

H.268

An act relating to approval of the adoption and the codification of the charter of the Town of Franklin and of the merger of Franklin Fire District No. 1 into the Town

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 Franklin and the merger of Franklin Fire District No. 1 and the Town of Franklin as set forth in this act. Proposals of charter adoption and a plan for merger were approved by the voters of the Fire District and Town on August 26, 2014.

Sec. 2. 24 App. V.S.A. chapter 120 is added to read:

CHAPTER 120. TOWN OF FRANKLIN

Subchapter 1. Water Department and Water Commission

§ 101. WATER DEPARTMENT

There is created a Water Department for the purpose of maintaining a municipal water system. The Water Department shall be separate from all other departments in the Town.

§ 102. WATER COMMISSION

(a) The Selectboard shall appoint a three-member board that shall serve as the Board of Water Commissioners, at least one of whom shall be a member of the Selectboard. The members shall serve staggered three-year terms.

(b) The Board of Water Commissioners shall supervise the Water Department and shall have all other duties and powers established by the general laws of the State, except that changes to water rates and the compensation of Water Department personnel shall require the consent of the Selectboard.

§ 103. ESTABLISHMENT OF DEDICATED FUND

A dedicated fund is hereby established for the purposes set forth in 24 V.S.A. § 3313(b). The Fund shall be under the control and direction of the Water Commissioners and its use and maintenance shall be dictated by the general laws of the State.

§ 104. SEVERABILITY

If any provision of this enactment shall for any reason be held invalid, such invalidity shall not affect the remaining provisions which shall be given effect without the invalid provision. To this end, the provisions of this chapter are severable.

Sec. 3. MERGER OF FRANKLIN FIRE DISTRICT NO. 1 AND THE
TOWN OF FRANKLIN; TRANSITIONAL PROVISIONS

(a) Merger. Franklin Fire District No. 1 is hereby merged into the Town of Franklin, and Franklin Fire District No. 1 shall, except as provided in this section, cease to exist as a political entity or body corporate.

(b) Assets transferred and liabilities assumed. Upon the effective date of the merger:

(1) All of the assets and property of Franklin Fire District No. 1, both real and personal and of whatever kind, nature, and description, shall become vested in and become assets and property of the Town of Franklin without any further act, deed, or instrument being necessary.

(2) All the liabilities, obligations, and indebtedness of Franklin Fire District No. 1 shall be assumed by the Town of Franklin without any further act, deed, or instrument being necessary.

(c) Settling the affairs of the Fire District and finances. Prior to the effective date of merger, Franklin Fire District No. 1 shall settle so far as possible its financial affairs and, on the effective date of the merger, Franklin Fire District No. 1 shall turn over to the Clerk of the Town of Franklin all records, books, documents, and property of Franklin Fire District No. 1 for the attention of the proper offices and departments of the Town of Franklin. The general fund of Franklin Fire District No. 1 shall be added to the water fund of the Town of Franklin on the effective date of the merger.

(d) Insurance coverage. Prior to the effective date of the merger, Franklin Fire District No. 1 shall maintain all insurance policies in its name in effect and shall fully cooperate with the Town of Franklin to ensure that coverage continues on and after the merger date with no gaps in coverage.

(e) Water system. Upon the effective date of the merger, the Town of Franklin shall take control of the Franklin Fire District No. 1 municipal water system.

(f) Water rates. Water rates in effect on the effective date of the merger shall continue in effect until changed by the Board of Water Commissioners, with the consent of the Selectboard.

(g) Continuation of ordinances, rules, and regulations.

(1) Until amended or repealed, all ordinances, rules, and regulations of Franklin Fire District No. 1 in effect on the effective date of the merger shall continue in full force and effect as ordinances, rules, and regulations of the Town of Franklin.

(2) Where power is granted by any ordinance, rule, or regulation to the Prudential Committee or any other offices or departments of Franklin Fire District No. 1, such power shall be understood, on and after the effective date of the merger, to be conferred upon the appropriate officers and departments of the Town of Franklin.

(h) Continuation in office. Members of the Prudential Committee of Franklin Fire District No. 1 shall continue in office until the effective date of the merger and thereafter such offices shall cease to exist.

(i) Severability. If any provision of this enactment shall for any reason be held invalid, such invalidity shall not affect the remaining provisions, which

shall be given effect without the invalid provision. To this end, the provisions of this section are severable.

Sec. 4. INITIAL TERMS OF MEMBERS OF BOARD OF WATER
COMMISSIONERS

The Town of Franklin Selectboard shall appoint Franklin Board of Water Commissioners members on or before June 1, 2015. Of the initial three member appointments, the Selectboard shall appoint one member for a one-year term, one member for a two-year term, and one member for a three-year term.

Sec. 5. EFFECTIVE DATES

(a) This section and Sec. 3 (merger of Franklin Fire District No. 1 and the Town of Franklin; transitional provisions) shall take effect upon passage, except that Sec. 3(a) (merger) shall take effect on June 1, 2015.

(b) All other sections shall take effect on June 1, 2015.