

ACTS AND RESOLVES
PASSED BY THE
GENERAL ASSEMBLY
OF THE
STATE OF VERMONT

Fifty-Ninth Biennial Session

1987

SESSION CONVENED JANUARY 7, 1987
ADJOURNED MAY 22, 1987*



PUBLISHED BY AUTHORITY

* Adjourned to January 5, 1988 (1987, J.R.S. 47)

MUNICIPAL CORPORATIONS

NO. M-1. AN ACT RELATING TO THE WATER SYSTEM OF THE TOWN OF BRIGHTON.

(H.251)

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

Sec. 1. BRIGHTON WATER SYSTEM; AMENDMENTS TO SPECIAL ACTS

(a) The general assembly hereby ratifies amendments to the special acts which create the Brighton water system, in accordance with the vote of the residents of Brighton as expressed on November 4, 1986.

(b) Sec. 6 of No. 248 of the Acts of 1904 (Charter of the Town of Brighton) is amended to read-

Sec. 6. *[Said town, at its next annual meeting, shall elect three water commissioners. The first elected shall hold office for the term of three years, the one next elected shall hold office for the term of two years, and the one next elected shall hold office for the term of one year, and thereafter one commissioner shall be elected at each annual meeting and shall hold office for the term of three years. The present board of water commissioners of said town shall have all and the same power and authority, until the next annual meeting, as said commissioners to be elected at said meeting. When a vacancy occurs in said board from any cause, the selectmen shall fill said vacancy by appointment until the next annual meeting, when a commissioner or commissioners shall be elected to fill the then unexpired term of said commissioner or commissioners.

1. The commissioners shall be sworn before entering upon the duties of their office, and record thereof shall be made in the town clerk's office.

2. They shall have the general management of the construction, affairs, and business of the water system, shall fix the rates to be charged for the use of the water, and the terms of payment, and make such rules and regulations concerning the use thereof as they deem expedient.

3. They shall annually on the first Wednesday of March organize the board by electing a chairman and treasurer thereof.

4. The chairman shall be the presiding officer of the board, and the treasurer shall keep proper books of account, showing all business transactions of the board, make collection of water rates, pay all bills after they are approved by the board, and be the recording officer thereof.

5. Before the treasurer enters upon the duties of his office he shall execute a bond to the town and file the same with the town treasurer, conditioned for a just and true

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accounting of all money received and disbursed by him, and for the faithful performance of the duties of his office, in such sum and with such sureties as the selectmen shall direct and appoint, and if he fails to comply therewith within five days after his election, his office as treasurer shall become vacant, and another member of the board shall be elected to that office.]*

(a) The management, control and operation of all public water supply and distribution systems shall be vested in a board of three town water commissioners who shall be elected at the next annual town meeting following the effective date of this act, or at a special town meeting duly called and held for such purpose. The first commissioner so elected shall hold office for a term of three years, the next commissioner so elected shall hold office for a term of two years, and the next commissioner so elected shall hold office for a term of one year. Thereafter, one commissioner shall be elected at each subsequent annual meeting and shall hold office for a term of three years. Pending election of town water commissioners as called for in this section, the incumbent board of water commissioners shall serve in such capacity. Any vacancy occurring on the board of town water commissioners shall be filled by appointment made by the board of selectmen of said town until the next annual town meeting, at which time the vacancy shall be filled by election of a water commissioner to serve for the balance of the unexpired term.

(b) Each commissioner shall be sworn before assuming the duties of office, and a record thereof shall be made in the office of the town clerk.

(c) The town water commissioners, acting as a board, shall be responsible for and have all incidental powers relative to the management, operation and administration of all public water supply and distribution systems within the town. They shall fix the rates, fees, charges and assessments to be charged for the use, maintenance, preservation and debt service of said water systems, and shall make such rules and regulations concerning the use thereof as they deem expedient, including the imposition of fines and penalties not to exceed \$500 00 for each violation thereof.

(d) In maintaining, operating and administering such public water supply and distribution systems, and determining fees, rates, charges and assessments relating thereto, the board of water commissioners shall have and may exercise every right, power and prerogative contained in chapter 89 of Title 24, and as may hereafter be amended.

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(e) All receipts and revenues of the town water department shall be paid to the town treasurer who shall keep proper books of account, showing all business transactions of the board, shall pay all warrants authorized by the board, and shall deposit and invest all department funds as directed by the board.

Sec. 2. TRANSFER OF PROPERTY

Upon the effective date of this act, title to all records, credits, sinking funds, and cash relating to the town water systems shall be vested in the board of water commissioners created hereby, and the office of trustee of the Brighton Water Bonds Sinking Fund shall be abolished. Such sinking funds transferred to the board of water commissioners under this section shall be used to create a contingency fund for the payment of water system repairs, replacements and emergencies with the concurrence of the board of selectmen, provided, however, that the sum of \$100,000.00 out of said sinking funds shall be temporarily invested for the purpose of defraying the interest cost of the town's water system improvement bonds for so long as said bonds shall remain outstanding and unpaid, in whole or in part.

Sec. 3. RESERVATION OF POWER

Notwithstanding any provision of this act to the contrary, with respect to the operation of the water system, the board of water commissioners shall not acquire real property, exercise the power of condemnation, incur debt, nor make capital improvements other than necessary and ordinary repairs and replacements except with the approval and concurrence of the board of selectmen.

Sec. 4. EXERCISE OF POWERS

The town manager shall implement and administer all rules and regulations adopted by the board of water commissioners, and shall supervise all town employees engaged in the operation of the water works, which employees shall be subject to any personnel policy adopted by the town.

Sec. 5. REPEALS

No. 191 of the Acts of 1923, and Sec. 6 of No. 226 of the Acts of 1947 are hereby repealed.

Sec. 6. EFFECTIVE DATE

This act shall take effect from passage.

Approved: March 2, 1987