist of five (5) members of whom three (3) shall be elected for three-year terms; one shall be elected for a two-year term; and one shall be elected for a one-year term.

(2) Shall constitute the legislative body of the Town School District for all purposes required of school trustees under the Constitution and laws of the State of Vermont and this charter.

~~(g)~~ Champlain Water District Representative (CWD) shall be elected for a three-year term or as prescribed by the Champlain Water District charter. (Amended 2013, No. M-14 (Adj. Sess.), § 2, eff. May 9, 2014.)

- **§ 129-204. Duties of elected officers**

(a) Selectboard. See subchapter 3 of this charter.

(b) Town Clerk.

(1) Town Clerk shall perform all duties prescribed by the Vermont statutes and this charter.

(2) Town Clerk shall appoint one or more assistant clerks who shall perform duties as required by the Vermont statutes and this charter. The assistant clerks shall be under the direction of the Town Clerk who shall delegate the assistant clerks' duties and responsibilities and said assistants shall be entitled to and adhere to all personnel rules and regulations.

(c) Town Treasurer.

(1) The Town Treasurer shall perform all duties prescribed by the Vermont statutes and this charter.

(2) The Town Treasurer shall appoint one or more assistant Town treasurers who shall perform all duties as prescribed by the Vermont State statutes and this charter. The assistant treasurer shall be under the direction of the Town Treasurer who shall delegate the assistant treasurer's duties and responsibilities and said assistant treasurer shall be entitled to and adhere to all personnel rules and regulations of the Town of Milton.

(3) The Town Treasurer shall promptly deposit and invest funds coming into the Treasurer's hands in such depositories as may be designated by the Selectboard.

(4) The Town Treasurer shall keep such books and accounts as prescribed by the Vermont statutes and this charter.

(5) The Town Treasurer shall make reports to the Selectboard monthly or at such other times as the Selectboard may require showing the state of the Town's revenues.

(6) The Town Treasurer shall perform such duties with respect to the Town's finances as the Selectboard shall require.

(7) The Town Treasurer shall perform such duties as prescribed in 16 V.S.A. § 426(a)-(c). ~~He or she~~ and shall keep financial records of receipts coming into ~~his or her hands~~ the office and shall make those records available to the School Board of ~~Trustees~~ School Directors when requested to do so.

(d) [Repealed.]

~~(e) Town Moderator.~~

~~(1) The Town Moderator shall perform all duties as required by the Vermont State statutes and this charter.~~

~~(2) Robert's Rules of Order Newly Revised shall be used to conduct all annual or special meetings.~~

~~(3) In the absence of the Moderator, the Town Clerk shall call the meeting to order with the first order of business to elect a Moderator Pro Tem to fill the vacancy while it exists.~~

(f) [Repealed.]

(g) [Repealed.]

~~(h)~~ The Library Trustees shall perform all duties required by Vermont State statutes and this charter, except the Library Board shall follow the administrative code and policies identified in the preamble of the administrative code. Any changes or additions to policies identified in the preamble shall require an affirmative vote of the Selectboard and the Library Board ~~in order to~~ be applicable to the Library.

(i) School ~~trustees~~Board of Trustees. See subchapter 4 of this charter.

(j) Champlain Water District Representative (CWD). Will represent the Town of Milton on the Champlain Water District Board and will keep the Selectboard and the Town Manager advised of significant proceedings by the Champlain Water District Board, which affect quality, quantity, or cost of services. (Amended 2013, No. M-14 (Adj. Sess.), § 2, eff. May 9, 2014.)

- ***Subchapter 3: Selectboard Powers And Duties***
- **§ 129-301. Organization**

(a) Forthwith after their election and qualification the Selectboard shall organize and elect a Chairman, a Vice Chairman, and Clerk by a majority vote of the entire ~~Board~~Selectboard.

(b) The Chairman of the ~~Board-Selectboard~~ ~~or in his or her absence the Vice Chairman~~ ~~or in his or her absence the Clerk~~ shall preside at all meetings of the ~~Board-Selectboard~~ and shall be recognized as the head of the Town government for all ceremonial purposes.

(c) In the absence of the Chairman, the Vice Chairman shall assume all duties of the Chairman.

(d) In the absence of both the Chairman and Vice Chairman, the Clerk shall assume all duties of the Chairman.

- **§ 129-302. Meetings**

(a) As soon as possible after the election of its officers, the Board shall fix the time and place of its regular meetings and such meetings shall be held at least once a month.

(b) The Selectboard shall also designate annually a paper of general circulation to be used for publications as prescribed in 17 V.S.A. § 2641(b).

(c) The ~~Board~~ Selectboard shall conduct its business under Robert's Rules of Order Newly Revised.

(d) Three Selectboard members shall constitute a quorum. No action of the ~~Board~~ Selectboard shall be valid or binding unless adopted by the affirmative vote of at least three Selectboard members.

(e) All meetings of the ~~Board~~ Selectboard shall be open to the public, unless by an affirmative vote of the majority of the ~~Board~~ Selectboard a portion of the meeting is declared to be an executive session. Executive sessions may be held in compliance with 17 V.S.A. § 313.

(f) Emergency meetings may be held without a 24-hour warning provided that some public notice is given as soon as possible before such meeting and all members of the ~~Board~~ Selectboard are notified.

(g) The agenda of the Selectboard's meeting shall be available to the public at least 24 hours prior to the meeting and posted in one or more physical public places as well as electronically.

(1) Any member of the ~~Board~~ Selectboard may add items of business to the written agenda prior to its posting.

(2) The ~~Board~~ Selectboard may add items of business to the agenda at the commencement of the meeting and in open session. If action is taken on an item added in this section, the action may be reconsidered at the next scheduled ~~Board~~ Selectboard meeting. Additions in this section shall be kept to a minimum.

- **§ 129-303. Record of proceedings**

(a) It shall be the duty of the Clerk of the Selectboard to ~~keep~~ review and sign off an official record of its proceedings which shall be open for public inspection.

(b) The minutes of each meeting shall be approved within 30 days of the meeting by a majority vote of the Selectboard. An unofficial copy shall be filed in the Town Clerk's office five days after said meeting.

- **§ 129-304. Mandatory duties**

The Selectboard shall:

(1) Perform all duties as required by Vermont State Statutes and this charter.

(2) Appoint and remove the Town Manager.

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

(4) Make, amend, and repeal ordinances in compliance with this charter.

(5) Submit the annual budget to the voters to be voted on at Town Meeting in accordance with the provisions of section 1002 of this charter.

(6) With the advice, consultation, and consent of the School Board provide for an independent audit by a certified public accountant who shall perform an annual audit of all Town departments including the ~~proprietary~~proprietary and fiduciary accounts ~~in accordance with provisions of section 1002(d) of this charter.~~

- **§ 129-305. Permissive Duties**

The Selectboard may:

(1) Appoint or create, change, or abolish offices and commissions created by them as ~~they feel~~deemed to be in the best interest of the Town.

(2) Prescribe the duties of all offices and commissions created by them.

- **§ 129-306. Appointed officers**

(a) The Selectboard shall appoint:

(1) Planning Commission

(2) ~~Zoning Board of Adjustment~~Developmental Review Board (DRB)

(3) Cemetery Commission

(4) Chittenden County Regional Planning Commission (CCRPC) member

(5) Chittenden Solid Waste District (CSWD) member

(6) Civil Defense Director

(b) The Selectboard may appoint such additional officers, commissions, or committees as they ~~feel~~deem to be in the best interest of the Town, including:

(1) Fire Warden

(2) Collector of Taxes

(3) Tree Warden

(4) Constable

(c) All appointed officers shall be chosen at large from the legally qualified voters of the Town and shall hold office until their successors are appointed.

(d) When the term of any office set forth in subsection (a) or (b) of this section expires or the office becomes vacant, the Selectboard shall cause to be posted in four or more physical public places in the Town, as well as electronically, a notice of the expiration of the term and vacancy.

(1) Any qualified voter of the Town may within 10 business days of the posting of said notice submit their name to the Selectboard as an applicant for the expired term or vacancy. At the expiration of the 10 business days from the date of the posting the names of all applicants shall be entered into the Selectboard's minutes.

(2) The Selectboard may readvertise any ~~expired~~ term or vacancy.

(e) The Selectboard shall appoint the following officers using the same procedure specified in the Town's administrative code for employees or vendors engaged by the Town on a contract basis.

(1) Zoning Administrator

(2) Health Officer

(3) Town Attorney/Town Agent

(4) Pound Keeper

(5) Planning Director (Amended 2013, No. M-14 (Adj. Sess.), § 2, eff. May 9, 2014; 2015, No. 23, § 149.)

(6) Town Moderator

(1) The Town Moderator shall perform all duties as required by the Vermont State statutes and this charter.

(2) Robert's Rules of Order Newly Revised shall be used to conduct all annual or special meetings.

(3) In the absence of the Moderator, the Town Clerk shall call the meeting to order with the first order of business to elect a Moderator Pro Tem to fill the vacancy while it exists.

(7) Town Assessor

- **§ 129-307. Sidewalks, streetlights, and special assessments of the former Incorporated Milton Village**

In accordance with the Town and Village merger agreement of 2003, the Town of Milton shall adhere to the following.

(a) Sidewalks. The Town of Milton shall own, maintain, repair, and plow all sidewalks formerly owned by the Village of Milton.

(b) Streetlights. The Town of Milton shall own, maintain, and repair all streetlights formerly owned, maintained, and repaired by the Village of Milton.

(c) Service and special assessments. The Town of Milton shall not reduce the level of service for sidewalks and streetlights formerly owned and maintained by the Village of Milton. The Town shall not levy any special assessments to construct new sidewalks or streetlights within the former Village limits except upon an affirmative vote of three-fourths of those present and voting at an annual or special town meeting duly warned for that purpose.

(d) Supermajority amendment of this section. No part of this section may be amended or repealed except upon the affirmative vote of three-fourths of those present and voting at an annual or special meeting duly warned for that purpose. (Added 2003, No. M-4, § 4.)

- *Subchapter 4: School Board of Trustees Powers ~~And~~ Duties*
- **§ 129-401. Organization**

(a) Forthwith after their election and qualification the ~~school trustees~~ School Board of Trustees shall organize and elect a Chairman, a Vice Chairman, and a Clerk by a majority vote of the entire ~~Board~~ School Board of Trustees.

(b) The Chairman of the ~~Board~~ School Board of Trustees ~~or in his or her absence, the Vice Chairman or in his or her absence the Clerk~~ shall preside at all meetings of the ~~Board~~ School Board of Trustees and shall be recognized as the head of the ~~Town or~~ School District for all ceremonial purposes.

(c) In the absence of the Chairman, the Vice Chairman shall assume all duties of the Chairman.

(d) In the absence of both the Chairman and Vice Chairman, the Clerk shall assume all duties of the Chairman.

- **§ 129-402. Meetings**

(a) As soon as possible after election of its officers, the ~~school trustees~~School Board of Trustees shall fix the time and place of its regular meetings and such meetings shall be held at least once a month.

(b) The ~~school trustees~~School Board of Trustees shall annually designate a paper of general circulation to be used for publications as prescribed by 17 V.S.A. § 2641(b).

(c) The ~~trustees~~School Board of Trustees shall conduct its business under Robert's Rules of Order Newly Revised.

(d) Three ~~trustees~~School Board of Trustees members shall constitute a quorum. No action of the ~~Board~~School Board of Trustees shall be valid or binding unless adopted by the affirmative vote of at least three members.

(e) All meetings of the ~~Board~~School Board of Trustees shall be open to the public, unless by an affirmative vote of the majority of the ~~Board~~School Board of Trustees a portion of the meeting is declared to be an executive session. Executive sessions may be held in compliance with 1 V.S.A. § 313.

(f) Emergency meetings may be held without a 24-hour warning provided that some public notice is given as soon as possible before such meeting and all members of the ~~Board~~School Board of Trustees are notified.

(g) The agenda of the ~~School Board's~~School Board of Trustees -meeting shall be available to the public at least 24 hours prior to the meeting and posted in one or more public places.

(1) Any member of the ~~Board~~School Board of Trustees may add items of business to the written agenda prior to its posting.

(2) The ~~Board~~School Board of Trustees may add items of business to the agenda at the commencement of the meeting and in open session. If action is taken on an item added in this section, the action may be reconsidered at the next scheduled board meeting. Additions in this section shall be kept to a minimum.

- **§ 129-403. Record of proceedings**

(a) It shall be the duty of the Clerk of the School Board of Trustees to ~~keep-review and sign an~~ official record of its proceedings which shall be open for public inspection.

(b) The minutes of each meeting shall be approved within 30 days of the meeting by a majority vote of the School Board of Trustees. An unofficial copy shall be filed in the Town Clerk's office five (5) days after the meeting.

- **§ 129-404. Mandatory duties**

The ~~school trustees~~ School Board of Trustees shall:

(1) Perform all duties as required by the Vermont State statutes and this charter.

(2) Appoint and remove the Superintendent of Schools.

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

(4) Submit the annual budget to the voters to be voted on at Town meeting in accordance with the provisions of section 1002 of this charter.

(5) Provide for an independent audit as described in section 304(~~f6~~) and 1002(d) of this charter.

- **§ 129-405. Permissive Duties**

The ~~school trustees~~ School Board of Trustees may:

(1) Appoint or ~~create, change, and or~~ abolish offices and commissions created by them as they deem to be in the best interest of the School District.

(2) Prescribe the duties of all offices and commissions created by them.

- ***Subchapter 5: Town Manager***

- **§ 129-501. Town Manager appointment and term**

The Town Manager shall be the Chief Administrative Officer of the Town- and He or she shall be appointed by a majority of the Selectboard. The Town Manager shall be selected with special reference to ~~his or her~~ training, experience, education, and ability to perform the duties of ~~his or her~~ the office and without reference to ~~his or her~~ any political position persuasion. ~~He or she~~ The Town Manager shall be appointed for an indefinite period and may be removed at the discretion of the Selectboard. The Town Manager shall ~~not~~ neither simultaneously hold any elective office within the Town, nor ~~shall he or she~~ be employed

by the Town in any capacity except as specified in the charter. The Town manager may concurrently hold statewide office with approval of a majority of the Selectboard.

- **§ 129-502. Bond**

Before entering into the duties of ~~his or her~~this office, the Town Manager shall execute a bond in favor of the Town in such sum and with such surety as may be determined by the ~~Board~~Selectboard and the premium on said bond shall be paid by the Town.

- **§ 129-503. Responsibilities, powers, and duties**

(a) In general, the Town Manager shall be accountable to the Selectboard. ~~He or she~~and shall have general supervision of the property and business affairs of the Town and expenditures of all monies appropriated for Town purposes subject to prior approval by the Selectboard. ~~He or she~~The Town Manager shall not supervise any elected town officer in the conduct of such officer's duties.

(b) In particular, the Town Manager shall have power and it shall be ~~his or her~~the duty:

(1) To organize, operate, continue, or discontinue such departments as the Selectboard may determine.

(2) To carry out the policies laid down by the ~~Board~~Selectboard, to keep the ~~Board~~Selectboard informed of the financial condition and future needs of the Town, and to make such reports as may be required by law or requested by the ~~Board~~Selectboard together with any other reports and recommendations which ~~he or she may~~are deemed advisable.

(3) To keep full and complete records of the actions of ~~his or her~~the office of Town Manager.

(4) To appoint, fix their compensation, and remove, upon merit and fitness alone, any subordinate official, employees, ~~and or~~ agents ~~under his/her control~~supervised. Although the Town Manager may hold subordinate officers and employees of the Town responsible for the faithful discharge of their duties, the Town Manager shall remain ultimately responsible to the ~~Board~~Selectboard for all administrative actions ~~under his or her jurisdiction~~taken.

(5) To be present at all regular meetings of the Selectboard except when excused by the ~~Board~~Selectboard and to have the right to attend all other meetings of said ~~Board~~Selectboard and committees thereof except when ~~his or her~~ removal or suspension is being discussed.

(6) To keep the Selectboard fully advised as to the needs of the Town within the scope of the Town Manager's duties and annually to furnish to them a five year projection of capital improvements for the Town.

(7) To examine or cause to be examined, with or without notice, the affairs of any department under ~~his or her~~controled or the conduct of any officer or employee thereof. For that purpose, ~~he or she~~the Town manager shall have access to all books and papers of such departments for the information necessary ~~for the~~to conduct a proper ~~performance of his or her duties~~examination.

(8) To be the general purchasing agent of the Town and purchase all supplies for every department using the purchasing policy approved by the Selectboard.

(9) To be responsible for keeping such books and accounts of disbursements for all Town departments.

(10) To supervise all special programs of the Town as if the same were a separate department of the Town unless otherwise voted by the Selectboard.

(11) To participate in the discussion of matters coming before the Selectboard and its committees but not the right to vote.

(12) To perform such other duties which may be required of ~~him or her~~the office by vote of the Selectboard by law or by ordinance consistent with this charter.

(13) To have charge, control, and supervision of the Police Department and to appoint, remove, and fix the compensation of all officers and employees thereof.

(14) The Town Manager or ~~his or her~~ designee shall be the Collector of Delinquent Taxes.

- **§ 129-504. Noninterference with administration**

(a) The Selectboard, its members, and committees shall not deal with Town administrative officers and employees who are subject to the direction and supervision of the Town Manager. They shall deal solely through the Town Manager and shall not give orders to any such administrative officers or employees either publicly or privately.

(b) Neither the ~~Board~~Selectboard nor any of its members or committees shall in any manner dictate the appointment or removal of any Town administrative officer or employee whom the Manager is empowered to appoint. They may, however, express its views fully and freely and discuss with the Town Manager, in open or executive session consistent with the law, anything pertaining to the appointment and removal of such officers and employees.

- **§ 129-505. Filing of a vacancy**

Any vacancy in the Office of Town Manager shall be filled as soon as practicable by the Selectboard and in pending such appointment or in case of the Town Manager's absence or disability, the ~~Board-Selectboard~~ may designate some person to perform the duties of the Office. In no case shall a member of the Selectboard assume the duties of Town Manager.

- **§ 129-506. Compensation of the Town Manager**

The compensation of the Town Manager shall be set by resolution of the Selectboard. As used in this section, the term "compensation" includes salary, additional benefits, time for sick leave, and vacation and expense allowance.

- **§ 129-507. Administrative Code**

(a) The Town Manager shall prepare and submit to the Selectboard a proposal for an Administrative Code of the Town of Milton. For the purpose of preparing and updating the Administrative Code, the Town Manager may have the assistance of the Town Attorney and shall have the authority to request a committee of citizens to assist in the preparation of the proposal. The proposal shall be a comprehensive code of administrative organization and procedure for the Town and, at a minimum, shall include the following:

(1) Organization of the administrative departments and elected officers of the Town into such divisions as may be appropriate defining the functions and duties of each.

(2) A complete personnel policy for Town employees.

(3) A detailed outline of financial procedures to be followed by the Town, including purchasing policy, expenditure of appropriated funds, the system of accounting for the Town, and the form and frequency of financial reports.

(b) The Administrative Code, when accepted by the Selectboard, shall be considered a valid extension of the policies set forth in this charter and ~~may shall be~~ reviewed and revised by the Selectboard biennially and upon the adoption of a revised Town Charter.

- **§ 129-508. Selectboard Policy**

The Town Manager shall prepare and submit to the Selectboard proposals for Selectboard policies. The Town Manager may have the assistance of the Town Attorney and shall have the authority to request a committee of citizens to assist in the preparation of any proposals. Policies shall be general application to the Town, shall be in writing, codified, and made available to the public. Policies shall be adopted by the Selectboard at regular or special Selectboard meetings. The Selectboard shall give notice of its intent to adopt a policy stating the substance of the proposed policy at least 10 days prior to its adoption. Policies shall be reviewed and readopted biennially.

- *Subchapter 6: School Superintendent*
- **§ 129-601. School Superintendent appointment and term**

The School Superintendent shall be the Chief Executive Officer of the School District. ~~He or she~~ and shall be appointed by a majority vote of the School Board. The Superintendent shall be selected with special reference to ~~his or her~~ training, experience, education, and ability to perform the duties of this office and without reference to ~~his or her~~ any political position persuasion. The Superintendent shall be employed by written contract for a term not to exceed three years nor less than one year. The Superintendent may be dismissed by the school trustees for cause as specified in the contract of employment. The Superintendent shall ~~not~~ neither simultaneously hold any elective office within the School District, nor shall ~~he or she~~ be employed by the School District in any capacity except as specified in this charter. The Superintendent may concurrently hold statewide office with approval of a majority of the School Board.

- **§ 129-602. Bond**

Before entering into the duties of this office, the Superintendent shall execute a bond in favor of the School District in such sum and with such surety as may be determined by the School Board of Trustees and the premium on said bond shall be paid by the School District.

- **§ 129-603. Responsibilities, powers, and duties**

(a) In general, the Superintendent shall be accountable to the School Board of Trustees. ~~He or she~~ and shall have general supervision of the property and business affairs of the School District and expenditure of all monies appropriated for school purposes subject to the policies of the School Board of Trustees. ~~He or she~~ The Superintendent shall not supervise any elected School District officer in the conduct of such officer's duties.

(b) In particular, in addition to other duties specifically assigned by law, the Superintendent shall be the chief executive officer for the School Board of Trustees and on behalf of the School Board of Trustees shall:

(1) Carry out the policies adopted by the School Board of Trustees relating to the educational or business affairs of the School District.

(2) Identify the educational goals and objectives of the School District and prepare plans to achieve those goals and objectives for adoption by the School Board of Trustees.

(3) Recommend that the School Board of Trustees employ or dismiss persons as in ~~his or her~~ the Superintendent's judgment is necessary to carry out the word of the School District.

(4) Furnish the Secretary of Education such data and information as ~~he or she~~ may that is -required.

(5) Approve all textbooks, learning materials, equipment, and supplies.

(6) Attend all regular meetings of the School Board of Trustees except when excused by the School Board of Trustees and to have the right to attend all other meetings of said School Board of Trustees and committees thereof except when ~~his or her~~ removal or dismissal is being discussed.

(7) Furnish the School Board of Trustees with a five-year projection of capital improvements.

(8) Participate in the discussion of matters before the School Board of Trustees and its committees but not the right to vote.

(9) Perform such other duties which may be required ~~of him or her~~ by vote of the School Board of Trustees by law or by policy consistent with this charter.

(10) To be responsible for keeping such books and accounts of disbursements for all school accounts as prescribed by policy of the School Board of Trustees. (Amended 2013, No. 92 (Adj. Sess.), § 274, eff. Feb. 14, 2014.)

- **§ 129-604. Noninterference with administration**

The School Board of Trustees, its members, and committees shall not deal with School District administrative officers and employees who are subject to the direction and supervision of the Superintendent. They shall deal through the Superintendent and shall not give orders to any such administrative officers or employees publicly or privately.

- **§ 129-605. Filling of a vacancy**

Any vacancy in the office of Superintendent shall be filled as soon as practicable by the School Board of Trustees. Pending such appointment, or in the case of the Superintendent's absence or disability, the School Board of Trustees may designate some person to perform the duties of the office. In no case shall a member of the School Board of Trustees assume the duties of the Superintendent.

- **§ 129-606. Compensation**

The compensation of the Superintendent shall be set by vote of the School Board of Trustees. As used in this section, the term "compensation" includes salary, additional benefits, time for sick leave, and vacation and expense allowances.

- **§ 129-607. School Board of Trustees policy**

The Superintendent shall prepare and submit to the School Board of Trustees proposals for School Board of Trustees policies. The Superintendent may have the assistance of the School Attorney and shall have the authority to request a committee of citizens to assist in the preparation of any proposals. Policies shall be general application to the School District, shall be in writing, codified, and made available to the public. Policies shall be adopted by the School Board of Trustees at regular or special School Board of Trustees meetings. The School Board of Trustees shall give notice of its intent to adopt a Board policy stating the substance of the proposed policy at least 10 days prior to its adoption. Policies shall be reviewed and readopted biennially.

- *Subchapter 7: Town and School District Officials' Conduct*
- **§ 129-701. Conflict of interest**

(a) A member of any appointed or elected board or commission or appointed or elected person or any person employed by the Town or School District of Milton shall not solicit or receive directly or indirectly any gift or compensation for recommending or voting on any finding, ruling, decision, or report, or voting to procure any service, thing, or supply purchased with public funds.

(b) Nor shall any such member or employee receive directly or indirectly anything of value by contract or otherwise from the Town or School District unless it is received:

(1) As a result of a contract accepted after a public bid in accordance with law.

(2) In public recognition of service or achievement.

(3) As regular salary or expenses allowed by law for official duties performed as a member of such board or commission.

(4) For employment otherwise authorized by law.

(c) No board or commission member shall vote on any contract or purchase in which he or she has a direct or an indirect interest.

- **§ 129-702. Charter Compliance Committee**

(a) A Charter Compliance Committee of three members shall be created to hear allegations from the general public or citizens who feel an elected or appointed board or

commission or an elected or appointed official has, ~~unknowingly,~~ violated the charter. The general public or citizen must first give the elected or appointed board or commission or the elected or appointed official an opportunity to correct the alleged violation.

(b) The Town Manager and the Superintendent of Schools shall be exempt from this section. A violation of the charter by the Town Manager will be brought to the attention of the Selectboard. A violation by the Superintendent will be brought to the attention of the School Board of Trustees. If the violation is not corrected in a timely manner, the general public or citizen may take action against the appropriate board.

(c) ~~Biannually~~Biennially, the elected justices of the peace for the Town of Milton will elect ~~three-five (5)~~ of its members to the Charter Compliance Committee.

(d) The Charter Compliance Committee shall meet within 10 days of a complaint received in writing by the Town Clerk. If the complaint is against the Town Clerk's office, the complaint shall be filed with the Clerk of the Selectboard.

(e) The Charter Compliance Committee shall act judiciously in a quasi-judicial capacity. The board, the commission, or the official must be given certain due process protection, including due notice, an opportunity to be heard, and a right to insist that the justices hear the evidence before coming to any conclusion about the nature of the complaint.

(f) After hearing all parties and reviewing the evidence presented, the Charter Compliance Committee shall issue its facts and findings in a timely manner.

(g) The Charter Compliance Committee shall verify the validity of the allegation. If it is found that a violation of the charter has occurred, the Charter Compliance Committee shall publicly notify the board or commission or public official.

(h) The board, commission, or public official ~~should~~shall have an opportunity to correct the violation in a timely manner, not to exceed 60 days.

(i) If the board, commission, or public official does not correct the violation ~~in a timely manner~~, the Charter Compliance Committee shall award one of the following:

(1) Reprimand (official, board, or commission will be told to abide by the charter).

(2) Public sanction (Public will be made aware of the violation along with the facts and findings).

(j) Any officer elected under section 202, or appointed official under section 306, of this charter may be removed from office as follows: A legal petition stating specific cause as cited by the petitioner signed by not less than 15 percent of the registered voters shall be filed with the Town Clerk requesting a vote on whether the elected official shall

be removed from the office. The Selectboard in the case of the Town and the School Board of Trustees in the case of the School District shall call a Special Town or School District Meeting to be held within 45 days of receiving the petition, to vote on whether the elected officer shall be removed. The officer shall be removed only if at least one-third of the registered voters of the Town vote and a majority of that number vote for removal.

- **§ 129-703. Code of ethics**

(a) No elected or appointed board or commission member has any legal powers or authority unless acting at a duly warned board meeting or acting for the board after it formally grants power to act on its behalf.

(b) Any board or commission member shall attend all regularly scheduled meetings in so far as possible and review study materials about the issues to be considered on each agenda.

(c) Any board or commission member shall maintain confidentiality of discussion conducted in executive session and of other privileged information.

(d) Any board or commission member shall abide by board decisions regardless of how individuals voted.

(e) Any board or commission member shall listen to legal counsel and constructive criticism to protect the Town and ~~school-School District system~~ from liability.

(f) Any board or commission member shall refer complaints, requests, and concerns to the Town Manager or School Superintendent or other appropriate staff member.

(g) Any board or commission member or elected or appointed official shall use the chain of command and avoid making commitments or promises that compromise Town and ~~school-system~~School District.

(h) Any board or commission member or elected or appointed official shall listen to the recommendations of other board or commission members or elected or appointed officials and staff before making decisions and provide advice and counsel to improve the Town and ~~school-system~~School District.

- ***Subchapter 8: Town Meeting***
- **§ 129-801. General**

Provisions of the laws of the State of Vermont relating to voter qualification, warnings, method of voting, the duties of Town officers at Town meetings and elections, and all other particulars relating to preparation for conducting and managing Town meetings and

elections shall, so far as they may be applicable, govern all municipal elections and all annual and special Town meetings, except as otherwise provided in this charter.

- **§ 129-802. Time**

(a) An annual Town meeting for the consideration of the budget and other Town and school business shall be held annually on the first Tuesday in March.

(b) The polls shall be open for a minimum of nine consecutive hours determined and warned by the Selectboard. (Amended 2001, No. M-1, § 2, eff. Jan. 23, 2001.)

- **§ 129-803. Eligible voters**

A method for the identification and designation of the eligible voters in Town or ~~school~~ School District meetings shall be established by the Board of Civil Authority.

(a) The town clerk, Selectboard members and Justices of the Peace shall constitute the Board of Civil Authority.

- **§ 129-804. Polling places**

In any annual or special Town or ~~school~~ School District meeting for the purpose of the election of officers and the voting on all questions to be decided by Australian ballot, such polling places as needed shall be established by the Board of Civil Authority.

- **§ 129-805. Combining of Town and school meetings**

(a) The Selectboard or ~~school trustees~~ School Board of Trustees may postpone the vote on any question to be voted at a special Town or ~~school~~ School District meeting to the annual meeting if such special meeting falls within 90 days of the annual meeting.

(b) If a special Town or ~~school~~ School District meeting falls within 45 days of a sister Town meeting called by petition, the Selectboard or ~~school trustees~~ School Board of Trustees may warn the questions to be voted for the later Town or ~~school~~ School District meeting and may, by resolution, rescind the call of the earlier meeting.

- **§ 129-806. Voting questions by Australian ballot**

(a) The Selectboard or ~~school trustees~~ School Board of Trustees shall cause all questions to be voted by Australian ballot at any properly warned annual or special Town or ~~school~~ School District meeting called on their motion or by petition.

(b) A question voted by Australian ballot shall be preceded by a public hearing for discussion to be held not less than one nor more than five days prior to the vote.

- **§ 129-807. Reapportionment and Redistricting**

- (a) State Representatives for the Town of Milton shall be reapportioned and redistricted on the basis of population during the biennial session after the taking of each decennial census of the United States, or after a census taken for the purpose of such reapportionment under the authority of the State of Vermont. 17 V.S.A § 1903(a)
- (b) A five (5) member committee consisting of the Chairman of the Board of Civil Authority, Town Clerk and three (3) Justices of the Peace, shall be established to reapportion and redistrict the State Representatives of the Town of Milton when such action is required by law.

- ***Subchapter 9: Zoning And Planning***
- **§§ 129-901-902. [Transitional Provisions].**
- **§ 129-903. Minutes**

(a) Copies of the minutes of the ~~Zoning Board of Adjustment~~Developmental Review Board (DRB) and the Milton Planning Commission, or portions thereof, shall be made available to any members of the public upon request of the Town Clerk and at cost.

(b) Copies of the minutes of the ~~Zoning Board of Adjustment~~Developmental Review Board (DRB) and the Planning Commission shall be filed and kept in the Town Clerk's office in separate books provided for that purpose.

- **§ 129-904. Zoning Administrator**

The Zoning Administrator shall be appointed in accordance with 24 V.S.A. § ~~44424448~~. Upon appointment, the Zoning Administrator shall be under the direction of the Town Manager for faithful performance of his/her duties as prescribed in the Vermont statutes and this charter.

- **§ 129-905. Planning Director**

The Planning Director shall be appointed in accordance with 24 V.S.A. § 4325(11). Upon appointment, the Planning Director shall be under the direction of the Town Manager for faithful performance of his/her duties as prescribed in the Vermont statutes and this charter.

- ***Subchapter 10: Budgets And Taxation***
- **§ 129-1001. Fiscal year**

The fiscal year shall commence on the first day of July and end on the last day of June, of the following calendar year, unless the Town or school at their annual meeting shall determine otherwise.

- **§ 129-1002. Preparation and submission general budget**

(a) At least 120 days before the date of the regular annual Town and ~~school~~School District meeting, each department or commission head shall submit to the Town Manager in the case of the Town and the Superintendent of the schools in the case of the ~~school~~School District a proposed budget for their review and revision. Not less than 60 days prior to the annual meeting, each department or commission head shall submit a written report to the Town Manager or Superintendent of Schools to be included in the Town or ~~school~~School District report.

(b) The Town Manager in the case of the Town and the Superintendent in the case of the ~~schools~~School District, at least 60 days before the date of the regular annual meeting, shall submit to the Selectboard or ~~school trustees~~School Board of Trustees a budget which, except as required by law or this charter, shall be in such form as the Town Manager or Superintendent deems desirable and the Selectboard or ~~school trustees~~School Board of Trustees may require. The budget shall contain:

(1) Appropriations and expenditures. An itemized statement of appropriations recommended for current expenses and for capital improvements during the next fiscal year with comparative statements in parallel columns of appropriations and estimated expenditures for the current fiscal year and the actual appropriations and expenditures for the immediate preceding fiscal year.

(2) Revenue.

(A) Comparative figures of tax and other sources of revenue for the current and the immediate preceding fiscal year.

(B) An itemized statement of estimated revenues from all sources, other than taxation, for the next fiscal year.

(C) A statement of taxes required for the next fiscal year.

(3) Other. Such other information as may be required by the Selectboard or ~~school trustees~~School Board of Trustees.

(c) The Selectboard's or ~~school trustees~~School Board of Trustees' Budget, in its final form and the warning for the annual meeting, shall be printed under the direction of the Town Manager in the case of the Town and the Superintendent of Schools in the case of the ~~school~~School District and shall be made available at least 10 days prior to the annual meeting.

(d) The annual audit of Town and School District will be published at least 60 days prior to the annual town meeting and included in the Annual Town Report.

- **§ 129-1003. Preparation and submission of the capital budget**

(a) At least 120 days before the date of the regular annual Town and ~~school~~School District meeting, each department or commission head shall submit to the Town Manager in the case of the Town and the Superintendent of the Schools in the case of the ~~school~~School District a proposed budget for their review and revision.

(b) The Town Manager in the case of the Town and the Superintendent in the case of the ~~school~~School District, at least 60 days before the date of the regular annual meeting, shall submit to the Selectboard or ~~school-trustees~~School Board of Trustees a budget which, except as required by law or this charter shall be in such form as the Town Manager or Superintendent deems desirable and the Selectboard or ~~school-trustees~~School Board of Trustees may require. The capital budget shall contain:

(1) Appropriations and expenditures. An itemized statement of appropriations recommended for capital improvements during the fiscal year with comparative statements in parallel columns of appropriations and estimated expenditures for the current fiscal year and the actual appropriation and expenditures for the immediate preceding fiscal year.

(2) Revenue. An itemized statement of estimated revenues from all sources including taxes for funding the capital budget.

(3) Other. Such other information as may be required by the ~~Board of Selectmen~~Selectboard or ~~school-trustees~~School Board of Trustees.

(c) Capital ~~Improvement~~ Plan.

(1) A ~~capital-plan~~Capital Improvement Plan shall be implemented for the collection of impact fees. This plan shall be implemented by the creation of a Town ordinance adopted by the Selectboard to include School District capital improvements.

(A) The ~~capital-plan~~Capital Improvement Plan shall show anticipated capital expenditures, financing, and tax requirements for the next five fiscal years.

(B) In the event a ~~capital-plan~~Capital Improvement Plan is implemented and impact fees are collected, the most current fiscal year of the ~~capital-plan~~Capital Improvement Plan shall become the capital budget to be submitted to the voters.

(C) In the event a ~~capital-plan~~Capital Improvement Plan is implemented and impact fees are collected, subsections 903-1003(a) and (b) of this charter shall be followed to create year five of the capital plan.

- **§ 129-1004. Savings clause**

Failure to perform any of the duties specified in section 902-1002 or 903-1003 of this charter or failure to perform any such duties within the time limits above specified shall not invalidate any action taken at a properly warned annual meeting.

- **§ 129-1005. Appropriations**

The Town and ~~Town and~~ School District shall vote to adopt a budget which shall include the proposed expenditures by each department in case of the Town and by State guidelines in the case of the School District for the coming fiscal year.

- **§ 129-1006. Amount to be raised by taxation**

(a) Upon passage of the budget by vote of the Town, the amounts stated therein as the amounts to be raised by property taxes shall constitute determination of the amount of the levy for the purpose of the Town in the corresponding tax year and the Selectboard shall levy such taxes on the grand list furnished by the assessor for the corresponding tax year.

(b) If the voters do not approve a Town budget by the first day of the next fiscal year, the tax rate of the previous year will prevail. (Amended 2013, No. M-14 (Adj. Sess.), § 2, eff. May 9, 2014.)

- **§ 129-1007. Budget limitations-borrowing**

(a) The incurring of bonded indebtedness, the issuing of bonds, the making of temporary loans in anticipation of bond sales, and all other matters pertaining to bonded indebtedness shall be controlled by 24 V.S.A. chapter 53 as applicable.

(b) The Town, through the Selectboard, and the School through the ~~school trustees~~ School Board of Trustees may borrow money in anticipation of taxes. The total amount so borrowed shall not exceed the largest cumulative deficit plus the next month's expenses for the fiscal year.

(c) In case of emergency, the Selectboard or ~~school trustees~~ School Board of Trustees may borrow money in the name of the Town or the ~~school~~ School District. The emergency borrowing in any year shall not exceed five percent of the total amount voted at the annual meeting for the Town or ~~school~~ School District budget. If the Town or ~~school~~ School District fails to adopt a budget, the emergency borrowing shall not exceed five percent of the amount that the previous year's tax rate would raise.

(d) Notes and orders for anticipated and emergency borrowing shall mature no more than one year from the date of issuance and shall not thereafter be renewed unless the Town or ~~school~~ School District so votes.

(e) The amount, terms, and conditions of all borrowing except as specified in subsections (a), (b), and (c) of this section shall be by vote of the Town or ~~school~~ School District.

- **§ 129-1008. Transfers of Appropriations**

The Town Manager in the case of the Town and the Superintendent in the case of the ~~school~~School District may at any time transfer an unencumbered appropriation, balance, or portion thereof between general classifications or expenditures within an office, department, or agency. The Selectboard or ~~school trustees~~School Board of Trustees may, by resolution, transfer any unencumbered appropriation balance or portion thereof within their respected budgets. Notwithstanding the above, no unexpended balance in any appropriation not included in the Selectboard's or the ~~school trustees~~School Board of Trustees' budget shall be transferred or used for any other purpose.

- **§ 129-1009. Taxation**

- **1) Town and School Tax Collection**

- (a) Commencing on July 1 in all subsequent years, taxes on real and personal property may be paid and shall be accepted in three equal installments payable on the following dates: September 15, February 15, and due in full on May 15.

- (b) A penalty of eight percent shall be assessed on all delinquent taxes on the day following the due date of May 15. Interest of one percent per month shall be assessed on all outstanding balances beginning 30 days from the due date.

- 2) Local Option Tax (24 VSA, § 138)**

- ~~(a) If the Selectboard of the Town of Milton by a majority vote recommends, the voters of the Town may, at an annual or special meeting warned for the purpose, by a majority vote of those present and voting, assess any or all of the following:~~

- ~~(1) a one percent sales tax;~~

- ~~(2) a one percent meals and alcoholic beverages tax;~~

- ~~(3) a one percent rooms tax.~~

- ~~(b) Any local option tax assessed under subsection (a) of this section shall be collected and administered and may be rescinded as provided by the general laws of this State.~~

- ~~(c) The Selectboard, by resolution, will determine annually, during the budget building process, the disbursement of revenue collected by this tax.~~

- **§ 129-1010. Investments**

The Town and ~~school~~School District may invest its money in savings accounts, money market funds, certificates of deposits, U.S. Treasury notes, repurchase agreements, and any other investment to the extent at the time not prohibited by applicable laws.

- *Subchapter 11: General Provisions*
- **§ 129-1101. Separability**

If any provisions of this charter are held invalid, the other provisions of this charter shall not be affected thereby. If the application of the charter or any of its provisions to any person or circumstances is held invalid, the application or circumstances shall not be affected thereby.

- **§§ 129-1102-1104. [Transitional Provisions].**
- **§ 129-1105. Reference to State statute**

If any matter mentioned in this charter is said to be controlled by a specific State statute, the reference to the State statute shall apply to the statute as amended or renumbered or any statute substituted, therefor, and having similar subject matter.

- **§ 129-1106. [Transitional Provision]**