

# **TOWN OF ROCKINGHAM**

## **Plan of Merger**

### **Merger of the Village and Town**

At midnight on June 30, 2016, the Bellows Falls Village Corporation shall merge into the Town of Rockingham, and the Bellows Falls Village Corporation shall, except as hereinafter provided, cease to exist as a political entity or body corporate, and its charter shall be abolished. This plan will constitute the charter of the Town of Rockingham.

### **Properties transferred and liabilities assumed**

Upon the merger above, all the lands, buildings, easements, funds, uncollected taxes, monies, and other property of the Bellows Falls Village Corporation shall become vested in and become property of the Town of Rockingham, and all indebtedness bonded and otherwise of said Bellows Falls Village Corporation shall be assumed by the Town of Rockingham, with the exception of those water and wastewater bonds, specifically #'s RFD-308; RF1-177;, which shall continue to be paid by the Town of Rockingham Water & Wastewater Department as set forth in this document.

### **Properties held in trust**

Any and all properties held in trust by the Trustees of the Bellows Falls Village Corporation, or any officer thereof, shall become vested in the Selectboard of the Town of Rockingham and its successors, or in the respective office of the said Town and his or her successor, as the case may be, and shall continue to be held in trust for the same uses as before the merger, all without any further act, deed, or instrument being necessary.

### **Settling the affairs of the Bellows Falls Village Corporation**

Prior to said merger, the Trustees of the Bellows Falls Village Corporation shall settle so far as possible its financial affairs and shall, except as hereinafter provided, on said date turn over and deliver to the Clerk of the Town of Rockingham all records, books, and documents of the Bellows Falls Village Corporation and to the proper officers of the said Town all property of the Bellows Falls Village Corporation.

### **Town Manager**

The Municipal Manager for the Town of Rockingham and Bellows Falls Village Corporation will become the Town Manager for the Town of Rockingham. The Town Manager shall be accountable to the Selectboard. The Town Manager's powers and duties are as provided in V.S.A. Title 24, Chapter 37, as amended.

### **Town Officers**

The Town shall have the officers as provided for towns by the general laws of the State of Vermont. (1 V.S.A. §310(3) - 13 V.S.A. §5504 - 17 V.S.A. §2646 – 17 V.S.A. §2658 - 22 V.S.A. §105 & §143 – 24 V.S.A. §872; §1151; §2431 & Chapter 33 - 32 V.S.A. §3431)

### **Police Department**

Upon the date of merger, the Bellows Falls Police Department will become a Town department named the “Rockingham Police Department”. The Rockingham Police Department will be funded and budgeted by the Town of Rockingham.

### **Fire Department**

Upon the date of merger, the Bellows Falls Fire Department and the Saxtons River Fire Department will become Town of Rockingham Departments. There are currently three existing departments within the Town of Rockingham – Rockingham Fire Department; Bellows Falls Fire Department; and Saxtons River Fire Department. All three (3) departments will continue in their current status and be funded through the Town of Rockingham budget process.

### **Finances**

The funds of the Bellows Falls Village Corporation will be added to the general fund of the Town of Rockingham. Water and Wastewater funds shall be maintained in the proper special funds provided below.

### **Water and Wastewater Departments**

The Bellows Falls Water Department and Bellows Falls Wastewater Department will become Town of Rockingham departments. All water and wastewater rates shall be set by the Selectboard sufficient to pay the costs of operating and maintaining the systems, to pay debt service on all obligations issues to improve or support such systems, and to fund necessary capital reserves, all as provided by general law. All revenues of the water and wastewater departments shall be maintained separate from all other departments of the Town and placed in special funds. These funds may not be used for any purpose other than the operations, maintenance, debt payments, and reserves of the water and wastewater departments.

### **Ordinances, Rules & Regulations**

All existing ordinances, bylaws, rules and regulations of the Bellows Falls Village Corporation shall become ordinances of the Town of Rockingham until lawfully amended or repealed.

### **Selectboard**

The offices of the Bellows Falls Village President and the Bellows Falls Village Trustees will cease to exist and the duly elected Rockingham Selectboard will serve until the next Annual Town Meeting. The Selectboard will consist of five (5) members – three (3) members serving three (3) year terms and two (2) members serving one (1) year terms. (17 V.S.A. §2646(4) & §2650(b))

### **Votes required**

All sections of this plan of merger shall take effect if approved as follows:

- a) By a majority vote of the Town of Rockingham, which includes all registered voters of the Town including the Villages of Bellows Falls and Saxtons River.
- b) By a majority vote of the Bellows Falls Village Corporation, which includes all registered voters of the Bellows Falls Village Corporation.
- c) Approval by the General Assembly, the merger shall take effect on July 1, 2016.

### **Applicability of the general law**

- a) All provisions of the Constitution and general laws of the State of Vermont relating to towns and their officers shall apply to the Town of Rockingham.
- b) The Town of Rockingham shall have all the powers now or hereafter conferred upon towns and villages by the Constitution and general laws of the State of Vermont.
- c) The fiscal year of the Town of Rockingham shall be July 1 through June 30.

### **Special districts**

- a) The Selectboard may designate areas apart from the rest of the Town as special service districts and may provide the voters therein with special services not common to all voters of the Town, provided that the majority of the voters residing in the respective designated areas and present and voting at the district meeting on the subject shall have approved of such.
- b) Special service areas shall be reasonable geographically, taking into account the areas and persons actually benefited and the types of services to be provided. All costs required to support a given special service area shall be paid for by the taxpayers receiving said service(s), by a tax on the grand list in the special service area involved to be assessed annually by the Selectboard. Such tax shall be paid and collected in the same manner as other taxes, and such tax assessed on any part of the grand list shall be a lien thereon.
- c) All funds of any special service area shall be kept in a special fund, no part of which may be used for any other purpose.
- d) The warning for each annual or special Town meeting may contain appropriate articles under which the legal voters residing in any special district may separately vote.

### **Severability**

If any provision of this charter shall for any reason be held invalid, such invalidity shall not affect the remaining provisions. To this end, the provisions of this charter are severable.