

No. M-2. An act relating to approval of the adoption and the codification of the charter of the Town of Northfield.

(H.527)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. CHARTER ADOPTION AND MERGER APPROVAL

The General Assembly approves the adoption of and codifies the charter of the Town of Northfield and the merger of the Village of Northfield and the Town of Northfield as set forth in this act. Proposals of charter adoption and a plan for merger were approved by Town and Village voters on March 5, 2013.

Sec. 2. 24 App. V.S.A. chapter 129C is added to read:

CHAPTER 129C. TOWN OF NORTHFIELD

Subchapter 1. General Provisions

§ 101. APPLICABILITY OF GENERAL LAW

(a) All provisions of the Constitution and the general law of the State of Vermont relating to towns and their officers shall apply to the Town of Northfield (the “Town”).

(b) The Town shall have all the powers now or hereafter conferred upon towns by the Constitution and the general law of the State of Vermont.

(c) No grant of authority, power, or prerogative hereunder shall be construed as being in derogation of or a limitation on any authority, power, or prerogative conferred by the general law upon the Town.

§ 102. SEVERABILITY

If any provision of this charter shall for any reason be held invalid, such invalidity shall not affect the remaining provisions which can be given effect

without the invalid provision. To this end, the provisions of this charter are severable.

Subchapter 2. Town Manager

§ 201. TOWN MANAGER SYSTEM

The Town shall be administered by a Town Manager as provided in 24 V.S.A. chapter 37 until such time as such form of administration is revoked by vote of the Town as set forth in 24 V.S.A. § 1242.

Subchapter 3. Town Officers

§ 301. TOWN OFFICERS GENERALLY

The Town shall have the officers as provided for towns by the general laws of this State except as provided by this charter.

§ 302. SELECTBOARD MEMBERS

The Town shall have a five-member Selectboard elected for terms of two and three years.

§ 303. WATER AND WASTEWATER BOARD OF COMMISSIONERS

A three-member board shall serve as the Water and Wastewater Board of Commissioners, of whom one shall be an appointed Selectboard member and two shall be residents served by the Town water or wastewater systems, or both, who are elected by the ratepayers of such systems. Terms of these members shall be for three years each.

§ 304. ELECTRIC UTILITY BOARD OF COMMISSIONERS

A three-member board shall serve as the Electric Utility Board of Commissioners, of whom one shall be an appointed Selectboard member and two members shall be elected by electric utility ratepayers. Terms of these members shall be for three years each.

Subchapter 4. Electric, Water, and Wastewater Departments

§ 401. ELECTRIC, WATER, AND WASTEWATER DEPARTMENTS

GENERALLY

(a) Electric system. The revenues of the electric system shall be maintained separate from all other departments of the Town. All revenues therefrom not necessary for current expenditures thereof shall be placed in a special fund, no part of which may be used for any purpose other than the operation of the electric department as specified in section 402 of this charter.

(b) Water system. The revenues of the water system and any additions thereto shall be maintained separate from all other departments of the Town, and all revenues therefrom not necessary for current expenditures thereof shall be placed in a special fund, no part of which may be used for any purpose other than as specified in section 402 of this charter.

(c) Wastewater treatment system. The revenues of the wastewater treatment system (exclusive of the stormwater drainage system) and any additions thereto shall be maintained separate from all other departments of the Town, and all revenues therefrom not necessary for current expenditures

thereof shall be placed in a special fund, no part of which may be used for any purpose other than as specified in section 402 of this charter.

§ 402. ELECTRIC, WATER, AND WASTEWATER ADMINISTRATION

(a) Operating costs of the electric, water, and wastewater departments shall be paid by the ratepayers.

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

(c) All water and wastewater charges shall be set by the Selectboard at rates sufficient to pay the costs of operating and maintaining the systems, to pay debt service on all obligations issued to improve or support such systems, and to fund necessary capital reserves, all as provided by the general law.

§ 403. ELECTRIC, WATER, AND WASTEWATER SPECIAL FUNDS

The Town Treasurer and the Finance Director shall keep all revenues derived from the electric, water, and wastewater systems in accounts separate from any other special funds and from other town funds, and shall honor no warrant upon such account except for the purposes specified in section 402 of this charter.

Sec. 3. MERGER OF THE VILLAGE OF NORTHFIELD AND THE TOWN
OF NORTHFIELD; TRANSITIONAL PROVISIONS

(a) Effective date of merger. At midnight on June 30, 2014, the Village of Northfield and the Town of Northfield shall merge into the Town of Northfield and except as provided in this act, the Village of Northfield shall cease to exist as a political entity or body corporate.

(b) Properties transferred and liabilities assumed. Upon the effective date of the merger, all the lands, buildings, easements, funds, uncollected taxes, monies, and other tangible and intangible property of the Village of Northfield shall become vested in and become the property of the Town of Northfield. All liabilities, obligations, and indebtedness of the Village of Northfield shall be assumed by the Town of Northfield without any further act, deed, or instrument being necessary. Indebtedness of the Village of Northfield assumed by the Town of Northfield at the time of merger shall be secured by the full faith and credit of the Town of Northfield with respect to the properties comprising the body corporate of the Village of Northfield.

(c) Properties held in trust. Upon the effective date of the merger, any and all properties held in trust by the Board of Trustees of the Village of Northfield, or by any officer thereof, shall become vested in the Selectboard of the Town of Northfield and their successors, or in the respective officer of the Town and that person's successor, as the case may be, and shall continue to be

held in trust for the same users as before the merger, all without any further act, deed, or instrument being necessary.

(d) Settling the affairs of the Village. Prior to the effective date of the merger, the Village of Northfield shall settle so far as possible its financial affairs and, except as otherwise provided by this act, shall on the effective date of the merger turn over and deliver to the Clerk of the Town of Northfield all records, books, and documents of the Village of Northfield and to the proper officers of the Town all property of the Village of Northfield, including a final audit of the Village.

(e) Finances. The general fund of the Village of Northfield shall be added to the general fund of the Town of Northfield on the effective date of the merger. Highway department funds of the Village of Northfield shall be transferred to highway department funds of the Town of Northfield. Electric department funds, water department funds, wastewater department funds, and other special funds of the Village of Northfield shall be transferred to the corresponding electric department funds, water department funds, wastewater department funds, and other special funds of the Town of Northfield.

(f) Existing laws, rules, and policies.

(1) Until lawfully amended or repealed, all rules, ordinances, regulations, and bylaws of the Village of Northfield in effect on the effective date of the merger shall become and continue in full force and effect as rules, ordinances, regulations, and bylaws of the Town of Northfield for the

respective area presently involved, unless in conflict with rules, ordinances, regulations, and bylaws of the town of Northfield already existing.

(2) Whenever power is granted by any such rule, ordinance, regulation, or bylaw to an officer of the Village of Northfield, such power shall be conferred upon the appropriate officer of the Town of Northfield upon the effective date of the merger.

(g) Consolidated Selectboard. Notwithstanding the provisions of Sec. 2 of this act, in 24 App. V.S.A. chapter 129C, § 302 (selectboard members), upon the effective date of the merger, the Town of Northfield shall be governed by a consolidated Selectboard as set forth in this section until the first annual town meeting following the effective date of merger, when it shall revert to the five-member Selectboard set forth in Sec. 2 of this act in 24 App. V.S.A. chapter 129C, § 302.

(1) Members of the Town Selectboard in office on the effective date of the merger shall continue in office until the end of their respective terms.

(2) Village Trustees whose terms extend beyond the effective date of the merger shall serve on the consolidated Selectboard until the first annual town meeting after the effective date of merger.

(h) Village utility rates. All electric, water, and wastewater rates applicable to ratepayers in the Village of Northfield in effect on the effective date of the merger shall continue in effect upon those ratepayers until changed by the Public Service Board or the Selectboard of the Town of Northfield.

(i) Severability. If any provision of this section shall for any reason be held invalid, such invalidity shall not affect the remaining provisions which can be given effect without the invalid provision. To this end, the provisions of this section are severable.

Sec. 4. REPEAL

24 App. V.S.A. chapter 257 (charter of the Village of Northfield) is repealed.

Sec. 5. EFFECTIVE DATES

(a) This section and Sec. 3 of this act (merger of the Village of Northfield and the Town of Northfield; transitional provisions) shall take effect on passage.

(b) All other sections of this act shall take effect on June 30, 2014.

Date the Governor signed the bill: May 7, 2013