Town of Rockingham
and
Bellows Falls Village Corporation

MUNICIPAL UNIFICATION

Background Information
SEPTEMBER 15, 2004

The Vermont Statutes Online

Title 24: Municipal and County Government

Chapter 49: MERGER OF MUNICIPALITIES

§ 1481. Definitions

The term "municipalities" as used in this chapter means cities, incorporated villages, special purpose districts and school districts. (1965, No. 184, § 3.)

§ 1482. Preliminary plan

A plan of merger shall be prepared which shall be approved by a majority of the legislative body of each of the parties to the proposed merger before being promulgated. (1965, No. 184, § 2(a).)

§ 1483. Contents of plan

The plan of merger shall include provisions relating to structure, organization, functions, operation, finance, property and other appropriate matters; shall include special provisions contained in a charter of any municipality included in the plan, which provisions are peculiar to that municipality, and which it is desired to retain as charter provisions of the consolidated municipality; and shall include adequate provisions for the satisfaction of all obligations of the parties concerned. The plan shall provide that any area or group of voters in the consolidated municipality or town may have special services, not common to all the voters in the municipality or town, provided for them, if so voted. All costs of whatever nature required to support these special services shall be paid for by the taxpayers receiving these services, by a tax on their grand list, to be assessed annually by the selectmen or the equivalent officers of a municipality, or in such other manner as the selectmen or the equivalent officers of a municipality shall determine. If the costs are to be paid by a tax, such tax shall be paid and collected in the same manner as other taxes and such tax assessed on their grand list shall be a lien thereon. (1965, No. 184, § 2(b); amended 1966, No. 31 (Sp. Sess.), § 1, eff. March 12, 1966.)

§ 1484. Notice and hearing

Not less than thirty days prior to the meetings referred to in section 1485 of this title, copies of the plan of merger shall be posted in three or more public places in each of the areas involved. Two public hearings on the proposed plan of merger shall be held at intervals of two weeks in each of the areas involved. The later hearings shall be held not less than five days before the meetings referred to in

section 1485 of this title. Notices of the hearings shall be advertised in at least three issues of a newspaper of general circulation in the town. The last advertisement shall appear not later than three days before the final public hearing. (1965, No. 184, § 2(c).)

§ 1485. Vote of approval

(a) Adjoining municipalities within a town may merge upon the approval of a plan of merger by a majority vote of each municipality concerned at a meeting duly warned for that purpose and held in each of such municipalities.

(b) One or more municipalities within a town may merge into the town upon the approval of a plan of merger by a majority vote of the municipality or municipalities and the town at separate meetings duly warned for that purpose and held in each of the areas concerned.

(c) When approved by Australian ballot by the voters of each of the merging municipalities and approved by the general assembly under section 2645 of Title 17, that part of the plan of merger containing the permanent provisions required by section 1483 of this title shall become the charter of the consolidated municipality. (1965, No. 184, § 1(a), (b); amended 1966, No. 31 (Sp. Sess.), § 2, eff. March 12, 1966; 1995, No. 108 (Adj. Sess.), § 1.)

§ 1486. Notice to secretary of state

The clerk or equivalent officer of the municipality into which other municipalities have merged shall so notify the secretary of state within ten days following the last of the meetings referred to in section 1485 of this title. (1965, No. 184, § 4.)

§ 1487. Alternative merger provisions

Notwithstanding the existence of any special act authorizing the merger of two or more municipalities, the legislative bodies of those municipalities which plan to merge may elect to proceed either under this chapter or under the special act authorizing the merger. (Added 1966, No. 31 (Sp. Sess.), § 3, eff. March 12, 1966.)

BELLOWS FALLS VILLAGE CORPORATION

PROPOSED MERGER STUDY WITH THE

TOWN OF ROCKINGHAM

December, 1991

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VLCT Municipal Law Center
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December 11, 1991

Thomas H. McPhee, President
Bellows Falls Village Corporation
Town Hall
Bellows Falls, VT 05101

Dear President McPhee:

On behalf of the VLCT Technical Services Center it is our pleasure to submit the enclosed Proposed Merger Study with the Town of Rockingham. The study discusses all the issues which have surfaced during our review over the past six months. We hope the study will provide the basis for cooperative action on the part of all three units of government in Rockingham for strengthened and progressive management in the difficult years ahead.

The project team appreciates all of the assistance provided by your board, Secretary Regina Borden and most of all the excellent, well balanced committee appointed by yourself and the Village Trustees. The responsiveness and timely assistance of these individuals made it possible to complete this study under such a tight time schedule.

Sincerely,

Corwin S. Elwell jf

Corwin S. Elwell
Project Director
VLCT Technical Services Center

CSE:jf

Enclosure

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I. INTRODUCTION

The VLCT Technical Services Center was retained by the Bellows Falls Village Corporation to study and consider the issues relative to the feasibility and possibility of merging the political entities within the Town of Rockingham.* To facilitate the development of information for the project the Bellows Falls Village Trustees appointed an excellent citizens committee to work with the VLCT Technical Services Center. Members of this committee are William Hennessey, Chairman; Francis X. Aumand, John Cook, Peter Golec, Richard Long, Paul Sullivan and Bradley Weeks. The committee was invaluable in providing perspective and advice to the consultant, but it must be stressed that all conclusions and recommendations are solely those of the Technical Services Center and not of the committee.

The objective of the project was to study the existing formal and informal structure of all the political entities within the Town of Rockingham; interview governing boards of existing political units regarding their understanding of the present organizational structures and their expectation of changes should a merger become a reality; interview all appropriate village(s) and town staff; and analyze all available data to determine efficiencies of time and/or money of any proposed merger.

*Bellows Falls Village Corporation
Village of Saxtons River
Town of Rockingham

Meetings were held by the committee from June through November 1991 seeking information from existing governing boards, village(s) and town staff, Vermont State Police and Sheriff William Graham. A public meeting for the purpose of soliciting information and opinions from citizens was held on November 4, 1991.

During the above process issues were identified, discussed, researched, conclusions were drawn and tentative recommendations proposed.

The consultant also interviewed Paul McGinley (Municipal Manager), Douglas Brent (Bellows Falls Fire Chief), Gary Derosia (Bellows Falls Police Chief), Dennis Jeffrey (Rockingham Fire Chief), Richard Smith (Saxtons River Fire Chief), Allen Halberg (Rockingham Recreation Director), Maurice Kelly (Bellows Falls Utility Superintendent), Michael Malik (Bellows Falls Sewer Plant Operator), Edward Soboleski (Rockingham Assessor), Doreen Aldrich (Bellows Falls Village Clerk and Rockingham Assistant Town Clerk), Regina Borden (Municipal Manager's Secretary), Rita Bruce (Rockingham Town Clerk and Town Treasurer), Janice Cobb (Bellows Falls Bookkeeper) and Donna Harty (Bellows Falls Village Treasurer and Payroll Clerk). Most staff members were interviewed on several occasions.

II. EXISTING GOVERNMENTS

Within the boundaries of the Town of Rockingham are three legal political subdivisions:

1. Town of Rockingham
2. Bellows Falls Village Corporation
3. Village of Saxtons River

All citizens are voting residents of the Town of Rockingham. Citizens residing in the Village of Bellows Falls are voting residents of the Village of Bellows Falls and the Town of Rockingham. Citizens residing in the Village of Saxtons River are voting residents of the Village of Saxtons River and the Town of Rockingham.

Profiles

The Town of Rockingham is a typical Vermont town approximately 42 square miles in size with a current population of 5484. It is governed by five elected selectmen with the assistance of a manager appointed in accordance with the Vermont statutes. The town provides the following services: tax assessment and collection; general administration; maintenance of town records, including recording of individual property deeds; operation of cemeteries; service of a private volunteer fire department; police service from the Vermont State Police; disposal of solid waste; a variety of health and welfare services; maintenance of

highways and bridges; operation of a community development program; planning, zoning and health administration; ambulance and library service; operation of a movie theatre; a year round recreation program and maintenance of all real estate owned by the town.

The Village of Bellows Falls is approximately 1 1/3 square miles in size with a current population of 3456. It is governed by a president and four elected trustees with the assistance of a manager appointed in accordance with the Vermont statutes. The village provides the following services: tax collection; general administration; maintenance of village records; full-time police and fire service; street lights; maintenance of sidewalks; maintenance of all real estate owned by the village; operation of a water supply, treatment and distribution system for the village and a portion of the town and operation of a sanitary sewer collection and treatment system for the village and a portion of the town.

The Village of Saxtons River is approximately 1 square mile in size with a current population of 593. It is governed by five elected trustees who manage the business of the village. The village provides the following services: tax collection; general administration; maintenance of village records; police service through a contract with the Sheriff's Department; maintenance of a volunteer fire department; maintenance of all real estate owned by the village and operation of a sanitary sewer collection and treatment system.

A review of the profiles above reveals many activities that are presently being performed by two or more of the governmental units: tax collection; general administration; maintenance of village(s)/town records; operation of police and fire service; maintenance of real estate owned by the village(s)/town and operation of a sanitary sewer collection and treatment system for the village(s)/town.

CONCLUSION: From the consultants discussions with village(s)/town governing boards, village(s)/town staff persons, members of the Bellows Falls Trustees Committee, review of village(s)/town budgets, analysis and observation of office procedures it must be concluded that there is much duplication in the organization for providing specific services (i.e. tax collection, maintenance of village(s)/town records, general administration, police and fire service, maintenance of real estate and operation of a sanitary sewer collection and treatment system) and much duplication of procedures used by office staff to provide service.

RECOMMENDATION: It is recommended that the two existing villages and the Town of Rockingham governments be merged into a single unit, namely, the Town of Rockingham. In the event that the Village of Saxtons River decides not to join such a merger, it is strongly-recommended that the Bellows Falls Village Corporation and the Town of Rockingham do effect such a merger.

III. KEY ISSUES RELATING TO MERGER

During the discussions over the past six months with many citizens, elected officials and staff, many key issues have been highlighted. Some, it has been pointed out, are positive reasons for merger or distinct road-blocks depending on the point of view of the presenter. Let us look at the issues.

1. Fire Service - With three fire departments providing service within the town it would seem that there may be more service than the town needs. After discussion with each of the respective fire chiefs and a review of present equipment and facilities, the consultant concludes that there is sufficient equipment (with one exception) and manpower, hired and volunteer, to provide a high level of fire protection to the entire Town of Rockingham.

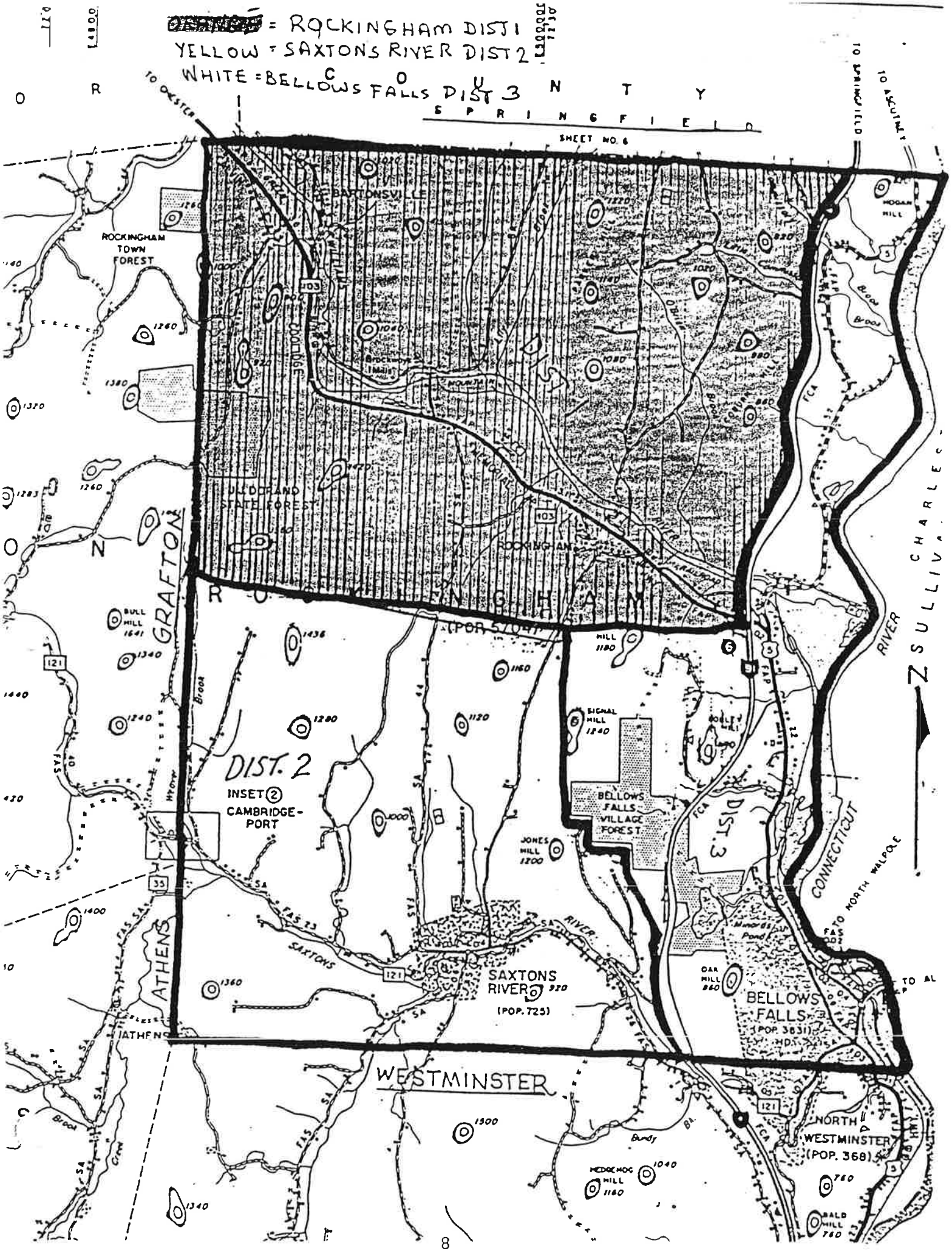
RECOMMENDATION: It is recommended that the present three departments be blended into a single department. The Bellows Falls station should be the central station with the present Saxtons River and Rockingham stations being designated as sub-stations. The department would be under a single command with volunteer deputy chiefs as leading officers of the sub-stations. Service areas for the three stations would be as indicated on the attached map and description of the areas of responsibility of each respective district. (EXHIBIT I) It is further

FIRE DISTRICT PROPOSAL

District #1 - Rockingham District
Westerly from I-91 exit #6 to a point on the Rockingham Hill Road at the Kasser property continuing westerly to intersection of Leach Road and Pleasant Valley Road at the Stickney farm continuing westerly to a point on Old Port Road and Grafton Town line. Northerly along Grafton line to Chester line easterly along Springfield line to I-91 south along I-91 to exit #6, point of beginning and including all streets, lanes, ways, etc. within this area.

District #2 - Saxtons River District
Southerly from a point on the Old Port Road from and along the Grafton and Athens town lines to the Westminster Town line, easterly along the Westminster Town line to the point where Route #121 intersects the Westminster Town line, northerly from that point on a line to and including the Kasser property on Pleasant Street Extension, northwesterly on a line to the intersection of the Leach and Pleasant Valley Roads, continuing westerly to the point of beginning on the Old Port Road and including all roads, streets, lanes and ways within this area.

District #3 - Bellows Falls District
Including the Village of Bellows Falls and remainder of the Town of Rockingham from a point at I-91 exit #6 westerly along District #1 to Rockingham Hill Road at Kasser property and Saxtons River District #2, southerly along Saxtons River District #2 to Westminster Town line at I-91, easterly along Westminster line to the State line (Connecticut River) northerly along State line to Springfield Town line, westerly to I-91 southerly along I-91 and District #1 to I-91 exit #6 to point of beginning and including all streets, lanes, ways, etc. within this area.



[redacted] = ROCKINGHAM DIST 1
YELLOW = SAXTONS RIVER DIST 2
WHITE = BELLOWS FALLS DIST 3
SPRINGFIELD
SHEET NO. 6
TO CHESTER
TO SPRINGFIELD
TO ASCUTNEY
BARTONSVILLE
ROCKINGHAM TOWN FOREST
COOLIDGE
Brockways Mills
MOUNTAIN
DIST. 1
ULLDORAND STATE FOREST
ROCKINGHAM
GRAFTON
ROCKINGHAM
(POP. 5704)
BULL HILL 1641
HILL 1180
SIGNAL HILL 1240
DIST. 2
INSET ② CAMBRIDGE-PORT
BELLOWS FALLS VILLAGE FOREST
DIST. 3
JONES HILL 1200
SAXTONS RIVER
(POP. 725)
SAXTONS
RIVER
ATHENS
OAK HILL 860
BELLOWS FALLS
(POP. 3831)
CONNECTICUT
RIVER
TO NORTH WALPOLE
CHARLES
SULLIVAN
WESTMINSTER
NORTH WESTMINSTER
(POP. 368)
HEDGEHOG HILL 1160
BALD HILL 760

recommended that an adequate water tank truck be acquired to improve rural firefighting capability. Present complement of full-time firefighters should be retained and all volunteers should be paid an annual stipend for their service. The consultant believes that the adoption of the recommended reorganization of the fire service will result in reduced fire insurance premiums for all property owners after a re-inspection of fire service capability by the Insurance Service Organization.

2. Police Service - The present level of service in Bellows Falls is extremely high, perhaps the highest of any community in Vermont. Analysis of present police service in Saxtons River and the Town of Rockingham lead the consultant to believe that citizens of both units may desire a higher level of service than presently being provided.

RECOMMENDATION: It is recommended that the service area of the Bellows Falls Police Department be extended to cover the entire Town of Rockingham. Several discussions with Chief Derosia on this subject indicate that such an approach is feasible. If an increased demand for service exists in the extended service area that issue would be decided by a future Town Meeting. Consideration of a series of special tax districts to provide police service was made but the consultant does not recommend this method of resolving this issue.

3. Water and Sewer Utilities - These utilities are presently self-supporting enterprise activities in Bellows Falls and Saxtons River. If all governments were to merge they would continue to be

self-supporting activities and present outstanding debt would continue to be paid by utility users only. Proposed 1992-1993 budgets for these activities appear in Table 2.

4. **Proposed Tax Rate** - Primary among all of the discussions relative to a merger of the three governments has been the question, what will it cost? Tables 1 and 1A represent a proposed 1992-1993 consolidated General Fund budget. Indicated in these tables are the funds estimated to maintain the present level of services for 1992-1993. The figures under the Bellows Falls and Saxtons River columns are estimated income/expenditures for the service indicated. The 1991 Grand List for the three governments is Bellows Falls: $962,934, Saxtons River: $88,509, and Town of Rockingham: $1,570,867. 1991 tax rates for these governments are Bellows Falls: $1.00, Saxtons River: $.40 and Town of Rockingham: $1.03. The 1991 school tax rate for all governments was $1.84. Based on the Town of Rockingham 1991 Grand List the proposed 1992-1993 consolidated General Fund budget would require a tax rate of $1.614. Using the data indicated above a comparison of taxes on properties assessed at $50,000 and $75,000 can be illustrated before and after a proposed merger:

Bellows Falls 1991 Tax Rate $1.00 + 1.03 + 1.84 = $3.87

1992-1993 Proposed Tax Rate $1.614 + 1.84 = $3.454

$50,000 x 3.87 = $1935.00	75,000 x 3.87 = $2902.50
50,000 x 3.454 = 1727.00	75,000 x 3.454 = 2590.50

Saxtons River 1991 Tax Rate $.40 + 1.03 + 1.84 = $3.27

1992-1993 Proposed Tax Rate $1.614 x 1.84 = $3,454

$50,000 x 3.27 = $1635.00	75,000 x 3.27 = $2452.50
50,000 x 3.454 = 1727.00	75,000 x 3.454 = 2590.50

Town of Rockingham 1991 Tax Rate $1.03 + 1.84 = $2.87

1992-1993 Proposed Tax Rate $1.614 + 1.84 = $3.454

$50,000 x 2.87 = $1435.00	75,000 x 2.87 = $2152.50
50,000 x 3.454 = 1727.00	75,000 x 3.454 = 2590.50

The calculations clearly indicate a reduction in actual taxes for residents of Bellows Falls, a slight increase in taxes for residents of Saxtons River and a larger increase in taxes for residents of the Town of Rockingham who are not residents of either village. The consultant believes that savings in staff time can be effected with any proposed merger. Obviously any savings in staff time or staff costs should be reflected in overall future cost to the consolidated unit of government.

TABLE I

TOWN OF ROCKINGHAM
PROPOSED CONSOLIDATED GENERAL FUND BUDGET*
1992-1993

REVENUE

	Rockingham	Bellows Falls**	Saxtons River	Total
Taxes	$2,535,751	--	--	$2,535,751
Admin.	300	$ 44,438	--	44,738
Cemeteries	13,850	--	--	13,850
Comm. Develop.	21,000	--	--	21,000
Debt Service	30,000	12,000	--	42,000
Sanitation	14,100	--	--	14,100
HEW	1,925	--	--	1,925
Highway				
General	132,084	--	--	132,084
Vehicles	6,000	--	--	6,000
Miscellaneous	15,650	87,496	--	103,146
Planning/Zoning	14,300	--	--	14,300
Recreation	19,500	--	--	19,500
Falls Theatre	100,000	--	--	100,000
Town Clerk	27,700	--	--	27,700
Town Hall	7,910	--	--	7,910
Police	--	15,875	--	15,875
	$2,940,070	$159,809	--	$3,099,879

**Includes income presently received in Bellows Falls General Fund Budget.

TABLE IA

TOWN OF ROCKINGHAM
PROPOSED CONSOLIDATED GENERAL FUND BUDGET*
1992-1993

EXPENDITURES

	Rockingham	Bellows Falls**	Saxtons River**	Total
Taxes	$ 30,527	--	--	$ 30,527
Admin.	208,274	26,934	200	235,408
Cemeteries	26,900	--	--	26,900
Comm. Develop.	26,400	--	--	26,400
Debt Service	98,175	16,500	--	114,675
Fire/Police Bldg.	--	68,150	10,100	78,250
Fire Dept.	8,575	202,071	14,160	224,806
Police Dept.	--	383,072	5,000	388,072
Sanitation	4,560	--	--	4,560
HEW	19,996	--	--	19,996
Highway				
General	589,990	44,750	--	634,740
Vehicles	119,509	--	--	119,509
Listers	28,697	--	--	28,697
Miscellaneous	276,735	266,596	7,000	550,331
Planning/Zoning	56,457	--	--	56,457
Public Safety	117,800	--	--	117,800
Recreation	92,060	--	--	92,060
Falls Theatre	99,925	--	--	99,925
Town Clerk	47,424	--	--	47,424
Town Hall	31,549	--	--	31,549
Special Approp.	171,793	--	--	171,793
	$2,055,346	$1,008,073	$36,460	$3,099,879

*Includes services for Town of Rockingham, including Bellows Falls and Saxtons River.

**Includes services presently funded in the Bellows Falls and Saxtons River General Fund Budget.

TABLE II

TOWN OF ROCKINGHAM
PROPOSED CONSOLIDATED SEWER DEPT.
1992-1993

REVENUE

Bellows Falls	Saxtons River*	1992-1993
$388,946	$79,190	$468,136

EXPENDITURES

Bellows Falls	Saxtons River*	Total
$388,946	$79,190	$468,136

TOWN OF ROCKINGHAM
PROPOSED CONSOLIDATED WATER DEPT.
1992-1993

REVENUE

1992-1993
$553,465

EXPENDITURES

1992-1993
$553,465

*Includes income and services presently funded in the Saxtons River Sewer Account.

The merger would provide for the assumption of existing general fund outstanding debt for Bellows Falls (fire-police building) and Saxtons River (fire truck note). Both of these costs are included in the proposed 1992-1993 consolidated General Fund Budget. It is interesting to note that Bellows Falls Village taxpayers are paying 61% of $525,000 outstanding Town of Rockingham debt (town garage $225,000 and sewer line extension $300,000). Neither of these facilities are located within the boundaries of Bellows Falls Village.

An additional adjustment necessary if a merger were to be effected would be the necessity for Bellows Falls and Saxtons River to adopt a six months budget in order to put their budget year in line with the Town of Rockingham budget year. This is necessary because currently the budget year of the two villages is based on a calendar year while the Town of Rockingham budget year is on a fiscal year (July 1 - June 30) basis.

5. Loss of Identity - Some citizens are concerned about possible loss of identity of Bellows Falls and Saxtons River should their governments be merged with the Town of Rockingham. The consultant does not believe this to be a likely result based on the history of mergers which have occurred in other Vermont communities. The Town of Hartford contained several villages that to this day have maintained their distinct identifies (i.e. White River Junction, Wilder, Quechee and West Hartford). Other Vermont towns that have merged without loss of individual communities therein are Bennington (Old Bennington and North Bennington), Middlebury (East Middlebury) and Brattleboro (West Brattleboro).

6. Abandon Village Charter - Some have suggested that one way to accomplish a merger of the three government units into one would be a vote by respective village citizens to abandon their present village charter, thereby passing their present responsibilities to the town. Review of this matter indicates that it would be difficult if not impossible to accomplish because such action would have to be approved by the Vermont State Legislature. It is not likely that the legislature would approve such a plan without the concurrence of all parties (Rockingham - Bellows Falls - Saxtons River) at the local level. Furthermore the unplanned chaos that would be created would not be acceptable to any group of citizens. The consultant does not consider this action a viable resolution of the issue.

7. Rockingham Town Charter - Appendix I is a draft of a proposed Rockingham Town Charter. To implement a merger of the three government units a town charter would be the document to replace the existing Village Charters and provide a legal framework for the consolidated town government. Based on considerable discussion during the study process it was the unanimous opinion that a governing board of not more than five (5) persons would be most desirable. Although the draft charter provides for these officers to be elected at large, local choice might determine that specific areas of the town should have a district representative i.e.; Bellows Falls, Saxtons River, etc. The charter is a flexible document and can be tailored to meet any need of th town as long as it does not conflict with existing state law.

8. Merger Effect on Town Credit Rating - Paul Ruse, Vermont State Treasurer, was contacted regarding the effect of transferring the assets and liabilities of the villages to the town. He believes that such action would have no effect on the credit rating of the town. The reason for this opinion is because most towns sell long term bonds through the Vermont Municipal Bond Bank and thereby receive the rating of the Bond Bank.

9. Reasons for Merger - During the past six months study the reasons for a merger of the three governments have been many and varied. It is also interesting that during the discussions and research of the past six months not one solid, valid reason has been presented against such a merger.

Positive reasons why a merger should occur are as follows:

a. A single government to manage today's complex municipal business. A strong Board of Selectmen assisted by a strong Manager would make an excellent team to manage a business exceeding $3,000,000 annually.

b. A single government will permit streamlining administrative and office procedures reducing time, effort and cost of government. Jeffrey Francis, former Municipal Manager, once commented "In many cases you have a triplication of effort, if there is such a word. It makes no sense for a community of 6000 people to have three elected boards, three different fiscal years and three different methods of accounting."

c. A single government is a way to start to control costs. Costs may not be reduced immediately but certainly can be better controlled over the long term.

d. A single government will make industrial development easier and more professional for the town. Industrial prospects want to talk to one responsible entity to obtain information, negotiate contracts and develop and operate their business. This method of doing business is not possible at the present time.

e. A single government will make accountability for services unquestioned by citizens, businesses and state and federal agencies. Presently various services are being provided beyond a jurisdictions boundary because business practice, insurance regulations or other reasons that sometimes become obscure with the passage of time.

f. A single government will make long term planning of services and necessary long term funding of required services easier and more understandable to individual citizens.

g. A single government has been approved by the following Vermont communities since 1965:

1965 St. Johnsbury
1966 Middlebury
1967 Chester
1967 Proctor
1967 Windsor
1984 Randolph
1985 Plainfield
1986 Readsboro
1988 Pittsford

IV. TIMELINE FOR MERGER

The following actions are the precise steps required to meet the requirements of the Vermont Statutes, Title 24, Sections 1481-1486 (a copy of the statutes is identified as Appendix II), for the merger of municipalities:

1. Prepare Plan. The legislative bodies of the town and village(s) must prepare a plan of merger. 24 V.S.A. 1482. This plan must include provisions relating to structure, organization, functions, operation, finance, property and other appropriate matters. The plan must also include special provisions contained in a charter of either municipality included in the plan, and which the municipalities desire to retain as charter provisions of the consolidated municipality. The plan must include provisions for the satisfaction of all obligations of the parties concerned, and must provide that any area or group of voters in the consolidated municipality or town may have special services, not common to all the voters in the municipality or town, provided for them, if so voted, providing that all costs to support these special services shall be paid for by the taxpayers receiving these services. 24 V.S.A. 1483.

2. Adoption by Legislative Bodies. The legislative bodies of the town and village(s) must adopt the plan of merger by a majority vote at a regular or special meeting of the legislative body for which such vote is

included on the agenda. 24 V.S.A. 1482. Note that normally scheduled meetings do not require a specific notice so long as a resolution has been passed setting the normal meeting time and place. However, if the plan is voted on at a special meeting, the time and place of such meeting must be publicly announced at least 24 hours before the meeting. 1 V.S.A. 312(c)(2).

3. Public Notice. At least 30 days prior to a plebiscite vote on the plan of merger referred to in section six of this outline, copies of the plan of merger must be posted in three or more public places in both the Village(s) and the Town. 24 V.S.A. 1484.

4. Public Hearings. Two public hearings must be held on the proposed plan of merger in each municipality. The hearings must be held at intervals of two weeks and the later hearing must be held not less than five days before the plebiscite vote referred to in section six. Notices of the hearings must be advertised in at least three issues of a newspaper of general circulation in the town, but the last advertisement must not appear later than three days before the final public hearing. 24 V.S.A. 1484.

5. Warning and Notice Plebiscite Vote. The legislative bodies of each municipality must post and publish a warning for the special meeting called for the purpose of voting on the Plan of Merger. 24 V.S.A. 1485. The warning must state the date, time and location of the meeting and the article to be voted on (eg. "shall the Town of Rockingham Adopt the Plan of Merger with Bellows Falls Village Corporation and the Village of

Saxtons River?"), and it must be signed by a majority of the legislative body and filed with the town and village(s) clerks. 17 V.S.A. 2644. The warning must be posted in at least two public places within each municipality and in or near the town and village(s) clerks' office at least (30) but not more than forty (40) days prior to the meeting. 17 V.S.A. 2641. The warning for each meeting must also be published in a newspaper of general circulation at least one time, at least five days prior to the meeting. 17 V.S.A. 2641.

6. Plebiscite Vote. The village(s) may merge into the town upon the approval of the plan of merger by majority votes of the village(s) and town at meetings duly warned for that purpose. 24 V.S.A. 1485.

7. Notice to Secretary of State. The town clerk shall notify the Secretary of State within ten days following the affirmative vote of all municipalities to merge. 24 V.S.A. 1486.

8. Legislative Ratification. All provisions of the Plan of Merger which require changes or additions to the town's charter will come into effect upon ratification by the general assembly. 24 V.S.A. 1485(c). The proposed and adopted charter amendments must be certified by the Town Clerk and sent to the Secretary of State who must file it and immediately deliver copies of the certificate to the Attorney General and Clerk of the House the Representatives, the Secretary of the Senate and the chairs of the committees concerned with municipal charters in both houses of the general assembly. If the legislature is not then in session, such copies

must be delivered to the people listed above within ten days of its organization at the next legislative session. 17 V.S.A. 2645(c) The necessary charter amendments will become effective sixty days after approval by the legislature unless a petition is filed by five percent of the legal voters of the municipality or by the attorney general for reconsideration. If such a petition is delivered to the legislative officers listed above thirty days or more before adjournment, the charter changes will become effective upon adjournment unless amended or disapproved by the general assembly. 24 V.S.A. 2645(f). If the delivery is made less than thirty days before adjournment, the amendments shall become effective thirty days before adjournment, the amendments shall become effective thirty days after the next regular or adjourned session is convened. (Unless it is amended or disapproved). 17 V.S.A. 2645(f). Note, however, the legislature may, at any time, specifically approve a proposal at which time the proposal will become effective. 17 V.S.A. 2645(f).

Attached as Exhibit II is a sample time line detailing the actions that must be taken to legally accomplish a merger of the three governmental units and adopt a charter for the Town of Rockingham.

SAMPLE TIMELINE FOR MERGER

EXHIBIT II

Day 1	Legislative bodies of town and village(s) prepare plan of merger. 24 V.S.A. 1482.
Day 15	Village(s) Trustees vote to approve plan at regular meeting of Trustees (by majority). 24 V.S.A. 1482.
Day 15	Town selectmen vote to approve plan at regular select-board meeting (by majority). 24 V.S.A. 1482.
Day 23 (or by Day 32)	Notice of special town meeting and special village(s) meeting to consider plan of merger is posted. 17 V.S.A. 2641.
Day 23 (or by Day 32)	Copy of Plan of Merger must be posted in three or more public places in each municipality. 24 V.S.A. 1484.
Day 30 (or any time before Day 52)	Both town and village(s) publish first notice of public hearings on Plan of Merger. 24 V.S.A. 1484.
Day 37 (or any time before Day 53)	Both town and village(s) publish second notice of public hearings on Plan of Merger. 24 V.S.A. 1484.
Day 43 (must be two weeks prior to final public hearing).	Public hearing on plan of merger held both in town and village(s). 24 V.S.A. 1484.
Day 43 (or any time before Day 54)	Both town and village(s) publish final notice of public hearing. 24 V.S.A. 1484
Day 57	Final public hearing on Plan of Merger held in both town and village(s). 24 V.S.A. 1484
Day 57 (or before)	Both town and village(s) publish notice of special town meeting to vote on Plan of Merger. 24 V.S.A. 1485.
Day 62	Both town and village(s) hold special town meeting to decide whether to approve Plan of Merger. If approved, merger is complete except for ratification of charter changes by the legislature.
Day 63 (or any time before Day 72)	Town Clerk notifies Secretary of State of merger and certifies vote on charter amendments.

*Note that the village(s) and town do not have to hold their hearings and meetings on the same dates so long as the warnings and timing requirements are abided by.

APPENDIX I

DRAFT

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O F T H E

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CHAPTER ONE

POWERS OF THE TOWN OF ROCKINGHAM

101. Corporate existence retained.

The inhabitants of the Town of Rockingham, within the limits as now established, shall be a municipal corporation by the name of the Town of Rockingham.

102. General law, application.

Except when changed, enlarged, or modified by the provisions of this charter, or by any legal regulation or ordinance of the Town of Rockingham, all provisions of the statutes of the State of Vermont relating to municipalities shall apply to the Town of Rockingham.

103. Powers of the Town.

(A) The Town of Rockingham shall have all the powers granted to towns and municipal corporations by the constitution and laws of this State and this Charter, together with all the implied powers necessary to carry into execution all the powers granted; it may enact ordinances not inconsistent with the constitution and laws of the State of Vermont or with this Charter, and impose penalties for violation thereof.

(B) The Town may acquire property within or without its corporate limits for any town purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, consistent with the constitution and laws of the State of Vermont and may sell, lease, mortgage, hold, manage and control such property as its interest may require consistent with the constitution and laws of the State.

(C) In this Charter, no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the Town would have if the particular power were not mentioned, unless this Charter otherwise provides.

104. Additional powers.

The general grant of authority in Section 103 of this chapter shall include, but shall not be limited to, the following:

(A) To adopt and enforce ordinances relating to the installation of new water lines, new sewer lines, and equipment necessary for their operation, requiring the installation of such improvements in a manner specified as a condition precedent to the issuing of a building permit under any Town ordinance and requiring the apportionment of part or all the cost of such improvements against property owners benefiting thereby. Special assessments shall constitute a lien on the property against which the assessment is made in the same manner and to the same extent as taxes assessed on the Grand List of the Town, and all procedures and remedies for the collection of taxes shall apply to special assessments.

(B) To adopt and enforce police ordinances regulating or prohibiting the use of firearms, air rifles and devices having a capacity to inflict personal injury, and the parking, operation and speed of vehicles of any kind upon town and state aid streets and highways, private and public property, and to regulate or prohibit any activities constituting a hazard to the safety or health of the public.

(C) To adopt and enforce ordinances relating to the prevention of pollution of air, land, streams, ponds, and other waterways within the Town.

(D) To adopt and enforce ordinances relating to the cleaning or repair of any premises which, in the judgment of the Board of Selectmen, is dangerous to the health, welfare or safety of the public.

(E) To adopt and enforce ordinances relating to regulation, licensing or prohibition of the storage and accumulation of garbage, ashes, rubbish, refuse and waste materials; regulation of the removal and disposal of such materials; licensing for revenue and regulation or prohibition of the collection, removal and disposal of such materials by contract or by a Town officer or department now existing or created for that purpose; establishment of service rates to be paid the Town for such service.

(F) To adopt and enforce ordinances prohibiting and punishing willful injuries to trees planted for shade, ornament, convenience, or use, public and private, and to prevent and punish trespassing or willful injuries to or upon public or private buildings, property or lands.

(G) To adopt and enforce ordinances relating to codes for building construction, including also wiring and plumbing.

(H) To adopt and enforce ordinances relating to fire prevention and control.

(I) To adopt and enforce ordinances relating to the use, protection, care and management of all public recreation facilities of the Town.

(J) To adopt, amend, repeal, and enforce ordinances relating to the prevention of riots, noises, nuisances, disturbances, and disorderly assembly, and to provide for the enforcement of penalties for violation or nonperformance.

(K) To adopt and enforce ordinances establishing regulations for signs and billboards.

(L) To adopt and enforce an ordinance related to a Special Assessment District, such an ordinance can be considered by the Selectmen only when the request is made by a petition signed by the owners of 2/3 (two-thirds) of the parcels of real property within the proposed district. If a parcel of land is owned by more than one person, only one person shall sign on behalf of the owners of the parcel. Such petition shall define the boundaries of the district, the purpose for

which the assessment is to be levied, and the proposed costs and duration of the levy.

In addition to the required notification in Section 107(A) of this Chapter, each affected property owner within the proposed district shall be notified by Certified Mail of the proposed ordinance or any amendments thereto prior to any public hearing held.

(M) The enumeration of powers herein shall not be deemed to limit the general grant of authority to promulgate ordinances conferred by Section 103.

105. Reservation of powers to the Town.

Nothing in this Charter shall be construed to in any way limit the powers and functions conferred on the Town of Rockingham and the Selectmen of said Town by general or special enactments of State statutes or regulations in force or effect or hereafter enacted, and the powers and functions conferred by this Charter shall be cumulative and in addition to the provisions of such general or special enactments unless this Charter otherwise provides.

106. Ordinances: penalties for breach thereof.

(A) A Town ordinance may provide:

(1) for a fine in an amount not greater than $1,000.00 and

(2) that each week a violation continues shall constitute a separate offense. A violation of a Town ordinance shall be classified as a misdemeanor or a rule violation in the same manner as it would be classified by the general State statutes now or hereafter enacted, and prosecuted accordingly. The Town may maintain an action to enjoin the violation of any ordinance or rule, but the election of the Town to proceed with an application for an injunction shall not prevent a criminal prosecution for the violation of an ordinance.

(B) A Municipal Court may be established with such jurisdiction, operation and procedures as may be voted by Annual Town Meeting.

107. Ordinances: adoption by Selectmen.

(A) If the Selectmen desire to adopt an ordinance, they shall cause it to be entered in the official record kept of their proceedings, and thereafter, they shall adopt it subject to final approval after the public hearing as hereafter set forth. The ordinance shall then be published in a newspaper of general circulation in the Town, together with a notice of the time and place of a public hearing to consider the ordinance for final passage, such publication to be on a day at least one week and not more than two weeks prior to the date of hearing.

(B) At the public hearing or at any time and place to which the hearing may from time to time be adjourned, the ordinance shall be read in full, unless the Board of Selectmen elect to read the ordinance by title; and after such reading, all persons interested shall be given an opportunity to be heard.

(C) After the public hearing, the Selectmen may finally adopt the ordinance, with or without amendment. If they amend the ordinance prior to passage, they shall cause the amended ordinance to be entered in the official record of their proceedings, and shall also cause the amended sections of the ordinance, as finally passed, to be published in a newspaper of general circulation in the Town on a day not more than fourteen days after adoption.

(D) Every ordinance shall become effective forty days after adoption, unless the Selectmen specify a longer period; or if the ordinance is conditioned on approval by voters of the Town, then upon such voter approval. If within 40 days of adoption, a referendum petition is filed, the ordinance shall not become effective until after the question of repeal is voted.

(E) The Town Clerk shall prepare and keep in the Town Clerk's Office and in all Town libraries a book of ordinances, which shall contain each Town ordinance, together with a complete index of the ordinances according to subject matter. Failure to comply with this provision shall not invalidate any Town ordinance lawfully passed.

108. Referendum.

(A) All Town ordinances, except as specified in Section 110, may be repealed by vote of the Town as follows: A petition signed by not less than 10 percent of the registered voters shall be filed with the Town Clerk requesting a vote on the question of repealing the ordinance. The Selectmen shall call a special Town Meeting to be held within sixty days of the date of filing the petition, to vote on whether the ordinance shall be repealed. The ordinance shall be repealed only if at least 15 percent of the registered voters vote and a majority of that number vote for repeal.

(B) Within forty days after passage of an ordinance, 5 percent of the registered voters shall constitute sufficient signatures for a referendum petition, and all other procedures of Section 108 (A) shall apply.

109. Initiative.

Any lawful ordinance may be enacted by vote of the Town as follows: A petition signed by not less than 5 percent of the registered voters shall be filed with the Town Clerk requesting enactment of the ordinance and accompanied by the text thereof. The Selectmen shall call a Special Town Meeting to be held within sixty days of the date the petition is filed, unless prior to such meeting, the Selectmen shall have enacted the ordinance.

The warning for the meeting shall include the text of the proposed ordinance and shall provide for a "yes" or "no" vote as to its enactment. The ordinance shall be adopted if at least 15 percent of the registered voters vote and a majority of that number vote for adoption. The ordinance shall take effect on the thirtieth day following adoption.

110. Nonapplicability to zoning and subdivision.

The provisions of Sections 107, 108, and 109, shall not apply to the enactment, amendment, or repeal of any zoning ordinance or zoning by-law, any land subdivision ordinance or land subdivision by-law, nor to the enactment, amendment or repeal of any municipal plan or comprehensive municipal plan, nor to the enactment, amendment, or repeal of any regional municipal plan or comprehensive regional plan, the enactment, amendment or repeal of such ordinances, by-laws, and plans being specifically controlled by 24 V.S.A. Chapter 117, or by such other State statutes regulating zoning, subdivision and municipal and regional plans as may be enforced from time to time. The adoption, amendment or repeal of all other ordinances shall be in conformity with Sections 107, 108, and 109.

The right of referendum and initiative contained in Sections 108 and 109 shall apply to the amendment or repeal of an ordinance as well as to its enactment.

111. Authority of police officers.

The police officers of the Town shall have the same powers throughout the State with respect to criminal matters, and the enforcement of the laws relating thereto, as they have within the Town.

CHAPTER THREE

OFFICERS

301. Generally

The officers of the Town of Rockingham 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.

302. Elective officers.

(A) The officers elected by the Town at its Annual Meeting shall be:

(1) Five Selectmen
(2) Town Meeting Moderator
(3) Nine Trustees of the Public Library
(4) Three Trustees of Public Money
(5) Town Agent
(6) Town Grand Juror
(7) Three Trustees of Campbell Fund

(8) Three Commissioners of the Mary Jo Arms Fund
(9) Three Listers
(10) Three Auditors
(11) Town Clerk
(12) Town Treasurer
(13) Members of the School Committee of Rockingham School District
(14) Rockingham Members of the Bellows Falls Union School District #27.

The number of such officers to be elected at each Annual Meeting shall be as hereafter set forth.

(B) All elected officers shall be chosen from the legally qualified voters of the Town and shall hold office for the terms hereafter specified and until their successors are elected and qualified.

(C) All officers shall be elected by Australian Ballot.

(D) When an elected officer specified in Section 302(A) (1) through (14) of this chapter, resigns, makes another town his residence, dies or becomes incapacitated, his office shall become vacant and the Selectmen shall appoint an eligible person to fill the vacancy until the next Annual Meeting. The person elected shall at the Annual Meeting serve until his predecessor's term expires. Incapacity shall include the failure of a Selectman to attend 50 percent of the meetings of the Board in any calendar year.

303. Terms of office - Selectmen.

(A) Each Selectman shall be elected for a three-year term, except in the first election after this Charter is adopted, at which two Selectmen shall be elected for three-year terms, and one Selectman shall be elected for a two-year term. The two incumbent Selectmen shall serve to the ends of their respective elected terms. After the first election following adoption of this Charter, Selectmen shall be elected for three-year terms as prior terms expire.

(B) All Selectmen shall be elected at large. The persons with the largest number of votes for offices of equal terms shall be elected to those offices. If there are Selectmen's offices with different terms, each candidate shall specify the term for which he seeks election.

304. Other elective officers.

(A) The Board of Listers.

(1) The Board of Listers shall consist of three members, to be elected as follows: the first year, one shall be elected for a three-year term; the two incumbent officers shall complete their elected terms.

Thereafter, one shall be elected every year for a three-year term.

(2) The Board of Listers shall perform duties established by state law and shall appoint an appraiser who shall be of competent professional background. Such appointment shall be approved by the Board of Selectmen.

(B) The three Auditors shall be elected in the same manner as described for the Board of Listers, in subsection (A)(1) above.

(1) The elected Auditors shall be responsible for establishing and approving an independent municipal audit by a registered or certified public accountant. Such independent audit shall be required at least once a year.

(2) The Auditors' duties shall be as established in Title 24, VSA 1681-1691.

(C) The Town Meeting Moderator shall be elected annually and shall perform those duties prescribed by the State law.

(D) The Town Clerk shall be elected for a three-year term and shall carry out the duties of Town Clerk as specified by statute and by this Charter.

(E) The Trustees of the Public Library shall be elected and shall have such powers as are stated in 22 VSA 143. The Ilsley Library shall be operated by the Trustees in accordance with 22 VSA 141 through 146.

(F) The number of School Committee and Union School Board members, their terms of office and the occurrence and filling of vacancies, shall be as provided under State statutes. Each school officer elected at the Town's Annual Meeting shall take office at 12:01 a.m. on the day following the Annual Meeting of the Union School District No. 27 or the Town School District.

305. Treasurer.

(A) The Treasurer shall be elected annually at the Annual Meeting and shall serve for a three-year term.

(B) The Treasurer shall perform the duties required by State statutes or provided by this Charter. He/she shall:

(1) Promptly deposit funds coming into his/her hands in such depositories as may be designated by the Selectmen;

(2) Invest Town funds coming into his/her hands in the manner designated by the Selectmen;

(3) Keep such books and accounts as may be required by the Selectmen;

(4) Make reports to the Selectmen monthly or at such other times as they may require showing the state of the Town's finances; and

(5) Perform such other duties with respect to the Town's finances as the Selectmen may require.

306. Appointed Officers.

(A) The Board of Selectmen shall appoint any officers required by the Town's personnel regulations, or this Charter.

(B) The Town Manager shall function as the personnel officer of the Town.

(C) Within one year after the adoption of this Charter, the Board of Selectmen shall adopt a written personnel policy.

(D) The Board of Selectmen shall appoint:

(1) A First Constable, and if needed a Second Constable;
(2) One or more Grand Jurors;
(3) A Collector of Taxes;
(4) A Town Agent;
(5) One or more Fence Viewers;
(6) A Tree Warden.

(E) The Selectmen may appoint:

(1) One or more weighers of coal;
(2) A poundkeeper;
(3) One or more inspectors of lumber, shingles and wood.

307. Recall.

(A) Any officer elected under 302 (A) may be removed from office as follows:

A petition signed by not less than 15 percent of the registered voters shall be filed with the Selectmen, requesting a vote on whether the elected officer shall be removed from office. The Selectmen shall call a special Town Meeting, to be held within 45 days of receiving the petition, to vote on whether the elected officer shall be removed. The official shall be removed only if at least as many registered voters of the Town vote as voted in the election wherein the officer was elected, or at least one-third of the registered voters of the Town vote, whichever is greater, and a majority of that number vote for removal.

(B) If the Town votes for removal of an elected officer, the office shall thereupon become vacant, and the Selectmen shall call a special meeting, to be held within 45 days of the vote for removal, to fill the vacancy until the term of the officer so removed expires.

(C) The votes for removal and to fill the office removed shall be by Australian Ballot.

308. Vacancies and Appointments.

(A) When the term of any member of the Zoning Board of Adjustment, the Planning Commission, or any other Town board of commission expires, or when the term of any officer appointed under Section 306 (D) and (E) of this chapter expires, or when there is a vacancy in any such board, commission, or office, the Town Manager shall cause to be published, in a newspaper of general local circulation, a notice of the vacancy or the expiration of the term.

(B) Any qualified voter of the Town may, within 10 days of the publication, submit his name to the Town Manager as an applicant for the vacant or expired office. At the expiration of ten days from the date of the publication, the names of all persons being considered shall be entered in the Selectmen's Minutes; the Selectmen shall not fill the vacancy or expired term until after at least seven (&) days from the date the names of the applicants are entered in their Minutes.

309. Bonding of officers.

All officers of the Town required to be bonded by State law shall be bonded.

CHAPTER FIVE

SELECTMEN

501. Powers and Duties.

(A) The members of the Board of Selectmen shall constitute the legislative body of the Town of Rockingham for all purposes required by statutes and except as otherwise herein specifically provided, and shall have all powers and authority given to, and perform all duties required of town legislative bodies or boards of selectmen under the constitution and laws of the State of Vermont.

(B) Within the limitations of the foregoing, the Selectmen shall have the power to:

(1) Appoint and remove the Town Manager and supervise, create, change and abolish offices, commissions, or departments other than the offices, commissions or departments established by this Charter or by law. The Selectmen may prescribe the duties of all offices, commissions, or departments created by them.

(2) Assign additional duties to officers, commissions or departments established by this Charter, but may not discontinue or assign to any other office, commission

or department duties assigned to a particular office, commission or department established by this Charter or by law.

(3) Appoint members of all boards, commissions, committees or similar bodies unless specifically provided otherwise by this Charter or by law.

(4) Make, amend and repeal ordinances in compliance with Chapter 1. Section 107 of this Charter.

(5) Inquire into the conduct of any officer, commission, or department and investigate any and all municipal affairs when deemed necessary for the proper and orderly conduct of Town government.

(6) The Selectmen shall submit an annual budget to the voters, to be voted on at Town Meeting, in accordance with the provisions of the chapter dealing with the budget.

(7) Exercise each and every other power not specifically set forth herein, but which is granted to the Selectmen by the statutes of the State of Vermont.

(8) Attend all meetings of all boards or agencies of the Town, whether executive or public, together with the right to speak at such meetings, but not to vote.

502. Organization.

(A) Forthwith after their election and qualification, the Selectmen shall organize and elect a Chairman and Vice-Chairman by a majority vote of the entire Board.

(B) The Chairman of the Board, or in his or her absence, the Vice-Chairman, shall preside at all meetings of the Board and shall be recognized as the head of the Town Government for all ceremonial purposes.

503. Meetings.

(A) As soon as possible after the election of the Chairman and Vice-Chairman, the Board shall fix the time and place of its regular meetings and such meetings shall be held at least twice a month.

(B) The Board shall determine its own rules and order of business.

(C) Three selectmen shall constitute a quorum. No action of such Board shall be valid or binding unless adopted by the affirmative vote of at least three Selectmen. In cases where State law requires a greater fraction of the authorized Board for an affirmative vote than as specified above, such provisions of State law shall control.

(D) All meetings of the Board shall be open to the public unless by an affirmative vote of the majority of the members of the

entire Board they shall vote a portion of a session to be an executive session. Executive sessions are only for deliberation and all issues shall be voted on at a public meeting of the Board in order to be valid and legal.

(E) The agenda of the Selectmen's meetings shall be made available to the public at least twenty-four hours prior to the meeting and posted in one public place.

(F) Any members of the Board may add items of business to the written agenda upon commencement of the meeting, provided that a majority of the membership of the entire Board vote to add such items of the agenda.

504. Record of proceedings.

(A) It shall be the duty of the Board of Selectmen to keep an official record of its proceedings which shall be open for public inspection.

(B) The Minutes of each meeting shall be approved by the Selectmen. The official copy shall be filed in the Town Clerk's Office and copies in the Public Library.

505. Appointments.

(A) The Selectmen may appoint commissions or committees as needed.

(B) Jurisdiction over other officers and employees.

Neither the Board of Selectmen nor any of its members shall direct or request the appointment, by any officer or employee of the Town, of any person to office or employment, or his suspension or removal therefrom, or in any manner take part in the appointment, discipline, or removal of subordinates and employees of the town, except as otherwise provided in this Charter. The Board of Selectmen and its members shall deal with that position of the service of the Town for which the Manager is responsible solely through the Town Manager, and neither the Board of Selectmen nor any of its members shall give any orders or request any action by a subordinate in office. This shall not be construed to prohibit the Selectmen from recommending to the Town Manager a prospective employee for his consideration, and making general complaints to the Town Manager or to Department Heads.

506. Compensation.

(A) The Town Meeting shall fix the compensation of the Selectmen.

(B) Except as provided in 506 (A) and 704 (L), the Selectmen shall fix the compensation of all elected officers and all officers appointed by them. An elected official may notify the Selectmen in writing, at least fifty days before the Annual Meeting, that he wishes his compensation fixed by the Town, and the Selectmen shall insert an article in the

Warning to that effect. If so warned, the Town may fix the compensation of that elected official for the balance of his term of office or for such shorter period as the Town may vote.

CHAPTER SEVEN

TOWN MANAGER

701. Appointed by Selectmen.

The Board of Selectmen shall appoint a Town Manager for an indefinite term, and upon such conditions as they may determine.

702. Manager nonpartisan.

(A) The Manager shall be chosen solely on the basis of his executive, administrative, and professional qualifications.

(B) The Manager shall not take part in the organization or direction of a political party, serve as a member of a party committee, nor be a candidate for election to any public office.

(C) The Manager shall be a resident of the Town of Rockingham, once he or she has been appointed to office. The Board of Selectmen may grant permission for the Manager to live outside the Town should there be sufficient reason.

703. Oath and bond.

Before entering upon his or her duties, the Manager shall be sworn to the faithful performance of his duties by the Town Clerk and shall give a bond to the Town in such amount and with such sureties as the Selectmen may require.

704. Duties of Manager

(A) The Manager shall be the Chief Executive Officer of the Town and shall carry out the policies established by the Board of Selectmen, to whom the Manager shall be responsible.

(B) The Manager shall attend all meetings of the Board of Selectmen, except when his compensation or removal is being considered, or the Board of Selectmen allows his absence. The Manager shall keep the Selectmen informed of the financial condition and future needs of the Town and shall make such other reports as may be required by law, requested by the Selectmen, or deemed by him to be advisable.

(C) The Manager has the right to attend all meetings of standing committees, boards, and agencies appointed by the Board of Selectmen.

(D) The Manager shall be an ex-officio member of all standing committees, but may not vote.

(E) The Manager shall perform all other duties prescribed by this Charter, required by laws of the State, or resolution of the Selectmen.

(F) The Manager shall prepare an annual budget, submit it to the Selectmen and be responsible for its administration after adoption.

(G) The Manager shall compile for general distribution at the end of each fiscal year a complete report on the finances and administrative activities of the Town for the year.

(H) The Manager shall furnish a monthly financial statement to the Selectmen, with the assistance and cooperation of the Town Treasurer, who shall furnish whatever financial data are necessary to enable the Town Manager to fulfill his budgetary and financial responsibilities.

(I) The Manager shall be responsible for the operation of all departments.

(J) The Manager shall be the general purchasing agent for the whole Town.

(K) The Manager shall be responsible for the administration of a system of accounts.

(L) The Manager shall have authority to appoint, fix the salary of, suspend, and remove all employees of the Town appointed by him, subject to the provisions of this Charter and any Personnel Regulations as approved by the Board of Selectmen. He shall obtain approval from the Board of Selectmen before appointing, removing, or suspending the head of any department.

(M) The Manager may, when advisable or proper, and with the approval of the Selectmen, delegate to subordinate officers and employees of the Town, any duties conferred upon him.

(N) The Manager with the department heads shall prepare annually for the Selectmen a five year Capital Improvement Plan.

705. Compensation.

The Manager shall receive such compensation as may be fixed by the Selectmen.

706. Removal.

The Board of Selectmen may remove the Town Manager by a majority vote of its total membership. At least thirty days before such removal shall become effective, the Board of Selectmen shall, by a majority vote of its members, adopt a preliminary resolution stating the reason for his removal. The Manager may reply in writing and may request a public hearing which shall be held not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the Board by a majority vote of its

members may adopt a final resolution of removal. By the preliminary resolution, the Board may suspend the Manager from duty, but the regular salary of the Manager shall continue to be paid to him during the period of suspension. The Manager's pay will continue up to thirty days and will not be contingent upon whether or not a public hearing is held or when it is held. The Board of Selectmen may appoint a temporary Manager to serve at the pleasure of the Board, for not more than ninety days. The temporary Manager shall have none of the powers of appointment. He shall have the power to suspend, but not to remove employees.

707. Absence.

To perform the Manager's duties in his temporary absence or disability, the Manager may, with the consent of the Board, designate by letter filed with the Town Clerk, a qualified person. If the Manager fails to make such designation, the Selectmen may appoint a person to perform the duties of the Manager until he shall return or his disability shall cease.

CHAPTER NINE

TOWN MEETING

901. Application of general laws.

Provisions of the laws of the State of Vermont relating to voter qualification, warnings, method of voting, the duties of Town officers at Town Meetings and elections, and all other particulars relating to preparation for conducting and managing 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 provided in this Charter.

902. Time of holding.

(A) An Annual Town Meeting for the consideration of the budget and other Town business shall be held according to State law except as hereinafter provided.

(B) The ballot boxes shall be open for a minimum of nine consecutive hours determined and warned by the Board of Selectmen.

903. Eligible voters.

A method of the identification and designation of the eligible voters in Town Meeting shall be established and enforced by the Board of Civil Authority.

904. Polling Places.

In any Annual or Special Town or Town School District Meeting for the purpose of the election of officers and the voting on all questions to be decided by Australian Ballot,

such polling places as needed shall be established by the Board of Civil Authority.

905. Postponement and combining of Town Meetings.

(A) The Selectmen may postpone the vote on any question to be voted at a special Town Meeting to the Annual Meeting if such special meeting falls within 75 days of the Annual Meeting.

(B) If a special Town Meeting falls within 45 days of a later special Town Meeting called by petition, the Selectmen may warn the question to be voted at such Town Meeting for the later Town Meeting, and may be resolution rescind the call of the earlier meeting.

906. Voting question by Australian Ballot.

The Selectmen may cause any question to be voted by Australian Ballot at any Annual Meeting or at any special Town Meeting called on their motion or by petition, provided that the Warning for such meeting specifies the questions to be voted. A question voted by Australian Ballot shall be preceded by a public hearing for discussion, to start at 7:30 o'clock in the afternoon of the day preceding that on which the polls are to be opened. The Warning for the special meeting to vote by Australian Ballot shall include a notice of the time and place of the public hearing.

CHAPTER ELEVEN

ZONING AND PLANNING

1101. Applicability of State law to zoning and planning.

All matters pertaining to zoning, land subdivision, municipal and regional plans, shall be exclusively controlled by the statutes of the State of Vermont, except as specifically provided in this Charter.

1102. Ratification of present zoning ordinance.

Except as hereinafter provided, the Zoning Ordinance of the Town of Rockingham, adopted June 22, 1982, as amended, is hereby ratified and approved, subject to provisions of 24 V.S.A., Chapter 117.

1103. Ratification of subdivision regulations.

The subdivision regulations of the Town of Rockingham adopted on March 10, 1980, as amended, are hereby ratified and approved, subject to provisions of 24 V.S.A., Chapter 117.

1104. Minutes.

(A) Copies of the Minutes of the Zoning Board of Adjustment or the Rockingham Planning Commission, or portions thereof,

shall be made available to any member of the public upon request to the Town Manager and at cost.

(B) Copies of the Minutes of the Zoning Board of Adjustment and the Planning Commission shall be filed and kept in the Town Clerk's Office in separate books provided for that purpose, and copies shall be filed in the Public Library.

CHAPTER THIRTEEN

BUDGET AND TAXATION

1301. Fiscal Year.

This fiscal year shall commence on the first day of July and end on the last day of June the following year, unless the Town, at its Annual Meeting, shall determine otherwise. If the Town votes another fiscal year, it shall specify the procedure for transition, including the method for financing the transition.

1302. Preparation and submission.

(A) The Town Manager, at least sixty days before the date of the regular Annual Town Meeting, shall submit to the Selectmen a budget which, except as required by law or this Charter, shall be in such form as the Manager deems desirable or the Selectmen may require. The budget shall contain:

(1) An estimate of the financial condition of the Town as of the end of the fiscal year and as of the date of submission of the budget.

(2) An itemized statement of appropriations recommended for current expenses and for capital improvements, during the next fiscal year with comparative statements in parallel columns of appropriations and estimated expenditures for the current fiscal year and actual appropriations and expenditures for the next preceding fiscal year.

(3) An itemized statement of estimated revenues from all sources, other than taxation, for the next fiscal year; a statement of taxes required for the next fiscal year; and comparative figures of tax and other sources of revenue for the current and next preceding fiscal year.

(4) A capital plan for the next five fiscal years, showing possible anticipated capital expenditures, financing and tax requirements.

(5) Such other information as may be required by the Board of Selectmen.

(B) Prior to finally determining the Rockingham Town Budget, and at least 30 days prior to the Annual Meeting, the

Selectmen shall hold a public hearing, giving notice thereof in a newspaper of general local circulation at least seven days prior thereto.

(C) The Selectmen's Budget in its final form and the Warning for the Annual Meeting shall be distributed to the legal voters of the Town at least 10 days prior to the Annual Meeting.

1303. Saving Clause.

Failure to perform any of the duties specified in Section 1302, or failure to perform any of such duties within the time limits above specified, shall not invalidate any action taken at a properly warned Annual Meeting.

1304. Appropriations.

The Town at the Annual Meeting shall adopt a budget which shall include the proposed expenditure of each department for the coming fiscal year, and adoption of a budget at the Annual Meeting shall be deemed an appropriation to each department of the sum allotted in the budget for such department. A department's expenditures may not exceed the amount appropriated to it, except by consent of the Selectmen and subject to the provisions of 1307 and 1308. The amounts stated in the budget, and as approved by the Town, shall become appropriated to the several agencies, departments and purposes therein named.

1305. Amount to be raised by taxation.

Upon passage of the budget by the Annual Town Meeting, the amounts stated therein as the amount to be raised by property taxes shall constitute a determination of the amount of the levy for the purposes of the Town in the corresponding tax year, and the Selectmen shall levy such taxes on the grand list furnished by the listers for the corresponding tax year.

1306. Budget limitations - Borrowing.

(A) The incurring of bonded indebtedness, the issuing of bonds, the making of temporary loans in anticipation of bond sales, and all other matters pertaining to bonded indebtedness shall be controlled by 24 V.S.A. Chapter 53 or such State statutes as are applicable.

(B) The Town, through the Selectmen, may borrow money in anticipation of taxes. The total amount so borrowed shall not exceed 90 percent of the taxes assessed for such year, and notes or orders issued therefor shall mature not later than the end of the fiscal year of the Town.

(C) The Town, by vote at an Annual or Special Meeting, may borrow money under such terms and conditions and for such lawful municipal purposes as the Town shall vote.

(D) In cases of emergency, the Selectmen may appropriate funds or borrow money in the name of the Town. The total combined emergency appropriations and borrowing in any year shall not exceed five percent of the amount voted at the Annual Meeting as the Town Budget, or if the appropriation or borrowing is prior to the Annual Meeting, then five percent of the amount voted at the prior Annual Meeting as the Town Budget. Notes or orders for such emergency borrowing shall mature not more than one year from the date of issuance and shall not thereafter be renewed unless the Town so votes. Any emergency borrowing or appropriation shall be reported at the next Town Meeting.

(E) The Selectmen, in the name of the Town, may borrow funds in anticipation of Federal and State funds which have been approved and committed, until such time as such funds are available. Any debt so incurred for a project shall be repaid from the first Federal or State funds received for that project.

(F) Any appropriations beyond the amount in the Town Budget, except as specified in Paragraph (D) above, and all borrowing, except as specified in Paragraphs (A), (B), (C), (D), and (E) above, shall be by vote of the Town and upon such terms and conditions as the Town shall vote.

1307. Transfers of appropriations.

At any time during the fiscal year the Manager may transfer part or all of any unused appropriation balance among programs within a department, office, or agency. Upon written request by the Manager, the Selectmen may by resolution transfer part or all of any unused appropriation balance from one department, office or agency to another. Notwithstanding the above, no unexpended balance in any appropriation not included in the budget of the Selectmen shall be transferred or used for any other purpose.

1308. Taxation.

(A) Taxes on real and personal property shall be paid in four equal payments.

(B) Interest and penalties on unpaid taxes shall be levied in accordance with State statutes.

1309. Investments.

The Town may invest its money in savings accounts or Certificates of Deposit.

CHAPTER FIFTEEN

GENERAL PROVISIONS

1501. Separability.

If any provision of this Charter is held invalid, the other

provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

1502. Continuance of office or employment.

Except as specifically provided by this Charter, if at the time this Charter takes full effect a Town administrative officer or employee holds any office or position he shall continue in such office or position until the taking effect of some specific provision under this Charter directing that he vacate the office or position.

1503. Pending matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this Charter and in each case shall be maintained, carried on or dealt with by the Town department, office or agency appropriate under this Charter.

1504. Municipal laws.

All Town ordinances, resolutions, orders and regulations which are in force when this Charter becomes fully effective shall remain in full force and effect excepting only those ordinances, resolutions, orders and regulations which are inconsistent with this Charter.

1505. Copies of the Charter.

Two copies of this Charter with amendments and information sheets, if there re any, shall be kept in all Town libraries. If at any time these copies shall become unreadable or be destroyed, the Town, at Town expense, shall provide the library with sufficient new copies.

1506. Amendment of Charter.

This Charter may be amended as set forth by State Law under Section 2645 of Title 17, Vermont Statutes Annotated.

1507. Reference to State statute.

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

1508. Effective date.

This Charter shall take effect, except as hereafter set forth, on _____, at twelve o'clock midnight. The vote of the Town in favor thereof, by Australian Ballot, on _____, which was warned at least 21 days before in a newspaper of general local circulation, together with publication of the text of the Charter, is hereby ratified and approved. However, the officers elected at the Annual Meeting in ____ shall continue in office until the Annual Meeting in ____, at which time officers shall be elected according to the Charter, and the first election of school officers shall be at the Town's Annual Meeting in ____.

History

Source. V.S. 1947, § 3673. P.L. § 3588. 1933, No. 157, § 3345. G.L. §§ 4072, 4073. 1910, No. 116, §§ 7, 8. P.S. § 3554. V.S. § 3109. R.L. § 2758. G.S. 22, § 1.

§ 1161. Exception as to government lands

When a portion of the line so established passes through lands owned by the United States, subject to the approval of the court, the commissioners may omit to place markers at the intersection of highways passing through such lands.

History

Source. V.S. 1947, § 3674. P.L. § 3589. 1929, No. 56. G.L. § 4069. 1933, No. 116, § 4.

Chapter 49. Merger of Municipalities

SECTION

1481. Definitions.
1482. Preliminary plan.
1483. Contents of plan.
1484. Notice and hearing.
1485. Vote of approval.
1486. Notice to secretary of state.
1487. Alternative merger provisions.

History

Table of renumbered chapters. For table showing disposition of renumbered chapters of this title, see table set out at end of this title.

§ 1481. Definitions

The term "municipalities" as used in this chapter means cities, incorporated villages, special purpose districts and school districts. —1965, No. 184, § 3.

§ 1482. Preliminary plan

A plan of merger shall be prepared which shall be approved by a majority of the legislative body of each of the parties to the proposed merger before being promulgated.—1965, No. 184, § 2(a).

§ 1483. Contents of plan

The plan of merger shall include provisions relating to structure, organization, functions, operation, finance, property and other appropriate matters; shall include special provisions contained in a charter of any municipality included in the plan, which provisions are peculiar to that municipality, and which it is desired to retain as charter provisions of the consolidated municipality; and shall include adequate provisions for the satisfaction of all obligations of the parties concerned. The plan shall provide that any area or group of voters in the consolidated municipality or town may have special services, not common to all the voters in the municipality or town, provided for them, if so voted. All costs of whatever nature required to support these special services shall be paid for by the taxpayers receiving these services, by a tax on their grand list, to be assessed annually by the selectmen or the equivalent officers of a municipality, or in such other manner as the selectmen or the equivalent officers of a municipality shall determine. If the costs are to be paid by a tax, such tax shall be paid

and collected in the same manner as other taxes and such tax assessed on their grand list shall be a lien thereon.—1965, No. 184, § 2(b); amended 1966, No. 31 (Sp. Sess.), § 1, eff. March 12, 1966.

History

Amendments—1966. Added "shall include special provisions . . . of the consolidated municipality" following "other appropriate matters" in first sentence.

§ 1484. Notice and hearing

Not less than thirty days prior to the meetings referred to in section 1485 of this title, copies of the plan of merger shall be posted in three or more public places in each of the areas involved. Two public hearings on the proposed plan of merger shall be held at intervals of two weeks in each of the areas involved. The later hearings shall be held not less than five days before the meetings referred to in section 1485 of this title. Notices of the hearings shall be advertised in at least three issues of a newspaper of general circulation in the town. The last advertisement shall appear not later than three days before the final public hearing.—1965, No. 184, § 2(c).

§ 1485. Vote of approval

(a) Adjoining municipalities within a town may merge upon the approval of a plan of merger by a majority vote of each municipality concerned at a meeting duly warned for that purpose and held in each of such municipalities.

(b) One or more municipalities within a town may merge into the town upon the approval of a plan of merger by a majority vote of the municipality or municipalities and the town at separate meetings duly warned for that purpose and held in each of the areas concerned.

(c) When approved by the voters under this section and ratified by the general assembly under section 703 of this title, that part of the plan of merger containing the permanent provisions required by section 1483 of this title shall become the charter of the consolidated municipality.—1965, No. 184, § 1(a), (b); amended 1966, No. 31 (Sp. Sess.), § 2, eff. March 12, 1966.

History

Amendments—1966. Subsection (c): Added.

Revision note. Reference to "§ 702a" of this title was changed to "section 703" to conform reference to V.S.A. style and renumbering of such section.

§ 1486. Notice to secretary of state

The clerk or equivalent officer of the municipality into which other municipalities have merged shall so notify the secretary of state within ten days following the last of the meetings referred to in section 1485 of this title.—1965, No. 184, § 4.

§ 1487. Alternative merger provisions

Notwithstanding the existence of any special act authorizing the merger of two or more municipalities, the legislative bodies of those municipalities which plan to merge may elect to proceed either under this chapter or under the special act authorizing the merger.—Added 1966, No. 31 (Sp. Sess.), § 3, eff. March 12, 1966.

11/08/93

PLAN OF

MERGER

(CHARTER)

OF THE

TOWN OF ROCKINGHAM

TOWN OF ROCKINGHAM
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CHAPTER ONE
TOWN OF ROCKINGHAM

1.1 GENERAL:

THE INHABITANTS OF THE TOWN OF ROCKINGHAM, WITHIN THE LIMITS AS NOW ESTABLISHED, SHALL BE A MUNICIPAL CORPORATION BY THE NAME OF THE TOWN OF ROCKINGHAM.

THE TOWN OF ROCKINGHAM SHALL HAVE ALL POWERS WHICH TOWNS HAVE UNDER THE CONSTITUTION AND LAWS OF THE STATE OF VERMONT, AS AMENDED, AS FULLY AND COMPLETELY AS THOUGH THEY WERE SPECIFICALLY ENUMERATED IN THIS CHARTER, TOGETHER WITH ALL POWERS THAT MAY HEREAFTER BE GRANTED TO TOWNS BY THE LEGISLATURE.

1.2 TOWN PROPERTY:

THE TOWN MAY ACQUIRE PROPERTY WITHIN OR WITHOUT ITS CORPORATE LIMITS FOR TOWN PURPOSES, BY PURCHASE, GIFT, DEVISE, LEASE OR CONDEMNATION, CONSISTENT WITH VERMONT LAW, AS AMENDED.

THE TOWN MAY SELL, LEASE, MORTGAGE, HOLD, MANAGE AND CONTROL SUCH PROPERTY AS ITS INTEREST MAY REQUIRE CONSISTENT WITH VERMONT LAW, AS AMENDED.

1.3 POWERS OF THE TOWN:

IN THIS CHARTER, NO MENTION OF A PARTICULAR POWER SHALL BE CONSTRUED TO BE EXCLUSIVE OR TO RESTRICT THE SCOPE OF THE POWERS WHICH THE TOWN WOULD HAVE IF THE PARTICULAR POWER WERE NOT MENTIONED, UNLESS THIS CHARTER OTHERWISE PROVIDES. THE GENERAL GRANT OF AUTHORITY SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO THE FOLLOWING:

1.3.1 TO LEVY, ASSESS AND COLLECT TAXES IN ORDER TO CARRY OUT ITS POWERS, TO APPROPRIATE AND TO BORROW MONEY WITHIN THE LIMITS PRESCRIBED BY VERMONT LAW, AS AMENDED, AND TO COLLECT SPECIAL FEES AND ASSESSMENTS AS MAY BE REQUIRED.

1.3.2 TO ADOPT AND ENFORCE ORDINANCES RELATING TO THE HEALTH, WELFARE AND SAFETY OF THE PUBLIC.

NOTHING IN THIS CHARTER SHALL BE CONSTRUED TO IN ANY WAY LIMIT THE POWERS AND FUNCTIONS CONFERRED ON THE TOWN OF ROCKINGHAM AND THE SELECTBOARD BY GENERAL OR SPECIAL ENACTMENTS OF VERMONT STATUTES OR REGULATIONS IN FORCE OR EFFECT OR HEREAFTER ENACTED, AND THE POWERS AND FUNCTIONS CONFERRED BY THIS CHARTER SHALL BE CUMULATIVE AND IN ADDITION TO THE PROVISIONS OF SUCH GENERAL OR SPECIAL ENACTMENTS UNLESS THIS CHARTER OTHERWISE PROVIDES.

1.4 ORDINANCE ADOPTION AND ORDINANCE AMENDMENTS:

IF THE SELECTBOARD DESIRES TO ADOPT OR AMEND AN ORDINANCE, THEY SHALL CAUSE IT TO BE ENTERED INTO THE OFFICIAL RECORD KEPT OF THEIR PROCEEDINGS. ANY LAWFUL ORDINANCE OR AMENDMENT TO AN EXISTING ORDINANCE MAY ALSO BE PROPOSED BY A PETITION OF NOT LESS THAN FIVE PERCENT (5%) OF THE REGISTERED VOTERS.

THE PROPOSED ORDINANCES OR AMENDMENTS SHALL BE PUBLISHED IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION OF THE TOWN, TOGETHER WITH A NOTICE OF TIME AND PLACE OF A PUBLIC HEARING TO CONSIDER THE PROPOSED ORDINANCE OR AMENDMENT. SUCH PUBLICATION(S) SHALL BE AT LEAST FIVE (5) DAYS AND NOT MORE THAN TEN (10) DAYS PRIOR TO THE HEARING DATE. ALL PERSONS WANTING TO BE HEARD ON THE PROPOSED ORDINANCE OR AMENDMENT SHALL BE GIVEN AN OPPORTUNITY AT THE PUBLIC HEARING.

AFTER THE PUBLIC HEARING, THE SELECTBOARD MAY ADOPT THE ORDINANCE OR AMENDED ORDINANCE, BY A MAJORITY VOTE, WITH OR WITHOUT ADDITIONAL CHANGES. IF THE SELECTBOARD ADOPTS A MODIFIED VERSION, THEY SHALL HAVE THE NEW ORDINANCE PUBLISHED IN THE SAME NEWSPAPER(S) DEFINED ABOVE NOT LATER THAN FOURTEEN (14) DAYS AFTER ADOPTION.

EVERY NEW OR AMENDED ORDINANCE SHALL BECOME EFFECTIVE FORTY (40) DAYS AFTER SELECTBOARD ADOPTION UNLESS THE SELECTBOARD SPECIFIES A LONGER TIME OR THE ORDINANCE IS CONDITIONED UPON VOTER APPROVAL. IF THE ORDINANCE IS PRESENTED TO THE VOTERS, THE ORDINANCE IS APPROVED IF A MAJORITY OF THOSE REGISTERED CITIZENS VOTING, VOTE FOR ADOPTION. IF WITHIN THE FORTY (40) DAY PERIOD A REFERENDUM PETITION IS FILED, THE ORDINANCE SHALL NOT BECOME EFFECTIVE UNTIL THE QUESTION OF REPEAL IS VOTED.

THE TOWN CLERK SHALL PREPARE AND KEEP A BOOK OF ORDINANCES IN THE TOWN CLERK'S OFFICE. THIS ORDINANCE BOOK SHALL CONTAIN ALL TOWN ORDINANCES AND AN INDEX ACCORDING TO SUBJECT MATTER. FAILURE TO COMPLY WITH THIS PROVISION SHALL NOT INVALIDATE ANY TOWN ORDINANCE LAWFULLY PASSED.

A TOWN ORDINANCE MAY PROVIDE FOR A FINE IN THE AMOUNT NOT TO EXCEED $1,000.00 FOR VIOLATION OF THE ORDINANCE. EACH DAY A VIOLATION CONTINUES SHALL CONSTITUTE A SEPARATE OFFENSE. A VIOLATION OF A TOWN ORDINANCE SHALL BE CLASSIFIED AS A MISDEMEANOR AND PROSECUTED ACCORDINGLY.

A MUNICIPAL COURT MAY BE ESTABLISHED WITH SUCH JURISDICTION, OPERATION AND PROCEDURES AS MAY BE VOTED BY ANNUAL OR SPECIAL TOWN MEETING, IF AUTHORIZED BY VERMONT LAW.

1.5 ORDINANCE REPEAL AND ORDINANCE REFERENDUM:

ORDINANCES ADOPTED BY THE SELECTBOARD CAN BE REPEALED BY THE SELECTBOARD OR CONDITIONED UPON VOTER REPEAL, BUT THE SELECTBOARD CANNOT REPEAL ORDINANCES WHICH WERE APPROVED BY THE VOTERS.

A REFERENDUM PETITION SIGNED BY NOT LESS THAN FIVE PERCENT (5%) OF THE REGISTERED VOTERS SHALL BE FILED WITH THE TOWN CLERK REQUESTING A REFERENDUM VOTE ON THE QUESTION OF REPEALING AN ORDINANCE. THE SELECTBOARD SHALL CALL FOR A REFERENDUM VOTE WITHIN SIXTY (60) DAYS OF THE PETITION FILING DATE.

ANY ORDINANCE BEING CONSIDERED FOR REPEAL SHALL BE PUBLISHED IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION OF THE TOWN, TOGETHER WITH A NOTICE OF TIME AND PLACE OF A PUBLIC HEARING TO CONSIDER THE REPEAL. SUCH PUBLICATION(S) SHALL BE AT LEAST FIVE (5) DAYS AND NOT MORE THAN TEN (10) DAYS PRIOR TO THE HEARING DATE. ALL PERSONS WANTING TO BE HEARD ON THE ORDINANCE REPEAL SHALL BE GIVEN THE OPPORTUNITY AT THE PUBLIC HEARING. IF THE REPEAL IS CONDITIONED UPON A PUBLIC VOTE, A SPECIAL MEETING WILL BE CALLED BY THE SELECTBOARD WITHIN FIVE DAYS OF THE PUBLIC HEARING.

THOSE ORDINANCES ORIGINALLY APPROVED BY THE SELECTBOARD CAN BE REPEALED BY A MAJORITY VOTE OF THE SELECTBOARD AND THOSE ORDINANCES CONDITIONED UPON VOTER REPEAL, SHALL BE REPEALED IF NOT LESS THAN FIVE PERCENT (5%) OF THE REGISTERED CITIZENS VOTE AND A MAJORITY OF THAT NUMBER VOTE TO REPEAL.

ORDINANCES WILL REMAIN IN EFFECT FOR FORTY (40) DAYS FROM THE DATE THE VOTERS OR SELECTBOARD VOTE TO REPEAL THE ORDINANCE.

CHAPTER TWO
OFFICERS

2.1 GENERAL:

THE OFFICERS OF THE TOWN OF ROCKINGHAM SHALL BE THOSE PROVIDED BY LAW FOR TOWNS, EXCEPT AS OTHERWISE PROVIDED BY THIS CHARTER.

2.2 ELECTED TOWN OFFICERS:

THE FOLLOWING OFFICERS ARE TO BE ELECTED BY AUSTRALIAN BALLOT AT THE ANNUAL TOWN MEETING.

AUDITORS (THREE)
CLERK
MODERATOR
SELECTBOARD (FIVE)
TRUSTEES OF PUBLIC LIBRARY (NINE)

2.2.1 AUDITORS (THREE):

THE THREE AUDITORS SHALL BE ELECTED FOR THREE (3) YEAR TERMS WITH ONE TERM EXPIRING EACH YEAR. IN ADDITION TO THE DUTIES PRESCRIBED BY VERMONT LAW, AS AMENDED, THE AUDITORS SHALL BE RESPONSIBLE FOR AND ESTABLISHING AND APPROVING AN INDEPENDENT MUNICIPAL AUDIT BY A REGISTERED OR CERTIFIED PUBLIC ACCOUNTANT. THE MUNICIPAL AUDIT SHALL BE REQUIRED AT LEAST ONCE A YEAR. THE AUDITORS ARE RESPONSIBLE FOR AND SHALL SUPERVISE THE PREPARATION, PUBLICATION AND DISTRIBUTION OF THE ANNUAL REPORT.

2.2.2 CLERK:

THE TOWN CLERK SHALL BE ELECTED FOR A THREE (3) YEAR TERM AND SHALL PERFORM THE DUTIES PRESCRIBED BY VERMONT LAW, AS AMENDED, AND THIS CHARTER.

2.2.3 MODERATOR:

A MODERATOR SHALL BE ELECTED FOR A TERM OF ONE (1) YEAR AND SHALL PERFORM THOSE DUTIES PRESCRIBED BY VERMONT LAW, AS AMENDED.

2.2.4 SELECTBOARD (FIVE):

THE FIVE SELECTBOARD MEMBERS SHALL BE ELECTED, BY AUSTRALIAN BALLOT AT THE ANNUAL MEETING, AS OUTLINED IN THIS PARAGRAPH.

THREE (3) SELECTMEN WILL BE ELECTED TO SERVE THREE (3) YEAR TERMS, WITH ONE TERM EXPIRING EACH YEAR AND TWO (2) SELECTMEN WILL BE ELECTED TO SERVE TWO (2) YEAR TERMS WITH ONE TERM EXPIRING EACH YEAR.

SELECTBOARD VACANCIES FROM UNEXPIRED OR UNFILLED TERMS WILL BE FILLED UNTIL THE NEXT ANNUAL MEETING BY A MAJORITY VOTE OF THE SELECTBOARD. THE PERSON ELECTED AT THE NEXT ANNUAL MEETING TO FILL THIS TERM SHALL SERVE UNTIL THE ORIGINAL VACATED TERM EXPIRES.

THE SELECTBOARD SHALL PERFORM THOSE DUTIES PRESCRIBED BY VERMONT LAW, AS AMENDED, AND THIS CHARTER.

2.2.5 TRUSTEES OF PUBLIC LIBRARY (NINE):

THE NINE TRUSTEES OF THE PUBLIC LIBRARY SHALL BE ELECTED FOR THREE (3) YEAR TERMS WITH THREE TERMS EXPIRING EACH YEAR. THE TRUSTEES SHALL HAVE SUCH POWERS TO PERFORM THOSE DUTIES PRESCRIBED BY VERMONT LAW, AS AMENDED.

2.3 APPOINTED TOWN OFFICERS:

THE SELECTBOARD, BY A MAJORITY VOTE, SHALL APPOINT THE FOLLOWING TOWN OFFICERS FOR A TERM OF ONE YEAR UNLESS OTHERWISE INDICATED. THESE APPOINTED TOWN OFFICERS SHALL PERFORM THOSE DUTIES PRESCRIBED BY VERMONT LAW, AS AMENDED, AND THIS CHARTER.

ASSESSOR
ATTORNEY
CONSTABLE
FOREST FIRE WARDEN
HEALTH OFFICER (THREE YEAR TERM)
PLANNING COMMISSION/ZONING BOARD OF ADJUSTMENT MEMBERS
(5 TO 9 MEMBERS)
TAX COLLECTOR
TREASURER (3 YEAR TERM)
TRUSTEES OF PUBLIC MONEY (3 TO 5 MEMBERS)
CAMPBELL FUND
MARY J. ARMS FUND
PUBLIC MONEY

2.4 OPTIONAL TOWN OFFICERS:

THE SELECTBOARD, BY A MAJORITY VOTE, MAY APPOINT THE FOLLOWING TOWN OFFICERS FOR A TERM OF ONE YEAR. THESE APPOINTED TOWN OFFICERS SHALL PERFORM THOSE DUTIES PRESCRIBED BY VERMONT LAW, AS AMENDED, AND THIS CHARTER.

CERTIFIED LOCAL GOVERNMENT COMMISSION REPRESENTATIVES
(3 TO 7 MEMBERS)
DISTRICT SOLID WASTE COMMISSION REPRESENTATIVE
(1 REPRESENTATIVE AND 1 ALTERNATE)
POUND KEEPER
RECYCLING COMMITTEE (5 TO 9 MEMBERS)
SENIOR CENTER ADVISORY BOARD REPRESENTATIVE
TOWN SERVICE OFFICER
TAX STABILIZATION COMMITTEE (3 TO 7 MEMBERS)
TREE WARDEN
WINDHAM REGIONAL PLANNING COMMISSION REPRESENTATIVES
(2 MEMBERS)

CHAPTER THREE
SELECTBOARD

3.1 GENERAL:

EXCEPT AS OTHERWISE PROVIDED IN THIS CHARTER, ALL THE POWERS OF THE TOWN OF ROCKINGHAM SHALL BE ENTRUSTED TO AND EXERCISED BY A BOARD OF FIVE (5) SELECTMEN.

3.2 ORGANIZATION:

WITHIN FOURTEEN (14) BUSINESS DAYS AFTER THE ANNUAL TOWN ELECTION, THE SELECTBOARD SHALL ORGANIZE AND ELECT A CHAIRMAN AND A VICE-CHAIRMAN BY A MAJORITY VOTE OF THE ENTIRE BOARD. AT THE SAME ORGANIZATIONAL MEETING, A CLERK IS TO BE DESIGNATED, AND THE TIME AND PLACE OF THE BOARDS REGULAR MEETINGS SHALL BE ESTABLISHED.

3.3 MEETINGS:

ALL MEETINGS OF THE BOARD OF SELECTMEN SHALL BE OPEN TO THE PUBLIC AT ALL TIMES, EXCEPT AS PROVIDED IN 1 V.S.A. SECTION 313. NO RESOLUTION, RULE, REGULATION, APPOINTMENT, OR FORMAL ACTION SHALL BE CONSIDERED BINDING EXCEPT AS TAKEN OR MADE AT SUCH OPEN MEETING, EXCEPT AS PROVIDED UNDER 1 V.S.A. SECTION 313 (A)(2).

THREE SELECTMEN SHALL CONSTITUTE A QUORUM. NO ACTION OF THE SELECTBOARD SHALL BE VALID OR BINDING UNTIL ADOPTED BY AT LEAST THREE SELECTMEN, UNLESS OTHERWISE DEFINED BY VERMONT LAW, AS AMENDED, OR THIS CHARTER.

THE SELECTMEN'S MEETING AGENDA SHALL BE MADE AVAILABLE TO THE PUBLIC AT LEAST TWENTY-FOUR (24) HOURS PRIOR TO THE MEETING, AND THE AGENDA SHALL BE POSTED IN THE TOWN HALL, SAXTONS RIVER AND BARTONSVILLE. THE SELECTBOARD WILL BE NOTIFIED OF ANY SPECIAL MEETINGS, AND A NOTICE POSTED IN THE TOWN HALL, SAXTONS RIVER AND BARTONSVILLE, AND EXCEPT FOR AN EMERGENCY MEETING, RELEASED TO THE NEWS MEDIA AT LEAST TWELVE (12) HOURS PRIOR TO THE MEETING.

THE BOARD OF SELECTMEN SHALL DETERMINE ITS OWN RULES AND ORDER OF BUSINESS.

THE MINUTES OF EACH BOARD MEETING SHALL BE APPROVED BY THE SELECTMEN AND THE OFFICIAL COPY FILED IN THE TOWN CLERK'S OFFICE.

3.4 POWERS AND DUTIES:

THE MEMBERS OF THE SELECTBOARD SHALL CONSTITUTE THE LEGISLATIVE BODY OF THE TOWN OF ROCKINGHAM FOR ALL PURPOSES REQUIRED BY STATUTES, AND EXCEPT AS OTHERWISE HEREIN SPECIFICALLY PROVIDED, AND SHALL HAVE ALL POWERS AND AUTHORITY GIVEN TO, AND PERFORM ALL DUTIES REQUIRED OF TOWN LEGISLATIVE BODIES OR BOARDS OF SELECTMEN UNDER THE CONSTITUTION AND VERMONT LAW, AS AMENDED, UNDER THIS GENERAL GRANT OF AUTHORITY AND WITHIN THE LIMITATIONS JUST DEFINED, THE SELECTBOARD SHALL HAVE THE POWER TO AND INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

A. FURNISH ALL LOCAL PUBLIC SERVICES, INCLUDING BUT NOT LIMITED TO WATER SYSTEMS, ELECTRIC LIGHTS AND POWER SYSTEMS, SEWERAGE SYSTEMS AND SOLID WASTE DISPOSAL.

B. ESTABLISH AND MAINTAIN A FIRE DEPARTMENT, WITH SUB-STATIONS AS REQUIRED.

C. ESTABLISH AND/OR MAINTAIN A POLICE SERVICE. PROVIDE FOR THE APPOINTMENT OF POLICE OFFICERS, WHO SHALL BE SWORN AND HAVE THE SAME POWERS AS SHERIFFS AND SUCH FURTHER SPECIAL AUTHORITY AS MAY BE PROVIDED BY VERMONT LAW, AS AMENDED, AND THIS CHARTER. AREAS WITHIN THE TOWN OF ROCKINGHAM THAT REQUIRE POLICE SERVICE, NOT COMMON TO THE TOWN, SUCH AS THE VILLAGES OF BELLOWS FALLS AND SAXTONS RIVER, SHALL BE ASSESSED FOR THOSE POLICE SERVICES BY A SEPARATE TAX.

D. APPOINT AND REMOVE THE TOWN MANAGER AND SUPERVISE, CREATE, CHANGE AND ABOLISH OFFICES, COMMISSIONS OR DEPARTMENTS OTHER THAN THOSE ESTABLISHED BY THIS CHARTER OR BY VERMONT LAW, AS AMENDED.

E. ASSIGN ADDITIONAL DUTIES TO OFFICERS, COMMISSIONS OR DEPARTMENTS ESTABLISHED BY THIS CHARTER, BUT NOT TO DISCONTINUE OR ASSIGN TO ANY OTHER OFFICE, COMMISSION OR DEPARTMENT DUTIES ASSIGNED TO A PARTICULAR OFFICE, COMMISSION OR DEPARTMENT ESTABLISHED BY THIS CHARTER OR BY VERMONT LAW, AS AMENDED.

F. APPOINT MEMBERS OF ALL BOARDS, COMMISSIONS, COMMITTEES OR SIMILAR BODIES UNLESS SPECIFICALLY PROVIDED OTHERWISE BY THIS CHARTER OR BY VERMONT LAW, AS AMENDED.

G. ADOPT, AMEND AND REPEAL ORDINANCES IN COMPLIANCE WITH THIS CHARTER.

H. INQUIRE INTO THE CONDUCT OF ANY OFFICER, COMMISSION, OR DEPARTMENT AND INVESTIGATE ANY AND ALL MUNICIPAL AFFAIRS WHEN DEEMED NECESSARY FOR THE PROPER AND ORDERLY CONDUCT OF TOWN GOVERNMENT.

I. ATTEND ALL MEETINGS OF ALL BOARDS OR AGENCIES OF THE TOWN, WHETHER EXECUTIVE OR PUBLIC, TOGETHER WITH THE RIGHT TO SPEAK AT SUCH MEETINGS, BUT NOT TO VOTE.

J. THE SELECTBOARD SHALL SUBMIT A BUDGET TO THE VOTERS, TO BE VOTED ON AT THE ANNUAL TOWN MEETING, IN ACCORDANCE WITH THE PROVISIONS OF THIS CHARTER.

K. IT SHALL BE THE DUTY OF THE SELECTBOARD TO KEEP AN OFFICIAL RECORD OF ITS PROCEEDINGS (OTHER THAN EXECUTIVE SESSIONS) WHICH SHALL BE OPEN FOR PUBLIC INSPECTION.

L. THE SELECTBOARD SHALL BE THE WATER AND SEWER COMMISSIONERS FOR THE TOWN OF ROCKINGHAM.

M. EXERCISE EACH AND EVERY OTHER POWER NOT SPECIFICALLY SET FORTH HEREIN, BUT WHICH IS GRANTED TO THEM BY VERMONT LAW, AS AMENDED.

3.5 NONINTERFERENCE WITH ADMINISTRATION:

EXCEPT FOR EMERGENCIES AND FOR THE PURPOSE OF INQUIRIES OR INVESTIGATIONS AUTHORIZED UNDER THIS CHARTER, THE BOARD, ITS MEMBERS AND COMMITTEES, SHALL DEAL WITH TOWN OFFICERS AND EMPLOYEES WHO ARE SUBJECT TO THE DIRECTION AND SUPERVISION OF THE MANAGER, SOLELY THROUGH THE TOWN MANAGER, AND SHALL NOT GIVE ORDERS TO ANY SUCH OFFICERS OR EMPLOYEES, EITHER PUBLICLY OR PRIVATELY.

NEITHER THE BOARD NOR ANY OF ITS MEMBERS OR COMMITTEES SHALL IN ANY MANNER DICTATE THE APPOINTMENT OR REMOVAL OF ANY TOWN ADMINISTRATIVE OFFICERS OR EMPLOYEES WHOM THE MANAGER IS EMPOWERED TO APPOINT. THE BOARD MAY, HOWEVER, EXPRESS ITS VIEWS FULLY AND FREELY AND DISCUSS WITH THE MANAGER, IN OPEN OR EXECUTIVE SESSION, CONSISTENT WITH VERMONT LAW, AS AMENDED, ANYTHING PERTAINING TO APPOINTMENT AND REMOVAL OF SUCH OFFICERS AND EMPLOYEES.

NO MEMBER OF THE SELECTBOARD SHALL ATTEMPT TO CONTROL OR DIRECT THE MANAGER IN THE DISCHARGE OF THE DUTIES ENTRUSTED TO THE MANAGER, EXCEPT BY VOTE OF THE BOARD AT A DULY CONSTITUTED MEETING.

CHAPTER FOUR
TOWN MANAGER

4.1 GENERAL:

THE TOWN MANAGER SHALL BE ACCOUNTABLE TO THE SELECTBOARD. THE MANAGER SHALL HAVE GENERAL SUPERVISION OF THE PROPERTY AND BUSINESS AFFAIRS OF THE TOWN AND EXPENDITURE OF ALL MONIES APPROPRIATED FOR TOWN PURPOSES SUBJECT TO PRIOR APPROVAL OF THE SELECTBOARD. THE MANAGER SHALL NOT SUPERVISE ANY ELECTED TOWN OFFICER IN THE CONDUCT OF SUCH OFFICER'S DUTIES.

4.2 POWERS AND DUTIES:

THE POWERS AND DUTIES OF THE TOWN MANAGER SHALL INCLUDE THE FOLLOWING:

A. TO ORGANIZE, OPERATE, CONTINUE OR DISCONTINUE SUCH DEPARTMENTS AS THE SELECTBOARD MAY DETERMINE.

B. TO CARRY OUT THE POLICIES ESTABLISHED BY THE SELECTBOARD, TO KEEP THE SELECTBOARD INFORMED OF THE FINANCIAL CONDITION AND FUTURE NEEDS OF THE TOWN, AND TO MAKE SUCH REPORTS AS MAY BE REQUIRED BY LAW OR REQUESTED BY THE SELECTBOARD, TOGETHER WITH ANY OTHER REPORTS AND RECOMMENDATIONS WHICH THE MANAGER MAY DEEM ADVISABLE.

C. TO APPOINT AND REMOVE, ALL SUBORDINATE OFFICIALS, EMPLOYEES AND AGENTS UNDER THE MANAGER'S CONTROL; AND WITH THE APPROVAL OF THE SELECTBOARD, TO FIX THEIR COMPENSATION SUBJECT TO THE PROVISIONS OF THIS CHARTER AND ANY PERSONNEL REGULATIONS ADOPTED BY THE SELECTBOARD. ALTHOUGH THE TOWN MANAGER MAY HOLD SUBORDINATE OFFICERS AND EMPLOYEES OF THE TOWN RESPONSIBLE FOR THE FAITHFUL DISCHARGE OF THEIR DUTIES, THE TOWN MANAGER SHALL REMAIN ULTIMATELY RESPONSIBLE TO THE SELECTBOARD FOR ALL ADMINISTRATIVE ACTIONS UNDER THE MANAGER'S JURISDICTION.

D. TO BE PRESENT AT ALL REGULAR MEETINGS OF THE SELECTBOARD, EXCEPT WHEN EXCUSED BY THE SELECTBOARD, AND TO HAVE THE RIGHT TO ATTEND ALL OTHER MEETINGS OF SAID SELECTBOARD AND COMMITTEES THEREOF, EXCEPT WHEN THE MANAGER'S REMOVAL OR SUSPENSION IS BEING DISCUSSED, PROVIDED THAT THIS SECTION SHALL NOT BE CONSTRUED TO DENY ANY RIGHT THE TOWN MANAGER MAY OTHERWISE HAVE TO A PUBLIC HEARING RELATIVE TO THE MANAGER'S REMOVAL.

E. TO KEEP FULL AND COMPLETE RECORDS OF THE ACTIONS OF THE MANAGER'S OFFICE, TO KEEP NECESSARY ACCOUNTS, TO RENDER TO THE SELECTBOARD AN ITEMIZED MONTHLY REPORT SHOWING IN DETAIL THE DISBURSEMENTS OF THE PRECEDING MONTH, AND TO MAINTAIN AN APPROPRIATE BUDGET CONTROL SYSTEM.

F. TO KEEP THE SELECTBOARD FULLY ADVISED AS TO THE NEEDS OF THE TOWN WITHIN THE SCOPE OF THE MANAGER'S DUTIES, AND ANNUALLY TO FURNISH TO THEM, AS PRESCRIBED IN THIS CHARTER, A DETAILED BUDGET PROPOSAL. TO ENABLE THE TOWN MANAGER TO MAKE ESTIMATES OF EXPENDITURES AND RECEIPTS, ALL BOARDS, OFFICERS AND COMMITTEES OF THE TOWN SHALL, UPON WRITTEN REQUEST, FURNISH ALL INFORMATION IN THEIR POSSESSION AND SUBMIT TO THE MANAGER IN WRITING A DETAILED ESTIMATE OF ANTICIPATED INCOME AND APPROPRIATIONS REQUIRED FOR THE EFFICIENT AND PROPER CONDUCT OF THEIR RESPECTIVE RESPONSIBILITIES DURING THE NEXT FISCAL YEAR.

G. TO EXAMINE OR CAUSE TO BE EXAMINED, WITH OR WITHOUT NOTICE, THE AFFAIRS OF ANY DEPARTMENT UNDER THE MANAGER'S CONTROL, OR THE CONDUCT OF ANY OFFICER OR EMPLOYEE THEREOF. FOR THAT PURPOSE THE MANAGER SHALL HAVE ACCESS TO ALL BOOKS AND PAPERS OF SUCH DEPARTMENT FOR THE INFORMATION NECESSARY FOR THE PROPER PERFORMANCE OF THE MANAGER'S DUTIES.

H. TO BE THE GENERAL PURCHASING AGENT.

I. TO SUPERVISE ALL SPECIAL PROGRAMS OF THE TOWN AS IF THE SAME WERE A SEPARATE DEPARTMENT OF THE TOWN, UNLESS OTHERWISE VOTED BY THE TOWN.

J. TO HAVE CHARGE, CONTROL AND SUPERVISION OF THE FOLLOWING MATTERS:

1. CONTRACTED POLICE SERVICE AND THE POLICE DEPARTMENT INCLUDING APPOINTMENT AND REMOVAL OF A CHIEF THEREOF.

2. THE TOWN FIRE DEPARTMENT INCLUDING THE APPOINTMENT AND REMOVAL OF A CHIEF THEREOF.

3. THE SYSTEM OF LICENSES NOT OTHERWISE REGULATED BY LAW.

4. THE SYSTEM OF SEWERS AND DRAINAGE.

5. LIGHTING OF HIGHWAYS, BRIDGES AND PUBLIC PLACES.

6. CONSTRUCTION AND MAINTENANCE OF TOWN SIDEWALKS AND HIGHWAYS.

7. TOWN BUILDINGS, AND REPAIRS AND CONSTRUCTION ON TOWN BUILDINGS.

8. MAINTENANCE OF PARKS, PLAYGROUNDS, FORESTS AND OTHER PUBLIC LANDS, UNLESS OTHERWISE PROVIDED FOR.

9. PUBLIC WATER SYSTEM OWNED OR OPERATED BY THE TOWN.

K. TO CAUSE DUTIES PRESCRIBED FOR TOWNS AND NOT COMMITTED TO THE CARE OF ANY PARTICULAR OFFICER TO BE DULY PERFORMED AND EXECUTED.

L. TO PARTICIPATE IN THE DISCUSSION OF MATTERS COMING BEFORE THE SELECTBOARD AND ITS COMMITTEES, BUT NOT THE RIGHT TO VOTE.

M. TO PERFORM SUCH OTHER DUTIES WHICH MAY BE REQUIRED OF THE MANAGER BY VOTE OF THE SELECTBOARD, BY VERMONT LAW, AS AMENDED, OR BY ORDINANCE, CONSISTENT WITH THIS CHARTER.

CHAPTER FIVE
TOWN MEETINGS

5.1 GENERAL:

PROVISIONS OF THE VERMONT LAW, AS AMENDED, RELATING TO VOTER QUALIFICATION, WARNINGS, METHOD OF VOTING, THE DUTIES OF TOWN OFFICERS AT TOWN MEETINGS AND ELECTIONS, AND ALL OTHER PARTICULARS RELATING TO PREPARATION FOR CONDUCTING AND MANAGING TOWN MEETINGS AND ELECTIONS SHALL, SO FAR AS THEY MAY BE APPLICABLE, GOVERN ALL MUNICIPAL ELECTIONS AND ALL TOWN MEETINGS, EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER.

5.2 ANNUAL MEETING:

THE ANNUAL MEETING OF THE TOWN OF ROCKINGHAM SHALL BE HELD WITHIN SAID TOWN ON THE 1ST TUESDAY IN MARCH OF EACH YEAR AT THE TIME AND PLACE DESIGNATED BY THE SELECTBOARD, FOR THE ELECTION OF OFFICERS AND FOR VOTING UPON ALL QUESTIONS TO BE DECIDED BY AUSTRALIAN BALLOT. THE VOTERS AT ANY ANNUAL BUSINESS MEETING MAY DESIGNATE A DIFFERENT DATE FOR FUTURE ANNUAL MEETINGS.

5.3 ANNUAL BUSINESS MEETING:

THE ANNUAL BUSINESS MEETING OF THE TOWN OF ROCKINGHAM, SHALL BE HELD ON THE AFTERNOON OF THE DAY BEFORE THE ANNUAL MEETING AT A TIME AND PLACE DESIGNATED BY THE SELECTBOARD AND MAY TRANSACT ANY BUSINESS NOT INVOLVING VOTING BY AUSTRALIAN BALLOT OR VOTING REQUIRED BY LAW TO BE BY BALLOT. PUBLIC DISCUSSION OF BALLOT ISSUES AND ALL OTHER ISSUES APPEARING IN THE WARNING, OTHER THAN ELECTIONS OF CANDIDATES, SHALL BE PERMITTED DURING THE BUSINESS MEETING. A MEETING SO STARTED WILL BE ADJOURNED UNTIL THE FOLLOWING DAY.

5.4 SPECIAL MEETING:

A SPECIAL TOWN MEETING MAY BE CALLED, BY A MAJORITY VOTE OF THE SELECTBOARD OR A PETITION SIGNED BY NOT LESS THAN FIVE PERCENT (5%) OF THE REGISTERED VOTERS OF THE TOWN, DIRECTING THE TOWN CLERK TO WARN THE SAME. A SPECIAL MEETING MAY BE ADJOURNED BY A MAJORITY OF THOSE PRESENT TO ANOTHER DATE.

5.5 MEETING WARNING:

PUBLIC NOTICE OF EVERY ANNUAL OR SPECIAL MEETING SHALL BE GIVEN BY WARNING, AND THE WARNING SHALL:

1. CONTAIN VOTER INFORMATION, SUCH AS DATE, TIME AND PLACE OF MEETING.
2. BE SIGNED BY A MAJORITY OF THE SELECTBOARD, EXCEPT FOR MEETINGS REQUIRED BY CHARTER TO BE CALLED BY THE TOWN CLERK UPON RECEIPT OF A PETITION, IN WHICH CASE THE WARNING SHALL BE SIGNED BY THE TOWN CLERK.
3. SPECIFICALLY INDICATE BY SEPARATE ARTICLES WHAT BUSINESS IS TO BE TRANSACTED BY ALL DAY AUSTRALIAN BALLOT, AND WHICH ARTICLES ARE TO BE TRANSACTED AT THE ANNUAL BUSINESS MEETING.

4. CONTAIN ANY ARTICLES APPROVED BY THE SELECTBOARD AND ANY ARTICLES REQUESTED BY PETITION SIGNED BY NOT LESS THAN FIVE PERCENT (5%) OF THE REGISTERED VOTERS AND FILED WITH THE TOWN CLERK AT LEAST FORTY-FIVE DAYS PRIOR TO THE DAY OF MEETING.
5. BE POSTED IN THE TOWN HALL, SAXTONS RIVER AND BARTONSVILLE NOT LESS THAN THIRTY (30) NOR MORE THAN FORTY (40) DAYS BEFORE THE MEETING.
6. BE PUBLISHED IN A NEWSPAPER HAVING A GENERAL CIRCULATION IN THE TOWN AT LEAST FIVE (5) DAYS BEFORE THE MEETING UNLESS THE WARNING IS PUBLISHED IN THE TOWN REPORT, AND THE TOWN REPORT IS MAILED OR OTHERWISE DISTRIBUTED TO THE VOTERS AT LEAST TEN (10) DAYS BEFORE THE MEETING. THIS DOES NOT APPLY TO MUNICIPAL INFORMATION MEETINGS AT WHICH NO VOTING IS TO TAKE PLACE.
7. NOT INCLUDE IMPROPER INFLUENCES, SUCH AS AN OPINION OR COMMENT BY ANY CORPORATION, BODY, OFFICER, OR ANY OTHER PERSON ON ANY MATTER TO BE VOTED UPON.

5.6 AUSTRALIAN BALLOT:

AT ANY ANNUAL OR SPECIAL MEETING, ELECTION OF OFFICERS, ANY ARTICLE WHICH REQUIRES BALLOTING, AND ANY ARTICLE APPROVED BY THE SELECTBOARD OR BY PETITION THAT IS TO BE DETERMINED BY AUSTRALIAN BALLOT SHALL BE AMONG THE FIRST ARTICLES IN THE WARNING.

CHAPTER SIX
PLANNING AND ZONING

6.1 GENERAL:

ALL MATTERS PERTAINING TO ZONING, LAND SUBDIVISION, MUNICIPAL AND REGIONAL PLANS, SHALL BE GOVERNED BY VERMONT LAW, AS AMENDED.

COPIES OF THE MINUTES OF THE ZONING BOARD OF ADJUSTMENT OR THE ROCKINGHAM PLANNING COMMISSION, OR PORTIONS THEREOF, SHALL BE MADE AVAILABLE TO ANY MEMBER OF THE PUBLIC UPON REQUEST TO THE TOWN MANAGER AT NO COST. COPIES OF THE MINUTES OF THE ZONING BOARD OF ADJUSTMENT AND THE PLANNING COMMISSION SHALL BE FILED AND KEPT IN THE TOWN CLERK'S OFFICE IN SEPARATE BOOKS PROVIDED FOR THAT PURPOSE.

6.2 ZONING ORDINANCE:

EXCEPT AS HEREINAFTER PROVIDED, THE ZONING ORDINANCE OF THE TOWN OF ROCKINGHAM, ADOPTED JUNE 22, 1982, AS AMENDED, IS HEREBY RATIFIED AND APPROVED, SUBJECT TO PROVISIONS OF 24 V.S.A., CHAPTER 117.

6.3 FLOOD HAZARD AREA ZONING BYLAW:

THE FLOOD HAZARD AREA ZONING BYLAW, ADOPTED JANUARY 27, 1984, AS AMENDED, IS HEREBY RATIFIED AND APPROVED, SUBJECT TO PROVISIONS OF 24 V.S.A., CHAPTER 117.

6.4 SUBDIVISION REGULATIONS:

THE SUBDIVISION REGULATIONS OF THE TOWN OF ROCKINGHAM ADOPTED ON MARCH 10, 1980, AS AMENDED, ARE HEREBY RATIFIED AND APPROVED, SUBJECT TO PROVISIONS OF 24 V.S.A., CHAPTER 117.

CHAPTER SEVEN
BUDGET AND TAXATION

7.1 FISCAL YEAR:

THE FISCAL YEAR FOR THE TOWN OF ROCKINGHAM SHALL COMMENCE ON THE FIRST DAY OF JULY AND END ON THE LAST DAY OF JUNE THE FOLLOWING YEAR, UNLESS THE TOWN, AT ITS ANNUAL MEETING, SHALL DETERMINE OTHERWISE. IF THE TOWN VOTES ANOTHER FISCAL YEAR, IT SHALL SPECIFY THE PROCEDURE FOR TRANSITION, INCLUDING THE METHOD FOR FINANCING THE TRANSITION.

7.2 BUDGET PREPARATION:

THE TOWN MANAGER, SHALL SUBMIT TO THE SELECTBOARD A LINE ITEMIZED ESTIMATE OF THE INCOME AND EXPENDITURES REQUIRED FOR THE OPERATION OF THE TOWN FOR THE ENSUING YEAR. AFTER REVIEWING AND MODIFYING AS THEY DEEM APPROPRIATE IN OPEN SESSION(S), THE SELECTBOARD, BY A MAJORITY VOTE, SHALL APPROVE A BUDGET. THE BUDGET MUST BE APPROVED AT LEAST FORTY (40) DAYS BEFORE THE ANNUAL TOWN MEETING. THE BUDGET, IN ITS FINAL FORM, SHALL BE DISTRIBUTED TO THE LEGAL VOTERS OF THE TOWN OF ROCKINGHAM AT LEAST TEN (10) DAYS BEFORE THE ANNUAL MEETING. FAILURE TO PERFORM THE ABOVE DUTIES WITHIN THE TIME FRAME SPECIFIED SHALL NOT INVALIDATE ANY ACTION TAKEN AT A PROPERLY WARNED ANNUAL TOWN METING.

7.3 APPROPRIATIONS:

THE TOWN OF ROCKINGHAM, AT THE ANNUAL MEETING, SHALL ADOPT A BUDGET FOR THE ENSUING FISCAL YEAR. ADOPTION OF THE BUDGET SHALL CONSTITUTE APPROPRIATIONS OF THE AMOUNTS SPECIFIED THEREIN, BUT THE SELECTBOARD MAY TRANSFER PART OR ALL OF THE UNEXPENDED FUNDS BETWEEN DEPARTMENTS WITHIN THE SAME FISCAL YEAR.

MONEY SHALL NOT BE PAID OUT OF THE TOWN TREASURY EXCEPT ON A PAYROLL OR WARRANT SIGNED BY AT LEAST THREE (3) MEMBERS OF THE SELECTBOARD.

7.4 TAX RATE:

THE SELECTBOARD SHALL ANNUALLY VOTE A UNIFORM RATE OF TAX SUFFICIENT TO RAISE THE AMOUNT OF MONIES REQUIRED TO SUPPORT THE BUDGET VOTED AT THE ANNUAL TOWN MEETING FOR THE SUPPORT OF THE TOWN AND TOWN SCHOOL DISTRICT FOR THE ENSUING FISCAL YEAR, AND WILL LEVY SUCH TAX ON THE GRAND LIST FURNISHED BY THE ASSESSOR.

7.5 BORROWING:

THE TOWN, THROUGH THE SELECTBOARD, MAY BORROW MONEY IN ANTICIPATION OF TAXES. THE TOTAL AMOUNT BORROWED SHALL NOT EXCEED NINETY (90) PERCENT OF THE TAXES ASSESSED FOR THAT FISCAL YEAR, AND SHALL MATURE BEFORE THE END OF THAT FISCAL YEAR.

THE LIMITS OF BONDED INDEBTEDNESS OF THE TOWN AND THE PROCEDURES FOR INCURRING A DEBT SHALL BE GOVERNED BY VERMONT LAW, AS AMENDED.

7.6 COLLECTION OF TAXES:

REAL ESTATE AND PERSONAL PROPERTY TAXES AND ANY OTHER TAXES, ASSESSMENTS, CHARGES OR LEVIES SHALL BE PAID AS VOTED AT ANY ANNUAL OR SPECIAL TOWN MEETING.

CHAPTER EIGHT
GENERAL PROVISIONS

8.1 SEPARABILITY:

IF ANY PROVISION OF THIS CHARTER IS HELD INVALID, THE OTHER PROVISIONS OF THIS CHARTER SHALL NOT BE AFFECTED THEREBY. IF THE APPLICATION OF THIS CHARTER OR ANY OF ITS PROVISIONS TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE APPLICATION OF THIS CHARTER AND ITS PROVISIONS TO OTHER PERSONS OR CIRCUMSTANCES SHALL NOT BE AFFECTED THEREBY.

8.2 PENDING MATTERS:

ALL RIGHTS, CLAIMS, ACTIONS, ORDERS, CONTRACTS AND LEGAL OR ADMINISTRATIVE PROCEEDINGS SHALL CONTINUE EXCEPT AS MODIFIED PURSUANT TO THE PROVISIONS OF THIS CHARTER AND IN EACH CASE SHALL BE MAINTAINED, CARRIED OR DEALT WITH BY THE TOWN DEPARTMENT, OFFICE OR APPROPRIATE AGENCY UNDER THIS CHARTER.

8.3 MUNICIPAL LAW:

ALL TOWN ORDINANCES, RESOLUTIONS, ORDERS AND REGULATIONS WHICH ARE IN FORCE WHEN THIS CHARTER BECOMES EFFECTIVE, SHALL REMAIN IN FULL FORCE AND EFFECT EXCEPTING ONLY THOSE ORDINANCES, RESOLUTIONS, ORDERS AND REGULATIONS WHICH ARE INCONSISTENT WITH THIS CHARTER.

8.4 AMENDMENT OF CHARTER:

THIS CHARTER MAY BE AMENDED AS SET FORTH UNDER SECTION 2645 OF TITLE 17, VERMONT STATUTES ANNOTATED.

CHAPTER NINE
WATER AND SEWER UTILITIES

9.1 GENERAL:

WATER AND SEWER UTILITIES ARE CONSIDERED SPECIAL SERVICES WITHIN THE TOWN OF ROCKINGHAM AND SHALL BE PAID FOR BY THE USERS RECEIVING THESE SERVICES. THIS USER FEE SHALL BE ASSESSED BY THE SELECTBOARD AND THE FEE SHALL BE COLLECTED IN THE SAME MANNER AS OTHER FEES.

9.2 ANNUAL BELLOWS FALLS UTILITIES MEETING:

THE ANNUAL BELLOWS FALLS WATER/SEWER UTILITIES INFORMATIONAL MEETING SHALL BE HELD WITHIN THE GEOGRAPHIC AREA OF BELLOWS FALLS EACH YEAR AT A TIME AND PLACE DESIGNATED BY THE SELECTBOARD. THIS ANNUAL MEETING, TO TAKE PLACE NO LATER THAN 1 OCTOBER, IS TO ALLOW USERS IN THE GREATER BELLOWS FALLS AREA TO DISCUSS WATER AND SEWER RELATED ISSUES WITH THE SELECTBOARD.

9.3 ANNUAL SAXTONS RIVER UTILITIES MEETING:

THE ANNUAL SAXTONS RIVER SEWER UTILITIES INFORMATIONAL MEETING SHALL BE HELD WITHIN THE GEOGRAPHIC AREA OF SAXTONS RIVER EACH YEAR AT A TIME AND PLACE DESIGNATED BY THE SELECTBOARD. THIS ANNUAL MEETING, TO TAKE PLACE NO LATER THAN 1 OCTOBER, IS TO ALLOW USERS IN THE GREATER SAXTONS RIVER AREA TO DISCUSS SEWER RELATED ISSUES WITH THE SELECTBOARD.

9.4 MINARD'S POND:

THE TOWN OF ROCKINGHAM MAY PURCHASE, HOLD AND USE SUCH LAND ADJACENT TO AND SURROUNDING THE POND KNOWN AS "MINARD'S POND", NOW OWNED BY THE TOWN, AS MAY BE NECESSARY FOR THE PROTECTION OF THE WATER OF SAID POND FROM DEFILEMENT, AND MAY FOR THAT PURPOSE ENCLOSE SAID POND OR LAND SO TAKEN, BY SUITABLE FENCES. THE TOWN OF ROCKINGHAM MAY PURCHASE, USE AND HOLD WATERS OF ANY ADDITIONAL PONDS, SPRINGS OR STREAMS OF WATER IF DEEMED NECESSARY TO INCREASE ITS SUPPLY OF WATER, TOGETHER WITH SUCH LAND SURROUNDING AND ADJACENT TO THE SAME AND MAY PROTECT SAID WATERS AND LAND BY SUITABLE FENCES.

THE WATER UTILITY MAY, BY AQUEDUCT, CONDUCT THE WATERS OF THE PONDS, SPRINGS OR STREAMS THAT MAY BE TAKEN IN PURSUANCE OF THIS ACT INTO SAID "MINARD'S POND", OR THE WATERS OF SAID "MINARD'S POND", AND SUCH PONDS, SPRINGS AND STREAMS TO THE GREATER BELLOWS FALLS AREA THROUGH THE STREETS AND ROADS OF SAME. AND, FOR THAT PURPOSE, MAY ENTER UPON SUCH LAND AS MAY BE NECESSARY, AND MAY DIG, LAY AND FROM TIME TO TIME REPAIR SUCH AQUEDUCTS.

MINARD'S POND (CONTINUED)

IT IS HEREBY DECLARED TO BE UNLAWFUL FOR ANY PERSON(S) OR PET(S) TO GO UPON OR INTO THE WATERS OF MINARD'S POND OR OTHER PONDS, STREAMS OR SPRINGS, FROM WHICH THE GREATER BELLOWS FALLS WATER UTILITY DERIVES ITS SUPPLY OF WATER; OR TO REMOVE FISH FROM SAID MINARD'S POND; OR TO ENTER UPON THE MUNICIPAL LAND BORDERING THE POND FOR THE PURPOSES OF FISHING, SWIMMING, CAMPING, SKATING, SNOWMOBILING, OR ATV RIDING. PET OWNERS WILL BE HELD RESPONSIBLE FOR THEIR PETS GOING UPON OR INTO SAID WATERS OR PONDS. ANY PERSON(S) VIOLATING ANY PROVISION OF THIS SECTION SHALL, UPON CONVICTION THEREOF, BE FINED NOT LESS THAN TWENTY-FIVE ($25.00) DOLLARS NOR MORE THAN FIVE HUNDRED DOLLARS ($500.00), AND/OR RESTITUTION FOR DAMAGES RESULTING FROM SUCH VIOLATIONS.

CHAPTER TEN
MERGER

10.1 GENERAL:

THE TOWN OF ROCKINGHAM, VILLAGE OF BELLOWS FALLS AND VILLAGE OF SAXTONS RIVER, BY VOTING TO MERGE DO SO WITH THE FOLLOWING UNDERSTANDING:

A. THE INCORPORATED LIMITS OF THE VILLAGE OF BELLOWS FALLS AND VILLAGE OF SAXTONS RIVER PRIOR TO MERGER SHALL BECOME THE NEW GEOGRAPHIC AREAS OF BELLOWS FALLS AND SAXTONS RIVER RESPECTIVELY ON THE DATE THIS CHARTER BECOMES EFFECTIVE.

THE SELECTBOARD CAN ALSO ASSESS TAXES ON THE GRAND LISTS IN THESE GEOGRAPHIC AREAS IN THE AMOUNT SUFFICIENT TO PAY FOR INDEBTEDNESS OR SPECIAL SERVICES NOT COMMON TO THE TOWN OF ROCKINGHAM.

B. IN ORDER TO COMPLETE THE PAYMENT OF EXISTING INDEBTEDNESS THE ROCKINGHAM SELECTBOARD SHALL BECOME THE DULY AUTHORIZED OFFICERS OF THE FORMER VILLAGE OF BELLOWS FALLS AND THE FORMER VILLAGE OF SAXTONS RIVER ON THE DATE THIS CHARTER BECOMES EFFECTIVE.

C. SPECIAL SERVICES, NOT COMMON TO THE TOWN OF ROCKINGHAM, MAY BE PROVIDED TO OR DISCONTINUED FROM A PORTION OF THE TOWN, AT ANY TIME IN THE FUTURE, IF FIVE PERCENT (5%) OF THE LEGAL VOTERS IN THAT AREA PETITION THE SELECTBOARD; A SPECIAL MEETING IS PROPERLY WARNED; AND A TWO-THIRD (2/3) MAJORITY OF THOSE VOTING, WHO ARE LEGAL VOTERS RESIDING IN THAT SERVICE AREA, VOTE IN FAVOR OF THE MOTION. THE SELECTBOARD WILL HOLD AN ANNUAL MEETING FOR THE VOTING MEMBERS OF EACH SPECIAL SERVICE AREA AND WILL ASSESS AN ANNUAL TAX ON SPECIAL SERVICE AREAS TO INCLUDE BUT NOT LIMITED TO THE COST OF EQUIPMENT, MAINTENANCE, SALARIES, OPERATING EXPENSES, AND REPLACEMENT ITEMS WHICH SHALL BE COLLECTED AT THE SAME TIME AND IN THE SAME MANNER AS OTHER TOWN TAXES.

D. THE TAXPAYERS RESIDING IN THE GEOGRAPHIC AREA OF BELLOWS FALLS WILL PROVIDE ADDITIONAL FUNDING TO THE CONSOLIDATED ROCKINGHAM TOWN BUDGET FOR THE FIRST TEN YEARS. THE CONSOLIDATED TOWN BUDGET WILL RECEIVE $250,000 THE FIRST YEAR, FOLLOWED BY A REDUCTION OF $25,000 EACH YEAR OVER THE NEXT NINE YEARS. THE FIRST PAYMENT OF $250,000 WILL BE MADE THROUGHOUT THE FISCAL YEAR COMMENCING ON JULY 1, 1995 AND THE LAST PAYMENT OF $25,000 WILL BE MADE THROUGHOUT THE FISCAL YEAR COMMENCING ON JULY 1, 2004.

E. THE FIRST CONSOLIDATED TOWN MEETING WILL BE HELD ON THE LAST TUESDAY IN JUNE FOLLOWING RATIFICATION OF THIS CHARTER BY THE VERMONT GENERAL ASSEMBLY FOR THE SOLE PURPOSE OF ELECTING THE NEW SELECTBOARD, WHO WILL ASSUME OFFICE WHEN THIS CHARTER TAKES EFFECT, AS DEFINED BY CHAPTER 10 PARAGRAPH G OF THIS CHARTER.

THE TOWN OF ROCKINGHAM, VILLAGE OF BELLOWS FALLS AND VILLAGE OF SAXTONS RIVER BUDGETS HAVING BEEN ALREADY APPROVED FOR THIS CURRENT FISCAL YEAR WILL BE ADMINISTRATED BY THIS NEW SELECTBOARD. THE FIRST CONSOLIDATED BUDGET WILL BE PRESENTED AT THE NEXT ANNUAL TOWN MEETING.

F. ALL ASSETS OF THE VILLAGE OF BELLOWS FALLS AND THE VILLAGE OF SAXTONS RIVER, ON THE DATE THIS ACT BECOMES EFFECTIVE, BECOME THE PROPERTY OF THE TOWN OF ROCKINGHAM. THE TOWN OF ROCKINGHAM WILL ASSUME AND BOOK ALL OUTSTANDING BELLOWS FALLS AND SAXTONS RIVER INDEBTEDNESS AS A GENERAL OBLIGATION OF THE TOWN, WITH THE CONDITION THAT THE GEOGRAPHIC AREAS OF BELLOWS FALLS AND SAXTONS RIVER CONTINUE TO STAND AS SECURITY FOR ALL OUTSTANDING DEBTS. A SPECIAL VILLAGE TAX LEVY FOR THE PAYMENT OF ALL BONDED INDEBTEDNESS OR SPECIAL SERVICE WILL THEREFORE REMAIN THE OBLIGATION OF THE TAXPAYERS IN THE SERVICE AREA WHICH THE INDEBTEDNESS WAS INCURRED OR WHERE SPECIAL SERVICES ARE PROVIDED UNLESS OTHERWISE PROVIDED FOR IN THIS CHARTER.

G. THE TERMS OF OFFICE FOR THE FOLLOWING ELECTED OFFICERS OF THE TOWN OF ROCKINGHAM, VILLAGE OF BELLOWS FALLS AND VILLAGE OF SAXTONS RIVER WILL TERMINATE AS DEFINED BELOW:

	VILLAGE OF BELLOWS FALLS	VILLAGE OF SAXTONS RIVER
MODERATOR	JUNE 30, 1994	JUNE 30, 1994
CLERK	JUNE 30, 1994	JUNE 30, 1994
TRUSTEES	JUNE 30, 1994	JUNE 30, 1994
PRESIDENT	JUNE 30, 1994	JUNE 30, 1994
TREASURER	JUNE 30, 1994	JUNE 30, 1994
AUDITORS	JUNE 30, 1995	JUNE 30, 1995
COMMISSIONERS OF MARY J.ARMS FUND	END OF TERM	

	TOWN OF ROCKINGHAM
AUDITORS	END OF TERM
CLERK	END OF TERM
FIRST CONSTABLE	END OF TERM
LISTERS	JUNE 30, 1994
MODERATOR	END OF TERM
TREASURER	END OF TERM
TRUSTEES OF CAMPBELL FUND	END OF TERM
TRUSTEES OF PUBLIC LIBRARY	END OF TERM
TRUSTEES OF PUBLIC MONEY	END OF TERM
SELECTBOARD	AS DEFINED BELOW

	SELECTBOARD TERM PRIOR TO MERGER	EXPIRATION DATE PRIOR TO MERGER	EXPIRATION DATE IF MERGER APPROVED	NEW TERM OF OFFICE	MERGED FIRST TERM EXPIRATION DATE
***	3 YEARS	MARCH 1995	MARCH 1995	2 YEARS	MARCH 1995
***	3 YEARS	MARCH 1996	MARCH 1996	3 YEARS	MARCH 1996
	3 YEARS	MARCH 1997	JUNE 30,1994	3 YEARS	MARCH 1997
	1 YEAR	MARCH 1995	JUNE 30,1994	3 YEARS	MARCH 1995
	1 YEAR	MARCH 1995	JUNE 30,1994	2 YEARS	MARCH 1996

*** THESE TWO MEMBERS OF THE EXISTING SELECTBOARD WILL COMPLETE THEIR TERMS OF OFFICE. THE FIRST TERM FOR THE OTHER THREE SELECTBOARD POSITIONS WILL BE VOTED ON AS DEFINED BY CHAPTER 10 PARAGRAPH E OF THIS CHARTER IN ORDER TO BRING THE TERMS OF OFFICE INTO SYNCRHONIZATION WITH THE PROVISIONS OF THIS CHARTER.

H. THE ORDINANCES OF THE VILLAGE OF BELLOWS FALLS AND THE VILLAGE OF SAXTONS RIVER SHALL REMAIN IN FULL FORCE AND EFFECT FOR ONLY A PERIOD OF TWO YEARS FROM THE DATE THIS CHARTER TAKES EFFECT, UNLESS SUCH ORDINANCES ARE NO LONGER APPLICABLE OR SHALL BE REPEALED OR AMENDED ACCORDING TO THE PROVISIONS OF THIS CHARTER.

I. THIS CHARTER SHALL TAKE EFFECT ON JUNE 30, 1994, AT TWELVE O'CLOCK MIDNIGHT.

#197

SPECIAL TOWN PUBLIC HEARING

JANUARY 5th, 1994

Chairman, N. Lincoln Divoll III opened the PUblic Hearing at 7:30 P.M. with approximately 50 in attendance. He welcomed everyone to the first of two public hearings on the proposed merger consolidation to be held by the Town of Rockingham. First we will hear from Thomas MacPhee, Chairman of the Merger Committee to give us an overview and then we will proceed to any questions you may have.

Mary Exner questioned who asked to plan to merge in the first place. Tom MacPhee gave a brief history of the plan:

About four years ago at the Annual Village Meeting a descussion to check to see if it was appropriate for the Village and Town to merge. At the following meeting $10,000.00 was allocated for this purpose. Corkey Elwell from the Vermont League of Cities and Towns conducted the study and at that time it was recommended that we should merge. Two years ago a committee was formed. Three members from Rockingham, three members from Saxtons River and three members from Bellows Falls. Bill Hennessey was Chairman at that time. The Town recommended that two members from each board be on the Committee then pick a member at large from each. About six months into the plan Dalton Trombley resigned so that left nine members. That is the background on how this was formed. At the last Village Meeting Plan B was adopted which called for merging all governments which would be under the Selectboard. The Statutes state that we have two public hearings for Rockingham, Bellows Falls and Saxtons River and all three vote on the same day by Australian Ballot. The Plan of Merger and the vote is then sent to the Legislature and when approved will then become the Charter for the Town of Rockingham. Water and Sewer would be funded by the users and not by the Town of Rockingham. The Town would would benefit by having one fire department with two sub-stations. There would be less liability, less paperwork, which includes keeping up with Federal and State mandates, than having three separate departments. It is a good plan. We have checked with other towns, such as Barre, St. Johnsbury and Brandon.

John Lippincott stated that he did not plan to speak this evening but there are people in this community that differ respectively with the merger committee. We have a different opinion and see the plan differently. One minor area is that we do not see in the state law that we all have to vote on the same day. The Board may have to same authority once it is constituted as it does now. The Board will be deciding what the police coverage is and be deciding the makeup of the police department in the future. That is not something they can do now. I also question whether or not the new fire chief and the three departments will jointly decide. That I do not believe is written in the Charter. The Board of Selectmen will not exist as it does now. The terms of office change significantly so the majority of the Board cannot be dismissed by the voters every year as they can now. We are not satisfied with the protection that the charter document puts into place for people who are not part of the special service districts for water and sewer. I do not question the intent of the merger committee that no one in rural Rockingham was going to have to pay for the sewer systems in Bellows Falls and Saxtons River. I believe that was their intent. I do not believe the document adequately offers that protection. There are a number of items that we believe a charter could address and this one does not and those are the basis of some of the objections that we have. I'm inclined to say that there may be a number of benefits to this community for a greater degree of cooperation and coordination and perhaps some level of merger. I just happen to disagree with a number of sections of this particular plan, and I think there are others that feel the same.

Waldo Beals stated that the Plan does not mention Fire Department sub-stations. Page 11 Section "Establish and maintain a fire department, with sub stations as required." This plan is quite vague. Tom MacPhee explained this would be governed by the Board of Selectmen and not this Committee.

Peter Stickney asked how the committee arrived at the figures in the budget if the merger went through. Tom MacPhee answered that they took the 1993-94 budgets from Saxtons River, Bellows Falls and Rockingham and merged them together and the tax rate for Rockingham would increase 12%, the rate for Bellows Falls would decrease 4% and Saxtons River would decrease 15%. This does not include the school tax, strictly the Town. Peter Stickney did not agree that the figures were accurate. Saxtons River has a volunteer fire department and the Chief is chosen from within. He is a capable, well-liked individual and he does a good job.
Walter Anderson asked if anyone took into consideration the insurance rates which are regulated on mileage from the fire departments. Tom MacPhee answered that the substations would remain the same. He was questioned because the plan did not say that. It would still be under the direction of the Selectmen. Jean Jeffries asked how many trucks and equipment would be left in Rockingham. The volunteers have raised the money themselves for most of the equipment and trucks and should be taken into consideration. They have also passed all their training.
Tom MacPhee said he could not answer and it would be up to the Selectmen. Mrs. Eden asked if the roads would be taken care of better than they have been as there was a terrible accident last year on their road.

Phyllis Steward asked who would be responsible if a fire broke out in Cambridgeport. Tom MacPhee answered that Rockingham would be in charge but that Saxtons River would respond first. Cathy Fisher stated that now Conn. Valley Mutual Aid handles this and would this change under the merger. Tom MacPhee answered that this would stay the same. Mary Barber said that in 1978 she covered the story of a merger plan then chaired by Mary Ashcroft. The fire department was the biggest concern then. In 1980 it was tried again. As a Bellows Falls resident and a Town resident the savings will not be that much. There are other concerns. I remember going to a joint meeting of the Selectmen and Trustees on a night when they were hiring a Town Manager. After the meeting he did not take the job and he left the next day. I would like to hear about other benefits of merger other than the Fire Departments.

Donald Cuming stated he was not a long time resident but has lived in Rural Rockingham for six years. My background in the business world for more than 30 years was the site selection of industrial and commercial properties. I firmly believe a business would be turned off by the conflicting structure of this government. They are looking for fire and police protection, the quality of educational system, development and growth. One government would make the area more attractive to potential businesses Fred Athern of Rural Rockingham stated that he felt the fire departments should not enter into the merger. They have their own equipment and should be left as independent departments. The same applies to thepolice service. We are assuming that they will only cover a certain area, but a new Board of Selectmen may choose to have them cover the entire Town. The same with the sewer rates Bellows Falls and Saxtons River have their own sewer service. They could be lumped together as it would be under the same governing body. State and Federal laws are impossible. Vermont laws require uniform rates in the same Town. I'm not an expert, but I have practiced law in another state and it seems the Board of Selectmen could also change the sewer rates. I cannot believe that Saxtons River, Bellows Falls, or Rockingham have not had this plan checked over by an attorney. I believe in the town meeting form of government and this is not the same. Tom MacPhee answered that we visited all three fire departments to see if we could come up with a plan, and they did not want to talk about it so we had to develop a plan. Police Service on page 11, section C (Areas within the Town of Rockingham that require Police Services not common to the Town such as the Cillage of Bellows Falls and Saxtons River shall be assessed for those Police Services by a separate tax.) Water and Sewer shall be paid for by the users.

Tom Guerino stated we are not losing our Town Meeting form of Government. We will still vote on the Selectmen's budget as we always have. If we want to vote by Australian Ballot, we still can. Of course the water and sewer rates will be separate rates. They have to be separate rates because the State of Vermont have very apecific regulations on how they are determined. Its flow versus debt versus number of users. This is very diferent in Bellows Falls than in Saxtons River. The rates will never be the same. They are two separate sewer districts. Sean Cota stated that if we now have a single form of government the Selectmen could increase or decrease the special services. This is what leadership is all about and as it should be. Now we have three governing boards for 5,000 people and don't think we can afford this anymore. We should try to streamline this government so we can get more out of it. We have been a community divided and we should change that. John Lippincott asked if the Board of Selectmen have the authority to expand the water and sewer districts by this Charter. Tom MacPhee answered not that he knew. Mr. Neill asked about with the $250,000. subsidy and after 11 years, what will the increase in taxes be then. Tom MacPhee answered that the Rockingham tax rate will increase 26%, Bellows Falls will decrease 9% and Saxtons River will decrease 6%. Mr. Neill was concerned about losing their idenity and control. There will be a shift of the Town Meeting form of government to giving all the power to the Selectboard.

Archie Gleason asked if this Charter did not pass would it come up again. Mr. Divoll stated he would no say it would not come up again as it has for many years, but it would be put to rest for awhile. If the Charter did pass there are provisions that it could be changed. Russell Capron asked if the vote on the Charter is defeated then everything will stay the same as it is now. Mr. Divoll answered that this vote would have to pass in all three areas or the Charter vote would be defeated. Nancy Hella asked if the Town will vote on the Charter. Tom MacPhee answered that by State Statutes we must vote on a plan of merger. If we vote yes then that becomes the Charter we send to the State, if we vote no it's a dead issue. Nancy asked if there will be two questions on the ballot one for the Charter and one for consolidation. Tom Guerino asked the people to look at this document and, if adopted, there are concepts to govern and then we can change and amend it to make it work for the good of our community. It's a good document and a good base for us to start with. In answer to Mr. Neill and Mr. Stickney about Losing the imput and idenity by the loss of the trustees, there would be committees the Select board will set up to keep everyone involved. Bellows Falls and Saxtons River will still have their own zip codes that will not change.

Mary Barber stated that this split in government has been boing on for many years. The conflicts have lead to a bad image. We will not see many savings in this merger, but I cherish this community. The State Police have called on the Police Department to cover for them at no charge to Rockingham. Everytime they are called out of the Village they should send a bill to the Rockingham Selectmen and list all the expenses. The Fire Department does an excellent job. I would like to see a united team--a united Town. Fred Athern added that by voting for this Charter the State Statutes no longer apply. This Charter gives too much power to the Selectboard and Town Manager. Mrs. Parks asked about the elected and appointed officers as shown on page 7, chapter 2. Mr. Divoll answered her questions as listed in the plan. Mary Exner stated this merger is not right, it will give less control by the people. See what happened when we merged the highway departments. Bellows Falls turned all the equipment over to Rockingham. BFADC made all the decisions for the Industrial area and are having more of a contact with Springfield and Chester than they are in Rockingham.

Francis "Paco" Aumand stated he has been on this committee for three years and would like to speak on the public safety of the community. Bellows Falls has had the worst nightmare of any community by the death of two firefighters. I certainly give credit to the Saxtons River and Rockingham volunteer fire departments. I don't think we can come up with anything less than a full time fire department in Bellows Falls with two substations in Rockingham and Saxtons River. We have to look at the liability, the safety of firefighters and long term equipment replacement. We have to 19ok at Saxtons River as a quaint village, rural Rockingham as farm country and Industrial Park. The only way we will realize that vision is by a consolidated government. One governing board providing the direction for the entire community. This issue will cost money. My vision is that we have one governing board all working together going into the next century. John Lippincott disagrees with the figures that were given at this meeting and the meeting in Saxtons River that Bellows Falls pay 61% of the Grand List, Saxtons River 6% and rural Rockingham 33%. If you factor out the power company, Bellows Falls is 45% of the Grand List rural Rockingham 47% and Saxtons River 8%. People are thinking it is unfair for many of the issues. Do not think this merger plan will change any of the situations. We do have the opportunity to vote. Peter Stickney stated that we are just transferring the tax rate. The taxes will keep going up for five years. There is nothing concrete here. Mr. Divoll reminded everyone that we will meet again in two weeks on January 19th. The meeting adjourned at 9:45 P.M.

Received for the record Rockingham Town Clerk's Office-January 12th, 1994 at 9:30 A.M.
Attest: Rita M. Bruce
Rita M. Bruce, Town CLerk

File Copy

BELLOWS FALLS VILLAGE CORPORATION
FIRST PUBLIC HEARING - MERGER
JANUARY 6, 1994
7:30 P.M.
TOWN HALL AUDITORIUM (FALLS CINEMA)

TRUSTEES:	Thomas MacPhee, Village Pres.; Catherine Bergmann, Thomas Guerino, Katherine Hennessey and Charles Jarras
MERGER COMMITTEE:	Francis X. Aumand, III; Joseph Engel and William Hennessey
COUNSEL:	L. Raymond Massucco, Esq.
PRESS:	Phebe Mace - Town Crier
OTHERS:	Village Residents: Mary Barber, Richard Morse, Steve Naski and John Shultz - Rockingham Residents: Fred Athearn, Roger Dolloph, Kathy Fisher and Richard Nichols

Village President, Thomas MacPhee, called the Public Hearing to order at 7:30 P. M. As there were so few in attendance, he opened the hearing up to questions directed at him or anyone on the Merger Committee.

Mary Barber asked if the Minutes of this hearing would be kept and if so, would it be clarified in the record that people who are not village residents identify themselves before speaking. Mr. MacPhee responded, yes.

Mary Barber said she went home very depressed from Rockingham's Public Hearing and woke up every hour on the hour. In thinking it over, she feels that it is the issue of Fire Departments stopping merger. Back in 1978, people didn't like the chief and he left. Another one came and he got raked over the coals so he left; then a third one came and he, too, got raked over the coals. Now he's gone. They aren't sure about the present chief. It's the same cast of characters who raked over these chiefs. We can't see beyond that. It's getting clouded by fire issues and it's a sad commentary. Mr. MacPhee agreed that, historically, it didn't come close before because of the fire area representation. Mary said there are other people in this community other than the fire people and other concerns that we have to face and talk about. If we're just going to focus on the fire department forever, it will be a nightmare. Tom MacPhee added that's one of the reasons they bit the bullet because they knew if they were going to pull the town together and move forward, it had to be a merged fire department.

BFVC PUBLIC HEARING - MERGER 1/6/94

William Hennessey, a resident of Rockingham and a member of the Merger Committee said in all the time he has been on the committee, no one has said that they will change the fire departments drastically. They could stay with their chiefs or pick their own. Mr. MacPhee added that is true; we've said all along that the stations that exist now would remain. The difference that there would be one chief to coordinate all the activities and keep up with the day to day paperwork, liability issues, etc. Mr. Hennessey said the statement was made last night that we are trying to cram merger down peoples' throats. For the last two years, we have held open meetings once a week and sometimes more. It bothers him to think people feel they have been working in a closet and nobody has been invited. Mr. MacPhee agreed that it is a point that should have been made last night; he meant to but got sidetracked.

Francis Aumand said he wanted to go on record that he is very disappointed; this is the Village of Bellows Falls' meeting and there are only four here except for those who are on the committee and village counsel. There should be more residents to come and voice their opinions on this issue. Katherine Hennessey said she feels they will come to vote but some don't dare come and speak up in public. She said she has had complaints from people that they can't speak up and wanted to clarify that they can and should. Mary Barber said she also felt that they will come out to vote; that traditionally, that's the way it has been. Tom MacPhee added that it has been the same way with the budget; the Board would like input from the public but people just don't come. Katherine Hennessey said with the exception of Mary Exner; she's almost always at the meetings and she knows what's going on.

Roger Dolloph said he would like to defend the fire departments. He feels the biggest issue concerning merger is the tax rate; everyone he's talked to is concerned about their property taxes.

Mary Barber stated we village residents were, at one time, paying $8,000. in our town taxes for the Rockingham Volunteer Fire Dept. and asked if that is up to $16,000. - $18,000. now. Mr. MacPhee replied no, their total expenditure is $18,000. of which the village share would be 60% of that but that doesn't include debt service and all for Rockingham's new building. The total costs assessed to the fire department probably isn't any more than $20,000. Mrs. Barber asked if we are, in essence, subsidizing paying for two fire departments and Mr. MacPhee said, based on the village grand list, we are paying 60% of the costs. Mrs. Barber added, "and one of which we don't get any services from unless they get called in by Mutual Aid". Mrs. Barber added, in terms of equity, the things being said last night about fair --- she wonders if anybody could sit back and ask if it's fair for Bellows Falls to get taxed twice for two different fire departments.

Katherine Hennessey said that was never supposed to have happened. Francis Aumand asked Mr. MacPhee to clarify the village's roll and/or what committments the village made to get Ben & Jerry's here. Tom MacPhee said he was in on the discussions primarily for police and fire service; they wanted the BF Fire Dept. to respond to their facility if there was a problem there. They wanted police protection and would not even consider moving if they couldn't be assured that some service would be coming out of Bellows Falls. Mary Barber asked why they wanted BF over Rockingham and Mr. MacPhee replied, "for the full-time service and with the alarm system tied into BF, their insurance would go down". Tom Guerino added that most of the industries at the Industrial Park, although they're serviced first call by Rockingham (their geographic area) are tied in with the alarm system here in the village but Rockingham is called out first and then they will tone out who they need to by Mutual Aid. They only pay a nominal fee for that hook-up. Also, the fire alarms, sprinkler systems and fire suppression systems all come from the village water system. Without that, their rates would be much higher and there would be no park. Mr. MacPhee agreed saying, any building within 1,000 feet of a fire hydrant, the insurance rates drop drastically.

Tom Guerino said he went over the charter to see where some of these interpretations are coming from and some of the comments last night were the powers of the town meeting were going to be limited. That's absolutely false; there's no way, under Vermont Statute, even with a chartered community. The rules and regulations governing a town meeting, unless you go to a city form of government, which is a mayor or council form of government; town meeting prevails. The Selectboard will present the budget at town meeting. No less authority of the town meeting to change that budget will occur after charter as presently is allowed. If people want to go to an australian ballot for the budget today, they have the power to request that and vote it. The other thing is that the power of the Board of Selectmen and the power of the Municipal Manager were augmented by this charter. The powers of the Municipal Manager couldn't be any stronger than they are right now because the town and village accept the state statutes regarding the powers of a manager and they have placed no limitations on those authorities that are granted through the state because the Manager is a creature of state law not of the town meeting or town government. Under the charter, as written, the powers of the Board of Selectmen don't change and in some instances, <u>are</u> augmented a little bit and some of the powers of the manager are somewhat limited from what they are today. The idea of what Mr. Lippincott and some others are purporting that there's going to be a "Czar" in town is absolutely false.

Mr. Guerino stated that what really bothered him last night, was the notion that the water and sewer rates, specifically sewer, for the two facilities could be combined and Saxtons River could be paying part of Bellows Falls' rates or vice versa. That cannot happen because it is explicitly stated through the Agency of Natural Resources and the Environmental Protection Agency of which most of the grant money for the Bellows Falls plant came from is based on user and flows and some other things. The other thing that the people who may purport that forget, is that the BF plant is tied in with Walpole, NH and with monies and bonding from Walpole and there is no way, under statute and regulation that the rate structure or the formulas can be changed. The same with Saxtons river. Bellows Falls cannot pay on Saxtons River's debt, if they have any. Bellows Falls cannot take any control over the Saxtons River sewer system. The Selectboard will have control; the debt remains with the users. That really bothered me because that's a real mistruth! Mr. Guerino added that he wanted that clarified for any village people present tonight.

Fred Athearn said he thought he brought some of those things up. The way he reads the Vermont Statutes, the very first statement says something like "that unless the charter otherwise provides". You should have somehow written in the charter that it would be kept separate. Mr. Athearn added that he feels it's quite possible that merger isn't going to happen, especially from the reaction of Saxtons River. He doesn't feel that we should just walk away from everything if it doesn't. There are legitimate problems that have been brought up. One is with fire and the inequities. He feels BF pays for more fire service than it needs and shouldn't have to contribute to Rockingham as it doesn't need it. Similarly, Rockingham Volunteer Fire Dept. shouldn't be able to draw funds from all of Rockingham. Likewise, Saxtons River Volunteer Fire Dept. ought to get broader support because it's only supported by Saxtons river; in fact, it serves half of the program of merger. However, we don't need merger to do that; all we need is some people, asked for, and the Selectboard to get together and oversee those fire departments' budgets. It would be a step in the right direction and show good faith in the community, even if it didn't simplify government. Maybe we could sit down and cut a deal that would involve splitting tax revenues to save Bellows Falls from providing services to the Industrial Park and in exchange for that, Rockingham would agree to a certain share of the taxes it collected from the Industrial Park. That would remain Rockingham's and Bellows Falls' (partners in effect) in trying to develop that area. Those are two areas to look at if we don't go with this merger.

Mr. MacPhee replied that he thought Mr. Athearn was missing the point. The whole intent is if Rockingham is ever to move forward, it's got to be a united front. It can't be splintered. It can't be a fire department in three different places. It can't be people saying we live in Rockingham and we're only a part of Rockingham. If we're ever to move this town forward, it's got to be merged and that's the whole reason the Merger Committee decided to bite the bullet and go for the whole nine yards.

John Shultz spoke up and said he is a resident of Bellows Falls in the Town of Rockingham and he has said all along that nobody listens. We could accomplish so much more as a town, one town. Why do we need all these separate Boards? Mr. Athearn's just making it more cumbersome by adding one more committee.

Tom Guerino said he wanted to make two points. One, there was a fire district study done in 1989 or 1990 and it came up with the same results you're seeing with the idea of a merged fire department. It was very acrimonious to say the least, and it was the same issues over turf and chiefs and whose going to be in control of this and that. Two, when you talk about the on development agreements which the statutes and regulations do provide for that any village can charge; has the right without a development agreement to assess fees to those certain areas outside of its geographic boundaries that it serves. That could be the Industrial Park or Westminster and they can charge in excess of what they charge their resident users. The village has chosen not to do that on a number of occasions in an effort to keep harmonious relations and keep development working in the areas where it belongs, if you think there are certain areas of town where it does belong. You don't need to enter into a development agreement because the village has the power to do that now. There have been studies that have been as acrimonious, if not more so, looking at fire districting that would do nothing more than make one or two districts. What happens if it goes to one district? What happens to the chiefs? You get the same issues. The best idea is to bring them together; have your chiefs or whatever you want to call them for each of the departments, let them run their own show but get together on training, equipment, responses and protocols that are going to benefit the residents of Rockingham, Saxtons River and Bellows Falls who pay the taxes to Rockingham, Saxtons River and Bellows Falls.

Mary Barber said Mr. Athearn just said that there is a piece of information that he didn't know that Tom Guerino gave in terms of the EPA and the water and she thought it really sad that for at least two years we've been seeing letters in the paper that have hammered the knowledge that this gentleman had on the water and sewer issue and now he stands here saying there may be a piece of information that he didn't have that made his information wrong.

If it's true that Mr. Athearn wants to show harmony and cooperation in this community, Mrs. Barber said, then he owes all of the public an apology for the fact coming out by his saying because he now has information that shows what he's been hammering is not true. Secondly, Mrs. Barber said she thinks it's wonderful that all of a sudden Mr. Athearn has all the answers for a very complex structure of which many intelligent people from this community have spent hours and months on these boards, serving for years to deal with these issues and all of a sudden you stand here and you have all the answers and solutions for Bellows Falls. When Bellows Falls has what it has for a fire department and a police department, it's because they wanted it and they paid for it. They aren't asking for $18,000. from anybody else. She went on to say that she sat in on a meeting with Francis Aumand when he was an investigator. There was a rash of robberies and fires and they didn't have much money; they weren't getting the backing they needed and the people of Bellows Falls sat with their Board of Trustees and said you give the Police Department what it needs. After the tragic hotel fire and the loss of two lives at that fire, they said you give the Fire Department what it needs. We have a Police and Fire Department that is important to us and what we want isn't important to Rockingham. She said she was sick and tired of hearing the out-of-towners or "Rural Rockingham" run down both of our departments when it's what we want, we are committed to and we are paying for on our own. Mrs. Barber then said she will never forget the applause when she made the remark last night that maybe Bellows Falls ought to pull out. She will never forget the faces of people who have shopped in this community, have friends in this community, have been raised in this community and live in this community. She had one question and a suggestion for the Trustees. One, when she asked at a previous meeting, when someone got up and made a motion at Village Meeting for Bellows Falls to pull out of Rockingham (because if we do, we have their buildings in this community, their library, the Town Hall, the schools); if we were to pull away, someone said the legislature would never let it happen because Rockingham needs Bellows Falls and they won't leave any town in a lurch. Is that true? Does anyone know the legality of that? Why can't we pull out of Rockingham? Tom MacPhee replied that he thought someone went to the Secretary of State's Office a few years back and asked that question. He asked Attorney Massucco if he recalled that and Ray said he did not. Mr. MacPhee asked Attorney Massucco to get an answer to that for the next public hearing.

Mrs. Barber continued; two, unless those who have been working to divide this community --- unless there's some sort of healing thing that goes on, she would <u>strongly</u> suggest, and she will work towards it, that Rockingham starts paying its share. It's time, if we don't vote for merger, that every time a police officer goes out to assist the State Police or Sheriff's Department, that a bill be sent to the Town of Rockingham.

Every time the Fire Department gets called out, that bill be sent to the Town of Rockingham. Since Rockingham feels the way it does about Bellows Falls and they've backed us up against a wall, it's time to make it equal. She asked to go on record that this be considered if Merger doesn't go through.

Kathy Fisher of Rockingham said maybe you can charge for police but as far as fire is concerned, you cannot charge in your area under this plan. Maybe if you pull out it would be different. Mr. MacPhee said he thought this was a different scenario in the fact that we're paying for both departments. We are citizens of the Town of Rockingham. There is a difference between a fire department being a paid department in a community and being expected to cover your calls before calling Mutual Aid vs getting to a fire, realizing it's a big fire and then calling in a Mutual Aid vehicle. Mrs. Fisher said Mr. MacPhee had to consider where that came from --- the joint usage of the fire department. When we had fires in the Square, before Mutual Aid. Mr. MacPhee corrected Mrs. Fisher and said it was Mutual Aid then. Mrs. Fisher continued -- Bellows Falls called and said it wanted extra help. Everyone sat down (Saxtons River, Bellows Falls, Rockingham and Mutual Aid). We were trying to get everyone to train and there was such animosity that only Rockingham and Saxtons River did. Everyone has the same license, the same number of hours. Volunteer men pay for their training by themselves; paid men do not always. What she has been saying is it has developed into things since what happened in the Square. You can train for years and still get hurt at a fire.

Francis Aumand said he does not have a problem with the Mutual Aid concept. What he is concerned about is relying on the concept of Mutual Aid for a fire department that he pays taxes for in one area and a fire department that he also pays taxes for. The concept of Mutual Aid just doesn't set right when the Bellows Falls Fire Department, that he as a Bellows Falls resident pays for, responds under the guise of Mutual Aid in Rockingham when he is also paying taxes to Rockingham. Likewise, those people who voiced an opinion from Saxtons river; that it didn't bother them that they were sending Saxtons River volunteer firefighters of which their budget is somewhere in the vicinity of $11,000. It does matter. There is a Saxtons River Fire Department that received General Fund money from the Village of Saxtons river but they don't appear to mind covering the Town of Rockingham which he also pays Rockingham taxes. This is where one of the inequalities comes in. He keeps hearing it's ok because it's the Mutual Aid System. Well it's ok, under the Mutual Aid System, if they go to Walpole, he doesn't pay Walpole taxes or support the Walpole Fire Department. Likewise, Walpole comes in here but he supports the Bellows Falls Fire Department and also the Rockingham Fire Department so to say that Bellows Falls goes up there on a Mutual Aid when I'm paying both is wrong.

Katherine Hennessey said one thing she has heard in the fire departments is we have three departments in the town, and Bellows Falls will call other mutual aid, i.e. Walpole before they'll call Rockingham and Saxtons River. People feel we should call our own before using others.

William Hennessey said it was only last week that the Bellows Falls ladder truck went by his house. There was a problem at the Saxtons River Inn. He asked if they just automatically go to the Inn or to Vermont Academy. Mr. MacPhee responded that it's the only ladder truck in the town. Mr. Shultz said he thinks if the chief in Bellows Falls has a problem and he calls Mutual Aid, he doesn't necessarily call Westminster or Walpole. That's all set up beforehand. Mr. MacPhee explained that the chief has already established his own running card as to who he wants to show up. Kathy Fisher said she was glad they clarified that. Tom Guerino answered that bottom line is, regardless of calling cards, he pays, as a town resident, the same percentage of tax to the Rockingham Fire Dept. that Mrs. Fisher does as a Rockingham resident. "Whatever it may be, I'm paying it, Fred's paying it, you're paying it" said Mr. Guerino. In essence, everytime an alarm goes off in BF, the Rockingham Fire Dept. should roll. Katherine Hennessey said that's what Mrs. Fisher is saying; they aren't on the card. Mr. Guerino replied that they shouldn't even have to be on the card. He went on to follow up on Mary Barber's comment, if the Village of Bellows Falls were to pull out, you're talking about a 26% tax increase, perhaps, with a charter change; wait until we take the power company with us then see what happens to your taxes.

William Hennessey asked to change the subject; he felt they had gotten off the subject.

Fred Athearn said he agreed that there is something messed up about the way fire services are coming, that BF is paying for two departments and Rural Rockingham is paying for one and getting two. This could be straightened out but we aren't talking big bucks. We're talking about BF paying $5,000. or $6,000.; a small tax rate for BF and Saxtons river if you were to use these fire service districts --- a small dollar amount. You're saying it won't work; you can't have fire districts because (it isn't quite clarified) Rockingham Volunteer Fire Dept., Saxtons River Volunteer Fire Dept. would be out their troubles if they were. Mr. Athearn said he didn't believe it; he didn't think it's impossible. Even if for personality reasons, it couldn't be done, you're talking about a merger that would shift hundreds and hundreds of dollars. You're not talking about you want to stop paying for Rockingham Volunteer Fire Department which would be reasonable. We should form fire districts. That would make just a tiny change in the tax rate. Tom MacPhee replied "we have never said this would be a Bellows Falls Fire Dept. if it were merged. It would be a townwide fire service".

Mary Barber said she's reading that the reason why Bellows Falls is merging is because they're paying $10,000. (60% or so); ok, take one piece of the discussion here and say that's the reason. Look back over 50 years of history. Mrs. Barber asked Mr. Athearn how long he had lived here and he replied 10 years. She continued with, one of the things that is so aggravating is that you are here saying this is the reason Bellows Falls is doing this, here's their motive; they're less than affluent and they want us to pay their bills. You have led a charge that has led to just exactly where you wanted. You've got a lot of people listening to a lot of misinformation. she suggested Mr. Athean go back some 50 years or more; or back to the 1800's when Bellows Falls was a booming community. Rockingham was angry with BF then. It's in the history books; they wanted the main center to be in Rockingham. The war started then and has lasted through the 1900's. Mrs. Barber added that she wouldn't live anywhere else but if she moved to another community, she'd spend a great deal of time learning about its history; learning the facts before she tried to lead the rage that he had led.

Mrs. Barber asked Mr. Guerino about not having double services because of some regulation over the water and sewer -- user districts. She asked if we have ever checked the possibility of being exempt on paying the Rockingham taxes on that fire department. Mr. Guerino responded that he had no idea; probably not, but she'd have to check with counsel.

Mr. Hennessey asked to change the discussion saying we're just going to split if we continue.

Fred Athearn explained that he has read the history. Bellows Falls was booming but it was having problems with mill strikes (1908-1909), arson, etc. When Old Rockingham Town burned, in the Spring of 1909, they called Bellows Falls; thought Bellows Falls would come out and waited and waited but they never came; Old Town burned. Talk about raking the fire chief over the coals! Mr. Athearn said as far as he was concerned, his first responsibility was protecting the mills. Mr. MacPhee asked where this was going. Mr. Athearn said he understands the reason why BF had a big police and fire department when all the mills were here. Bellows Falls still has a big paid fire and police department but a shrinking tax base. Now they're saying let's put the whole thing together so we can continue to have these services. Historically, Bellows Falls thinks it needs these things because it's always had them.

Tom Guerino said there's been a lot of talk about the flaws in this document. He added that there are parts of the document that he doesn't agree with and he made his concerns known at a previous public hearing. However, the document is a framework from which we can go forward to govern.

It is a document that is broad enough that we can change it as times change. We can amend it as the citizens see the need to amend it but to bring it down into sub paragraphs and highlight every detail that each of us may think of, would make the document so cumbersome that we wouldn't be able to govern ourselves. The document is probably one of the best charters he has seen. It is a good document -- a good start for Rockingham, Saxtons River and Bellows Falls to work together. Make the changes that need to be changed as the thing progresses and as we learn more. The people who put this together are to be commended. People should stop nit picking paragraph by paragraph and look at the conceptual piece of the document. Mr. Athearn interrupted and said it's good for town managers. Mr. Guerino replied "it's not good for managers -- it's not one of the ones I would see giving strong powers to the manager".

Mr. MacPhee asked if there were any other questions pertaining to merger.

Katherine Hennessey moved to adjourn the hearing at 8:25 P. M.; seconded by Thomas Guerino. The motion carried.

Attest: Doreen B. Aldrich Clerk
Doreen B. Aldrich

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January 18, 1994

Mr. John Lippincott
Vice-Chair, Board of Selectmen
Town of Rockingham
Post Office Box 370
Bellows Falls, Vermont 05101-0370

Dear Mr. Lippincott:

Your letter lists six concerns about the proposed merger of the Town of Rockingham and its two villages. Let me take them one at a time, and give you my reaction to them:

1. **There is concern that the powers of the voters to act either through the town meeting or by petition will be reduced under the Charter.**

The voters of the Town of Rockingham, pursuant to the merger agreement (charter), gain and lose some powers through the agreement:

a. Ordinances: Present law allows voters 44 days between the adoption of an ordinance and the deadline for receipt of a petition to disapprove the ordinance. 24 V.S.A. § 1972. The agreement allows 40 days. Section 1.4. On the other hand, the agreement also requires published notice of an ordinance prior to its adoption, while present state law does not require any notice beyond the notice for the meeting, which in the case of a regular meeting of the Select Board doesn't require anything special, unless someone requests an agenda. Section 1.4 at first blush seems generous in granting voters new rights to propose an ordinance or amendment, but since the Select Board may choose not to adopt such a proposal, there isn't much to be gained there.

Present state law does not grant voters the authority to petition to repeal an ordinance once it is effective. The right to petition to disapprove is limited in general state law to the 44 day period immediately following the adoption of the ordinance. The agreement gives voters

the authority to petition for a repeal vote at any time, which is a measured increase in the authority of the voters. Section 1.5.

b. Officers: General state law authorizes the voters to elect listers, the constable, the tax collector, the treasurer and trustees of public money. 17 V.S.A. § 2646. Section 2.3 of the agreement will have those officers appointed by the Select Board.

c. General ceding of authority: Section 3.1 of the agreement provides that, "Except as otherwise provided in this charter, all the powers of the Town of Rockingham shall be entrusted to and exercised by a Board of Five (5) Selectmen." This is a very powerful statement, as it tends to eliminate any power enjoyed by voters under general law unless it is specified in the agreement. As discussed above, the agreement provides for elections of some officers, enhanced powers of voters in the ordinance process, and powers relating to town meetings in Section 5.1. Presumably, although it is not clear from the draft, this last grant of authority would allow voters to designate polling places (17 V.S.A. § 2501(a)), valid and ratify meetings (24 V.S.A. § 2662), petition for reconsideration and rescission of articles (17 V.S.A. § 2661), authorize or give up the use of the Australian ballot system (17 V.S.A. § 2680), and like town meeting-related powers, but do the voters clearly retain the power to petition for reclassification or discontinuation of a highway (19 V.S.A. § 708), or other powers presently enjoyed by five percent of the voters? Does town meeting retain the right to vote tax stabilization agreements? It just isn't clear from the way this charter is written. There is a possibility that the agreement/charter might be read at some future time to have subsumed all of the general laws authorizing voters to take action outside or inside a town meeting.

The possible loss of voter authority is hard to assess, but I think the draft agreement would be less risky if 3.1 were written to provide that, "Except as otherwise provided in this charter, the general state law relating to municipalities and the rights of voters shall apply to the Town of Rockingham." That way, powers enjoyed today by voters won't be subsumed by the Select Board. That way voters will know what they are ceding and what not by reading the agreement.

d. Petitioned articles at town meeting: Section 5.5(4) provides for a 45 day pre-town meeting deadline. A minor point perhaps, but general state law sets a 40 day pre-town meeting deadline. Actually, statewide there is a need for an earlier deadline, so I wouldn't read this as a big deal.

2. **There is concern that the powers of the Board of Selectmen may be increased or decreased under the Charter.**

As mentioned in c above, I think the charter *does* increase the Board's powers at the expense of the voters. I have offered a corrective mechanism in that paragraph. At the same time, it seems that the powers of the town manager have been enhanced beyond what is traditional in many Vermont towns. This comes about indirectly, by the reduction in the number of independently elected officers, which results in a centralization of power, and in the troubling 4.2(K), where the role traditionally played by the Select Board is given to the manager. There may also be a conflict between that and 3.4(E) (and 3.4(M) for that matter). Who would do the laying out and reclassification of highways? That isn't clear. Again, as with my notes above, I think that the better practice in a charter is to identify specific powers to be exercised by officers or single officers, and leave the rest to general state law, rather than trying to invent a self-contained government for Rockingham within the charter. Provisions like 3.1 and 4.2(K) are an attempt to tie everything up too neatly, but that just won't work. Rockingham ought to be able to take advantage of new general state laws as they are adopted. It would be much better to keep the charter open and connected to the general state law than the present draft allows.

3. **There is concern that the powers of the Town Manager may be increased or decreased under the Charter.**

I always seem to be one concern ahead of myself in this letter. I don't think the Town needs to worry that the Town Manager's powers are going to decrease under this proposal. It seems to represent a design to create the strongest town manager system of government in Vermont, which is not necessarily to criticize it but just to call it by its right name. Section 3.5 is something many town managers hope for, but seldom achieve, because the inherent tension between the select board and the manager is one that is not easily settled. Of course, this won't be a problem in practice if everyone is committed to the same ends.

There is probably an inherent conflict at work between chapters 3 and 4. Compare, for instance, section 3.4(C) and 4.2(J)(1). Can the system work if the Select Board appoints officers and the Manager appoints the chief and administers the department with a free hand? How about the Manager's role in light of 3.4(H), and how that fits with 3.5? I really think the Town would be best served by working out these conflicts now, before the agreement becomes a charter. What is needed is a consistent vision. Conflicts in the draft need to be identified and addressed. Give power to the Manager, if you like, and let the Select Board oversee the Manager; or give the Manager some power and leave some power over administration with the Board. Just don't try to have it both ways.

In 24 V.S.A. § 1236(2), the general state law on managers, the legislature has prohibited managers from preparing tax bills, signing orders on the general fund of the town, calling meetings, laying out highways and parks, make assessments and the like. Maybe this

section should be addressed in the charter, to ensure that the powers of the manager are clear and defined.

One last thought on the manager: In section 4.2(D), there is at least the appearance of a sense that the Manager could be "excused" from a meeting as a way of having the Board meet without him or her. The Manager would remain a citizen, with full rights to attend any meeting. Maybe a little expansion in the proviso section to ensure that this is understood.

4. There is concern that the debts, or current and future liabilities of the Villages may fall on the residents of the Town in general.

I don't see that. I think the draft has carefully provided that systems presently funded by the villages' voters remain their responsibility, assuming that Chapter 9 on utilities covers all the present additional costs villages' taxpayers are assuming today. I'm not entirely sure I understand section 10.1(D) on additional funding by Bellows Falls voters, but I haven't heard the explanation for it, and it doesn't appear to cost Town residents anymore more. But reading over the agreement, no alarms went off on this concern.

I was surprised at the two-thirds vote required by section 10.1(C). I suppose voters of the "area" involved might wonder why a majority isn't sufficient. But this too won't place villages' debt on taxpayers of Rockingham generally.

5. There is concern that the users of the water and sewer systems of the two villages could be defined as a single group of users and, thus, all become responsible for the combined costs of the two systems.

This is a healthy concern. It can be solved by establishing two separate special service areas, where villages used to be, amending section 9.1 to read:

9.1 General:

Water and sewer utilities are considered special services with the Town of Rockingham and shall be paid for by any users receiving these services. This user fee shall be assessed by the Selectboard and the fee shall be collected in the same manner as other fees. Separate accounts shall be maintained for the Bellows Falls and Saxtons River water and sewer utilities, and the fee for each shall be calculated separately to ensure that each area's utilities costs are paid for by the users of the respective system.

There may be a more elegant way of putting it, but this is the beginning of a fix.

6. **There is concern that residents of rural Rochester who are not users of the water or sewer systems are not sufficiently protected from becoming liable for current debts or future liabilities of the Villages' water and sewer systems.**

This is the great worry about all merger votes. I don't think there's a great weakness in the agreement in this respect, but if additional reassurance is needed, why not add a section that prohibits the list of rural Rochester from being held responsible for the liabilities of the two systems. This is not intended to eliminate the idea of merger, but simply to isolate the users as the first line of those responsible for those services. The grand list of the whole town may have to be involved as the ultimate financial backbone here, since that's what merger is all about, but the agreement could be strengthened, maybe by adding, *The users of the Bellows Falls and Saxtons River utilities shall remain liable for all current and future liabilities of their respective systems*, at the end of the amended 9.1, along with the language provided under the previous concern.

Overall, aside from my pickiness with some sections, the agreement is a nice piece of work, which can be strengthened and repaired to meet each of the six concerns addressed in your letter.

I would be pleased to meet or talk with you about the draft at your convenience.

Thanks.

Sincerely,

Paul S. Gillies

File Copy

BELLOWS FALLS VILLAGE CORPORATION
SECOND PUBLIC HEARING
MERGER
JANUARY 20, 1994

TRUSTEES:	Thomas MacPhee, Village Pres. and Katherine Hennessey
MERGER COMMITTEE:	William Hennessey
PRESS:	Phebe Mace, Kathleen Marple (WCFR Radio) and Sue Reing
OTHERS:	Fred Athearn, Mary Exner, Bill Holtz, Denis & Jean Jeffrey, Madeline Kane, Al Motzer and Richard Morse

Village President, Thomas MacPhee, called the Public Hearing to order at 7:30 P. M.; this hearing being the second public hearing properly warned for the Special Meeting to take place the 8th of February, 1994. Mr. MacPhee then opened it up to questions from the assembly.

Katherine Hennessey, Trustee, asked Mr. MacPhee to explain the voting in case anyone present didn't understand. Mr. MacPhee responded that the voting will take place in two locations; Saxtons River will vote there in the fire station and the Town of Rockingham and the Village of Bellows Falls will vote in Bellows Falls at the Middle School gymnasium. The gym will be divided in half so voters will enter as Rockingham residents or Bellows Falls residents, vote accordingly and exit from the same side of the gym as they entered. Bellows Falls and Saxtons River residents will vote twice. Saxtons River residents will have to come into Bellows Falls for their vote as a town resident. Polling hours will be 9:00 A. M. to 7:00 P. M.

Mary Exner, Bellows Falls, asked Mr. MacPhee to outline the various questions on the fire departments. Mr. MacPhee asked her to be more specific. Ms. Exner asked to explain paid and volunteer departments. Mr. MacPhee responded that the Merger Committee's recommendation is that all fire fighters be call firemen and be paid when they get called to a fire. Their practice sessions and training would not be paid. When on an actual scene (fire or jaws of life), they would be paid. Again, that was the Merger Committee's recommendation. It is not specifically in this plan of merger because it is not up to this Board to determine that.

Al Motzer, Rockingham, asked if that is the way Bellows Falls fire fighters are paid now. Mr. MacPhee replied, no; they currently get paid for training as well as fighting fires.

BFVC SECOND PUBLIC HEARING CONT'D.

Mr. Motzer, Rockingham, said he has had many answers to the one man, one vote thing from different people and asked if he and Mr. MacPhee were the only residents of Rockingham and Bellows Falls to vote and he voted against it and Mr. MacPhee voted for it; when the votes were counted, does he lose 2-1? Some discussion followed and William Hennessey, Rockingham and Merger Committee member, explained that if Mr. Motzer votes no and Mr. MacPhee votes yes twice, it's defeated because it only takes one of the three entities to say no. Bellows Falls' and Saxtons River's votes don't get added to the Rockingham vote. Bill Holtz, Rockingham, said he still didn't get the main purpose of why Bellows Falls would be voting if Bellows Falls was the only one voting and asked what the reason was for that vote. Tom MacPhee answered that Bellows Falls is a taxable corporation to either accept or reject the Charter. Saxtons River has the same vote. Mr. Holtz asked what will that do in each case? What will happen? Suppose the Rockingham vote is delayed? What would that vote do in Bellows Falls? Mr. MacPhee replied "nothing"; we have to have three elections the same day --- Bellows Falls, Saxtons River and Rockingham. If we vote for it, we vote for this Charter. If we vote against it, we carry on as we have been carrying on. Madeline Kane, Bellows Falls, said she was against it; she said she didn't feel we needed it and we should leave well enough alone. She added, it won't help in the office or save on administrative expenses.

Mr. MacPhee said the main thing on February 8th is for everyone to get out and vote however they feel --- pro or con.

Mary Exner, Bellows Falls, asked if there is any reason why certain areas can't go without having paid help? Mr. MacPhee replied that a lot of the information used by the Merger Committee was from Wayne Babcock who was from the Vermont Training Council and with his experience, there's both paid call and all the other plus full-time; he's the one who gave us a lot of insight. Also a prior merger committee a few years ago had feedback from someone, not Wayne Babcock, but the recommendation then, as well, was for a merged department with one chief. Mr. MacPhee added that he doesn't know what the Board and the voters would do in the end in terms of paid vs volunteer. It's up to the bottom line of the budget what happens. The main thing we were recommending is there would be a chief responsible for the fire service in the Town of Rockingham. We did not envision the three stations going away (Saxtons River, Rockingham and Bellows Falls). We were told the liabilities would be a lot less for a department with one chief.

There being no other questions, Katherine Hennessey moved to adjourn at 7:50 P. M.

Attest: Doreen B. Aldrich Clerk

Recorded in the Minute Book
Jan. 24, 1994 BFVC Trustees

SPECIAL TOWN MEETING

FEBRUARY 8th, 1994

Pursuant to the foregoing Warning, the legal voters of the Town of Rockingham met at the Bellows Falls Middle School in said Town of Rockingham on February 8th, 1994 between the hours of 9:00 A.M. and 7:00 P.M. to vote by Australian Ballot on the proposed merger of the Village of Saxtons River, the Town of Rockingham and the Village of Bellows Falls.

ARTICLE I: "Shall the voters of Rockingham vote to approve the merger of the Town of Rockingham with the Villages of Bellows Falls and Saxtons River as proposed in the Merger Plan approved by the Board of Selectmen on November 16, 1993. Said Merger Plan requires the affirmative vote of both Villages (under authority of Chapter 49 of Title 24, Section 1485(b): Merger of Municipalities, of the Vermont Statutes.)"

In Favor	252
Opposed	1,118
Blanks	1
Spoiled	1
Voted	1,372

Votes Cast	--	1,372
Registered Voters	--	3,940
Absentee Ballots	--	116

I attest these to be true minutes of the Special Town Meeting for the Town of Rockingham on February 8th, 1994.

ATTEST: Rita M. Bruce
Rita M. Bruce, Town Clerk

We have examined these minutes and believe them to be a true and accurate account of the Special Town Meeting for the Town of Rockingham on February 8th, 1994.

N. Lincoln Divoll, III -- Chairman

Lamont Barnett

Thornton Lillie

John Lippincott

James Mullen

Bellows Falls Village Corp
Book #6

SPECIAL VILLAGE MEETING
FEBRUARY 8, 1994

The legal voters of the Bellows Falls Village Corporation were notified and warned to meet at the Middle School in said Village on Tuesday, February 8, 1994 between 9:00 A. M. and 7:00 P. M. to vote by Australian ballot on the proposed merger of the Village of Saxtons River, the Town of Rockingham and the Village of Bellows Falls.

ARTICLE I. "Shall the voters of Bellows Falls vote to approve the merger of the Town of Rockingham with the Villages of Bellows Falls and Saxtons River as proposed in the Merger Plan approved by the Board of Trustees on November 9, 1993. Said Merger Plan requires the affirmative vote of Chapter 49 of Title 24, Section 1485 (b): Merger of Municipalities, of the Vermont Statutes."

In Favor	232
Opposed	255
Blanks	-0-
Spoiled	-0-
Voted	487

Votes Cast	487
Registered Voters	2,198

I attest these to be true Minutes of the Bellows Falls Village Corporation Special Meeting of February 8, 1994.

Attest: Doreen B. Aldrich Clerk
Doreen B. Aldrich

We have examined these Minutes and believe them to be a true account of the Bellows Falls Village Corporation Special Meeting of February 8, 1994.

Thomas MacPhee, President

Catherine Bergmann, Trustee

Thomas M. Guerino, Trustee

Katherine Hennessey, Trustee

Charles Jarras, Trustee

Received for the record Bellows Falls Village Corporation March 30, 1994 at 9:16 A. M.
Attest: Evelyn Weeks Clerk
Evelyn Weeks