

**No. M-24. An act relating to approval of the merger of the Town of Cabot and the Village of Cabot.**

(H.794)

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

Sec. 1. APPROVAL OF MERGER

The general assembly approves the plan of merger of the Town of Cabot and the Village of Cabot as set forth in this act. The plan of merger was approved by the voters of the Town of Cabot and the voters of the Village of Cabot on March 2, 2010.

Sec. 2. PLAN OF MERGER

CHAPTER 1. MERGER

SECTION 101. MERGER OF THE VILLAGE AND TOWN OF CABOT

Effective as of midnight at the end of December 31, 2010, the Village of Cabot, as constituted by No. 172 of the Acts of 1866, as amended, shall merge with and into the Town of Cabot within its present geographic limits, as a single municipal corporation under the name of the Town of Cabot, and the Village of Cabot shall, except as hereinafter specifically provided, cease to exist as a political entity or body corporate and its charter shall be abolished.

SECTION 102. ASSETS TRANSFERRED AND LIABILITIES ASSUMED

(a) Upon the effective merger date, all assets of whatever kind, nature, and description, including lands; easements; rights and interests in lands; buildings and other improvements; vehicles, equipment, and other personal property;

funds; grants; assessed but uncollected taxes and charges, including water rents and charges, together with the lien rights and enforcement powers of the Village of Cabot therefor; monies; rights, claims, actions, and contracts; rights of action in legal or administrative proceedings; insurance policies; and documents and records owned, claimed, or held by the Village of Cabot shall become vested in and become assets owned by the Town of Cabot without any further act, deed, or instrument being necessary.

(b) Any and all property held in trust by the trustees of the Village of Cabot or any officer thereof shall become vested in the selectboard of the Town of Cabot and their successors, or in the respective officer of the town and his or her successor, as the case may be, and shall continue to be held in trust for the same uses as before the merger, all without any further act, deed, or instrument being necessary.

(c) Upon the effective merger date, the Town of Cabot shall assume and be obligated to pay or otherwise perform each and every lawful obligation, debt, claim, bonded indebtedness, and other liability of the Village of Cabot without any further act, deed, or instrument being necessary.

(d) Prior to the effective merger date, the officers of the Village of Cabot shall settle, so far as possible, the financial affairs of the Village of Cabot and, on that date, turn over to the proper officers of the Town of Cabot all records, books, documents, and property of the Village of Cabot.

SECTION 103. FINANCES

On the effective merger date:

(1) The funds and other assets of the Village of Cabot for its general fund, along with its corresponding liabilities, shall become those of the Town of Cabot for its general fund.

(2) The funds and other assets of the Village of Cabot for its water department, along with its corresponding liabilities, shall become those of the Town of Cabot for its water department.

(3) All of the other funds, assets, and liabilities of the Village of Cabot except as herein specifically provided shall become those of the Town of Cabot as part of its general fund and of its general assets and liabilities.

SECTION 104. EXISTING ORDINANCES

On the effective merger date, the existing village water use ordinance will become the water use ordinance of the Town of Cabot, and until such time as the ordinance is amended according to law, the appropriate town officers shall perform the duties and responsibilities of the corresponding village officers specified therein.

SECTION 105. WATER RATES

All water rates of the Village of Cabot in effect at the time of merger shall continue in effect until changed in accordance with the water use ordinance of the Town of Cabot.

SECTION 106. GOVERNANCE

The governance structure of the Town of Cabot shall not be altered by the adoption of this plan of merger. On the effective merger date, all duties, obligations, and powers of appointment of the village trustees shall be assumed by the town selectboard. The duties, powers, and responsibilities of the village water commissioners shall also be assumed by the town selectboard. All the functions and obligations of the village clerk, treasurer, and auditor shall be assumed by the town clerk, treasurer, and auditors.

SECTION 107. VILLAGE TAX

Upon the effective date of merger, the so-called village tax, which currently supports the Village of Cabot general fund, shall be discontinued.

SECTION 108. VOTES REQUIRED FOR EFFECT

This plan of merger shall take effect if this plan is approved by the:

- (1) voters of the Town of Cabot at a properly warned election;
- (2) voters of the Village of Cabot at a properly warned election; and
- (3) Vermont general assembly.

CHAPTER 2. WATER AND SEWER DEPARTMENTSSECTION 201. EXISTING WATER AND SEWER DEPARTMENTS

(a) The municipal water system taken over from the Village of Cabot and any additions thereto shall be maintained separate from all other departments of the town, and all rents and revenue therefrom not necessary for current

expenditures therefor shall be placed in a special fund, no part of which may be used for any other purpose.

(b) The municipal sewage system, not including the separate storm drain pipe lines, and all extensions thereto shall be maintained separate from all other departments of the town, and all rents and revenues therefrom not necessary for current expenditures therefor shall be placed in a special fund, no part of which may be used for any other purpose.

(c) All revenues required to support the municipal water and sewer departments shall be raised in accordance with the applicable local ordinances.

#### SECTION 202. VOTING PROCEDURES FOR WATER AND SEWER;

##### CAPITAL IMPROVEMENTS AND EXTENSIONS

Voting for capital improvements for water or sewer service within the areas served by the water and sewer systems shall be in accordance with state law and the applicable local ordinances.

#### CHAPTER 3. GENERAL PROVISIONS

##### SECTION 301. SEVERABILITY

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

SECTION 302. CONTINUANCE IN OFFICE

This plan of merger shall not affect the terms of any elected or appointed town official. The terms of all officers of the Village of Cabot shall terminate on the effective merger date.

SECTION 303. MUNICIPAL LAWS

(a) No existing ordinance, regulation, or bylaw of the Town of Cabot shall be altered or affected by the adoption of this plan of merger, except as specified herein.

(b) The adoption of this plan of merger shall not alter the existing practices and procedures by which the Town of Cabot elects or appoints its officers, adopts local regulations, bylaws, and ordinances, or approves budgets and bonds, except as specified herein.

(c) All ordinances, regulations, and bylaws enacted by the Village of Cabot which are in force on the effective merger date shall remain in full force and effect as ordinances, regulations, and bylaws of the Town of Cabot, until amended, altered, or repealed according to law.

SECTION 304. REFERENCE TO STATUTE

If any matter mentioned in this plan of merger is said to be controlled by a specific statute, the reference to that statute shall include the statute as amended or renumbered, or any statute substituted therefor and having a similar subject matter.

SECTION 305. AMENDMENT OF PLAN OF MERGER

This plan of merger may be amended as set forth by the general laws of the state of Vermont.

Sec. 3. EFFECTIVE DATE

This act shall take effect upon passage.

Approved: May 20, 2010