

PRELIMINARY PLAN OF MERGER WOODSTOCK TOWN AND VILLAGE

Sec. 1. This Preliminary Plan requires approval from the Selectboard of the Town and from the Board of Trustees of the village prior to any official consideration.

Subchapter 1. Charter Provisions§ 1. APPLICABILITY OF GENERAL LAW

(a) Except as provided in this Charter, all provisions Chapter YYY. Town of Woodstock of the Constitution and general laws of the state of Vermont relating to towns and their officers shall apply to the Town of Woodstock (the "Town").

(b) The Town shall have all the powers now or hereafter conferred upon towns and villages by the Constitution and general laws of the State of Vermont

§ 2. OFFICERS

(a) The officers of the Town shall be those provided by law for towns except as otherwise provided by this Charter. Such officers shall have all the powers and duties necessary to carry out the provisions of this Charter as well as those provided by law.

(b) Except as provided by law or as specifically provided in this Charter, all elected officials shall be chosen at large from the legally qualified voters of the Town and shall hold office for the terms specified and until their successors are elected and qualified.

(c) When an elected or appointed officer resigns, makes another Town his/her residence, dies, or becomes incapacitated, that office shall become vacant and the selectboard shall appoint an eligible person to fill the vacancy until the next annual meeting. The person elected at the annual meeting shall serve until his or her predecessor's term expires.

§ 3. Appointed Officers, Commissions, and Committees

(a) The selectboard may appoint any officers required by the Town's personnel regulations, this Charter, or the general laws of the State of Vermont.

(b) The selectboard may appoint commissions or committees as needed, and delegate incidental powers necessary for the proper functioning thereof, as established by law.

(c) Town Manager.

(1) Acting Town Manager. To perform the manager's duties during the manager's temporary absence or disability, with the consent of the selectboard the manager may designate by letter filed with the Town clerk an individual to serve temporarily as the manager. In the event of the failure of the manager to make such a designation before absence or disability, or if the manager position is vacant, the selectboard may by

resolution_appoint any qualified individual, including one of its members, to perform the duties of the manager until the manager shall return or the manager's disability shall cease.

(2) General Law to Govern. Except as provided in this Charter, the laws of the State of Vermont shall govern the Town's participation in a manager form of government and the rights, powers, and duties of the Town manager.

§ 4. Town Meeting

(a) The procedure herein provided shall apply to all annual and special meetings of the Town unless another procedure is required by a particular statute of this state.

(b) The warning for a meeting shall be published in a newspaper published in the Town, or, if there is none, shall be posted in four public places in the Town, at least ten (10) days before the meeting. The warning shall be signed by the Town clerk and shall be recorded in the office of the clerk before it is posted.

(c) Provisions of the laws of the State of Vermont relating to voter qualification, warnings, methods of voting, the duties of the Town officers at Town meetings and elections, and all other particulars relating to preparation for, conduct and management of Town meetings and elections shall, so far as they may be applicable, govern all municipal elections and all annual and special Town meetings, except as otherwise specifically provided in this Charter.

§ 5. Ordinances

(a) Any rule, ordinance, regulation or by-law of the Town may apply to a limited area and not to the whole town, notwithstanding that the rule, ordinance, regulation, or by-law might also have been applied to another area or areas within the Town.

(b) Any ordinance shall become effective upon its adoption, unless a later date is specified by the selectboard. If a petition is filed in accordance with 24 V.S.A. § 1973(b), and if at the resulting Town meeting the voters shall disapprove of the ordinance so adopted, then the ordinance shall stand repealed at the adjournment of the Town meeting.

§ 6. Special Districts

(a) Village District:

(1) Creation and Obligations.

(A) Upon the effective merger date, there shall be created and shall exist within the Town a special district named the Village District. The Village District shall be comprised of the entire area of the Village of Woodstock (the "Village") immediately before the effective merger date.

The Village District shall have the services and obligations stated in this section.

(3 2) Payment of District Costs. Costs required to support special services in the Village District shall be paid for by the persons residing in or owning property in the Village District in such manner as the selectboard may determine consistent with the terms of this Charter. If the costs are to be paid by a tax on the grand list in the Village District, such tax shall be paid and collected in the same manner as other taxes and shall be a lien on the property so taxed. All funds of the Village District shall be kept in a special fund, no part of which may be used for any other purpose.

(b) Other Special Districts. On motion of the selectboard, or upon application in writing signed by 20 or more freeholders or voters of a proposed special district, the selectboard may designate areas apart from the rest of the Town as a special district and may provide that area with special services not common to all the voters of the Town, provided that the majority of the voters residing in the respective designated area who are present and voting at the Town meeting on the subject shall have approved formation of the district.

(1) Each such area shall be reasonable geographically, taking into account the areas and the persons actually benefited, the type or types of services to be provided and the fact that the efficiency of providing multiple services in a single special service district might outweigh the fact that the areas and voters benefiting from the respective services might not coincide exactly.

(2) All costs required to support a given special service shall be paid for by the properties and/or persons receiving such service in such manner as the selectboard may determine. If the costs are to be paid by a tax on the grand list in the special service district involved, such tax shall be paid and collected in the same manner as other taxes and shall be a lien on the property so taxed. All funds of each special service district shall be kept in a separate fund, no part of which may be used for any other purpose.

(3) Upon application in writing of 20 or more voters of an existing special district other than the Village Bond District, the selectboard shall add to the warning for the next meeting of the special district an article eliminating such special district.

(c) Meetings of Special Districts. A meeting of the voters of one or more special districts may be called, warned, and held, and any article may be warned for action at such a meeting by the selectboard or the district's voters in the same manner that the selectboard or voters of the Town may call, warn, or hold a Town meeting, or may warn an article for action at the meeting, under Vermont law and this Charter except as those processes are expressly changed by this section.

(1) A meeting of a special district may be held at the same time and place as a meeting of another special district or as a Town meeting. In such case, the warning for the meeting need not specifically mention the special district meeting, except that each article warned for action by a special district shall include words to the effect of "Shall the voters of [*name of special district*][*describe matter to be voted on*]."

(2) The Town moderator, board of civil authority, and constable shall have the same powers and duties for a meeting of a special district as each has for a Town meeting.

(3) The Town clerk shall prepare a checklist of the voters of each special district including each proposed special district. The checklist for a special district shall be prepared in the same manner as the Town checklist, except only that a special district's checklist shall be confined to those qualified voters of the Town who reside in the special district. A special district checklist may be compiled by notation on the

Town checklist of each special district in which a person is qualified to vote.

§ 7 POLICE DEPARTMENT

(a) Service Areas and Service Levels Within the town there are two service areas with differing service levels and differing costs.

(1) The Village district within the boundaries of the former village plus Woodstock Union High and Middle School while in session will continue the existing level of full time patrols.

(2) Town area outside the Village District will have service as prescribed by the Selectboard.

(Note: At the present, the Selectboard and the Trustees are deliberating on what service level the Town might wish to have, possibly provided under contract from the Village.)

(b) Costs. The cost for each service area will be apportioned according the service level provided.

§ 8. Sewer Department

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(a) Separation of Sewer Department

(1) The municipal sewer system and any additions thereto shall be maintained as a department separate from all other departments of the Town. All rents and revenue from the sewer department not necessary for current expenditures for that department shall be placed in a special fund for that department, no part of which may be used for any other purpose.

(2) The foregoing shall not impair the Town's use of one or more employees who may perform services for other areas of Town operations.

(b) Sewer Charges.

(1) The selectboard shall be commissioners of the sewer department.

(2) All costs required to support the municipal sewer department shall be assessed against the users receiving each such service, at a rate to be determined by the selectboard. Any unpaid charges and assessments for sewer services shall be a lien against the property benefited by the service as provided in Title 24 of Vermont Statutes Annotated.

(3) Annual sewer rates shall be set at a rate sufficient to cover annual expenditures, temporary indebtedness, and the amortizing of bonded indebtedness and interest.

§ 9. Amendment of Charter

This Charter may be amended as set forth by general laws of the State of Vermont.

§ 10. General Provisions

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

(b) Reference to Statute. If any matter mentioned in this Charter is said to be controlled by a specific statute, the reference to such statute shall include the statute as amended or renumbered, or any statute substituted therefor and having a similar subject matter

Subchapter 3. Merger Transition Provisions

§ 21. Merger of the Village and Town of Woodstock

(a) Effective at midnight at the end of (-month,year-), the Village of Woodstock, as constituted by Act No. XX of the Laws of YYYY, as amended, shall merge with and into the Town of Woodstock; provided, however, that if the final voting process for voter approval of this merger shall not be complete by July 1, 2007, then the merger shall be effective at midnight at the end of September 30, 2007.

(b) Upon the effective merger date, the Town of Woodstock shall be the single municipal corporation resulting from the merger; shall have the name of the "Town of Woodstock"; shall include all of the geographic limits and areas of the Town of Woodstock before merger; and shall have for its charter the provisions of Part 1 of this Plan of Merger.

(c) On the effective merger date, the Village of Woodstock shall cease to exist as a political entity or body corporate and its charter shall be abolished.

§ 22. Assets Transferred and Liabilities Assumed

(a) Assets. On the effective merger date:

(1) All assets of whatever kind, nature, and description including but not limited to: 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 sewer rents and charges, together with the lien rights and enforcement powers of the Village 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 shall become vested in and become assets owned by the Town without any further act, deed, or instrument being necessary.

(2) Any and all property held in trust by the Trustees of the Village or any officer(s) of the Village shall become vested in the corresponding officer(s) of the Town and his or her successor(s), or in the selectboard if there is no corresponding Town officer, 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.

(3) All funds and other property held respectively for the Village sewer department immediately before the effective merger date shall be held after merger by the Town in the account established under section 7(a) of this Charter.

(b) Liabilities.

(1) All other obligations of the Village, on the effective merger date, the Town 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 without any further act, deed, or instrument being necessary.

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

§ 23. Finances

On the effective merger date:

(1) The funds and other assets of the Village for its General Fund, along with its corresponding liabilities, shall become those of the Town for its General Fund;

(2) The funds and other assets of the Village for its Highway Account, along with its corresponding liabilities, shall become those of the Town for its Highway Account;

(3) The funds and other assets of the Village for its Sewer Department, along with its corresponding liabilities, shall become those of the Town for its Sewer Department;

(4) All of the other funds, assets, and liabilities of the Village, except as herein specifically provided, shall become those of the Town as part of its General Fund and of its general assets and liabilities;

(5) The budget for the Town for the fiscal year ending June 30, 2007, shall be the budgets for that period last adopted before merger by the Town and Village voters. These previously adopted budgets shall be maintained and administered separately by the Town through the fiscal year ending June 30, 2007;

(8) Upon final approval of the Plan of Merger by the voters of the Town and Village under 24 V.S.A. § 1485(b), and ratification of the Plan of Merger by the General Assembly under 24 V.S.A. § 1485(c), all property tax assessments made by the Town and the Village for the fiscal year ending June 30, 2007, shall be deemed to be the property tax assessment for the Town for that fiscal year. At any time following such approval and ratification, the Town may bill, collect, enforce, and retain all property taxes so assessed. Notwithstanding any prior actions by the Town or Village to assess such taxes, or to set a tax rate to raise the assessments, the selectboard shall assess on the Town's grand list the Town's assessment for the fiscal year ending June 30, 2007, and on the Village's grand list, the Village's assessment for the fiscal year ending June 30, 2007. Beginning July 1, 2007, the budget for the merged Town shall be assessed uniformly against the Town Grand list except as otherwise provided by law or this Charter.

§ 24. Existing Ordinances

(a) Zoning Ordinances. The zoning ordinances of the Town and of the Village shall remain in effect after merger as the zoning ordinance of the Town and of the village district

(b) Village Ordinances. All rules, ordinances, regulations, and by-laws of the Village in effect on the day before the merger shall become and continue in full force and effect as rules, ordinances, regulations, and by-

laws of the Town subject to the following:

(1) The application of each shall be confined to the area comprising the Village immediately before the effective merger date and

(2) If any Village rule, ordinance, regulation, or by-law shall be in conflict with any rule, ordinance, regulation, or by-law of the Town, then the Village rules, ordinances, regulations, and by-laws so in conflict shall stand repealed on the effective merger date and shall have no further force or effect. The limited geographic scope of any Village rules, ordinances, regulations, and by-laws shall be considered in the determination of any conflict with a Town rule, ordinance, regulation, or by-law.

(3) Whenever a power is granted by any such rule, ordinance, regulation, or by-law to an officer of the Village, such power is conferred upon the appropriate officer of the Town.

(4) The selectboard shall after merger, by resolution duly adopted, enact as Town ordinances all ordinances and by-laws of the Village which shall survive under subsection (c) of this section, but such ordinances shall survive notwithstanding any delay or omission in such adoption.

(5) The Town may amend or repeal the same as provided by law.

(c) Town Ordinances. All Town ordinances, resolutions, by-laws, orders, policies, and regulations which are in force at the effective date of merger shall remain in effect until amended or repealed as provided by law.

(d) Rates, Charges, Policies, and Regulations of the Sewer Department. All rates, charges, policies, and regulations of the sewer department in effect at the time of merger shall continue in effect until changed by the Town.

§ 25. Continuance in Office of Town Officers

The Town selectboard and all other elected and appointed officers of the Town on the effective date of merger shall continue in office after the merger until their terms of office shall end in accordance with law and until their successors are duly elected, or appointed, and qualified

§ 26. Village Officers

(a) Trustees of the Village and all other elected and appointed officers of the Village shall continue in office until the effective date of merger.

§ 27. Votes Required for Effect

— All sections of this Plan of Merger shall take effect if this Plan is approved as follows:

(1) By majority vote of the Town of Woodstock, which includes all qualified voters in the Town and Village; and

(2) By majority vote in the Village of Woodstock, which includes all qualified voters of the Village.

Sec. 3. REPEAL

24 App. V.S.A. chapter ***, relating to the Village of Woodstock, is repealed.

Sec. 4. EFFECTIVE DATE

This act shall take effect on the date the voters of the Town of Woodstock and the village of Woodstock finally approve the merger authorized by this act and those actions are certified to the Secretary of State.

Approved: mmddyyyy