

The Vermont Statutes Online

Title 24 Appendix: Municipal Charters

Chapter 245: VILLAGE OF MORRISVILLE

§ 245-1. Applicability

(a) When approved by a majority of the legal voters of the village of Morrisville present and voting by Australian ballot at an annual meeting duly warned for that purpose, the following shall be the charter of the village of Morrisville.

(b) This charter may be amended or revised in the manner prescribed by section 2645 of Title 17.

(c) Except as modified by the provisions of this charter, all provisions of the Vermont Statutes Annotated applicable to municipalities shall apply to the village of Morrisville.

§ 245-2. Village boundaries

All that portion of the town of Morrystown in the County of Lamoille as follows:

Beginning at the northwest corner of the farm now owned by W.J. Foss and Helen Foss, and being at the point where the lands of the said W.J. Foss and Helen Foss and lands of Harold Ryder converge at the south boundary of the highway leading from Morrisville to Stowe, known as Route 100, said point being 135 feet easterly from a marble highway marker inscribed "Vt. 1934-NRH 88 B-NRM 88c";

Thence along the division line of said Foss and Ryder properties southerly to the southwest corner of said W.J. Foss and Helen Foss farm;

Thence in the southerly line of said Foss farm to the highway leading from Morrisville to the farm now owned by Edna A. Carpentier;

Thence across said highway to and along the division line of said Carpentier property and premises known as the Morey place to the division line between premises of Edna A. Carpentier and premises of Ernest H. Mercia and Gladys Mercia;

Thence along the northerly division line of said Ernest H. Mercia and Gladys Mercia premises to the highway known as Randolph Road;

Thence southerly along said Randolph Road to the northerly line of land formerly held by Sarah Noyes Hardy, now held by the trustees of the Copley fund;

Thence easterly along the northerly line of said Sarah Noyes Hardy premises and northerly along the easterly line of land of Volney C. Farr and Gladys Farr to the highway leading from Maple Street in the village of Morrisville to Elmore, Vermont;

Thence northerly along the easterly line of land of Lyle and Marcella Stewart to premises of Arthur T. and Hazel Stewart;

Thence easterly along the northerly line of land of C.M. and Doris Greaves to the westerly line of premises known as the David Brown land;

Thence northerly along the westerly line of land known as the David Brown land, and land of Max and Priscilla Davison to the main highway leading from Morrisville to Elmore;

Thence across said highway and along the division line of land of Jean Pinney and Max B. and Priscilla Davison to the northeasterly corner of premises of Jean Pinney;

Thence westerly along the division line of premises of Jean Pinney and R.H. and Fannye Hayes to the southwesterly corner of premises of said R.H. and Fannye Hayes (the Hayes farm);

Thence along the westerly boundary of said Hayes farm premises, supposed to be the westerly line of lot 53 of the second division of lands of the town of Morrystown, to the south bank of the Lamoille River;

Thence westerly along the south bank of the Lamoille River to its intersection with the westerly line of lands owned by W.G. and Lillian Lepper;

Thence northerly along the westerly division line of said W.G. and Lillian Lepper premises, supposed to be the easterly line of lot 60 and westerly line of lot 57, within the third division of lots, to the highway known as the Morrystown Plains Road;

Thence westerly along said highway to its intersection with the main highway leading from Morrisville to Hyde Park;

Thence in a straight line to a point which lies approximately 444 feet north 86 30' west from the southwesterly corner of lands formerly known as the fairgrounds, said point being designated as "Point A";

Thence from Point A 17 feet south 41 30' west;

Thence in a bearing south 87 20' east a distance of 452 feet to a point opposite the southwesterly corner of lands formerly known as the fairgrounds;

Thence in a line parallel with the southerly boundary of said fairground premises south 46 50' east a distance of 618 feet to the westerly side of the highway leading from Morrisville to Hyde Park (constituting a right-of-way 24.75 feet in width containing 0.608 acres within the

boundaries set forth herein in that portion of the description subsequent to Point A where the same first appears herein);

Thence from Point A north 48 30' west a distance of 647 feet to the easterly boundary of the right-of-way of the St. Johnsbury and Lake Champlain Railroad Company;

Thence southerly along said St. Johnsbury and Lake Champlain Railroad Company right-of-way a distance of approximately 566 and five-tenths feet to the brook running into Lake Lamoille southerly from the mill premises of Atlas Plywood Corporation;

Thence along the course of said brook to the easterly shore of Lake Lamoille;

Thence along the easterly shore of Lake Lamoille to the northerly line of land formerly owned by Hill and Goodrich, now the property of the village of Morrisville;

Thence across said lake diagonally to an iron stake near the west shore of said lake;

Thence southerly along the easterly line of land of C.S. Edwards to a point and stake in the northerly line of the highway leading from Morrisville to Stowe;

Thence along the northerly line of said highway to a point opposite the intersection of lands of W.J. and Helen Foss and Harold Ryder with the southerly line of said highway;

Thence southerly across the said highway to the point of beginning; shall be known as the village of Morrisville.

§ 245-3. General corporate powers

(a) The village of Morrisville in and by that name may sue and be sued, prosecute and defend in any court. The village may purchase, take and hold, sell and convey real estate and personal property necessary for its corporate purposes. The village shall have the power to own and operate any public utility, and to construct and install all facilities that are reasonably needed or useful for public service. The village may also furnish service to adjacent and nearby territories that may conveniently be served by a municipally-owned and operated utility.

(b) The village is empowered to alter the bounds upon compliance with the provisions of Chapter 151 of the Public Laws (Chapter 164 of the Vermont Statutes, 1947, as proposed) and enactments in amendment thereof.

(c) The village shall have all the powers granted to villages and other municipal corporations by the constitution and laws of this state. It may enact ordinances, bylaws, and regulations, and impose penalties for the violation thereof. The fine for breach of a village bylaw and the procedure for recovering the same shall be in accordance with section 1311 of Title 24 and any amendments thereto.

(d) For the purpose of promoting the public health, safety, welfare, and convenience, the village shall have all those powers enumerated under section 2291 of Title 24 and any amendments thereto.

§ 245-4. Specific corporate powers

At any meeting legally warned for that purpose, the legal voters of the village may vote a tax upon the taxable estate within the corporate limits for the lawful purposes of the village.

§ 245-5. Grand list

The grand list for the town of Morristown within the village corporate limits shall be the grand list for the village of Morrisville. The trustees shall make out and deliver to the treasurer a tax bill, with a warrant for its collection. The treasurer shall compile a tax roll from the town of Morristown grand list for those areas of the town lying within the corporate limits.

§ 245-6. Village officers

(a) The officers of the corporation shall consist of a moderator, five trustees, a clerk, a treasurer, and an agent to convey real estate. The officers shall be elected at the annual meeting of the corporation for the term of one year and until their successors are elected, except that trustees shall hold office for five years. One trustee shall be elected at each annual meeting, except that after the approval of this charter at the annual village meeting, the voters shall elect five trustees, one for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, and one for the term of five years. The trustees and the treasurer, at the time of their election, shall be legal voters of the village of Morrisville or the town of Morristown.

(b) The provisions of section 2647 of Title 17, or any amendments thereto, relating to incompatible offices, shall apply to the persons holding village offices.

(c) When a vacancy occurs in any village office, the trustees forthwith by appointment in writing shall fill such vacancy until an election is held, except that in the event of more than one vacancy on the board of trustees at the same time, such vacancies shall be filled by a special village meeting called for that purpose. Any appointment shall be filed by the trustees in the office of the clerk, and duly recorded by the clerk in the book of village records. A person appointed to a vacant office shall serve until the next annual meeting. A person elected to fill a vacant office at either a special meeting or an annual meeting shall serve for the unexpired term of his or her predecessor.

(d) The legal voters of the village may vote at its annual meeting to compensate any or all village officers for their official services.

§ 245-7. Board of trustees; powers; meetings

(a) The members of the board of trustees shall constitute the legislative body of the village of Morrisville for all purposes required by statute, and, except as otherwise specifically provided, shall have all powers and authority given to, and perform all duties required of, incorporated villages or boards of trustees under the laws of the state of Vermont.

(b) The board of trustees shall have the general care and management of the prudential interests and affairs of the corporation, shall direct the expenditure of all monies belonging to the corporation, draw orders upon the treasurer, and generally perform all the duties legally enjoined upon them by the corporation, and shall submit their accounts and vouchers to the auditor at least 30 days before the annual meeting.

(c) The trustees shall prepare a budget for the oncoming year to be included in the annual report of the village of Morrisville, and to be voted upon by the legal voters of the village at the annual meeting.

(d) The trustees shall have the power to abate taxes laid and assessed by virtue of this charter for the same causes and subject to the same limitations as boards of civil authority have in the matter of town taxes.

(e) The trustees may, by resolution, create, change, and abolish boards as in its judgment are required or necessary and convenient to, or as are now or hereinafter provided by law, and may grant to them such power and duties as are consistent with the provisions of this charter. The trustees shall be ex officio members of all boards.

(f) All powers vested in the trustees shall be exercised by a majority of the board.

(g) Forthwith, after an election and qualification, the trustees shall organize and elect a chairperson, and file a certificate of such election for record in the office of the village clerk. As soon as possible after an election of a chairperson, the board of trustees shall fix the time and place of its regular meetings, and such meetings shall be held at least once a month. The clerk shall attend all meetings of the board of trustees. The board shall determine its own rules and order of business.

(h) All meetings of the board of trustees shall be open to the public, unless, by an affirmative vote of a majority present, the board shall vote that any particular session shall be an executive session in accordance with section 313 of Title 1 or any amendments thereto.

§ 245-8. Treasurer

The treasurer shall give a bond to the corporation conditioned upon the faithful performance of his or her duties in such sums and with such sureties as the trustees may prescribe. If a treasurer does not give such bond within ten days after his or her election or appointment, the office shall be vacant and the trustees may fill the vacant office as provided for in section 6 of this charter.

§ 245-9. Audit of village officers

The accounts and vouchers of the officers of the corporation shall be professionally audited, and the audit shall be printed each year in the annual report of the village of Morrisville.

§ 245-10. Duties of treasurer

(a) The treasurer shall perform the duties required by state statute or this charter. The treasurer shall:

- (1) promptly deposit all funds coming into his or her hands in such depositories as may be designated by the trustees;
- (2) invest funds as directed by the trustees;
- (3) keep such books and accounts as may be required by the trustees;
- (4) make a monthly report to the trustees showing the state of the corporation's finances; and
- (5) perform such other duties with respect to the village finances as the trustees may require.

(b) The treasurer shall have and exercise the same powers and duties with respect to the village that treasurers have and exercise with respect to towns.

§ 245-11. Village clerk

(a) The clerk shall keep an official record of the proceedings of the board of trustees. The records shall be kept in the office of the village clerk and shall be open for public inspection. The clerk shall keep the official record of the proceedings of all special and annual village meetings.

(b) The minutes of each meeting shall be approved by the board of trustees at its next meeting, and the official copy authenticated by the signature of the clerk. The clerk shall keep two copies of the annual reports of the village of Morrisville on file in the office of the village clerk. The clerk shall have and exercise the same powers and duties with respect to the village that clerks have and exercise with respect to towns.

§ 245-12. Moderator

The moderator shall preside at all annual and special meetings of the village, shall decide questions of order, and make public declarations of votes passed. The moderator shall have and exercise the same powers and duties with respect to the village that moderators have and exercise with respect to towns.

§ 245-13. Annual and special meetings

(a) The annual meeting of the village for the election of officers and transaction of any other business specified in the warning of the meeting shall be held on the second Monday in April of each year at a time and place designated in the notice of such meeting. Warnings shall be signed

by the trustees and the clerk, shall specify the business to be transacted as the trustees direct, shall be published in a newspaper of general circulation in the village, and shall be posted in two public places in such village, not more than 40 days nor less than 30 days before such meeting. Such warning shall be recorded in the office of the clerk before it is posted.

(b) Special meetings may at any time be called by the trustees for the transaction of any business specified in the warning of the meeting. The trustees shall call a special meeting upon written application and petition of not less than five percent of the qualified voters of the village, stating the purpose for which they wish the meeting to be called. When the office of any one or more of the trustees is vacant, the remaining trustees may call meetings. When there is no trustee who may call meetings, the clerk may call meetings. Warnings of special meetings shall be given in the same manner as warnings for annual meetings.

§ 245-14. Residence

All persons qualified to vote in a town meeting of the town of Morristown who reside within the corporate limits, described in section 2 of this charter, shall be legal voters of the village of Morrisville. The residents of the village shall belong to and remain residents of the town of Morristown.

§ 245-15. Fiscal year

The fiscal year of the corporation shall commence on the first day of January and close on the last day of December, unless the legal voters of the village at its annual meeting shall determine otherwise. If the legal voters of the village vote another fiscal year, it shall specify the procedure for transition, including the method for financing the transition.

§ 245-16. Waterworks

(a) The village shall have such powers, and the trustees shall have such duties, with reference to any waterworks that are in existence as set forth in chapter 89 of Title 24 or any amendments thereto.

(b) Without limiting the generality of subsection (a) of this section, the trustees shall have the supervision of such municipal water department, and shall make and establish all needful water rates, rules, and regulations for its control and operation.

§ 245-17. Definitions

The following terms when used in this subchapter shall have the following meaning:

(1) "Acquire" shall mean to purchase, to acquire by eminent domain, to hire, to lease, to construct, to reconstruct, or to replace.

(2) "Electric plant" shall mean the complete municipal electric generating, transmission, and distribution system now owned by the village, together with any improvements thereto hereafter

constructed or acquired, and the complete municipal natural, manufactured, or synthetic gas generating, piped transmission and piped distribution system now or hereafter owned by the village, together with any improvements thereto hereafter constructed or acquired, and all other facilities, equipment, and appurtenances necessary or appropriate to such system, for the furnishing of electric power and energy or gas for lighting, heating, power, or any other purpose for which electric power and energy or gas can be used. Such term may include facilities for the production and distribution of steam and hot or chilled water, timberlands, or other fuel sources, facilities for the production, processing, transportation, and storage of fuel to be used in the production of utilities furnished by the

village, and innovative or experimental facilities for the utilization of conventional or other energy sources for the production of such utilities, including pilot or demonstration facilities.

(3) "Electric service" shall mean the furnishing of the electric power and energy or gas for lighting, heating, power, or any other purposes for which electric power and energy or gas can be used. Such term may include the furnishing of steam and hot or chilled water. The village shall also obtain a certificate of public good under section 231 of Title 30 before it may sell gas services, so long as such a certificate is required under Vermont law in order for other persons to be authorized to sell such gas services.

(4) "Communications plant" shall mean any and all parts of any communications system owned by the village, whether using wires, cables, fiber optics, wireless, other technologies, or a combination thereof, and used for the purpose of transporting or storing information, in whatever forms, directions, and media, together with any improvements thereto hereafter constructed or acquired, and all other facilities, equipment, and appurtenances necessary or appropriate to such system. However, the term "communications plant," and any regulatory implications or any restrictions under this charter regarding either "communications plant" or "communications service" shall not apply to facilities or portions of any communications facilities intended for use by, and solely used by, the village and the village's own officers and employees in the operation of village departments or systems of which such communications are merely an ancillary component.

(5) "Communications service" shall include ownership, operation, and utilization of a communications plant within or without the corporate limits of the village to transport or store information, in whatever form and medium.

(6) "Improve" shall mean to acquire or construct any improvement, whether consisting of real or personal property.

(7) "Improvement" shall mean any improvement, extension, betterment, addition, alteration, reconstruction, and extraordinary repair, equipping, or reequipping of the electric or communications plant of the village.

§ 245-18. Electric plant; authority to operate, improve, extend, better, and add to existing plant

The village is authorized and empowered to own, maintain, operate, improve, and extend, or otherwise acquire, and to sell, lease, or otherwise dispose of, in accordance with and in any situation or manner not prohibited by law, its electric plant or plants for the purpose of lighting the streets, walks, public grounds, and buildings of the village, for the furnishing of electric or gas services within or without the corporate limits of the village, for public, domestic, commercial, and industrial use, and for production of electric energy or acquisition, production, piped transmission, or piped distribution of gas for sale to electric or gas distribution companies, cooperative, municipal, and privately owned, within or without the state, and for the aforesaid purposes, the village may hire, lease, purchase, own, hold, and acquire by contract, agreement, or eminent domain proceedings any water power, buildings, land, rights-of-way, and any other property, real or personal, necessary

or convenient to the operation of the said electric light and power system, and may use any public highway over which it may be necessary or desirable to pass with the poles and wire of the same, provided that the use of such public highway for the purpose of public travel is not thereby unnecessarily impaired. These powers may be exercised through a taking by eminent domain in the manner prescribed by law. All of the foregoing powers are in addition to and not in substitution for or in limitation of any other powers conferred by law.

§ 245-19. Electric plant; regulation

The village's operation of its electric plant, as defined herein, shall take place in accordance with the statutory authority and requirements of chapter 79 of Title 30, relating to municipal electric plants, and chapter 53 of Title 24, relating to municipal indebtedness, with regard to the financing, improvements, expansion, and disposal of the municipal electric plant and its operations. However, the powers conferred by these sections shall be supplemental to, construed in harmony with, and not in restriction of, the powers conferred in this charter. With specific reference to the legislative authorization contained in sections 1821-1828 of chapter 53 of Title 24, entitled "Indebtedness for Public Utility Purposes," the village is permitted to issue revenue-backed bonds or general obligation bonds for any capital improvement purpose related to its responsibilities to operate such utilities for the benefit of the people of the village, provided each such issue of bonds is approved

in accordance with law, and any restriction in this charter or the general law regarding the maximum outstanding debt that may be issued in the form of general obligation bonds shall not restrict the issuance of any bonds issued by the village and payable out of the net revenues from the operation of a public utility project. The activities of the village in connection with the powers conferred herein shall be subject to regulation only to the extent specifically required by Title 30 and other applicable law, but only to the extent that the village is engaging in activities that are specifically subject by law to regulation. The public service board shall at all times exercise its regulatory powers in such a manner as to permit the village to fulfill all of its prudently incurred obligations, including its obligations to the holders of the bonds issued by the village. However, the public service board shall not prohibit appropriate cost allocations among departments of the village.

§ 245-20. Energy conservation and management facilities

The village is authorized and empowered to provide or finance energy conservation and management facilities within the customer service territory of its electric plant. The term "energy conservation and management facilities" includes facilities or improvements to facilities (whether owned by the village or by others) for load management, load displacement (including, but not limited to, customer-specific generation or co-generation), or the conservation or storage, in any form of electric or other energy. Such facilities or improvements may be owned or operated by the village as part of its electric plant or may be owned or operated by others, and may be leased or licensed by the village to others or may be financed by loans by the village to others. Such facilities or improvements may be treated as part of the electric plant, and financed under this article or other enabling law. Loans to others for the purposes of this section may also be financed under this article in the same m

anner as improvements to the electric plant, and receipts from such loans may be pledged under this article as revenues. A lending program initiated under the authority of this section shall be managed in accordance with the provisions of this charter relating to the management of the electric plant.

§ 245-21. Communications plant; authority to acquire, construct, operate, improve, extend, and better

(a) The village is authorized and empowered to own, maintain, operate, improve, and extend, or otherwise acquire, and to sell, lease, or otherwise dispose of, in accordance with and in any situation or manner not prohibited by law, its communications plant or plants for the furnishing of communications services within or without the corporate limits of the village, for public, domestic, commercial, and industrial use, and for the provision of communications service. For the aforesaid purposes, the village may hire, lease, purchase, own, hold, and acquire by contract, agreement, or eminent domain proceedings any buildings, land, rights-of-way, and any other property, real or personal, necessary or convenient to the operation of said communications plant, and may use any public highway over which it may be necessary or desirable to pass with the poles and wire of the same, provided that the use of such public highway for the purpose of public travel is not thereby unnecessarily impair

ed. These powers may be exercised through a taking by eminent domain in the manner prescribed by law, except that the village shall have no power under chapter 79 of Title 30 to take by eminent domain telecommunications or cable television property. All of the foregoing powers are in addition to and not in substitution for or in limitation of any other powers conferred by law.

(b) Before the village may sell any communications service over which the public service board has jurisdiction and for which a certificate of public good is required, it shall obtain a certificate of public good for such service.

§ 245-22. Communications plant; operation and regulation

(a) The village's operation of its communications plant, as defined herein, shall take place in accordance with the applicable state and federal law and regulation, and chapter 53 of Title 24,

relating to municipal indebtedness, with regard to the financing, improvements, expansion, and disposal of the municipal communications plant and its operations. However, the powers conferred by such provisions of law shall be supplemental to, construed in harmony with, and not in restriction of, the powers conferred in this charter.

(b) The village's operation of any communications plant shall at all times be supported solely by the revenues derived from the operation of such communications plant, except in instances, and then only to the extent that, such communications plant serves a function of the village's other operations for which communications are merely an ancillary component.

(c) With specific reference to the legislative authorization contained in sections 1821-1828 of Title 24, entitled "Indebtedness for Public Utility Purposes," the village is permitted to issue revenue-backed bonds or general obligation bonds for any capital improvement purpose related to its operation of such communications plant for the benefit of the people of the village, provided each such issue of bonds is approved in accordance with law, and that the payment of obligations on such revenue-backed bonds is explicitly restricted to net revenues derived from the operation of the communications plant.

(d) Any restriction in this charter or the general law regarding the maximum outstanding debt that may be issued in the form of general obligation bonds shall not restrict the issuance of any bonds issued by the village and payable out of the net revenues from the operation of a public utility project. The activities of the village in connection with the powers conferred herein shall be subject to regulation to the extent required by Title 30 and other applicable law, but only to the extent that the village is engaging in activities that are specifically subject by law to regulation. The public service board shall at all times exercise its regulatory powers in such a manner as to permit the village to fulfill all of its prudently incurred obligations, including its obligations to the holders of the bonds issued by the village.

(e) Any certificate issued to the village for a cable television franchise shall contain terms or conditions that are consistent with this section, and, with a goal of establishing competitive neutrality, shall establish terms and conditions consistent with those imposed on existing certified cable television systems, after evaluating factors including, but not limited to, payment of pole attachment and rental fees, and the provision of public access channels, equipment and facilities.

(f) Any certificate issued to the village for telecommunications services defined under Title 30 shall contain terms or conditions that are consistent with this section, and, with a goal of establishing competitive neutrality, shall establish terms and conditions consistent with those imposed on existing telecommunications carriers, after evaluating factors including, but not limited to, payment of pole attachment and rental fees.

§ 245-23. Construction of subchapter

This section is remedial in nature, and the powers hereby granted shall be liberally construed to effectuate the purposes hereof, and to this end the village shall have power to do all things necessary or convenient to carry out the purposes hereof in addition to the powers expressly

conferred in this subchapter. Any proceedings heretofore taken by the village relating to the subject matters of this subchapter, whether or not commenced under any other law, may, at the option of the village trustees, be discontinued, and new proceedings instituted under this subchapter. It is hereby declared that the sections, clauses, sentences, and parts of this subchapter are severable, are not matters of mutual essential inducement, and any of them shall be deemed individually excised if this subchapter would otherwise be unconstitutional or ineffective. It is the intention to confer upon the village the whole or any part of the powers in this subchapter provided for, and if any one or more secti

ons, clauses, sentences, and parts of this subchapter shall for any reason be questioned in any court or administrative tribunal, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provision or provisions so held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause, sentence, or part of this subchapter in any one or more instances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

§ 245-24. Powers exercised through trustees

The powers granted to the village hereunder shall be exercised by its trustees, who shall have the supervision of the village's electric and communications plants as provided for herein and not inconsistent with law:

(1) Sewer system: The village shall have such powers and the trustees shall have such duties with reference to the municipal sewer system that are in existence as set forth in chapters 97 and 101 of Title 24 or any amendments thereto. Without limiting the generality of the foregoing, the trustees shall have the supervision of such municipal sewer department, and shall make and establish all needful sewer rates, rules, and regulations for its control and operation.

(2) The trustees shall hire a person to superintend the physical operation of the water, electric, and sewer systems, and communications plant, and provide such person with written guidelines of his or her duties. Said superintendent shall be responsible for the proper and efficient maintenance and operation of the systems in accordance with such guidelines. The superintendent shall report once each month to the trustees, and once each year shall make a written report to the trustees. Such written report shall be included in the annual report of the village of Morrisville. The books and bank accounts of the water, electric, and sewer systems, and communications plant, shall be kept separate from the other books and accounts of the village. The rents and receipts for the use of such municipal utilities shall only be used and applied to pay the interest upon the bonds in existence for such utility systems, the expense of repairs, improvements, and management of the utility depar

tment, and in payment of the utility bonds. The money received from the operation of such municipal utilities shall not be used for any other purposes until all such bonds, notes, or other certificates of indebtedness have been paid.

(3) Any improvements to the nonelectric utility systems which in the aggregate exceed \$100,000.00 as adjusted annually for inflation for the water department, or which in the aggregate exceed \$100,000.00 as adjusted annually for inflation for the sewer department, shall require the approval of a majority of the legally-qualified voters of the village present and voting at either an annual or special meeting called and warned for that purpose.

(4) The trustees shall establish rates of rents to be charged and paid by the users of said water, electric, and sewer systems, and communication service, at such times and in such manner as they may determine, and may alter, modify, increase, or decrease such rates and extend them to any description of property or use. Such rates or rents with the charges for wiring and piping shall be chargeable to and may be collected from the owners of the property supplied with the same, unless otherwise agreed upon by the trustees and such owners. All such rents with charges for wiring and piping shall be a lien and charge upon the buildings, lots, and other property so supplied, and may be collected in the same manner as any tax assessed by said village. The village may order all rents for water, electric, sewer, and communications service, to be paid in advance, and may make all necessary provisions and orders relating to the supply or stoppage of water, electric, sewer, and communicat

ions service, as it may deem expedient to insure the payment of such rents.

(5) The owners of property abutting or adjacent to any street or alley through which a public sewer or drain has been constructed shall construct, under the direction of the trustees, or their designate, a suitable sewer or drain from his or her said property and properly connect the same with the said public sewer or drain. If, after 20 days' notice in writing by the trustees to such owner of such property of such requirement, such owner fails or neglects to construct or connect such sewer or drain, the trustees shall enter upon the property and make such connection, assessing therefor the actual costs of so doing against the said property and the owner thereof. Said trustees shall file in the land records of the town of Morristown an itemized statement of the costs of constructing and connecting said sewer or drain, and the amount so assessed shall be and remain a lien upon said property, and shall be enforced and collected in the same manner as is provided in this charter f

or the enforcement and collection of taxes and other assessments.

§ 245-25. Indebtedness

(a) The village shall not incur an indebtedness for public improvements which, together with previously contracted indebtedness, shall, in the aggregate, exceed the amounts authorized by the provisions of subchapter 1 of chapter 53 of Title 24 or any amendments thereto, except that indebtedness in the form of bonds for public utility purposes that are backed solely by the net revenues of a public utility system or project, in accord with the provisions of subchapter 2 of chapter 53 of Title 24, shall be subject in limitation only as provided in that subchapter.

(b) Debt may be incurred and bonds issued pursuant to the provisions of subchapter 1 of chapter 53 of Title 24 or any amendments thereto, for any improvements to the water, electric, or sewer systems, or communications plant, but no bonds shall be issued for the purpose of providing

funds for ordinary expenses of the village, except as otherwise provided by this charter or the laws applicable to municipal corporations.

(c) An improvement shall include, apart from its ordinary meaning, the acquisition of land for municipal purposes, the construction of, extension of, additions to, or remodeling of buildings or other improvement thereto, including furnishings, equipment, or apparatus to be used for or in connection with any existing or new improvements, work, department, or other corporate purpose.

(d) When the trustees, at a regular or special meeting called for that purpose, shall, by resolution passed by a vote of a majority of the entire board of trustees, determine that the public interest or necessity demands such improvements and that the cost of the same will be too great to be paid out of the ordinary income and revenue available to the village from the operation of municipal electric, water, communications, and sewer plants and facilities, they may order the submission of the proposition of making such public improvements and of incurring a bonded debt to pay for the same to the qualified voters of such village at a meeting to be held for that purpose. The warning calling such meeting shall state the object and purpose for which the indebtedness is proposed to be incurred, the estimated cost of the improvements, the amount of bonds proposed to be issued therefor and the maximum rate of interest to be paid, and shall fix the time and place when and where the meeting s

hall be held and the hours of opening and closing the polls.

(e) The notice of such meeting and the approval of such bond issuance shall be in accord with the provisions of subchapter 1 of chapter 53 of Title 24 or any amendments thereto.

(f) Temporary loans may be made and temporary notes issued in anticipation of money to be derived from the sale of bonds pursuant to the provisions of subchapter 1 of chapter 53 of Title 24 or any amendments thereto or, in the case of bonds for public utility purposes that are backed by the net revenues of a public utility system or project, in accord with the provisions of subchapter 2 of chapter 53 of Title 24.

(g) The village may, by action of the board of trustees, in lieu of the issuance of bonds or levy of taxes, and in addition to any other lawful means or methods of providing for the payment of indebtedness, have the power by and through the board of trustees to provide for and secure the payment of all or a part of the cost of any public utility pursuant to the provisions of subchapter 2 of chapter 53 of Title 24 or any amendments thereto.

§ 245-26. Authority to form subsidiaries and enter ventures with other parties

In addition to the authority granted under otherwise applicable law, the village has the power and is authorized to create a corporate subsidiary or subsidiaries wholly owned by the village, or to establish a joint venture or ventures between the village or a subsidiary of the village and any other business relationship with one or more third parties, in order to provide communications services within or without the corporate limits of the village, or to provide customer-specific electric generation or cogeneration to customers within the village's electric service territory;

provided that, before any such subsidiary, joint venture, or business relationship may provide communications or customer-specific generation or cogeneration services, it shall obtain whatever regulatory approvals may be necessary under applicable law.

§ 245-27. Transitional provisions

(a) Nothing herein contained, except as specifically provided, shall affect or impair the rights or privileges of officers of the village existing at the time this charter takes effect.

(b) All contracts entered into by the village prior to the effective date of this charter shall continue in full force and effect.

(c) The adoption of this charter shall not abate or otherwise affect any action or proceeding, civil or criminal, pending when it takes effect, brought by or against the village or any office or officer thereof.

(d) All ordinances, resolutions, and regulations of the village in effect at the time of the effective date of this charter, and not inconsistent with the provisions hereof, are hereby continued in force until the same are duly amended or repealed.

(e) This charter, or any part or article or section thereof, may be amended in the manner provided by the laws of the state of Vermont.

(f) This charter supersedes the previous charter and all amendments thereto.