

1 H.490

2 Introduced by Representatives LaBounty of Lyndon and Wilson of Lyndon

3 Referred to Committee on

4 Date:

5 Subject: Municipal government; municipal charters; Town of Lyndon; Village  
6 of Lyndonville; merger

7 Statement of purpose of bill as introduced: This bill proposes to approve the  
8 merger of the Village of Lyndonville with the Town of Lyndon and adopt the  
9 charter of the Town of Lyndon.

10 An act relating to approving the merger of the Village of Lyndonville with  
11 the Town of Lyndon

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

13 Sec. 1. APPROVAL OF MERGER; APPROVAL OF THE ADOPTION OF  
14 THE CHARTER OF THE TOWN OF LYNDON

15 As set forth in this act, the General Assembly approves the merger of the  
16 Town of Lyndon and the Village of Lyndonville and the adoption of the charter  
17 of the Town of Lyndon. The voters of the Town and Village approved the  
18 merger and the proposal for the Town charter on November 8, 2022.

1      Sec. 2. 24 App. V.S.A. chapter 126 is added to read:

2                                    CHAPTER 126. TOWN OF LYNDON

3                                    Subchapter 1. General Provisions

4      § 1. MERGER OF THE TOWN OF LYNDON AND THE VILLAGE OF  
5                    LYNDONVILLE

6            The Village of Lyndonville is hereby merged into the Town of Lyndon. The  
7      Town of Lyndon shall be the surviving municipal corporation. The name of  
8      the Town shall remain “Town of Lyndon.” All of the former Village’s tangible  
9      property, including the Lyndonville Electric Plant, and all intangible property  
10     and other assets are hereby transferred to and are now the property of the  
11     Town without any limitation whatsoever. The Town hereby assumes and  
12     agrees to pay all of the former Village of Lyndonville’s debts and assumes and  
13     agrees to perform all of the former Village duties and obligations owed to third  
14     parties, without any limitation whatsoever.

15     § 2. APPLICABILITY OF GENERAL LAW

16            Except when changed, enlarged, or modified by the provisions of this  
17     charter, or by any lawful regulation or ordinance of the Town, all provisions of  
18     the statutes of the State of Vermont relating to municipalities, as the same may  
19     be amended from time to time, shall apply to the Town.

1     § 3. POWERS OF THE TOWN

2         (a) The Town shall have all of the powers granted to towns by the  
3         Constitution and laws of the State of Vermont and this charter, together with  
4         all of the implied powers necessary to carry out all of the powers expressly so  
5         granted. The Town may enact any regulations and ordinances that are not  
6         inconsistent with the Constitution and laws of Vermont or with this charter and  
7         may impose penalties for violations thereof.

8         (b) The Town may acquire property within or without its corporate limits  
9         for any lawful municipal purpose, in fee simple or any lesser interest or estate,  
10        by purchase, gift, devise, lease, condemnation, or other means and may lease,  
11        mortgage, hold, manage, and control the property as the Town's interests may  
12        require.

13        (c) Unless expressly stated otherwise, reference in this charter to a  
14        particular power shall not be construed to be exclusive with respect to such  
15        powers nor as a limitation on the powers that the Town would have if  
16        reference to that particular power had not been made.

17        (d) Nothing contained in or omitted from this charter shall be construed in  
18        any way to limit the powers and functions conferred on the Town of Lyndon  
19        and its Selectboard by general or special State laws or regulations.

Subchapter 2. Ordinances

§ 11. ADOPTION, AMENDMENT, OR REPEAL OF ORDINANCES BY  
THE SELECTBOARD

The Selectboard may adopt, amend, or repeal an ordinance as provided in  
and consistent with the procedures of 24 V.S.A. chapter 59.

§ 12. ADOPTION OF ORDINANCES BY INITIATIVE

(a) An ordinance may be enacted by vote of the Town according to the  
following procedure:

(1) A petition requesting enactment of the ordinance signed by not less  
than 10 percent of the Town's registered voters shall be filed, along with the  
text of the proposed ordinance, with the Town Clerk.

*(2) The proposed ordinance shall be examined by the Town attorney  
before being submitted to the special Town meeting. The Town attorney is  
authorized, subject to the approval of the Selectboard, to amend the petitioned  
ordinance to:*

*(A) correct repetitive, unlawful, or unconstitutional provisions; and*

*(B) ensure accuracy, clarity, and precision in its text, legal  
references, and phrasing, provided that these technical corrections shall not  
change the meaning or effect of the proposed ordinance.*

~~(2)~~ (3) The Selectboard shall call a special Town meeting to be held within 60 days after the date the petition is filed, unless the Selectboard enacts the ordinance within the 60-day period.

1       ~~(2)~~ (4) The warning for the special Town meeting shall include the text  
2       of the proposed ordinance verbatim and shall provide for a “yes” or “no” vote  
3       as to its enactment.

~~(4)~~ (5) The ordinance shall be adopted if at least 15 percent of the Town’s registered voters vote on the question to adopt the ordinance and a majority of that number vote for adoption.

(b) Any ordinance adopted pursuant to this section shall take effect on the ~~30th~~ 60th day following adoption.

4       § 13. REPEAL OF ORDINANCES BY REFERENDUM

5       All Town ordinances, except those specified in section 16 of this charter,  
6       may be repealed by vote of the Town if a petition signed by not less than  
7       15 percent of the registered voters, specifying the particular ordinance on  
8       which the vote is requested, is filed with the Town Clerk. The Selectboard  
9       shall call a special Town meeting to be held within 60 days after the date the  
10      petition is filed to vote on whether the ordinance shall be repealed. The  
11      ordinance subject to the vote shall be repealed if at least 15 percent of the  
12      Town’s registered voters vote on the question to repeal the ordinance and a  
13      majority of those voting vote to repeal the ordinance.

~~§ 14. PENALTIES FOR VIOLATION OF AN ORDINANCE~~

~~(a) A Town ordinance may provide:~~

~~(1) for a fine not greater than \$10,000.00 for the violation of the ordinance, the amount of a particular fine to be determined by the Selectboard on a case-by-case basis; and~~

~~(2) that each day a violation continues may constitute a separate violation.~~

~~(b) A violation of a Town ordinance shall be classified as a misdemeanor or a rule violation in the same manner as it would be classified by State laws and prosecuted accordingly.~~

~~(c) The Town may maintain an action to enjoin the violation of any ordinance or rule. The election by the Town to apply for an injunction shall not prevent the Town from also seeking a criminal prosecution or imposing a fine for the violation of any ordinance or rule.~~

~~§ 14. COVERED BRIDGES; PENALTY FOR VIOLATION OF LEGAL  
LIMITS~~

~~Notwithstanding 23 V.S.A. § 1434, the Town may adopt an ordinance governing operator damage to covered bridges that provides for a civil penalty of not more than \$10,000.00 or an amount equal to the costs of repairing the damage to the covered bridge.~~

~~§ 14. COVERED BRIDGES; INCREASED PENALTY FOR VIOLATION~~

OF LEGAL LIMITS RESULTING IN DAMAGE

Notwithstanding 23 V.S.A. § 1434(c), the Town may adopt an ordinance governing operator damage to covered bridges that provides for a civil penalty of not more than \$10,000.00 or an amount equal to the costs of repairing the damage to the covered bridge, provided that the covered bridge has a limit set pursuant to 23 V.S.A. § 1397a.

1     § 15. RECORD BOOK OF ORDINANCES

2         The Town Clerk shall prepare and keep in the Clerk's office and in the  
3     Cobleigh Library a single book of ordinances that shall contain each  
4     ordinance, together with an index of the ordinances arranged according to  
5     subject matter. The Clerk's failure to comply with this section shall not  
6     invalidate any ordinance that was lawfully adopted.

7     § 16. NONAPPLICABILITY TO ZONING AND SUBDIVISION

8         REGULATIONS

9         Sections 12 and 13 of this charter shall not apply to the enactment,  
10     amendment, or repeal of any zoning or subdivision bylaw nor to the  
11     enactment, amendment, or repeal of any municipal plan or vote on a  
12     comprehensive regional plan, all of which are controlled by and shall be  
13     accomplished in conformity with 24 V.S.A. chapter 117.

14                     Subchapter 3. Town Officers

15     § 21. GENERAL

1        The officers of the Town of Lyndon shall be those provided by law, except  
2        as otherwise provided in this charter. Town officers shall have all of the  
3        powers and duties necessary to carry out the provisions of this charter as well  
4        as those provided by law.

5        § 22. ELECTED OFFICERS

6        The municipal officers elected by the Town shall be:

7            (1) five members of the Selectboard;

8            (2) one Moderator;

9            (3) five Trustees of the Cobleigh Library;

10          (4) three, four, or five listers, as determined by the Selectboard;

11          (5) one Town Agent;

12          (6) one Town Clerk;

13          (7) three Trustees of the Sanborn School Fund;

14          (8) Justices of the peace, the number of which shall be determined in  
15        accordance with the Vermont Constitution; and

16          (9) one Town Treasurer.

17        § 23. QUALIFICATIONS OF OFFICERS

18        All elected officers shall be legally qualified voters of the Town, with the  
19        exception that one of the five Trustees of the Cobleigh Library may live  
20        outside the Town. All elected officers shall hold office for the terms specified  
21        in this charter and until their successors are elected and qualified.



1     § 24. ELECTION OF OFFICERS BY AUSTRALIAN BALLOT

2         All officers identified in section 22 of this charter shall be elected by  
3         Australian ballot.

4     § 25. VACANCIES IN TOWN OFFICES

5         When an elected officer identified in section 22 of this charter resigns,  
6         moves the officer's residence outside the Town, dies, or becomes  
7         incapacitated, that office shall become vacant. In addition, if a member of the  
8         Selectboard fails to attend at least 50 percent of the Selectboard's meetings in  
9         any calendar quarter, the member's office may be declared vacant by the vote  
10        of a majority of the Selectboard held at a warned meeting. If a vacancy is  
11        created more than 90 days prior to the Town's next annual meeting, the  
12        Selectboard shall promptly appoint an eligible person to fill the vacancy until  
13        the next annual meeting. If the vacancy is created within 90 days of the  
14        Town's next annual meeting, the vacancy shall be filled by vote of the Town at  
15        that annual meeting. A person so appointed or elected shall serve until the  
16        person's predecessor's term expires.

17    § 26. SELECTBOARD; TERMS OF OFFICE

18        (a) Each member of the Selectboard shall be elected for a term of three  
19        years. In the first election after this charter is approved by the General  
20        Assembly, two members of the Selectboard shall be elected for terms of three  
21        years, two members shall be elected for terms of two years, and one member

1 shall be elected for a term of one year. After the first election following  
2 adoption of this charter, members of the Selectboard shall be elected for terms  
3 of three years as prior terms expire.

4 (b) The members of the Selectboard shall be elected at large. The  
5 candidates with the largest number of votes for offices of equal terms shall be  
6 elected to those offices.

7 § 27. OTHER ELECTED TOWN OFFICERS; TERMS OF OFFICE

8 (a) Moderator. The Moderator shall be elected annually and shall perform  
9 those duties prescribed by State law.

10 (b) Cobleigh Library Trustees. The Trustees of the Cobleigh Library shall  
11 be elected and shall have the powers identified in 22 V.S.A. § 143. The  
12 Cobleigh Library shall be operated by its Trustees in accordance with 22  
13 V.S.A. chapter 3, subchapter 3. The term of office of a Trustee of the  
14 Cobleigh Library shall be five years. The Trustees of the Cobleigh Library in  
15 office on July 1, 2023 shall continue in office until their respective terms  
16 expire. The Cobleigh Library building, the parcel of land on which it is  
17 situated, and all of the contents thereof are hereby acknowledged, declared,  
18 and confirmed to be the property of the Town.

19 (c) Board of Listers. The Board of Listers shall consist of three, four, or  
20 five members, as determined by the Selectboard.

1           (1) Terms. The term of office of a lister shall be three years. The listers  
2           in office on July 1, 2023 shall continue in office until their respective terms  
3           expire. If the Selectboard increases the number of listers to four or five, it  
4           shall determine the term of office of such additional listers, not to exceed three  
5           years.

6           (2) Listers. The listers shall perform all of the duties imposed on them  
7           by State law.

(3) Appraiser. ~~With the approval of the Selectboard, the Board of~~  
~~Listers~~ *The Selectboard* may appoint an appraiser to assist the Board. An  
appraiser so appointed shall have substantial experience appraising the value of  
real property and shall be an employee of the Town under the supervision of  
the listers, at a salary and with benefits established by the Selectboard.

8           (d) Town Agent. The Town Agent shall be elected for a term of one year.

9           (e) Town Clerk. The Town Clerk shall be elected for a three-year term and  
10          shall carry out the duties of town clerks specified by State law and this charter.

11          (f) Sanborn School Fund Trustees. The Trustees of the Sanborn School  
12          Fund shall be elected for terms of three years. Each of the Trustees of the  
13          Sanborn School Fund in office on July 1, 2023 shall continue in office until  
14          their respective terms expire.

1       (g) Justices of the peace. The justices of the peace shall be elected for two-  
2       year terms. They shall have the powers and perform the duties of justices of  
3       the peace as prescribed by the Vermont Constitution and State law.

4       (h) Town Treasurer. The Town Treasurer shall be elected for a three-year  
5       term and shall carry out the duties of town treasurers specified by State law  
6       and this charter. The Treasurer shall:

7               (1) promptly deposit funds belonging to the Town in such depositories  
8       designated by the Selectboard;

9               (2) invest Town funds as directed by the Selectboard;

10              (3) keep books and accounts as required by State law and the  
11       Selectboard;

12              (4) make reports to the Selectboard showing the state of the Town's  
13       finances at such times as the Selectboard may require; and

14              (5) perform such other duties with respect to the Town's finances as the  
15       Selectboard may lawfully require.

16       § 28. RECALL OF ELECTED OFFICERS

17       (a) Any elected officer identified in section 22 of this charter may be  
18       removed from office by recall according to the following procedure:

19              (1) A petition signed by not less than 15 percent of the Town's  
20       registered voters requesting a vote on whether the elected officer shall be  
21       removed from office shall be filed with the Selectboard.

1           (2) The Selectboard shall call a special Town meeting, to be held within  
2           45 days after its receipt of the petition, to vote on the question of whether the  
3           elected officer shall be removed from office.

4           (3) The elected official shall be removed from office if:

5                 (A) not fewer than the number of voters of the Town who actually  
6                 voted in the election in which the officer was elected or not less than one-third  
7                 of the registered voters of the Town, whichever is greater, cast ballots at the  
8                 special Town meeting; and

9                 (B) a majority of that applicable number of voters votes to remove  
10                the officer from office.

11           (b) If the Town votes to remove an elected officer, the office shall  
12           immediately become vacant, and the Selectboard shall fill the vacancy as  
13           provided in section 25 of this charter.

14           (c) The vote on a recall petition shall be by Australian ballot.

15           § 29. BONDING OF OFFICERS

16           All Town officers required to be bonded by State law shall be bonded at the  
17           expense of the Town. The Selectboard may require that other Town officers  
18           be bonded at the expense of the Town.

Subchapter 4. The Selectboard

§ 31. SELECTBOARD; POWERS AND DUTIES

(a) The Selectboard shall constitute the legislative and administrative body of the Town for all purposes and shall have all powers and authority given to, and perform all duties required of, municipal legislative bodies under the Vermont Constitution and State law.

(b) In addition to the authority and duties established in subsection (a) of this section, the Selectboard shall have the power to:

(1) Appoint and remove all nonelected officers or employees authorized or required by State law, this charter, or the Town's personnel regulations.

(2) Hire or remove a Municipal Administrator to assist the Selectboard in the administration of the Town's affairs. The Municipal Administrator shall carry out those duties that the Selectboard assigns to them. The Selectboard shall fix the salary and benefits to be paid to the Municipal Administrator.

(3) Appoint the members of the Board of Electric Commissioners, which will manage the Town of Lyndon Electric Department pursuant to subchapter 8 of this charter.

(4) Hire, remove, and fix the compensation and benefits paid to the General Manager of the Lyndon Electric Department in consultation with the Board of Commissioners.

(5) Appoint a Superintendent of Public Works.

1           (6) Have charge of the Town's burial grounds.

2           (7) Assign additional duties to appointed offices, commissions, or  
3           departments but not discontinue or assign to any other office, commission, or  
4           department those duties assigned to a particular office, commission, or  
5           department established by this charter or by State law;

6           (8) Adopt, amend, or repeal ordinances in compliance with subchapter 2  
7           of this charter.

8           (9) Inquire into the conduct of any Town employee; Town officer,  
9           including an elected officer; and any commission or department, and  
10          investigate any and all municipal affairs whenever necessary for the proper and  
11          orderly conduct of Town government.

12          (10) Assign a member of the Selectboard to attend any public meeting  
13          of any board, commission, department, or agency of the Town together with  
14          the right to speak for the Selectboard but not to vote at the meeting.

15          (11) Establish one or more areas apart from the rest of the Town as  
16          Special Service Districts, provide the Districts with special municipal services  
17          not provided throughout the Town, and assess a tax on the grand list of the  
18          taxpayers in the District to pay for the services, on the condition that a special  
19          meeting of the voters who reside in any such District shall be called in the  
20          same manner as a special Town meeting to vote on whether the special District

1 should be created, and a majority of the residents who vote at such special  
2 meeting vote in favor of creating the District.

3 (12) Exercise each and every other power not specifically set forth in  
4 this charter but that is granted to the Selectboard by State law.

5 § 32. SELECTBOARD; ORGANIZATION

6 (a) Immediately after the annual Town meeting, the Selectboard shall elect  
7 a chair and a vice chair by vote of the majority of the entire Selectboard.

8 (b) The Chair, or in the Chair's absence the Vice Chair, shall preside at all  
9 meetings of the Selectboard.

10 ~~§ 33. SELECTBOARD MEETINGS~~

11 (a) As soon as possible after the election of the Chair and Vice Chair, the  
12 Selectboard shall fix the time and place of its regular meetings. The  
13 Selectboard shall meet at least twice each month, except when the Selectboard  
14 determines that the then-pending business does not require a meeting.

15 (b) The Selectboard shall determine its own rules and order of business.

16 (c) A majority of the members of the Selectboard shall constitute a  
17 quorum. The act of the majority of the members of the Selectboard present at  
18 a meeting shall constitute the act of the Selectboard, except as provided in 17  
19 V.S.A. § 2103(5).

20 (d) All meetings of the Selectboard shall be open to the public unless the  
21 Selectboard votes to go into executive session in accordance with the



1 ~~provisions of 1 V.S.A. chapter 5. No vote of the Selectboard on any matter~~  
2 ~~shall be taken in executive session.~~

3 (e) Except in cases of emergency meetings, the agenda of the Selectboard's  
4 meetings shall be made available to the public at least 24 hours prior to the  
5 meeting and posted in the Town Clerk's office.

6 (f) Any member of the Selectboard may add items of business to the  
7 written agenda upon commencement of the meeting, provided that a majority  
8 of the membership of the entire Selectboard votes to add the items to the  
9 agenda.

### § 33. SELECTBOARD MEETINGS

(a) As soon as possible after the election of the Chair and Vice Chair, the  
Selectboard shall fix the time and place of its regular meetings. The  
Selectboard shall meet at least twice each month, except when the Selectboard  
determines that the then-pending business does not require a meeting.

(b) The Selectboard shall determine its own rules and order of business.

(c) A majority of the members of the Selectboard shall constitute a quorum.  
The act of the majority of the members of the Selectboard present at a meeting  
shall constitute the act of the Selectboard.

(d) All meetings of the Selectboard shall be open to the public unless the  
Selectboard votes to go into executive session in accordance with the  
provisions of 1 V.S.A. chapter 5.

*(e) Except in cases of emergency meetings, the agenda of the Selectboard's meetings shall be made available to the public at least 24 hours prior to the meeting and posted in the Town Clerk's office.*

1     § 34. RECORD OF SELECTBOARD MEETINGS

2         (a) The Selectboard shall keep an official written record of all of its  
3     meetings, which shall be open for public inspection at the Town Clerk's office  
4     at all times during normal business hours.

5         (b) The minutes of each meeting shall be approved by the Selectboard.  
6     The approved minutes of a meeting shall be filed in the Town Clerk's office  
7     and a copy shall be filed in the Cobleigh Library.

8     § 35. COMPENSATION OF TOWN OFFICERS

9         The Selectboard shall fix the compensation of all elected officers, except  
10    the Town Clerk, and all officers appointed by the Selectboard.

11    § 36. BUDGET

12        The Selectboard shall submit a proposed budget to the voters to be voted on  
13    at the annual Town meeting as provided in subchapter 7 of this charter. The  
14    vote of the Town shall constitute the approval of the total amount of the  
15    budget. The Selectboard may reallocate the sums so approved within the  
16    budget to pay for expenditures in different amounts to the extent necessary to  
17    deal with unexpected or changed circumstances. If the approved budget

1 proves to be insufficient to pay all of the Town's expenses, the Selectboard  
2 may call a special Town meeting to vote on an increase to the budget.

3 Subchapter 5. Town Meetings and Elections

4 § 41. TOWN MEETINGS AND ELECTIONS; APPLICATION OF  
5 GENERAL LAW

6 Those provisions of State law relating to voter qualification, warnings,  
7 method of voting, the duties of Town officers at Town meetings and elections,  
8 and all other matters relating to preparation for, conducting, and managing  
9 Town meetings and elections shall, so far as they may be applicable, govern all  
10 Town elections and all annual and special Town meetings.

11 § 42. TOWN MEETINGS

12 (a) An annual Town meeting for the consideration of the budget, election  
13 of officers, and other Town business shall be held according to State law.  
14 Special meetings may be called by the Selectboard to consider any business for  
15 which State law requires, or for which the Selectboard deems it desirable to  
16 obtain, the approval of the voters of the Town.

(b) The ~~ballot boxes~~ *polling places* at ~~any election~~ *Town elections* shall be  
open for a minimum of nine consecutive hours as specified by the Board of  
Civil Authority and warned by the Selectboard.

17 § 43. ELIGIBLE VOTERS

1       Subject to the requirements of Title 17 of the Vermont Statutes Annotated,  
2       the Board of Civil Authority shall establish and enforce the method for  
3       identifying the voters eligible to vote at a Town meeting and all elections.

4       § 44. POLLING PLACES

5       In any annual or special Town meeting held to elect officers and vote on all  
6       questions to be decided by Australian ballot, the Board of Civil Authority shall  
7       establish polling places as it determines are required.

8       § 45. POSTPONING AND COMBINING TOWN MEETINGS

9       (a) The Selectboard may postpone the vote on any question to be voted at a  
10       special Town meeting to the following annual meeting or a November general  
11       election if the special meeting is scheduled to occur within 75 days of the  
12       annual meeting or a November general election, except that the Selectboard  
13       may not postpone a vote if the vote is for the purpose of using or discontinuing  
14       the use of the Australian ballot system for budgets as provided in  
15       17 V.S.A. § 2680(c) or for the recall of an elected officer.

16       (b) If a special Town meeting has been called, and a later special Town  
17       meeting is called by petition to be held within 45 days after the earlier special  
18       Town meeting, the Selectboard may warn the question to be voted at the  
19       earlier special Town meeting for the later Town meeting called by petition, and  
20       may by resolution rescind the call of the earlier meeting.

21       § 46. VOTING ON QUESTIONS BY AUSTRALIAN BALLOT

1       The Selectboard may cause any question to be voted by Australian ballot at  
2       any annual meeting, or special town meeting called on the Selectboard's  
3       motion or by petition, provided that the warning for the vote states that the  
4       vote will be by Australian ballot and includes notice of the time and place of  
5       the vote.

6                               Subchapter 6. Zoning and Planning

7       § 51. ZONING OFFICER; APPOINTMENT

8       The Town Zoning Officer, the "administrative officer" as described in 24  
9       V.S.A. § 4448, shall be appointed by the Selectboard and shall serve in that  
10       office for three years and until a successor is appointed and qualified. The  
11       Zoning Officer may serve two or more successive three-year terms.

12       § 52. APPLICABILITY OF STATE LAW TO MUNICIPAL LAND USE

13                               MATTERS

14       All matters pertaining to zoning, land subdivision, and municipal or  
15       regional plans shall be exclusively controlled by State law, except as otherwise  
16       specifically provided in this charter, the Town Plan, or the Town's zoning and  
17       subdivision bylaws.

18       § 53. CONTINUATION OF EXISTING LAND USE REGULATIONS

19       (a) The zoning ordinance adopted by the Town of Lyndon on August 20,  
20       1964, and as thereafter amended from time to time through and including July  
21       1, 2023, is hereby ratified and approved as the zoning ordinance of the Town

1 of Lyndon. It shall continue in force and effect and may be amended as  
2 provided in 24 V.S.A. chapter 117.

3 (b) The subdivision regulations of the Town of Lyndon adopted on  
4 November 5, 1996, and thereafter amended from time to time through and  
5 including July 1, 2023, are hereby ratified and approved as the subdivision  
6 regulations of the Town of Lyndon. They shall continue in force and effect  
7 and may be amended as provided in 24 V.S.A. chapter 117.

8 § 54. DEVELOPMENT REVIEW BOARD AND PLANNING

9 COMMISSION; MEETING MINUTES

10 Copies of the minutes of the Development Review Board and of the  
11 Planning Commission shall be filed and kept in the Town Clerk's office in  
12 separate books provided for that purpose, and they shall be available for  
13 inspection and copying by any member of the public at the office of the  
14 Zoning Officer upon request during normal business hours. Copies of all  
15 municipal land use permits, certificates of occupancy, and notices of violation  
16 of the Town's land use regulations shall be filed in the Town's land records.

17 Subchapter 7. Fiscal Matters

18 § 61. FISCAL YEAR

19 The Town's fiscal year shall commence on the first day of January ~~and end~~  
20 ~~at 12.00 midnight on the last day of the following December.~~

21 § 62. PREPARATION AND SUBMISSION OF BUDGET

1        At least 30 days before the date of the annual Town meeting, the  
2        Selectboard shall adopt a proposed budget. The budget shall contain:

3            (1) an estimate of the financial condition of the Town as of the end of  
4        the fiscal year and as of the date of submission of the budget;

5            (2) an itemized statement of appropriations recommended for operating  
6        expenses and capital improvements for the proposed fiscal year budget with  
7        comparative statements in parallel columns of budgeted and actual  
8        expenditures for the preceding fiscal year;

9            (3) an itemized statement of estimated revenues from all sources other  
10       than taxes for the proposed fiscal year budget, a statement of anticipated  
11       revenues from taxes required for the proposed fiscal year budget, and  
12       comparative statements in parallel columns of budgeted and actual revenues  
13       for the preceding fiscal year;

14           (4) a capital plan for the next five fiscal years, showing anticipated  
15       capital expenditures and financing and revenue sources; and

16           (5) any other information that the Selectboard may decide to include.

17       ~~§ 62. PUBLIC MEETING ON PROPOSED BUDGET~~

18           ~~Before finally determining the proposed Town budget, the Selectboard shall~~  
19       ~~hold a public meeting at least 40 days prior to the annual meeting to review the~~  
20       ~~budget with, and take comments from, the voters of the Town and shall give~~

1 ~~notice of the meeting in a newspaper of general local circulation at least seven~~  
2 ~~days prior to the meeting.~~

§ 63. [RESERVED]

3 § 64. PUBLICATION OF NOTICE OF PROPOSED BUDGET

4 At least 10 days before the annual Town meeting, the Selectboard shall  
5 publish a notice in a newspaper of general circulation in the Town stating the  
6 amount of money that the Town anticipates must be raised by taxes and to be  
7 voted at its annual meeting and the estimated tax rates applicable to the taxes  
8 to be raised.

9 § 65. PRINTING THE BUDGET AND WARNING FOR TOWN MEETING

10 The proposed budget in its final form and the warning for the annual Town  
11 meeting shall be printed and made available to the legal voters of the Town not  
12 less than 10 days prior to the meeting.

13 § 66. SAVINGS CLAUSE

14 The failure to perform any of the duties specified in this subchapter, or the  
15 failure to perform any of the duties within the time limits specified in this  
16 subchapter, shall not invalidate any action taken at a properly warned annual  
17 Town meeting.

18 § 67. AMOUNT TO BE RAISED BY PROPERTY TAXES

19 After passage of the budget at the annual Town meeting, the Selectboard  
20 shall determine the amount of money to be raised by property taxes. That



1 amount shall constitute the amount of the levy for the purposes of the Town in  
2 the corresponding fiscal year, and the Selectboard shall levy the taxes on the  
3 grand lists furnished by the listers for the corresponding tax year.

4 § 68. BORROWING MONEY

5 (a) The incurring of bonded debt, the issuing of bonds, the making of  
6 temporary loans in anticipation of bond sales, and all other matters pertaining  
7 to bonded indebtedness shall be controlled by 24 V.S.A. chapter 53 or other  
8 applicable State law.

9 (b) The Selectboard may borrow money for the Town in anticipation of  
10 taxes. The total amount so borrowed shall not exceed 90 percent of the taxes  
11 assessed for that year, and notes or orders issued for the debt shall mature on  
12 or before the end of the fiscal year for which the debt in anticipation of taxes  
13 was incurred.

14 (c) The Town, by vote at an annual or a special meeting, may borrow  
15 money under any terms and conditions and for any lawful municipal purposes  
16 as the Town shall vote.

17 (d) In cases of emergency, the Selectboard may appropriate funds or  
18 borrow money in the name of the Town. The total amount of money  
19 appropriated and borrowed for any emergencies in any year shall not exceed  
20 five percent of the amount voted at the annual meeting as the Town budget.  
21 Notes or orders for emergency borrowing shall mature not more than one year

1 from the date of issuance and shall not thereafter be renewed unless the Town  
2 votes otherwise. Any emergency borrowing or appropriation shall be reported  
3 at the next regular or special meeting of the Selectboard.

4 (e) The Selectboard may borrow funds in anticipation of the receipt of  
5 federal or State funds that have been formally approved and committed. The  
6 amount so borrowed may be used only for the purpose for which the federal or  
7 State funds were approved and committed. The amount so borrowed shall be  
8 repaid from the first federal or State funds received for that purpose.

9 (f) Any appropriations of money in excess of the amount in the Town  
10 budget, except as specified in subsection (d) of this section, and all borrowing  
11 by the Town except as specified in subsections (b), (c), (d), and (e) of this  
12 section, shall be by vote of the Town, upon terms and conditions as the Town  
13 shall vote.

14 § 69. TAXES

15 (a) Taxes on real property shall be paid at the times and in the installments,  
16 if any, that are voted at the annual Town meeting.

17 (b) Interest and penalties on unpaid taxes shall be levied in the maximum  
18 amounts allowed under State law.

19 § 70. INVESTMENT OF TOWN FUNDS

1        (a) The Town may invest money that has been raised in a current year for  
2        the payment of that current year's operating expenses in the following  
3        identified instruments and in no other instruments whatsoever:

4                (1) obligations of the United States, its agencies, and instrumentalities,  
5        and any repurchase agreements whose underlying collateral consists of such  
6        obligations;

7                (2) certificates of deposit and other evidences of deposit at banks,  
8        savings institutions, and trust companies approved by the Selectboard;

9                (3) such municipal bonds or other bonds that are lawful investments for  
10       a bank, savings institution, or trust company in Vermont; and

11               (4) deposits in Vermont chartered banks, national banks, credit unions,  
12       and trust companies that are:

13                (A) located in Vermont;

14                (B) regulated by the State of Vermont, the Federal Deposit Insurance  
15       Corporation, the Federal Reserve Board, or the Office of the Comptroller of  
16       the Currency; and

17                (C) that are fully insured by the Federal Deposit Insurance  
18       Corporation or a similar federal insurer.

19        (b) The Selectboard shall have full power to direct the Town Treasurer to  
20       hold, purchase, sell, assign, transfer, and otherwise dispose of any securities

1 and investments and the proceeds of such investments in which any Town  
2 funds have been invested.

3 Subchapter 8. Lyndon Electric Department

4 § 81. LYNDON ELECTRIC DEPARTMENT; COMPOSITION

5 (a) There shall be established the Town of Lyndon Electric Department,  
6 which shall initially serve the same area as the Village of Lyndonville Electric  
7 Department.

8 (b) The Board of Electric Commissioners shall be composed of three  
9 commissioners appointed by the Town of Lyndon Selectboard for terms of  
10 three years each. The initial three Commissioners shall be three of the  
11 Trustees of the Village of Lyndonville who held the office on July 1, 2023.  
12 The terms of the initial three Commissioners shall be one Commissioner for a  
13 term of one year, one Commissioner for a term of two years, and one  
14 Commissioner for a term of three years. Each year thereafter, the Selectboard  
15 shall appoint one Commissioner for a term of three years. All Commissioners  
16 shall be residents of the Town of Lyndon.

17 (c) It shall be the policy of the Town, as implemented by the Selectboard,  
18 insofar as possible, to appoint Commissioners with an appropriate background  
19 and with an interest in the utilities field, bearing in mind the complexities of  
20 those related operations.

1       (d) Should any Commissioner become unable to serve for any reason, or  
2       resign, the Selectboard shall appoint a replacement to serve until the end of  
3       that term. The Selectboard may remove a Commissioner if just cause is stated  
4       to the member in writing and after a public meeting if the Commissioner  
5       requests one.

6       § 82. BOARD OF ELECTRIC COMMISSIONERS; AUTHORITY

7       (a) The Lyndon Electric Commissioners shall serve as electric  
8       commissioners under 30 V.S.A. §§ 2915 and 2916.

9       (b) The Board of Electric Commissioners shall have authority to construct,  
10       operate, maintain, and remove an electric light plant for the purpose of lighting  
11       the streets, walks, and other public grounds; lighting any buildings in those  
12       public grounds; and supplying and furnishing electricity for domestic and  
13       other purposes to persons and corporations in the service territory of the  
14       Village of Lyndonville Electric Department and as the service territory may be  
15       amended by the Public Utilities Commission from time to time.

16       (c) For the purposes described in this section, the Board may take,  
17       purchase or acquire, and hold any water, power, land, and rights of way in the  
18       service territory needed for the construction, maintenance, and operation of the  
19       electric light plant and may use any public highway over which it may be  
20       necessary or desirable to pass with the poles and wire of the same, provided

1 the use of the public highway for the purpose of public travel is not thereby  
2 unnecessarily impaired.

3 (d) The Board of Electric Commissioners shall have the power:

4 (1) to purchase, hire, construct, or otherwise acquire an interest in;  
5 maintain; operate; sell; lease; or otherwise dispose of any:

6 (A) plant located within or outside the State, including a gas plant or  
7 system; or

8 (B) system located within or outside the State, including existing  
9 rights of way, poles, lines, towers, and fixtures and transmission lines serving  
10 the existing system owned by others; and

11 (2) for the production, distribution, purchase, or sale of electricity:

12 (A) to extend, enlarge, or improve a plant or system; and

13 (B) for that purpose, to purchase, hire, construct, or otherwise  
14 acquire any real or personal property.

15 (e) The powers described in subsection (d) of this section may be exercised  
16 through a taking by eminent domain in the manner prescribed by law.

17 (f) The Board of Electric Commissioners shall also have the power to:

18 (1) purchase, sell, and otherwise acquire and dispose of electricity and  
19 electricity-related products, including sales to and purchases from electric  
20 distribution companies and cooperatives, municipal and privately owned,  
21 within or outside the State; ~~and~~

(2) make all agreements, conveyances, and regulations necessary or convenient in connection with the purchase, sale, acquisition, or disposal of electricity and electricity-related products; *and*

(3) ~~Consistent~~ *consistent* with 30 V.S.A. chapter 5, determine the rates and charges for electric service.

1       (g) All of the powers enumerated in this section are in addition to, and not  
2 in substitution for or in limitation of, any other powers conferred by law and  
3 are subject to regulatory review for municipal utilities as provided in Title 30  
4 of the Vermont Statutes Annotated.

5       § 83. BOARD OF ELECTRIC COMMISSIONERS; DUTIES

6       (a) The Board of Electric Commissioners shall administer its  
7 responsibilities in the Town of Lyndon Electric Department. The Town of  
8 Lyndon Electric Department shall have its own professional management,  
9 staff, plan, equipment, and entirely separate financial accounts.

10       (b) The personnel policies of the Town of Lyndon Electric Department  
11 may differ from the policies of other departments within the Town.

12       (c) The Town of Lyndon Electric Department shall be directly managed  
13 under the Board of Electric Commissioners by a General Manager. The  
14 General Manager shall perform any hiring or firing of Town of Lyndon  
15 Electric Department personnel. The General Manager shall have the special  
16 and immediate care and practical supervision of the Town of Lyndon Electric

1 Department. In performing the General Manager's duties, the General  
2 Manager shall be responsible to the Board of Electric Commissioners.

3 (d) With approval of the Board of Electric Commissioners, the General  
4 Manager of the Town of Lyndon Electric Department shall receive all funds  
5 due the Town of Lyndon Electric Department; issue bills for services rendered;  
6 have sole responsibility to maintain books of account; and execute and issue on  
7 behalf of the Town of Lyndon Electric Department drafts, checks, and other  
8 negotiable orders for the payment of bills and charges of the Town of Lyndon  
9 Electric Department, provided that any payment shall be made exclusively  
10 from the revenue of the Town of Lyndon Electric Department. All such  
11 accounting functions of the Town of Lyndon Electric Department shall be  
12 subject to the review by the auditors of the Town of Lyndon.

13 § 84. ELECTRIC DEPARTMENT; ASSETS, FINANCES, AND  
14 INDEBTEDNESS

15 (a) The Town of Lyndon Electric Department shall inherit all of the assets,  
16 accounts, and liabilities of the Village of Lyndonville Electric Department,  
17 subject to the management of the Board of Electric Commissioners under the  
18 general supervision of the Selectboard. The Department shall operate under  
19 the statutory authority and requirements of 30 V.S.A. chapter 79, relating to  
20 municipal electric plants, and 24 V.S.A. chapter 53, relating to municipal



1 indebtedness, all of which control the financing, improvements, expansion,  
2 and disposal of the municipal electric plant and its operations.

3 (b) With specific reference to the legislative authorization contained in  
4 24 V.S.A. chapter 53, subchapter 2, the Board of Electric Commissioners is  
5 permitted to issue either revenue-backed bonds or general obligation bonds, or  
6 both, for any capital improvement purpose related to its responsibilities to  
7 operate such utilities for the benefit of its ratepayers, provided each issuance of  
8 bonds is approved according to law.

9 (c) The Town of Lyndon Electric Department shall take over for  
10 administrative purposes all contractual benefits and obligations inherited by  
11 the Town of Lyndon under the Merger Plan as approved by the Town and the  
12 Village that involve or apply to its operations as an electric utility without any  
13 further act, deed, or instrument being necessary, or the approval of any agency  
14 of State government.

15 (d) Annually, the Town of Lyndon Electric Department shall contribute to  
16 the Town of Lyndon in lieu of taxes in the form of either a cash payment or the  
17 equivalent in free services and municipal rate benefits in an amount equaling  
18 the amount of money that would have been received by the Town of Lyndon in  
19 ad valorem real estate taxes were such department a privately owned utility, or  
20 both.

1     § 91. SEPARABILITY

2         If any provision of this charter is determined to be invalid, no other  
3     provision of this charter shall be affected by that determination. If the  
4     particular application of any of the provisions of this charter to any person or  
5     set of circumstances is determined to be invalid, the application of the  
6     provisions of this charter to other persons or set of circumstances shall not be  
7     affected by that determination.

8     § 92. CONTINUATION IN OFFICE OR EMPLOYMENT

9         Except as may expressly or implicitly be otherwise provided by this charter,  
10     at the time this charter takes effect all officers of the Town of Lyndon and all  
11     employees of the Town and the former Village of Lyndonville shall continue in  
12     such office or employment.

13     § 93. PENDING MATTERS

14         All past, present, and future rights, claims, actions, orders, contracts, and  
15     legal or administrative proceedings, now in progress or that arise in the future,  
16     choate and inchoate, that involve or affect the Town of Lyndon or the former  
17     Village of Lyndonville on July 1, 2023 shall not be affected by the merger of  
18     the Town and the Village and shall continue to be maintained and be  
19     enforceable by or against the Town of Lyndon.

20     § 94. CONTINUATION OF MUNICIPAL LAWS

1       All ordinances, resolutions, orders, and regulations of the Town of Lyndon  
2       and the former Village of Lyndonville that are in force when this charter  
3       becomes fully effective shall remain in full force and effect, excepting only  
4       those ordinances, resolutions, orders, and regulations that are inconsistent with  
5       this charter. Former Village ordinances shall apply only to those geographical  
6       portions of Town that were encompassed by the former Village until the  
7       Selectboard amends or repeals those ordinances following the procedures  
8       authorized in subchapter 2 of this charter.

9       § 95. COPIES OF THE CHARTER

10       The original copy of this charter shall be kept by the Town Clerk at the  
11       Clerk's office. Two copies of this charter shall be kept at all times at the  
12       Cobleigh Library. The charter shall be available for inspection and copying by  
13       any member of the public on request during normal business hours.

14       § 96. AMENDMENT OF CHARTER

15       This charter may be amended pursuant to and by the procedures of State  
16       law.

17       § 97. REFERENCE TO STATE LAW

18       Any reference in this charter to a specific State law or to State law  
19       generally shall include the statute as it may be subsequently amended or  
20       renumbered and any statute substituted for that statute and having similar  
21       subject matter.

1       Sec. 3. APPROVAL OF AGREEMENT BETWEEN THE TOWN AND  
2               VILLAGE; TRANSITIONAL PROVISIONS

3           (a) Approval. The General Assembly approves the memorandum of  
4           understanding entered into by the Selectboard of the Town of Lyndon and the  
5           Trustees of the Village of Lyndonville. The General Assembly approves the  
6           transitional provisions contained in the agreement executed by the Town and  
7           Village, as set out in this section.

8           (b) Selectboard.

9           (1) The members of the Selectboard who hold that office on July 1,  
10          2023 shall continue to serve as members of the new Selectboard until the first  
11          election to be held at the next following Town meeting in March of 2024.

12          (2) Two members of the Board of Trustees who hold that office on July  
13          1, 2023 shall serve as members of the new Selectboard until the first election  
14          to be held at the next following Town meeting in March of 2024.

15          (3) The new Selectboard, so constituted, shall appoint the three Trustees  
16          who do not become members of the new Selectboard to be the Electric  
17          Department's Board of Commissioners.

18          (c) Fiscal transition.

19          (1) Both the Town of Lyndon and the Village of Lyndonville have fiscal  
20          years ending on December 31. Although a single governing body for the  
21          merged municipalities will come into being on July 1, 2023, each of the

1 former municipalities will continue to operate under its own budget, as  
2 approved at the 2023 annual meetings, through December 31, 2023.  
3 Beginning on January 1, 2024, the merged municipalities will operate under a  
4 single budget.

5 (2) After the merger on July 1, 2023, the Selectboard will propose the  
6 creation of the Special Services District that will include the properties in the  
7 former Village of Lyndonville and the grand list associated with those  
8 properties. A special meeting of the voters in that District will be called to  
9 approve the creation of the District. If a majority of the residents who vote at  
10 such special meeting vote in favor of creating the District, it shall be created.

11 (3) In preparing the 2024 merged municipality budget, the Selectboard  
12 shall designate a portion of the tax requirement to the Special Services District.  
13 The amount designated shall be seven percent. This sum will be raised as a  
14 special services tax upon the grand list of the former Village of Lyndonville  
15 and when collected will be integrated into the Town General Fund. The  
16 remaining 93 percent of the tax requirement will be raised as a general tax on  
17 all properties in the Town grand list.

18 (4) In preparing the 2025 merged municipality budget, the Selectboard  
19 shall designate a portion of the tax requirement to the Special Services District.  
20 The amount designated will be four percent. This sum will be raised as a  
21 special services tax upon the grand list of the former Village of Lyndonville

1 and when collected will be integrated into the Town General Fund. The  
2 remaining 96 percent of the tax requirement will be raised as a general tax on  
3 all properties in the Town grand list.

4 (5) In preparing the 2026 merged municipality budget, the Selectboard  
5 will designate 100 percent of the tax requirement to the Town General Fund  
6 and taxes needed will be raised by the Town grand list. The Selectboard may  
7 repeal the Special Services District if no future need is foreseen.

8 Sec. 4. REPEAL

9 24 App. V.S.A. chapter 237 (Village of Lyndonville) is repealed.

10 Sec. 5. EFFECTIVE DATE

11 This act shall take effect on July 1, 2023.