

1 H.794

2 Introduced by Representative Toll of Danville

3 Referred to Committee on

4 Date:

5 Subject: Municipal government; municipal charters; merger; Town of Cabot;

6 Village of Cabot

7 Statement of purpose: This bill proposes to approve the merger of the Town of

8 Cabot and the Village of Cabot.

9 An act relating to approval of the merger of the Town of Cabot and the
10 Village of Cabot

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

12 Sec. 1. APPROVAL OF MERGER

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

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

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

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

15 SECTION 103. FINANCES

16 On the effective merger date:

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

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

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

7 SECTION 104. EXISTING ORDINANCES

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

13 SECTION 105. WATER RATES

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

17 SECTION 106. GOVERNANCE

18 The governance structure of the Town of Cabot shall not be altered by the
19 adoption of this plan of merger. On the effective merger date, all duties,
20 obligations, and powers of appointment of the village trustees shall be assumed
21 by the town selectboard. The duties, powers, and responsibilities of the village

1 water commissioners shall also be assumed by the town selectboard. All the
2 functions and obligations of the village clerk, treasurer, and auditor shall be
3 assumed by the town clerk, treasurer, and auditors.

4 SECTION 107. VILLAGE TAX

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

7 SECTION 108. VOTES REQUIRED FOR EFFECT

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

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

12 CHAPTER 2. WATER AND SEWER DEPARTMENTS

13 SECTION 201. EXISTING WATER AND SEWER DEPARTMENTS

14 (a) The municipal water system taken over from the Village of Cabot and
15 any additions thereto shall be maintained separate from all other departments
16 of the town, and all rents and revenue therefrom not necessary for current
17 expenditures therefor shall be placed in a special fund, no part of which may be
18 used for any other purpose.

19 (b) The municipal sewage system, not including the separate storm drain
20 pipe lines, and all extensions thereto shall be maintained separate from all
21 other departments of the town, and all rents and revenues therefrom not

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

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

5 SECTION 202. VOTING PROCEDURES FOR WATER AND SEWER;

6 CAPITAL IMPROVEMENTS AND EXTENSIONS

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

10 CHAPTER 3. GENERAL PROVISIONS

11 SECTION 301. SEVERABILITY

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

16 SECTION 302. CONTINUANCE IN OFFICE

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

1 SECTION 303. MUNICIPAL LAWS

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

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

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

13 SECTION 304. REFERENCE TO STATUTE

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

1 SECTION 305. AMENDMENT OF PLAN OF MERGER

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

4 Sec. 3. EFFECTIVE DATE

5 This act shall take effect upon passage.