

AGENT

Roles and Responsibilities

The town agent plays a limited role in town government. Although statute provides that an agent to prosecute and defend suits shall be elected, no statute provides the agent with any independent authority to act. In fact, case law makes it clear that the town agent has no authority to originate suits in favor of the town or to settle or compromise suits in which the town has an interest. Instead, the agent's duty consists merely of assisting when litigation is in progress. *Cabot v. Britt*, 36 Vt. 349 (1863); *Clay v. Wright*, 44 Vt. 538 (1872).

The fact that a town agent is elected does not remove the authority of the selectboard to hire an attorney to represent the town, to conduct litigation and to settle suits on behalf of the town. Accordingly, many towns do not have active town agents, and those that do often limit the agent's activities to picking an attorney for the town or acting as a liaison between the selectboard and the town attorney in particular matters.

- The town agent to prosecute and defend suits is elected each year at annual town meeting. 17 V.S.A. § 2646(11).
- The town agent may become involved with suits in which the town or the town school district is interested. 17 V.S.A. § 2646(11).

At its annual meeting, a town chooses a town agent who serves until the next annual meeting and until a successor is chosen. 17 V.S.A. § 2646(11). The town agent is elected to prosecute and defend suits in which the town or town school district has an interest. 17 V.S.A. § 2646(11). Note that cities and villages elect municipal agents only if required by their charter. In many communities, the town agent is an attorney. However, since there is no statutory provision providing for payment to the town agent for his or her service, there must be a clear understanding with the selectboard with respect to payment before a town agent who is also an attorney does any legal work on behalf of the municipality. See *Langdon v. Castleton*, 30 Vt. 285 (1858). For the same reason, the town agent who is a layperson and who helps to arrange legal services on behalf of the town has no authority to bind the town to pay for legal services. Accordingly, the town agent must work closely with the selectboard in the conduct of these responsibilities.

Not only does the town agent not have the authority to expend town funds by hiring an attorney without the selectboard's permission, the selectboard also retains the independent authority to settle suits brought against the town. *Cabot v. Britt*, 36 Vt. 349 (1863). Moreover, the Vermont Supreme Court has held that an agent who agrees prematurely to settle a suit, without the authority of the selectboard, may well become personally liable. *Clay v. Wright*, 44 Vt. 538 (1872).

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Accordingly, the town agent's primary function is to act as an assistant to the selectboard in matters involving litigation. He or she may hire an attorney on behalf of the town, with the selectboard's permission, and may act as a go between, reporting to the selectboard on the course of litigation, and providing assistance to the attorney when appropriate. As noted by the Vermont Supreme Court, "it has never been supposed that such town agent had any authority to originate suits in favor of the town, or to settle or compromise suits in which the town was interested, but that his duty consisted merely in conducting the litigation in its progress." *Cabot v. Britt*, 36 Vt. 349 (1863).

Finally, the agent is bound, so long as he or she acts within his or her agency, to defend the interest of the principal, the town, above his or her own interest, which itself must give way if a conflict arises. *Judevine v. Town of Hardwick*, 49 Vt. 180 (1876). This means that the town agent must act in the interest of the town, and will not be permitted to personally benefit from his or her official duties (aside from reimbursement for services rendered to the town).

⌚ *Note that the town grand juror also has authority to prosecute suits on behalf of the town. The difference between the duties of the grand juror and the town agent in providing legal assistance to the town is that the grand juror is involved in criminal cases while the town agent may be involved in civil disputes. 13 V.S.A. § 5504.*

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CONSERVATION COMMISSION

Conservation commissioners are expected to assist, during the monthly meeting and for a few additional hours each month, with the implementation of the following commission activities as the needs arise: inventories of natural heritage components (e.g. vernal pools, other wetlands, wildlife corridors, natural communities), water quality monitoring, educational and public services (e.g. workshops, seminars, displays), and advisory contributions to other town commissions and boards.

DEVELOPMENT REVIEW BOARD

The Development Review Board is a quasi-judicial board that hears land use cases for subdivisions, conditional uses, site plan review, variances, and appeals of decisions by the zoning administrator. The application or appeal is presented in a public hearing. Deliberations are in private and decisions are issued in writing.

There are seven regular members and three alternates appointed to three year terms. Currently meetings are every first and third Thursday at 7:00 pm as needed. Occasionally there are site visits at other times. For more information contact Phil Dechert at 649.1419 ext 107.

GRAND JUROR

Roles and Responsibilities

The grand juror is responsible for inquiring into and providing information to the proper authorities of criminal offenses that may occur in the town in which he or she has been elected. 13 V.S.A. § 5504. This office is mostly obsolete; the state's attorneys provide most of the criminal investigation, enforcement and prosecution services in the local communities.

History. Historically, the town grand juror had the authority to enforce criminal misdemeanor laws, including ordinance violations in the town in which he or she was elected. Under modern laws of arrest, the grand juror is not a law enforcement officer, and is thus unable to arrest or cite an individual for the violation of a law. Additionally, in most cases the grand juror's prosecutorial function has been taken over by the state's attorneys or the Attorney General's office.

Election. One or more grand jurors are elected at a town's annual meeting. The grand juror shall serve until the next annual meeting and until a successor is chosen, unless otherwise provided by law. 17 V.S.A. § 2646(10).

Payment. No statutory provisions require payment for the grand juror's services. In addition, if compensation is not set by the town or the selectboard, the official may not make a claim for personal service to the town. 24 V.S.A. § 931.

Powers. Prior to adoption of civil ordinance enforcement in the Judicial Bureau, in a few larger communities, such as Rutland and Burlington, the city grand juror prosecuted all criminal ordinance violations occurring within the city. This was done in concert with the local state's attorney's office, which appointed the grand juror as a specially assigned state's attorney. When so appointed, the grand juror prepared the cases and prosecuted them in court on behalf of the city.

In communities that have adopted civil ordinances, the grand juror no longer has a role to play in enforcing ordinances, unless the selectboard chooses to name him or her as an official who is authorized to write tickets or prosecute cases in the Judicial Bureau.

Given the complex legal situation that exists today and the ease with which lawsuits are initiated against even professional law enforcement personnel, we strongly urge any town grand juror who receives information about criminal wrongdoing in the town to contact the local state's attorney.

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Norwich Historic Preservation Commission

- All members of the Commission shall have a demonstrated interest, competence or knowledge in historic preservation.
- Of special interest are professionals from the disciplines of history, archaeology, architectural history, architecture and historical architecture.
- Others representing other historic preservation related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology, and lay members are encouraged.

Terms are for three years and there are four to eight meetings per year.

Additional information is available from:

Phil Dechert - pdechert@norwich.vt.us 649-1419 Ext. 4

Nancy Hoggson - nancyhoggson@gmail.com

Peter Brink - peterhbrink@gmail.com

PLANNING COMMISSION

The Planning Commission is concerned with long-term planning and prepares the town plan for adoption by the Selectboard. The Planning Commission implements the town plan through zoning and subdivision regulations based on the recommendations in the town plan. Staff support is provided by the planner.

There are seven (or nine) members appointed to four year terms. Currently, meetings are every second and fourth Thursday at 7:00 pm. Minutes, regulations, the town plan, and other documents are available on the Town website. For more information contact Phil Dechert at 649.1419 ext 107.

Norwich Recreation Council Member Responsibilities:

Council members sign up for three year terms. The Council acts to advise and aide the Recreation Director and is counted on to help with the following:

Seasonal in-person registrations which occur five times per year (the 4 seasons, plus basketball & mud season; winter is just mail-in).

Special community events such as: Love to Bike Day, Touch –A – Truck Day, Damming the Norwich Pool, Labor Day Road Race, dismantling the Norwich Pool, Halloween Celebration, Carol Sing & the Family Skating Party.

Occasional special projects, such as helping to monitor recreation facilities – making signs, improvements, etc.

Offering suggestions for recruiting volunteer coaches of teams when the director has trouble.

They are also expected to attend our monthly meetings, currently the second Wednesday of each month 7 pm @ Tracy Hall – except no meeting in July or December.

Recreation Council members play an integral role in the department and we thank them for their dedication and involvement in our community.

SERVICE OFFICER

Roles and Responsibilities

The town service officer is charged with assisting individuals within the town who require emergency food, fuel or shelter assistance. This official is called upon only when the Vermont Department of Social Welfare is closed on the weekends and after office hours. At these times, the service officer helps individuals in need to obtain the necessary goods and services until the Department of Social Welfare is open. 33 V.S.A. § 2102 et seq. In some communities, the town service officer acts as an advocate for the poor, informing them of social programs that may be available to them and helping them navigate the confusing social welfare system. In other communities, the town service officer is inactive, and is rarely, if ever, called upon to respond to an emergency situation during the weekend or after business hours when state offices are closed.

- On or before April 15 each year, the selectboard must appoint a town service officer and notify the state commissioner of social welfare of the appointment. If the selectboard fails to fill this position, the commissioner may do so. Upon the retirement, removal, dismissal or death of a service officer, the selectboard may immediately fill the vacancy and must notify the commissioner of the change. A town service officer will receive a certificate of appointment from the commissioner and a contract for his or her compensation.

- The town service officer does not have to be a resident of the town and may serve more than one community. As a practical matter, in most towns the service officer is a member of the selectboard. In addition, if a service officer is absent, any selectboard member may act on his or her behalf.
- The town service officer receives applications for assistance, investigates to determine eligibility, grants funds advanced to him or her for emergency general assistance, and performs such other duties, including investigations, as the state commissioner of social welfare may direct. 33 V.S.A. § 2102.
- When an individual contacts the service officer for assistance, the officer must determine if the individual is eligible, and then notify the district social welfare director of his or her findings. Eligibility requirements may be obtained by contacting the Vermont Department of Social Welfare at 800-287-0589. However, if a service officer has reason to believe that an individual who is applying for or receiving assistance came into the state for the purpose of receiving general assistance, the service officer may find that applicant or recipient ineligible for general assistance. 33 V.S.A. § 2107.
- The town service officer may provide relief to individuals who may be homeless or who are transients, so long as that individual is not found in a home, hospital or jail. 33 V.S.A. § 2112.
- If a person, including a transient, dies and no one comes forward to make funeral arrangements, the social welfare officer or town service officer may be required to make the appropriate burial arrangements. 33 V.S.A. § 2111.

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TRUSTEES OF PUBLIC FUNDS

According to Vermont Statutes, if a town elects Cemetery Commissioners, then the town also elects Trustees of Public Funds. The Trustees are elected on a rotating basis for a three-year term. The Trustees of Public Funds manage cemetery funds and other monies left to the Town in trust and accepted by the Selectboard.

During the Town's fiscal year, the Trustees invest monies not currently in use to maximize earnings for these funds. The Trustees meet regularly to monitor the funds. A decision was made to support area banks with investments in accordance with the Vermont Statutes, typically checking the rates at a minimum of eight different institutions to determine the best rate. The Cemetery Commissioners apprise us of their plans for working in the various cemeteries. Therefore, we invest to meet their needs. The interest is allocated between sale of lots and perpetual care.

TRORC

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UPPER VALLEY RIVER SUBCOMMITTEE

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