

Joe Colangelo

From: Garrett Baxter <gbaxter@vlct.org>
Sent: Wednesday, January 22, 2014 4:03 PM
To: 'Joe Colangelo'
Subject: RE: Constable

Hi Joe,

You're right; there does need a vote. Title 17 Section 2651(a) states that "(a) town may vote by Australian ballot at an annual meeting to authorize the selectmen to appoint a first constable..." This law continues with a potential caveat for passage "(b) notwithstanding the provisions of subsection (a) to the contrary, a vote to authorize the selectmen to appoint constables shall become effective only upon a two-thirds vote of those present and voting, if a written protest against the authorization is filed with the legislative body at least 15 days before the vote by at least five percent of the voters of the municipality." The default method (i.e. if there was never a vote to appoint) is election ["At the annual meeting, a town shall choose from among its legally qualified voters the following town officers, who shall serve until the next annual meeting and until successors are chosen, unless otherwise provided by law: A first constable..." 17 V.S.A. 2646(7)]." In my opinion you wouldn't be authorized to continue to appoint until such time as the voters have granted that authority to do so.

Sincerely,

Garrett A. Baxter

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From: Joe Colangelo [<mailto:jcolangelo@hinesburg.org>]
Sent: Wednesday, January 22, 2014 1:27 PM
To: Garrett Baxter
Subject: Constable

Garrett –

It appears Hinesburg has been appointing its Constable for many years. I think by State Statute there needs to be a vote at Town Meeting to make that position appointed rather than elected. Is this true? If Hinesburg's past practice has been to appoint, even if we haven't actually had this as an article at Town Meeting, can we keep with our appointment practice?