

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 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.

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

(4) 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.

1 § 13. REPEAL OF ORDINANCES BY REFERENDUM

2 All Town ordinances, except those specified in section 16 of this charter,
3 may be repealed by vote of the Town if a petition signed by not less than
4 15 percent of the registered voters, specifying the particular ordinance on
5 which the vote is requested, is filed with the Town Clerk. The Selectboard
6 shall call a special Town meeting to be held within 60 days after the date the
7 petition is filed to vote on whether the ordinance shall be repealed. The
8 ordinance subject to the vote shall be repealed if at least 15 percent of the
9 Town's registered voters vote on the question to repeal the ordinance and a
10 majority of those voting vote to repeal the ordinance.

11 § 14. PENALTIES FOR VIOLATION OF AN ORDINANCE

12 (a) A Town ordinance may provide:
13 (1) for a fine not greater than \$10,000.00 for the violation of the
14 ordinance, the amount of a particular fine to be determined by the Selectboard
15 on a case-by-case basis; and
16 (2) that each day a violation continues may constitute a separate
17 violation.

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

4 (c) The Town may maintain an action to enjoin the violation of any
5 ordinance or rule. The election by the Town to apply for an injunction shall
6 not prevent the Town from also seeking a criminal prosecution or imposing a
7 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

16 The officers of the Town of Lyndon shall be those provided by law, except
17 as otherwise provided in this charter. Town officers shall have all of the
18 powers and duties necessary to carry out the provisions of this charter as well
19 as those provided by law.

20 § 22. ELECTED OFFICERS

21 The municipal officers elected by the Town shall be:

- 1 (1) five members of the Selectboard;
- 2 (2) one Moderator;
- 3 (3) five Trustees of the Cobleigh Library;
- 4 (4) three, four, or five listers, as determined by the Selectboard;
- 5 (5) one Town Agent;
- 6 (6) one Town Clerk;
- 7 (7) three Trustees of the Sanborn School Fund;
- 8 (8) Justices of the peace, the number of which shall be determined in
9 accordance with the Vermont Constitution; and
- 10 (9) one Town Treasurer.

11 § 23. QUALIFICATIONS OF OFFICERS

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

16 § 24. ELECTION OF OFFICERS BY AUSTRALIAN BALLOT

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

19 § 25. VACANCIES IN TOWN OFFICES

20 When an elected officer identified in section 22 of this charter resigns,
21 moves the officer's residence outside the Town, dies, or becomes

1 incapacitated, that office shall become vacant. In addition, if a member of the
2 Selectboard fails to attend at least 50 percent of the Selectboard's meetings in
3 any calendar quarter, the member's office may be declared vacant by the vote
4 of a majority of the Selectboard held at a warned meeting. If a vacancy is
5 created more than 90 days prior to the Town's next annual meeting, the
6 Selectboard shall promptly appoint an eligible person to fill the vacancy until
7 the next annual meeting. If the vacancy is created within 90 days of the
8 Town's next annual meeting, the vacancy shall be filled by vote of the Town at
9 that annual meeting. A person so appointed or elected shall serve until the
10 person's predecessor's term expires.

11 § 26. SELECTBOARD; TERMS OF OFFICE

12 (a) Each member of the Selectboard shall be elected for a term of three
13 years. In the first election after this charter is approved by the General
14 Assembly, two members of the Selectboard shall be elected for terms of three
15 years, two members shall be elected for terms of two years, and one member
16 shall be elected for a term of one year. After the first election following
17 adoption of this charter, members of the Selectboard shall be elected for terms
18 of three years as prior terms expire.

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

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

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

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

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

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

20 (2) Listers. The listers shall perform all of the duties imposed on them
21 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.

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

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

4 (f) Sanborn School Fund Trustees. The Trustees of the Sanborn School
5 Fund shall be elected for terms of three years. Each of the Trustees of the
6 Sanborn School Fund in office on July 1, 2023 shall continue in office until
7 their respective terms expire.

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

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

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

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

1 (3) keep books and accounts as required by State law and the
2 Selectboard;

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

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

7 § 28. RECALL OF ELECTED OFFICERS

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

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

13 (2) The Selectboard shall call a special Town meeting, to be held within
14 45 days after its receipt of the petition, to vote on the question of whether the
15 elected officer shall be removed from office.

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

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

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

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

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

7 § 29. BONDING OF OFFICERS

8 All Town officers required to be bonded by State law shall be bonded at the
9 expense of the Town. The Selectboard may require that other Town officers
10 be bonded at the expense of the Town.

11 Subchapter 4. The Selectboard

12 § 31. SELECTBOARD; POWERS AND DUTIES

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

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

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

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

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

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

11 (5) Appoint a Superintendent of Public Works.

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

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

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

19 (9) Inquire into the conduct of any Town employee; Town officer,
20 including an elected officer; and any commission or department, and

1 investigate any and all municipal affairs whenever necessary for the proper and
2 orderly conduct of Town government.

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

6 (11) Establish one or more areas apart from the rest of the Town as
7 Special Service Districts, provide the Districts with special municipal services
8 not provided throughout the Town, and assess a tax on the grand list of the
9 taxpayers in the District to pay for the services, on the condition that a special
10 meeting of the voters who reside in any such District shall be called in the
11 same manner as a special Town meeting to vote on whether the special District
12 should be created, and a majority of the residents who vote at such special
13 meeting vote in favor of creating the District.

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

16 § 32. SELECTBOARD; ORGANIZATION

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

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

1 § 23. SELECTBOARD MEETINGS

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

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

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

11 (d) All meetings of the Selectboard shall be open to the public unless the
12 Selectboard votes to go into executive session in accordance with the
13 provisions of 1 V.S.A. chapter 5. No vote of the Selectboard on any matter
14 shall be taken in executive session.

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

18 (f) Any member of the Selectboard may add items of business to the
19 written agenda upon commencement of the meeting, provided that a majority
20 of the membership of the entire Selectboard votes to add the items to the
21 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.

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

4 § 35. COMPENSATION OF TOWN OFFICERS

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

7 § 36. BUDGET

8 The Selectboard shall submit a proposed budget to the voters to be voted on
9 at the annual Town meeting as provided in subchapter 7 of this charter. The
10 vote of the Town shall constitute the approval of the total amount of the
11 budget. The Selectboard may reallocate the sums so approved within the
12 budget to pay for expenditures in different amounts to the extent necessary to
13 deal with unexpected or changed circumstances. If the approved budget
14 proves to be insufficient to pay all of the Town's expenses, the Selectboard
15 may call a special Town meeting to vote on an increase to the budget.

16 Subchapter 5. Town Meetings and Elections

17 § 41. TOWN MEETINGS AND ELECTIONS; APPLICATION OF
18 GENERAL LAW

19 Those provisions of State law relating to voter qualification, warnings,
20 method of voting, the duties of Town officers at Town meetings and elections,
21 and all other matters relating to preparation for, conducting, and managing

1 Town meetings and elections shall, so far as they may be applicable, govern all
2 Town elections and all annual and special Town meetings.

3 § 42. TOWN MEETINGS

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

(b) The ballot boxes 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.

9 § 43. ELIGIBLE VOTERS

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

13 § 44. POLLING PLACES

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

17 § 45. POSTPONING AND COMBINING TOWN MEETINGS

1 (a) The Selectboard may postpone the vote on any question to be voted at a
2 special Town meeting to the following annual meeting or a November general
3 election if the special meeting is scheduled to occur within 75 days of the
4 annual meeting or a November general election, except that the Selectboard
5 may not postpone a vote if the vote is for the purpose of using or discontinuing
6 the use of the Australian ballot system for budgets as provided in
7 17 V.S.A. § 2680(c) or for the recall of an elected officer.

8 (b) If a special Town meeting has been called, and a later special Town
9 meeting is called by petition to be held within 45 days after the earlier special
10 Town meeting, the Selectboard may warn the question to be voted at the
11 earlier special Town meeting for the later Town meeting called by petition, and
12 may by resolution rescind the call of the earlier meeting.

13 § 46. VOTING ON QUESTIONS BY AUSTRALIAN BALLOT

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

19 Subchapter 6. Zoning and Planning

20 § 51. ZONING OFFICER; APPOINTMENT

1 The Town Zoning Officer, the “administrative officer” as described in 24
2 V.S.A. § 4448, shall be appointed by the Selectboard and shall serve in that
3 office for three years and until a successor is appointed and qualified. The
4 Zoning Officer may serve two or more successive three-year terms.

5 § 52. APPLICABILITY OF STATE LAW TO MUNICIPAL LAND USE
6 MATTERS

7 All matters pertaining to zoning, land subdivision, and municipal or
8 regional plans shall be exclusively controlled by State law, except as otherwise
9 specifically provided in this charter, the Town Plan, or the Town’s zoning and
10 subdivision bylaws.

11 § 53. CONTINUATION OF EXISTING LAND USE REGULATIONS

12 (a) The zoning ordinance adopted by the Town of Lyndon on August 20,
13 1964, and as thereafter amended from time to time through and including July
14 1, 2023, is hereby ratified and approved as the zoning ordinance of the Town
15 of Lyndon. It shall continue in force and effect and may be amended as
16 provided in 24 V.S.A. chapter 117.

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

1 § 54. DEVELOPMENT REVIEW BOARD AND PLANNING

2 COMMISSION; MEETING MINUTES

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

10 Subchapter 7. Fiscal Matters

11 § 61. FISCAL YEAR

12 The Town's fiscal year shall commence on the first day of January ~~and end~~
13 ~~at 12:00 midnight on the last day of the following December.~~

14 § 62. PREPARATION AND SUBMISSION OF BUDGET

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

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

19 (2) an itemized statement of appropriations recommended for operating
20 expenses and capital improvements for the proposed fiscal year budget with

1 comparative statements in parallel columns of budgeted and actual
2 expenditures for the preceding fiscal year;

3 (3) an itemized statement of estimated revenues from all sources other
4 than taxes for the proposed fiscal year budget, a statement of anticipated
5 revenues from taxes required for the proposed fiscal year budget, and
6 comparative statements in parallel columns of budgeted and actual revenues
7 for the preceding fiscal year;

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

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

11 ~~§ 63. PUBLIC MEETING ON PROPOSED BUDGET~~

12 ~~Before finally determining the proposed Town budget, the Selectboard shall~~
13 ~~hold a public meeting at least 40 days prior to the annual meeting to review the~~
14 ~~budget with, and take comments from, the voters of the Town and shall give~~
15 ~~notice of the meeting in a newspaper of general local circulation at least seven~~
16 ~~days prior to the meeting.~~

~~§ 63. [RESERVED]~~

17 § 64. PUBLICATION OF NOTICE OF PROPOSED BUDGET

18 At least 10 days before the annual Town meeting, the Selectboard shall
19 publish a notice in a newspaper of general circulation in the Town stating the
20 amount of money that the Town anticipates must be raised by taxes and to be

1 voted at its annual meeting and the estimated tax rates applicable to the taxes
2 to be raised.

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

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

7 § 66. SAVINGS CLAUSE

8 The failure to perform any of the duties specified in this subchapter, or the
9 failure to perform any of the duties within the time limits specified in this
10 subchapter, shall not invalidate any action taken at a properly warned annual
11 Town meeting.

12 § 67. AMOUNT TO BE RAISED BY PROPERTY TAXES

13 After passage of the budget at the annual Town meeting, the Selectboard
14 shall determine the amount of money to be raised by property taxes. That
15 amount shall constitute the amount of the levy for the purposes of the Town in
16 the corresponding fiscal year, and the Selectboard shall levy the taxes on the
17 grand lists furnished by the listers for the corresponding tax year.

18 § 68. BORROWING MONEY

19 (a) The incurring of bonded debt, the issuing of bonds, the making of
20 temporary loans in anticipation of bond sales, and all other matters pertaining

1 to bonded indebtedness shall be controlled by 24 V.S.A. chapter 53 or other
2 applicable State law.

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

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

11 (d) In cases of emergency, the Selectboard may appropriate funds or
12 borrow money in the name of the Town. The total amount of money
13 appropriated and borrowed for any emergencies in any year shall not exceed
14 five percent of the amount voted at the annual meeting as the Town budget.
15 Notes or orders for emergency borrowing shall mature not more than one year
16 from the date of issuance and shall not thereafter be renewed unless the Town
17 votes otherwise. Any emergency borrowing or appropriation shall be reported
18 at the next regular or special meeting of the Selectboard.

19 (e) The Selectboard may borrow funds in anticipation of the receipt of
20 federal or State funds that have been formally approved and committed. The
21 amount so borrowed may be used only for the purpose for which the federal or

1 State funds were approved and committed. The amount so borrowed shall be
2 repaid from the first federal or State funds received for that purpose.

3 (f) Any appropriations of money in excess of the amount in the Town
4 budget, except as specified in subsection (d) of this section, and all borrowing
5 by the Town except as specified in subsections (b), (c), (d), and (e) of this
6 section, shall be by vote of the Town, upon terms and conditions as the Town
7 shall vote.

8 § 69. TAXES

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

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

13 § 70. INVESTMENT OF TOWN FUNDS

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

17 (1) obligations of the United States, its agencies, and instrumentalities,
18 and any repurchase agreements whose underlying collateral consists of such
19 obligations;

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

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

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

5 (A) located in Vermont;

6 (B) regulated by the State of Vermont, the Federal Deposit Insurance
7 Corporation, the Federal Reserve Board, or the Office of the Comptroller of
8 the Currency; and

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

11 (b) The Selectboard shall have full power to direct the Town Treasurer to
12 hold, purchase, sell, assign, transfer, and otherwise dispose of any securities
13 and investments and the proceeds of such investments in which any Town
14 funds have been invested.

15 Subchapter 8. Lyndon Electric Department

16 § 81. LYNDON ELECTRIC DEPARTMENT; COMPOSITION

17 (a) There shall be established the Town of Lyndon Electric Department,
18 which shall initially serve the same area as the Village of Lyndonville Electric
19 Department.

20 (b) The Board of Electric Commissioners shall be composed of three
21 commissioners appointed by the Town of Lyndon Selectboard for terms of

1 three years each. The initial three Commissioners shall be three of the
2 Trustees of the Village of Lyndonville who held the office on July 1, 2023.
3 The terms of the initial three Commissioners shall be one Commissioner for a
4 term of one year, one Commissioner for a term of two years, and one
5 Commissioner for a term of three years. Each year thereafter, the Selectboard
6 shall appoint one Commissioner for a term of three years. All Commissioners
7 shall be residents of the Town of Lyndon.

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

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

17 § 82. BOARD OF ELECTRIC COMMISSIONERS; AUTHORITY

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

20 (b) The Board of Electric Commissioners shall have authority to construct,
21 operate, maintain, and remove an electric light plant for the purpose of lighting

1 the streets, walks, and other public grounds; lighting any buildings in those
2 public grounds; and supplying and furnishing electricity for domestic and
3 other purposes to persons and corporations in the service territory of the
4 Village of Lyndonville Electric Department and as the service territory may be
5 amended by the Public Utilities Commission from time to time.

6 (c) For the purposes described in this section, the Board may take,
7 purchase or acquire, and hold any water, power, land, and rights of way in the
8 service territory needed for the construction, maintenance, and operation of the
9 electric light plant and may use any public highway over which it may be
10 necessary or desirable to pass with the poles and wire of the same, provided
11 the use of the public highway for the purpose of public travel is not thereby
12 unnecessarily impaired.

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

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

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

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

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

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

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

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

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

7 (1) purchase, sell, and otherwise acquire and dispose of electricity and
8 electricity-related products, including sales to and purchases from electric
9 distribution companies and cooperatives, municipal and privately owned,
10 within or outside the State; and

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

14 (3) Consistent with 30 V.S.A. Chapter 5, determine the rates and
15 charges for electric service.

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

20 § 83. BOARD OF ELECTRIC COMMISSIONERS; DUTIES

1 (a) The Board of Electric Commissioners shall administer its
2 responsibilities in the Town of Lyndon Electric Department. The Town of
3 Lyndon Electric Department shall have its own professional management,
4 staff, plan, equipment, and entirely separate financial accounts.

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

7 (c) The Town of Lyndon Electric Department shall be directly managed
8 under the Board of Electric Commissioners by a General Manager. The
9 General Manager shall perform any hiring or firing of Town of Lyndon
10 Electric Department personnel. The General Manager shall have the special
11 and immediate care and practical supervision of the Town of Lyndon Electric
12 Department. In performing the General Manager's duties, the General
13 Manager shall be responsible to the Board of Electric Commissioners.

14 (d) With approval of the Board of Electric Commissioners, the General
15 Manager of the Town of Lyndon Electric Department shall receive all funds
16 due the Town of Lyndon Electric Department; issue bills for services rendered;
17 have sole responsibility to maintain books of account; and execute and issue on
18 behalf of the Town of Lyndon Electric Department drafts, checks, and other
19 negotiable orders for the payment of bills and charges of the Town of Lyndon
20 Electric Department, provided that any payment shall be made exclusively
21 from the revenue of the Town of Lyndon Electric Department. All such

1 accounting functions of the Town of Lyndon Electric Department shall be
2 subject to the review by the auditors of the Town of Lyndon.

3 § 84. ELECTRIC DEPARTMENT; ASSETS, FINANCES, AND
4 INDEBTEDNESS

5 (a) The Town of Lyndon Electric Department shall inherit all of the assets,
6 accounts, and liabilities of the Village of Lyndonville Electric Department,
7 subject to the management of the Board of Electric Commissioners under the
8 general supervision of the Selectboard. The Department shall operate under
9 the statutory authority and requirements of 30 V.S.A. chapter 79, relating to
10 municipal electric plants, and 24 V.S.A. chapter 53, relating to municipal
11 indebtedness, all of which control the financing, improvements, expansion,
12 and disposal of the municipal electric plant and its operations.

13 (b) With specific reference to the legislative authorization contained in
14 24 V.S.A. chapter 53, subchapter 2, the Board of Electric Commissioners is
15 permitted to issue either revenue-backed bonds or general obligation bonds, or
16 both, for any capital improvement purpose related to its responsibilities to
17 operate such utilities for the benefit of its ratepayers, provided each issuance of
18 bonds is approved according to law.

19 (c) The Town of Lyndon Electric Department shall take over for
20 administrative purposes all contractual benefits and obligations inherited by
21 the Town of Lyndon under the Merger Plan as approved by the Town and the

1 Village that involve or apply to its operations as an electric utility without any
2 further act, deed, or instrument being necessary, or the approval of any agency
3 of State government.

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

10 Subchapter 9. Miscellaneous Matters

11 § 91. SEPARABILITY

12 If any provision of this charter is determined to be invalid, no other
13 provision of this charter shall be affected by that determination. If the
14 particular application of any of the provisions of this charter to any person or
15 set of circumstances is determined to be invalid, the application of the
16 provisions of this charter to other persons or set of circumstances shall not be
17 affected by that determination.

18 § 92. CONTINUATION IN OFFICE OR EMPLOYMENT

19 Except as may expressly or implicitly be otherwise provided by this charter,
20 at the time this charter takes effect all officers of the Town of Lyndon and all

1 employees of the Town and the former Village of Lyndonville shall continue in
2 such office or employment.

3 § 93. PENDING MATTERS

4 All past, present, and future rights, claims, actions, orders, contracts, and
5 legal or administrative proceedings, now in progress or that arise in the future,
6 choate and inchoate, that involve or affect the Town of Lyndon or the former
7 Village of Lyndonville on July 1, 2023 shall not be affected by the merger of
8 the Town and the Village and shall continue to be maintained and be
9 enforceable by or against the Town of Lyndon.

10 § 94. CONTINUATION OF MUNICIPAL LAWS

11 All ordinances, resolutions, orders, and regulations of the Town of Lyndon
12 and the former Village of Lyndonville that are in force when this charter
13 becomes fully effective shall remain in full force and effect, excepting only
14 those ordinances, resolutions, orders, and regulations that are inconsistent with
15 this charter. Former Village ordinances shall apply only to those geographical
16 portions of Town that were encompassed by the former Village until the
17 Selectboard amends or repeals those ordinances following the procedures
18 authorized in subchapter 2 of this charter.

19 § 95. COPIES OF THE CHARTER

20 The original copy of this charter shall be kept by the Town Clerk at the
21 Clerk's office. Two copies of this charter shall be kept at all times at the

1 Cobleigh Library. The charter shall be available for inspection and copying by
2 any member of the public on request during normal business hours.

3 § 96. AMENDMENT OF CHARTER

4 This charter may be amended pursuant to and by the procedures of State
5 law.

6 § 97. REFERENCE TO STATE LAW

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

11 Sec. 3. APPROVAL OF AGREEMENT BETWEEN THE TOWN AND
12 VILLAGE; TRANSITIONAL PROVISIONS

13 (a) Approval. The General Assembly approves the memorandum of
14 understanding entered into by the Selectboard of the Town of Lyndon and the
15 Trustees of the Village of Lyndonville. The General Assembly approves the
16 transitional provisions contained in the agreement executed by the Town and
17 Village, as set out in this section.

18 (b) Selectboard.

19 (1) The members of the Selectboard who hold that office on July 1,
20 2023 shall continue to serve as members of the new Selectboard until the first
21 election to be held at the next following Town meeting in March of 2024.

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

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

7 (c) Fiscal transition.

8 (1) Both the Town of Lyndon and the Village of Lyndonville have fiscal
9 years ending on December 31. Although a single governing body for the
10 merged municipalities will come into being on July 1, 2023, each of the
11 former municipalities will continue to operate under its own budget, as
12 approved at the 2023 annual meetings, through December 31, 2023.
13 Beginning on January 1, 2024, the merged municipalities will operate under a
14 single budget.

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

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

8 (4) In preparing the 2025 merged municipality budget, the Selectboard
9 shall designate a portion of the tax requirement to the Special Services District.
10 The amount designated will be four percent. This sum will be raised as a
11 special services tax upon the grand list of the former Village of Lyndonville
12 and when collected will be integrated into the Town General Fund. The
13 remaining 96 percent of the tax requirement will be raised as a general tax on
14 all properties in the Town grand list.

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

19 Sec. 4. REPEAL

20 24 App. V.S.A. chapter 237 (Village of Lyndonville) is repealed.

21 Sec. 5. EFFECTIVE DATE

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