

## **Town Officers – What Do They DO?**

The roles of the various elected and appointed town officers are listed below. These descriptions have been primarily extracted from materials made available on the *Vermont League of Cities and Towns* website. There is much more information to be found there, just click on the *League Resources* tab and select *Handbooks Online*. The specific statutory references are to Vermont Statutes Annotated, which are also available online.

### **Role of the Selectboard**

- Selectpersons are responsible for general supervision of the affairs of town and must cause to be performed all duties required of the town not committed by law to the care of any particular officer.
- The selectboard may enact ordinances and rules in many areas including traffic regulation, regulating nuisances, managing solid waste, dogs and recreation, and establishing bike paths. Many of these are listed in 24 V.S.A. § 2291, but others are scattered throughout the statutes.
- The selectboard warns all town meetings and specifies business to be conducted at the meeting, including proposing an annual budget. If the town does not set the tax rate, the selectboard must set a tax rate that will raise the specific amount voted at town meeting.
- The selectboard is responsible for hiring, directing, and firing almost all town employees *unless the town has a Town Manager form of government*; for setting salaries if voters do not do so at town meeting, and for establishing and enforcing personnel policies.
- The selectboard must authorize all town expenditures by signing orders for the treasurer to draw town funds.
- The selectboard supervises the expenditure of the highway fund and has charge of keeping town highways in repair. It also is responsible for laying out, classifying and discontinuing town roads.
- The selectboard is responsible for animal control.
- The selectboard may borrow money for periods of less than a year in anticipation of taxes.
- The selectboard must fill all town vacancies until an election is held.
- The selectboard may license many operations within the town (e.g., liquor sales, restaurants, junkyards and entertainment).
- The selectboard appoints several minor town offices (e.g., fence viewers, pound keepers, inspector of lumber and tree warden).
- The selectboard appoints and removes planning commissioners unless the town has voted to elect them. In “rural towns,” selectpersons serve as ex officio planning commission members. A “rural town” is a town with a population of less than 2,500 or a town with a population of at least 2,500 but less than 5,000 which has voted by Australian ballot to be considered a rural town. The selectboard adopts the town plan unless the town votes to adopt it by Australian ballot. It also holds public hearings on proposed zoning bylaws and may, in some circumstances, adopt zoning bylaws.
- The selectboard purchases all insurance for the town.
- The selectboard requires certain town officers to obtain a bond and sets the amount necessary.
- The selectboard regulates and issues certificates for junkyards.
- Selectboard members serve as members of the Board of Civil Authority.

### **Role of the Road Commissioner**

The road commissioner plays an important but limited role in many Vermont towns as the

individual charged by the selectboard to maintain the town's highways. The road commissioner has no independent authority to act, and can only carry out the orders of the selectboard. This is true whether the road commissioner is elected by the voters or is appointed by the selectboard. In Glover the members of the selectboard act as road commissioners.

### **Role of the Town Clerk**

In many Vermont municipalities the municipal clerk is the most visible elected official and as such is expected to be informed about all aspects of town business from animals to zoning. Briefly, the municipal clerk is required by law to be the receiver and recorder of the town's archives. The clerk records deeds related to real estate and private property transactions and files vital statistics information records relating to town business. Proceedings of the annual and special town meetings are recorded and filed by the municipal clerk. 24 V.S.A. §§ 1151–1179. These specific duties and responsibilities will be discussed in detail in appropriate sections of this handbook. The responsibilities apply equally to the municipal clerk elected at town meeting and to a clerk appointed by the selectboard to fill a vacancy in the office. This first chapter looks at the office of the municipal clerk in general.

While many of the municipal clerk's duties and responsibilities are clearly defined in state statutes, others are a result of custom, such as receiving telephone inquiries dealing with anything from the next selectboard meeting to landfill hours. While a municipal clerk is not legally required to perform such extra duties, it is a good idea to be courteous and helpful. A municipal clerk will probably hear many complaints and should make an effort to listen sympathetically. For example, if a citizen has a complaint about the grading of a gravel road, the clerk could notify the road commission or pass the information on to the selectboard and/or town manager.

### **Role of the Treasurer**

The town treasurer plays a vital role in Vermont municipal government. The town treasurer is a key player in keeping the town's financial accounts, investing town money, keeping a record of the taxes voted and paying the bills when orders to do so are properly submitted. An equally important role is the largely unwritten one of interacting with other town officials to insure that the town finances run smoothly. When the local school district does not elect its own treasurer, the town treasurer also assumes the duties of treasurer of the school district. Put simply, the town treasurer handles the finances and keeps the accounts for the municipality.

A question that frequently arises with regard to the role of the treasurer is whether the treasurer is responsible for all funds allocated to and disbursed by the various departments and entities that exist within Vermont municipalities, including town libraries, cemeteries and water and sewer commissioners. As discussed in detail in this handbook, the general rule is that it is the treasurer's responsibility to account for and handle all town money. However, there are some gray areas when it comes to money allocated to the departments referenced above.

### **Role of the Collector of Delinquent Taxes**

The collector of delinquent taxes plays a vital role in ensuring that town property taxes are paid by all of the taxpayers of the town. It is the delinquent tax collector's job to notify taxpayers when their taxes are overdue, to make arrangements for late payments, and to take formal

collection actions, including conducting tax sales of the property, when necessary. Finally, it is the obligation of the collector of delinquent taxes to keep records of all delinquent accounts and to provide an accounting of these records to the locally elected auditors for inclusion in the annual report of the town.

### **Role of the Moderator**

For the majority of Vermont towns that vote on town business and elect officers at an annual open town meeting (i.e. “from the floor”), the moderator is a very visible and very important official. The moderator is the presiding officer at town meetings and it is he or she who conducts the annual meeting, who keeps order, and who ensures that the business of the meeting proceeds in a fair and efficient manner and that those who wish have an opportunity to participate in the process.

The moderator is the first official who is elected after town meeting convenes. He or she serves for a term of one year. 17 V.S.A. § 2646(1). The moderator does not have to be sworn before taking office. 24 V.S.A. § 831. If the moderator is absent, a selectboard member presides until a moderator *pro tempore* is chosen. 17 V.S.A. § 2657.

The moderator usually reviews the proposed warning of the annual meeting with the selectboard (if it agrees to this) to ensure that the questions are written and ranked properly. The moderator should review the warning prior to the meeting, and should discuss with the selectboard who will move and second each item after it has been read.

The moderator must follow reasonable and necessary procedures to ensure that persons who are not voters of the town do not vote. 17 V.S.A. § 2656. Non-voters may not participate in the meeting without permission of the assembly.

The moderator calls the meeting to order at the appointed time, announces its business, decides all questions of order, makes public declarations of the votes (except Australian ballot votes), and preserves order and decorum at all times. 17 V.S.A. §§ 2658, 2659. The moderator may have a persistently disorderly person removed by the constable, and a person who refuses to leave may be fined up to \$200. 17 V.S.A. § 2659.

Under 17 V.S.A. § 2658, “Robert’s Rules of Order” or some other rule of order adopted by the town must be used to govern town meeting. However, when state statute provides for particular rules of procedure, those rules will take precedence over Robert’s Rules.

### **Role of the Lister**

The lister plays an important role in town government. He or she is charged with determining the value of the real and personal property in the town on which the selectboard will set a tax rate necessary to raise the money to pay for town services, the maintenance of town highways, and the schools.

Each town must have one lister for a term of three years whom is elected by ballot, unless the town voted to eliminate the town lister and contract with or employ a professional qualified assessor. 17 V.S.A. §§ 2646(5), 2651c. At annual or special town meetings, a town may vote to elect two additional listers for terms of one year each. 17 V.S.A. § 2650(a).

A lister may not also be a member of the selectboard. 17 V.S.A. § 2647(a)(2). The selectboard sets the listers’ compensation unless it is set by the electorate. 24 V.S.A. § 933.

The lister is directed to appraise all taxable property in the town at 100 percent of the fair market value. 32 V.S.A. § 3431. The estimated fair market value is the price that the property will bring in the open

market when offered for sale and purchased by another, taking into consideration all the elements of the availability of the property, its use both potential and prospective, any functional deficiencies, and all other elements, such as age and condition, which combine to give property a market value. 32 V.S.A. § 3481(1).

Agricultural and forest properties that are part of the use value program must be appraised at their use value in accordance with 32 V.S.A. Chapter 124, subchapter 1.

The lister must set all real and personal property in the grand list at one percent of its listed value on April 1 of the year of its appraisal. 32 V.S.A. § 3482.

The lister must provide an annual abstract of the grand list to the town clerk. 32 V.S.A. § 4181.

The lister holds grievance hearings for those taxpayers who wish to contest their appraisals. 32 V.S.A. § 4221. Decisions of the listers may be appealed to the board of civil authority, and the listers may appear before the board to defend the appraisals in question. 32 V.S.A. § 4404.

The lister sits as part of the board of tax abatement to determine whether a taxpayer may have his or her taxes abated. 24 V.S.A. § 1533. If a board of listers feels that they need assistance to complete an appraisal then they may, with the approval of the selectboard or by vote of the town, employ such assistance. 32 V.S.A. § 4041. The director of the Division of Property Valuation and Review approves contract appraisers. 32 V.S.A. § 4052(a).

### **Role of the Auditors**

The town auditor plays a vital role in preserving the democratic nature of Vermont's local government by ensuring that local officials are accountable for their expenditures of the taxpayers' money. It is the auditor's job to review the accounts of local officials and report the findings directly to the taxpayers for review. Because this report is presented only days before town meeting, the statutory scheme envisions that if the taxpayers do not like what the auditors' report indicates about how the officials have spent the taxpayers' money, the officials will be voted out of office. Thus, it is the auditor's function to present an easy-to-understand picture of the town's finances to the people of the town.

### **Role of the Agent to Deed Town Property**

- The agent to sell ("convey") real estate performs a very limited function in local government. If the town or town school district wishes, it may elect an agent to convey real estate. If the office becomes vacant, or if no one is elected to serve as agent to convey real estate, the selectboard may appoint someone to fill the position, and the certificate of appointment must be recorded by the town clerk. 24 V.S.A. § 1061(d). Of course, since decisions to convey real estate are made by the selectboard and by the voters, the agent's only function is to execute the deeds on behalf of the town. 24 V.S.A. § 1061.

- If the selectboard wishes to convey real estate, it must post a notice of the terms of the proposed sale in at least three public places (one of which must be in or near the clerk's office), and publish notice of the sale in a newspaper of general circulation in the town at least 30 days prior to the proposed sale. Unless a petition is filed by five percent of the voters to consider at a special or annual meeting whether such real estate will be sold, the land may be conveyed by the agent. 24 V.S.A. §§ 1061(a). If a petition is presented to the clerk within 30 days of the posting and publishing of the notice of sale, the property may be conveyed if the voters so authorize. 24 V.S.A. § 1061(a)(2).

- As an alternative, the selectboard may elect to have the voters decide whether the real estate

should be conveyed at an annual or special meeting. If a majority of the voters approve the proposed conveyance, the property may be conveyed. 24 V.S.A. § 1061(b).

- The selectboard may sell property without having to post and publish the proposed sale if the conveyance (1) is directly related to the control, maintenance, construction, relocation, or abandonment of town highways; (2) is directly related to the control, maintenance, operation, improvement, or abandonment of a public water, sewer, or electric system; or (3) involves real estate used for housing or urban renewal projects. 24 V.S.A. § 1061(c).

### **Role of the Town Service Officer**

The town service officer is charged with assisting individuals within the town who require emergency food, fuel, or shelter. He or she is the municipal official who administers the “general assistance” program after normal business hours of the Vermont Economic Services Division. This program provides emergency financial assistance to help Vermont’s residents and those transients in the state who have nowhere else to turn and require support. The town service officer will provide support within program limits to assist a family or individual until the Vermont Economic Services Division office is next open. General assistance consists of financial aid for food, emergency temporary housing, clothing, transportation, electricity, fuel, and medical care.

- 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 the Department for Children and Families 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. To obtain eligibility requirements, contact the Vermont Department for Children and Families Economic Services Division at 800-479-6151. However, if the officer believes 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. 33 V.S.A. § 2107.
- The town service officer may provide relief to an individual who may be homeless or who is transient, 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, whoever is in charge of that person must report the death to the nearest welfare officer or town service officer. 33 V.S.A. § 2111.

### **Role of the Justices of the Peace**

The office of the justice of the peace is a county office; however, the justices are elected by the town voters. The justices of the peace at one time performed important judicial functions in towns, but this authority has largely been repealed. Justices of the peace can no longer exercise judicial powers, but they may serve as magistrates when so commissioned by the Vermont Supreme Court. Vermont Constitution, Chapter II, § 52. Aside from administering oaths of office and solemnizing marriages, virtually all of the justice’s authority derives from his or her membership on the board of civil authority. These duties include assisting in elections, delivering and counting ballots, maintaining checklists, and hearing tax appeals.

### **Role of the Cemetery Commissioners**

Generally, town cemetery matters are the responsibility of the selectboard. However, the voters may decide to put the town’s public cemeteries under the charge of cemetery commissioners. The

voters then elect a board of three or five cemetery commissioners for three- or five-year staggered terms, respectively. 18 V.S.A. § 5374. This board is responsible for the care and management of the town's cemeteries, which includes the following tasks:

- The cemetery commission may grant and/or convey by deed lots in the cemetery and may make regulations governing the sale, price, and care of the lots. 18 V.S.A. §§ 5376, 5377.
- Cemetery commissioners may set aside a portion of the cemetery for the burial of indigent persons, and may make regulations for the use of this special area. 18 V.S.A. § 5375.
- Cemetery commissioners may maintain the public cemeteries and hire someone to perform this work. The expenses, not to exceed \$500 per year of town funds, may be paid by the commissioners drawing orders on the town treasurer. 18 V.S.A. § 5362.
- Cemetery commissioners may grant a temporary right-of-way over private land to reach a graveyard to which there is no public right-of-way. 18 V.S.A. § 5322.
- Cemetery commissioners must keep in repair the fence around a public burial ground. 18 V.S.A. § 5364.
- Cemetery commissioners must submit an annual report to the town auditors, including a detailed financial statement, a listing of the work of the commissioners, and the condition and needs of the cemetery. 18 V.S.A. §§ 5379, 5380.
- The cemetery commissioners (and not the selectboard) may appoint individuals to fill vacancies on the board until the next annual meeting, even if a majority of the positions on the commission are vacant. 18 V.S.A. § 5374.
- A cemetery commissioner may be fined \$400 for failure to keep a fence in repair after written notification of its disrepair, and may be fined \$200 for the willful neglect of his or her duties. 18 V.S.A. §§ 5363, 5364.

### **Role of the Cemetery Sexton**

The cemetery sexton sells burial lots and approves the scheduling of burials.

### **Role of the Health Officer**

The local health officer is a hybrid position. Although the selectboard recommends an individual for appointment to the position and works with that person on local health problems, the local health officer is appointed by the state commissioner of the Department of Health. 18 V.S.A. § 601. In addition, although the health officer is paid by the town, he or she is considered a state employee for purposes of liability insurance coverage and state laws that protect public employees. 18 V.S.A. §§ 602, 624.

The local health officer performs an important function for the town. He or she is the individual a citizen may call to complain of unsafe conditions in rental housing or on public or private property, or to report a septic failure, or an animal that might be rabid. The health officer must investigate all complaints, has extensive authority to take emergency abatement steps, and may enforce any state health regulations and local health ordinances in his or her town.

- The health officer serves an appointment of three years, and until a successor is appointed. 18 V.S.A. § 605. Upon written request of the local board of health, the state commissioner of health may appoint

one or more deputy health officers for a town. 18 V.S.A. § 601(a).

- The health officer serves as the executive officer and secretary of the local board of health, which is made up of the selectboard (or city council) plus the health officer. 18 V.S.A. §§ 604, 605. The local board of health is responsible to make and enforce rules and regulations for the prevention, removal, or destruction of public health hazards, and the mitigation of public health risks. These rules must be approved by the state commissioner of health. 18 V.S.A. § 613(a).
- The local health officer must make a sanitary inspection of all schools and public buildings and report such findings annually each February. 18 V.S.A. § 608.
- In the enforcement of its rules and health policies, the health officer and local board of health may call upon law enforcement officers for assistance. An officer who refuses to render assistance when so requested shall be fined up to \$200. 18 V.S.A. § 617.
- The health officer may go before the state commissioner of health or the selectboard to obtain a health order. In certain situations, he or she has the authority to issue an emergency health order to prevent or abate an imminent and substantial health hazard or risk. 18 V.S.A. §§ 126, 127.
- The local health officer is responsible for enforcing the Vermont Department of Health's Rental Housing Health Code, 18 V.S.A. § 602a.

### **Role of the Sewer Commissioners**

The selectboard members of a town, the trustees of a village, the prudential committee of a fire or lighting district, or the mayor and board of aldermen of a city shall constitute a board of sewage disposal or sewage system commissioners, unless the legislative body appoints a separate body to act as commissioners. 24 V.S.A. §§ 3506, 3614. If the board is appointed, its members must be legal voters of the municipality, who may be removed from office by the legislative body for "just cause" after notice and hearing.

The sewer commissioners oversee the operation of the municipal "sewage system," and the sewage disposal commissioners oversee the "sewage disposal plant" under 24 V.S.A. Chapters 97 and 101, respectively. A sewage system includes only the pipes and sewers needed to convey sewage to a sewage disposal plant. A town may have either a single board or separate sewage system and sewage disposal system boards. 24 V.S.A. § 3506(b).

In Glover the members of the selectboard are the sewer commissioners.

### **Role of the Constable**

The role of town constable varies from town to town, and depends upon whether he or she is elected or appointed, and whether the voters have elected to limit his or her law enforcement powers. At one end of the spectrum, the town constable is the town's local law enforcement officer, with all powers of search, seizure, and arrest within the town. On the other end, the constable only has the power to serve civil process, assist the health officer in the discharge of his or her duties, destroy unlicensed dogs, kill injured deer, remove disorderly people from town meeting, and collect taxes if no tax collector is elected. As of July 1, 2012 all constables are now required to have training to exercise law enforcement authority.

All constables may serve civil and criminal process, destroy animals when required by law, kill injured deer in accordance with law, assist the health officer in the exercise of his or her duties, serve as a district court officer, remove disorderly people from town meeting, and collect taxes if no tax

collector is elected. 24 V.S.A. § 1936a(b).

The governor may employ constables and other law enforcement officers in the event of a state and/or national emergency. 20 V.S.A. § 2221.

The constable in Glover is primarily a dog control officer.

### **Role of the Planning Commission**

Following are the powers and duties of planning commissions as specified in 24 V.S.A. § 4325. Any planning commission created under Title 24, Chapter 117 may:

- Prepare a municipal plan and amendments thereof for consideration by the selectboard, and review amendments initiated by others as set forth in 24 V.S.A. Chapter 117, subchapter 5.
- Prepare and present to the selectboard proposed bylaws and make recommendations to the selectboard on proposed amendments to such bylaws as set forth in 24 V.S.A. Chapter 117, subchapter 6.
- Administer bylaws adopted under 24 V.S.A. Chapter 117, subchapter 6, unless a development review board performs this function.
- Undertake studies and make recommendations on matters of land development, urban renewal, transportation, economic and social development, urban beautification and design improvements, historic and scenic preservation, the conservation of energy, the development of renewable energy resources, and wetland protection.
- Prepare and present to the selectboard recommended building, plumbing, fire, electrical, housing, and related codes and enforcement procedures and construction specifications for streets and related public improvements.
- Prepare and present a recommended capital budget and program for a period of five years, as set forth in 24 V.S.A. § 4440, for action by the selectboard.
- Hold public meetings.
- Require from other departments and agencies of the town such available information as relates to the work of the planning commission.
- Enter upon land to make examinations and surveys in the performance of its functions.
- Participate in a regional planning program.

### **Role of the Flood Plain Zoning Officers**

Flood plain zoning officers administer the Flood Hazard Area Regulations which apply to development in all areas in the Town of Glover identified as areas of special flood hazard on the current National Flood Insurance Program maps. These regulations are available on the Town of Glover website. Click on the Town Documents tab and look under Town Ordinances.

### **Role of the Energy Coordinator**

The town energy coordinator is responsible for working with the town planning commission to

develop a town energy plan and cooperate with regional, state, and federal agencies that are responsible for energy matters. The energy coordinator works to coordinate existing energy resources in the town and may also conduct an energy audit of town vehicles and buildings. He or she may study and evaluate sources of energy that are alternatives to those presently available, with a view toward the more efficient and economical use of existing and potential energy resources within the town.

### **Role of the Northeast Kingdom Waste Management District (NEKWMD) Supervisor**

As a member of the NEKWMD, the Town of Glover may elect or appoint a person to represent the town on the waste district Board of Supervisors. The NEKWMD provides recycling services to 49 member towns. The board holds monthly meetings to oversee the operations of the district. The Glover representative is appointed by the selectboard. More information is available at [www.nekwmd.org](http://www.nekwmd.org)

### **Role of the Poundkeeper**

The poundkeeper is an individual (or organization) who may care for animals that are impounded by the town. Animals can be impounded for a variety of reasons, including mistreatment by their caretakers, running at large, worrying other animals or people, or if rabies infection is suspected. The poundkeeper is responsible to feed and care for the animals until they are reunited with their owner, sold, or humanely destroyed. As a practical matter, in many towns the poundkeeper is the veterinarian, the local constable, or the Humane Society. In other towns, an individual may be appointed to fill this position.

### **Role of the Fence Viewers**

Fence viewers played an active role in Vermont in the last century. Today, however, fence viewers are called upon to act only in limited situations. On occasion, the selectboard will call upon the fence viewers to examine a fence line between adjoining properties to determine what portion of the fence must be made, repaired, or maintained by each party. Fence viewers may also be asked to determine where a fence must be placed when it cannot be placed squarely on a property line.

- Three fence viewers may be appointed by the selectboard after its election. They must be qualified voters of the town and must be sworn into office. 24 V.S.A. §§ 831, 871.
- Fence viewers examine fences within the town when requested to do so by the selectboard.
- When called upon to act, the fence viewers must give notice to all interested parties, or their tenants or agents, of the time when they will examine the fence or line between adjoining lands, before they make a division relating to the fence or line. 24 V.S.A. § 3811.
- All decisions of the fence viewers must be certified and recorded with the town clerk. A decision so certified and recorded is valid against the parties and their heirs and assigns. 24 V.S.A. § 3811.

### **Role of the Fire Warden**

The fire warden plays an important role in preventing forest fires in the town by enforcing laws and proclamations designed to prevent forest fires, by patrolling areas that are particularly vulnerable to fire during the seasons in which such fires are most apt to occur, and by issuing permits for open burning within the town. The fire warden, in conjunction with the local fire department, is also responsible to act quickly to bring forest fires under control.

### **Role of the Library Trustees**

The voters at an annual or special town meeting have the authority to create a “municipal library.” The selectboard will appoint a board of trustees of not less than five members for staggered terms.

A municipality may vote at annual meeting to elect trustees, which shall continue until changed by the voters at an annual or special town meeting. The trustees “shall have full power to manage the public library, make bylaws, elect officers, establish a library policy and receive, control and manage property which shall come into the hands of the municipality by gift, purchase, devise or bequest for the use and benefit of the library.”

- Vacancies on the board of trustees are filled by the selectboard until the next election. 24 V.S.A. §§ 961, 963.

- The library trustees manage all library staff and may hire a director to help in the day-to-day administration of the library. 22 V.S.A. § 143 (a).

- The Vermont Legislature has given municipal libraries very broad power, unlike other municipal departments. They “have full power to manage the public library, ...” which includes the ability to execute orders on the treasurer and hire and fire library employees. 22 V.S.A. § 143 (a).

### **Role of the Tree Warden**

Vermont law provides for the appointment of a tree warden by each town and city to act as overseer of public trees, organizing and implementing tree planting, and maintenance and protection programs. Today’s tree warden need not be an arborist, a horticulturist, or an entomologist. Rather, it is more important that he or she is an organizer and a catalyst – one who can get things done.

The selectboard must appoint a tree warden who must be a resident of the town. 24 V.S.A. § 871. He or she has the responsibility of caring for the shade and ornamental trees in public ways and places. The tree warden may also appoint and dismiss deputies. 24 V.S.A. §§ 2502-2511. The tree warden enforces all laws relating to public shade and ornamental trees. These regulations become effective when adopted as local ordinances under authority of 24 V.S.A. § 2506 and 24 V.S.A. Chapter 59.

There are penalties for the destruction of public shade trees and anyone who, willfully, critically injures or cuts down such a tree may be fined up to \$500 for each tree so damaged. 24 V.S.A. § 2510.

There are three major areas of a tree warden’s responsibilities:

- to remove trees that cannot be saved;
- to salvage those that can be saved; and
- to implement a tree preservation program for the town.

### **Role of the Inspector of Lumber, Shingles, and Wood**

The inspector of lumber, shingles and wood is an office that has not been filled in most Vermont towns for many decades. This official, which may be appointed by the selectboard (24 V.S.A. § 871(3)), was responsible for ensuring that consumers received a fair deal from local merchants and dealers in building products and heating wood. With the advent of consumer protection laws and better business bureaus, this position is no longer essential to the community.

- The inspector’s duties were, upon request of the consumer, to examine, measure, and classify the quality of lumber, shingles, and wood sold within the town, and, if the goods met certain conditions (unspecified in the statute), to issue a certificate that presumably assured the public of the merchant’s integrity. 24 V.S.A. § 1031.

- The inspector's fees were paid by the consumer, who was charged \$0.04 a cord for the first ten cords of wood measured, and \$0.01 for each additional cord. For measuring lumber and shingles, the inspector charged \$0.25 for every 1,000 feet measured. 32 V.S.A. § 1676.

### **Role of the Weigher of Coal**

The weigher of coal may be appointed by the selectboard (24 V.S.A. § 871 (4)) to serve as a referee in determining the weights of contested loads of coal (24 V.S.A. § 1032). For this service, he or she is entitled to a fee of ten cents for the first ton and four cents for each additional ton, to be paid by the person who requests to have the coal weighed. 32 V.S.A. § 1677.

As a practical matter, to have an official weigher of coal, a municipality should first have a municipal scale. In fact, *no* town in the state now has a municipal scale in use.

If the use of coal should once again become widespread, towns might have municipal scales, which they would either own outright or lease. If a town has access to a scale, certain precautions should be followed. The scale must be securely locked when not in use; it should be used only by or with the consent of the municipal officials who are responsible for it; and it must be regularly inspected by an agent from the Consumer Assurance Section of the Vermont Agency of Agriculture, Food and Markets.

Since no town has a municipal scale, a weigher of coal who receives a complaint would refer the complaint to the Consumer Protection Section of the Vermont Agency of Agriculture, Food and Markets, 802-828-2436.