

1

H.483

2 Introduced by Representatives Deen of Westminster, Mrowicki of Putney,

3 Obuchowski of Rockingham and Partridge of Windham

4 Referred to Committee on

5 Date:

6 Subject: Municipal government; merger of municipalities; charters; Village of

7 North Westminster; Town of Westminster

8 Statement of purpose: This bill proposes to approve the merger of the Village

9 of North Westminster and the Town of Westminster and approve and codify

10 the charter of the Town of Westminster.

11 An act relating to approval of the merger of the Village of North
12 Westminster and the Town of Westminster and the charter of the Town of
13 Westminster

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

15 Sec. 1. APPROVAL OF MERGER

16 The general assembly approves the merger of the Village of North
17 Westminster and the Town of Westminster and the charter of the Town of
18 Westminster as set forth in this act. The plan of merger of the Village of North
19 Westminster and the Town of Westminster was approved by voters of the
20 Village of North Westminster on February 21, 2009, and by the voters of the
21 Town of Westminster on March 3, 2009.

1 Sec. 2. MERGER OF THE VILLAGE AND TOWN

2 At midnight on the effective date of this act, the Village of North
3 Westminster shall merge into one body politic and corporate to be known as the
4 Town of Westminster, and the village shall cease to exist as a separate
5 municipal corporation.

6 Sec. 3. SERVICES

7 On and after the effective date of the merger, the existing street lights
8 and other village services and infrastructure shall be operated and maintained by
9 the town, except as otherwise set forth in this act.

10 Sec. 4. FINANCE AND ADMINISTRATIVE

11 (a) At the date of merger, title to all real estate and tangible and intangible
12 assets of the village, including machinery and equipment and cash on hand or
13 receivable shall vest in the Town of Westminster, with the exception of the
14 property related to the current village sewer system, title to which shall vest in
15 the fire district which has been or is to be established. So far as possible, all
16 obligations of the village except the obligations of the village to the United
17 States Department of Agriculture (USDA) shall be paid and discharged prior to
18 the date of merger, but any remaining obligations of the village except those
19 related to the sewer system, including the debt to the USDA and all obligations
20 for sewer charges owing to the Bellows Falls Village Corp., shall become
21 obligations of the town as of the date of merger.

1 (b) The records, books, papers, and documents of the village shall be
2 delivered to the clerk of the Town of Westminster, and all personal property
3 of the village, except for property related to the sewer system, shall be delivered
4 to the proper officers of the town.

5 (c) The Village-owned "Community House" will become the property of the
6 town pursuant to subsection (a) of this section. As of the date of merger, the
7 town shall be responsible for insurance, utilities, maintenance, and repair of the
8 Community House, which shall henceforth be available for use by all citizens
9 and organizations of the town, as the selectboard or a committee established by
10 it may determine.

11 Sec. 5. ZONING

12 The zoning regulations of the Town of Westminster shall continue in full
13 force and effect, including the inclusion of the village within the village district
14 as described in the regulations.

15 Sec. 6. ESTABLISHMENT OF FIRE DISTRICT

16 (a) The village trustees and sewer commission have filed a petition for the
17 establishment of a fire district to continue to operate the present village sewer
18 system prior to the effective date of this act. The fire district shall be
19 established with the same boundaries as the areas served by the sewer system
20 existing prior to the effective date of this act. All real property and taxable
21 personal property served by the village sewer system as those boundaries

1 existed at the effective date of this act, shall be taxed by the fire district. A
2 fire district tax shall be imposed on all property lying within the fire district,
3 over and above the town real estate tax. The fire district tax rate shall be
4 developed by dividing the total number of bedrooms in all dwellings served
5 by the system by the total estimated cost per year of the sewer charges payable
6 to the Village of Bellows Falls and the debt service assumed by the fire
7 district on the current indebtedness of the village to the USDA for sewer
8 improvements, or by another method as may be approved by the prudential
9 committee consistent with the bylaws of the fire district. The fire district tax
10 will be billed and collected in a manner as the fire district prudential committee
11 may determine. The boundaries of the fire district, for purposes of the tax, may
12 be amended by the selectboard from time to time as the sewer system of the
13 district is expanded, so that all property served by municipal sewer shall be
14 included within the area subject to fire district taxation.

15 (b) The fire district shall assume all the village's rights and obligations as set
16 forth in the agreement between the village and the Bellows Falls Village
17 Corporation dated September 27, 1982.

18 (c) The village rules and regulations governing sewer use, connections,
19 rates, and billing in effect at the date of merger shall remain in full force and
20 effect as an ordinance of the fire district until and unless they are duly
21 amended.

1 (d) The members of the village board of sewer commissioners shall become
2 the initial members of the prudential committee of the fire district.

3 Sec. 7. GOVERNMENT

4 The government of the Town of Westminster shall carry on within the
5 former limits of the village all functions of government within that area that
6 existed just prior to the effective date of this act, and for that purpose shall have
7 the authority to appoint proper officers, to employ necessary persons, to purchase
8 necessary materials and services, and in general to have the same powers and
9 duties with respect thereto as formerly were exercised by village officers.

10 Sec. 8. PRESERVATION OF RIGHTS

11 If any rights of the village are not covered by the provisions of this merger
12 plan and would be destroyed, divested, impaired, or not transferred if the village
13 ceased to exist as a political entity and body corporate, the village shall be deemed
14 to continue in existence for the purpose of performing any act with respect to
15 those rights as necessary. The performance, however, shall be for the benefit
16 of the Town of Westminster, insofar as by law can be done without affecting
17 those rights. The selectboard of the Town of Westminster shall perform all
18 functions and duties of any officer of the village which are necessary to the
19 preservation of or with reference to any such rights.

1 Sec. 9. 24 App. V.S.A. chapter 155B is added to read:

2 CHAPTER 155B. TOWN OF WESTMINSTER

3 § 1. APPLICABILITY OF THE GENERAL LAW

4 (a) All provisions of the constitutional and general laws of the state of
5 Vermont relating to towns and their officers shall apply to the Town of
6 Westminster.

7 (b) The Town of Westminster shall have all the powers now or hereafter
8 conferred upon towns and villages by the constitution and general laws of the state
9 of Vermont.

10 § 2. OFFICERS

11 The Town of Westminster shall have the officers as provided for towns by
12 the general laws.

13 § 3. ORDINANCES

14 Any ordinance, regulation, zoning regulation, or bylaw of the Town
15 of Westminster may apply to a limited area of the whole town,
16 notwithstanding that the ordinance, rule, regulation, zoning regulation, or bylaw
17 might also have been applied to another area or areas within the town.

18 § 4. SPECIAL DISTRICTS

19 (a) The selectboard may designate areas apart from the rest of the town
20 as special service districts and may provide the inhabitants therein with
21 special services not common to all of the inhabitants of the town, provided that

1 the majority of the voters residing in the respective designated areas and
2 present and voting at the district meeting on the subject shall have approved
3 of the designation.

4 (b) Special service districts shall be reasonable geographically, taking into
5 account the areas and persons actually benefitted, types of services to be
6 provided, and the fact that the efficiency of providing multiple services in a
7 single special service district might outweigh the fact that areas and voters
8 benefitting from the services might not exactly coincide. All costs required to
9 support a given special service shall be paid for by the taxpayers receiving the
10 service by a tax on the grand list in the special service district involved to be
11 assessed annually by the selectboard, or in another manner as the selectboard
12 may determine. If the costs are to be paid by a tax, the tax shall be paid and
13 collected in the same manner as other taxes, and any tax assessed on any part
14 of the grand list shall be a lien thereon.

15 (c) All funds of a special service district shall be kept in a special fund, no
16 part of which may be used for any other purpose. The warning for each
17 annual or special town meeting may contain appropriate articles on which the
18 legal voters residing in any special district may vote separately.

19 (d) The town treasurer shall keep all money in a special fund in an account
20 or accounts separate from those of any other special funds and from other

1 town funds, and shall honor no warrant upon it except for the purpose
2 thereof.

3 Sec. 10. EFFECTIVE DATE

4 This act shall take effect upon passage.