

PLAN OF MERGER

for the

Town of Troy and Village of North Troy

ARTICLE 1. MERGER

§ 1. MERGER OF THE TOWN OF TROY AND THE VILLAGE OF NORTH TROY

The Village of North Troy (Village) is hereby merged into the Town of Troy (Town). The Town of Troy shall be the surviving municipal corporation. The name of the Town shall remain “Town of Troy.” All the former Village of North Troy’s real and personal property, including but not limited to those associated with the Fire Department (Village), Highway Department, William H. and Lucy F. Rand Memorial Library, Wastewater Treatment Facility, Water Department, and all other assets owned by the Village of North Troy are hereby granted, conveyed and transferred to and are now the property of the Town without any limitation whatsoever, subject to all existing indebtedness, liens and encumbrances. The Town hereby accepts, assumes and agrees: to ownership of the aforesaid real and personal property of the the former Village of North Troy, to pay allVillage’s debts, and to perform all the former Village duties and obligations owed to third parties, without any limitation whatsoever. The Town also agrees to allocate and expend any remaining balances in the Village of North Troy’s 2026 General Fund and Capital Fund for projects and expenditures specific to the geographical portions of Town that fall within the boundaries of, and were encompassed by, the former Village. Project identification will be submitted by an advisory board created by the Town for that purpose.

§ 2. REPEAL

Upon voters’ approval of this Plan of Merger (plan), the charter for the Village of North Troy, formerly codified in 24 Appendix. V.S.A. Chapter. 253, is repealed and is of no further force nor effect.

ARTICLE 2. POWERS OF THE TOWN

§ 3. POWERS OF THE TOWN

(a) The Town shall have all the powers granted to municipalities by the Constitution and laws of the State of Vermont and this plan, together with all the implied powers necessary to carry out all of the powers expressly so granted. The Town may enact any regulations and ordinances that are consistent with the Constitution and laws of Vermont or with this plan and may impose penalties for violations thereof.

(b) The Town may acquire property within or without its corporate limits for any lawful municipal purpose, in fee simple or any lesser interest or estate, by purchase, gift, devise, lease, condemnation, or other means and may lease, mortgage, hold, manage, and control the property as the Town’s interests may require.

(c) Unless expressly stated otherwise, reference in this plan to a particular power shall not be construed to be exclusive with respect to such powers nor as a limitation on the powers that the Town would have if reference to that particular power had not been made.

(d) Nothing contained in or omitted from this plan shall be construed in any way to limit the powers and functions conferred on the Town of Troy and its Selectboard by general or special State laws or regulations.

ARTICLE 3. GENERAL PROVISIONS

§ 4. APPLICABILITY OF GENERAL LAW

Except when changed, enlarged, or modified by the provisions of this plan, or by any lawful regulation or ordinance of the Town, all provisions of the statutes of the State of Vermont relating to municipalities, as the same may be amended from time to time, shall apply to the Town.

§ 5. REFERENCE TO STATE LAW

Any reference in this plan to a specific State law or to State law generally shall include the statute as it may be subsequently amended or renumbered and any statute substituted for that statute and having similar subject matter.

§ 6. SEVERABILITY

The provisions of this plan are declared to be severable. If any provisions of this plan are for any reason invalid, such invalidity shall not affect the remaining provisions that can be given effect without the invalid provision.

§ 7. AMENDMENT OF PLAN

This plan may be amended pursuant to and by the procedures of State law.

ARTICLE 4. OFFICERS OF THE TOWN

§ 8. GENERAL

The officers of the Town of Troy shall be those provided by law and as otherwise provided in this plan. Town officers shall have all the powers and duties necessary to carry out the provisions of this plan as well as those provided by law.

§ 9. ELECTED AND APPOINTED OFFICERS

(a) A municipal officer not elected pursuant to part (b) of this section shall take office by appointment of the Selectboard and shall perform the duties required of them by law and the Selectboard. Except as otherwise stated in this plan, the Selectboard shall fix the terms of office and compensation of all elected and appointed officers of the Town.

(b) At the annual meeting, the Town shall elect by floor vote from among the legally qualified voters thereof the following Town officers who shall serve until the next annual meeting or until others are chosen:

- (1) three members of the Selectboard;
- (2) one Moderator;
- (3) one Town Clerk;
- (4) one Treasurer;
- (5) one Delinquent Tax Collector;
- (6) seven Justices of the Peace, the number of which shall be in accordance with the Vermont Constitution.

(c) At the time of the annual Selectboard reorganization meeting (after Town Meeting), the following appointments will be made for positions with expiring terms:

- (1) five Troy Library Board of Trustees;
- (2) five Cemetery Commissioners;
- (3) three North Troy Water and Wastewater Commissioners.

§ 10. VACANCIES

In case of a vacancy in the office of any elected Town official, such vacancy shall be filled by the Selectboard until the next annual Town Meeting. The person then elected shall serve for the remainder of the unexpired term. If more than one vacancy occurs in a majority of the Selectboard at the same time, the vacancies shall be filled by a special Town meeting called for that purpose in accordance with 24 V.S.A. § 963.

§ 11. SELECTBOARD

(a) Terms of Office. The members of the Selectboard shall be elected at large. Their terms shall be staggered and commence upon election. Members of the Selectboard shall be elected for a term of three years. The candidates with the largest number of votes shall be elected to those offices. The terms of office for the Selectboard may be changed by vote of the electorate at the Town's Annual Meeting.

(b) Powers and Authority. The Selectboard shall constitute the legislative and administrative body of the Town for all purposes and shall have all powers and authority given to, and perform all duties required of, municipal legislative bodies under the Vermont Constitution and State law.

(c) In addition to the authority and duties otherwise established in this plan, the Selectboard shall have the power to:

- (1) Appoint officers to all other municipal offices described in statute as needed to perform duties in accordance with Vermont law;
- (2) Assign additional duties to appointed offices, commissions, or departments but not discontinue or assign to any other office, commission, or department those duties

assigned to a particular office, commission, or department established by this plan or by State law;

(3) Adopt, amend, or repeal ordinances in compliance with State law; and

(4) Exercise every other power not specifically set forth in this plan but that is granted to municipal legislative bodies by State law.

(d) When a vacancy occurs on the Selectboard, the remaining members may fill the vacancy by appointment of a registered voter of the Town. Such appointment shall be for the period until the next Annual Meeting, when the voters shall fill the vacancy for the remainder of the unexpired term.

(e) Notwithstanding the number of Selectboard members set in § 9(b)(1) of this plan, the Town may, at its Annual Meeting, vote to increase the number of Selectboard members by an additional two members, in accordance with the provisions and process described in of 17 V.S.A. § 2650(b). The Town may subsequently, at its Annual Meeting, vote to discontinue the additional members, in accordance with the provisions and process described in of 17 V.S.A. § 2650(c).

§ 12. MODERATOR

The Moderator shall be elected annually and shall perform those duties prescribed by State law.

§13. TOWN CLERK

The Town Clerk shall be elected for a three-year term, commencing pursuant to State law. They shall have the powers and perform the duties of town clerks as prescribed by State law. The Town Clerk in office on July 1, 2027, shall continue in office until their term expires.

§14. TREASURER

The Treasurer shall be elected for a three-year term, commencing pursuant to State law. They shall have the powers and perform the duties of treasurers as prescribed by State law. The Treasurer in office on July 1, 2027, shall continue in office until their term expires.

§ 15. DELINQUENT TAX COLLECTOR

The Delinquent Tax Collector shall be elected for a one-year term, commencing pursuant to State law. They shall have the powers and perform the duties of delinquent tax collectors as prescribed by State law. The Delinquent Tax Collector in office on July 1, 2027, shall continue in office until their term expires.

§ 16. JUSTICES OF THE PEACE

The Justices of the Peace shall be elected for two-year terms, commencing pursuant to State law. They shall have the powers and perform the duties of justices of the peace as

prescribed by the Vermont Constitution and State law. The Justices of the Peace in office on July 1, 2027, shall continue in office until their respective terms expire.

§ 17. TROY LIBRARY BOARD OF TRUSTEES

(a) The William H. and Lucy F. Rand Memorial Library is considered a municipal library that will follow applicable State law for its governance and operation in accordance with 22 V.S.A. §§ 141-146. The Board of Trustees shall be responsible for the care and management of the library, and perform any other duties as prescribed by State law. The Selectboard will have oversight of the Board of Trustees' library budget pursuant to 22 V.S.A. § 142. Five Library Trustees shall be appointed by the Selectboard to serve 3-year terms. Terms shall be staggered and commence upon appointment. The first two Library Trustees appointed shall hold office for three years, the next two Library Trustees for two years, and the last one year. When the term of office of each Trustee expires, a successor shall be appointed for three years. The Library Board of Trustees in office on July 1, 2027, shall continue in office until their respective terms expire.

(b) The library building, the parcel of land on which it is situated, and all of the contents thereof are hereby granted, conveyed, acknowledged, declared, and confirmed to be the property of the Town.

§ 18. TROY CEMETERY BOARD

The Town of Troy cemeteries shall follow applicable State law for their governance and operation pursuant to 18 V.S.A. §§ 5361–5579. The Town of Troy Cemetery Board shall be responsible for the care and management of cemeteries of the Town, and perform any other duties as prescribed by State law. The Selectboard will have oversight of the Cemetery Board's budget pursuant to 18 V.S.A. § 5361. Five Cemetery Commissioners shall be appointed by the Selectboard to serve 5-year terms. Terms shall be staggered and commence upon appointment. The first Commissioners appointed shall hold office for three years, the next four years, the next three years, the next two years, and the last Commissioner for one year. When the term of office of each Commissioner expires, a successor shall be appointed for three years. The Cemetery Board in office on July 1, 2027, shall continue in office until their respective terms expire.

§ 19. ASSESSOR

The Town eliminated the Office of Lister and authorized the Selectboard to annually contract an assessor to perform the duties of a lister in accordance with the provisions of 17 V.S.A. § 2651c.

ARTICLE 5: WATER AND WASTEWATER COMMISSIONERS AND ASSETS

§ 20. TROY BOARD OF WATER COMMISSIONERS

(a) Town of Troy Board of Water Commissioners. The Board shall consist of three commissioners who shall be members of the Selectboard and whose duties, powers, and authority with respect to the municipal water system shall be as established by the law of this State, applicable to boards of water commissioners generally, and as specifically provided for in this plan. The Town of Troy Board of Water Commissioners shall oversee water services in Troy (hereafter known as the Troy Water System) pursuant to 24 V.S.A. § 3313. Upgrades to the system shall be funded by users of the Troy water system, unless otherwise authorized by vote of the Town.

(b) The term of office of a Water Commissioner shall be three years (to coincide with Selectboard elections) and shall commence upon election.

(c) In addition to those powers, duties, and responsibilities imposed by law upon boards of water commissioners, the Boards of Water Commissioners shall:

- (1) exercise control over, administer, manage, and operate the municipal water systems of the Town as presently constituted or as may be enlarged hereafter; and
- (2) establish rates and charges for water services provided by the Town.

§ 21. TROY / JAY WASTEWATER (SEWER) BOARD

(a) Town of Troy / Town of Jay Joint Sewer Board. The Town shall continue to operate the joint Town of Troy / Town of Jay Joint Sewer Board. Members of the Town Selectboard shall represent the Town on the Joint Board to oversee the Troy / Jay Wastewater Treatment Facility pursuant to 24 V.S.A. § 3602(a).

(b) The term of office of a Sewer Commissioner shall be three years and shall commence upon election to the Selectboard.

(c) In addition to those powers, duties, and responsibilities imposed by law upon boards of sewage disposal commissioners, the Board of Sewer Commissioners shall:

- (1) exercise control over, administer, manage, and operate the municipal sewage disposal system of the Town as presently constituted or as may be enlarged hereafter; and
- (2) establish rates and charges for sewage disposal service provided by the Town.

§ 22. NORTH TROY WATER AND WASTEWATER BOARD

(a) North Troy Board of Water and Wastewater Commissioners. The Board shall consist of three commissioners who are legal residents of the Town of Troy and are users of the North Troy Water System and North Troy Wastewater Treatment Facility. The Commissioners shall perform duties as both Water and Wastewater Commissioners.

(b) Duties, powers, and authority of the Board with respect to the municipal water system shall be as established by the State law, applicable to boards of water commissioners generally, and as specifically provided for in this plan. The North Troy Board of Water and Wastewater Commissioners shall oversee water services in North Troy (hereafter known as the North Troy Water System). Upgrades to the system shall be funded by users of the North Troy water system, unless otherwise authorized by vote of the Town.

(c) Duties, powers, and authority with respect to the municipal sewer system shall be as established by the State law, applicable to boards of sewage disposal commissioners generally, and as specifically provided for in this plan. The North Troy Board of Water and Wastewater Commissioners shall oversee the North Troy Wastewater Treatment Facility. Upgrades to the system shall be funded by users of the North Troy sewer system, unless otherwise authorized by vote of the Town.

(d) The term of office of a Water and Wastewater Commissioner shall be three years and shall commence upon appointment. The North Troy Water and Wastewater Commissioners' (i.e., Village of North Troy Trustees) terms in office shall expire on July 1, 2027. The first appointments to the North Troy Water and Wastewater Board shall include two members in office as Village Trustees on July 1, 2027.

(e) In addition to those powers, duties, and responsibilities imposed by law upon boards of water commissioners and sewage disposal commissioners, the Board of Water and Wastewater Commissioners shall:

- (1) exercise control over, administer, manage, and operate the municipal water systems and municipal sewage disposal system of the Town as presently constituted or as may be enlarged hereafter; and
- (2) establish rates and charges for water and sewage disposal services provided by the Town.

§ 23. NORTH TROY WASTEWATER TREATMENT FACILITY ASSETS, FINANCES, AND INDEBTEDNESS; MANAGEMENT

(a) The Town shall be the successor to and shall inherit all the assets, accounts, and liabilities of the Village of North Troy Wastewater Treatment Facility, subject to the management of the Board of Commissioners ("Board"). The North Troy Sewer Department shall operate the North Troy Wastewater Treatment Facility under the statutory authority and requirements of Vermont law, including but not limited to 24 V.S.A. chapter 101, relating to municipal wastewater treatment facilities, and 24 V.S.A. chapter 53, relating to municipal indebtedness, all of which control the financing, improvements, and expansion.

(b) Issuing Bonds. With specific reference to the legislative authorization contained in 24 V.S.A. § 1825, the Board is permitted to issue either revenue-backed bonds or general obligation bonds, or both, for any capital improvement purpose related to its

responsibilities to operate wastewater disposal facilities for the benefit of its ratepayers, provided each issuance of bonds is approved according to law.

(c) Complete Transfer. Subject to the authority of the Board pursuant to § 21(d) of this plan, the Department shall take over for administrative purposes all contractual benefits and obligations inherited by the Town pursuant to this plan, that involve or apply to its operations as a Wastewater Treatment Facility without any further act, deed, or instrument being necessary, or the approval of any agency of State government.

(d) Property. The Village of North Troy Wastewater Treatment Facility property, including all buildings and the parcels of land on which they are situated, all of the contents thereof, and any other tangible and intangible real and personal property belonging to the North Troy Wastewater Treatment Facility, are hereby acknowledged, declared, transferred, sold, granted, conveyed, and confirmed to be the property of the Town.

(e) Department Management. The North Troy Wastewater Department shall have its own professional management, staff, plan, equipment, and separate financial accounts. All such accounting functions of the Department shall be subject to review by the auditors for the Town of Troy.

(1) Wastewater Treatment Facility Operator. The Board may appoint and employ a Wastewater Treatment Facility Operator and other personnel as it deems necessary to manage and operate the Department. The powers and duties of such appointments shall be clearly specified by the Board. A Wastewater Treatment Facility Operator or other appointed personnel shall be responsible to the Board and shall carry out the policies of the Board.

(2) Power of the Wastewater Treatment Facility Operator. With approval of the Board, the Wastewater Treatment Facility Operator, or other appointed person reporting directly to the Board, shall receive all funds due the Department; issue bills for services rendered; have sole or joint responsibility to maintain books of account; and execute and issue on behalf of the Department drafts, checks, and other negotiable orders for the payment of bills and charges of the Department, provided that any payment shall be made exclusively from the revenue of the Department, unless otherwise authorized by vote of the Town.

(3) Personnel Policies. The personnel policies of the Department approved by the Board may differ from the policies of other departments within the Town.

ARTICLE 6. FIRE DEPARTMENT

§ 24. FIRE SAFETY SERVICES

(a) Fire safety services will be provided by the Town of Troy Volunteer Fire Department and the North Troy Fire Department as provided in of 24 V.S.A. chapter 57. Fire coverage areas will remain as established as of the date hereof.

(1) Troy Volunteer Fire Department. Fire services provided by the Troy Volunteer Fire Department will be funded at least in part by Selectboard appropriation. The Troy Volunteer Fire Department is its own non-profit entity organized under the laws of the State and is governed by its own officers and Fire Chief. The Fire Station, the parcel of land on which it is situated, and all of the contents thereof belong to the Troy Volunteer Fire Department.

(2) North Troy Fire Department. Fire services provided by the North Troy Fire Department will be funded by the Town's General Fund, inclusive of funds from the former Village General Fund, if any. The Selectboard will have oversight of the North Troy Volunteer Fire Department budget and Fire Chief with day to day operations being the responsibility of the North Troy Fire Chief. The North Troy Fire Department will be governed by its own Board and Fire Chief.

(A) Property. The North Troy Fire Department building, the parcel of land on which it is situated, and all of the contents thereof, and any other tangible and intangible real and personal property belonging to the North Troy Fire Department are hereby acknowledged, sold, granted, declared, transferred, conveyed and confirmed to be the property the Town of Troy under the administration of the North Troy Fire Department board.

(b) The Town may by affirmative vote of the electorate at an Annual Meeting change or adjust the delivery of fire services.

ARTICLE 7. PROCEDURAL MATTERS

§ 25. TOWN MEETINGS AND ELECTIONS; APPLICATION OF GENERAL LAW

The Annual Town Meeting for the consideration of the budget, election of officers, and other Town business shall be held according to State law. Special meetings may be called by the Selectboard to consider any business for which State law requires, or for which the Selectboard deems it desirable to obtain, the approval of the voters of the Town.

§ 26. VOTING ON QUESTIONS BY FLOOR VOTE

Except as otherwise specifically provided by law or by a vote of the Town at an annual or special meeting, the Selectboard may elect to cause any question to be voted upon by floor vote at a special or annual Town meeting and shall indicate such in the warning.

§ 27. OPEN GOVERNMENT

It shall be the policy of the Town to afford all its citizens the opportunity to participate in the government of their Town as fully and completely as may be possible. To this end, all meetings of public bodies of the Town shall be conducted openly and in accordance with the policy and laws of the State of Vermont relative to meetings of governmental bodies, and no executive session shall be held except in accordance with the terms of the law; provided, however, that the penalties set forth in the general law shall not extend to any person solely by reason of this plan.

ARTICLE 8. IMPLEMENTATION AND TRANSITION

§ 28. CONTINUATION OF EXISTING LAND USE REGULATIONS

The Town of Troy Zoning Bylaw (as amended May 31, 2022) and Town of Troy and Village of North Troy Multi-Jurisdiction Local Hazard Mitigation Plan (as amended November 15, 2022) previously included the Village of North Troy. They shall continue in force and effect and may be amended as provided in 24 V.S.A. chapter 117.

§ 29. CONTINUATION IN OFFICE OR EMPLOYMENT

Except as may expressly or implicitly be otherwise provided by this plan, at the time this plan takes effect all officers of the Town of Troy and all employees of the Town and the former Village of North Troy (except for the Village Clerk, Treasurer, and Delinquent Tax Collector) shall continue in such office or employment.

§ 30. PENDING MATTERS

(a) All past, present, and future rights, claims, actions, orders, contracts, and legal or administrative proceedings, now in progress or that arise in the future, choate and inchoate, that involve or affect the Town of Troy or the former Village of North Troy on July 1, 2027, shall not be affected by the merger of the Town and the Village and shall continue to be maintained and be enforceable by or against the Town of Troy.

(b) Upon the effective date of this merger, any grant, award, promise, or commitment made to the Village of North Troy by the Federal Emergency Management Agency (FEMA) or any other agency or non-profit entity shall be transferred to the Town of Troy, without substantive change to any relevant term. The Town of Troy shall assume all rights, responsibilities, liabilities, debts, and obligations associated with such FEMA and other grants, and shall continue the administration and fulfillment of any terms of agreement in accordance with applicable federal and state laws.

§ 31. CONTINUATION OF MUNICIPAL LAWS AND POLICIES

All ordinances, resolutions, orders, regulations, and policies of the Town of Troy and the former Village of North Troy that are in force when this plan becomes fully effective shall remain in full force and effect, excepting only those ordinances, resolutions, orders, regulations, and policies that are inconsistent with this plan. Former Village ordinances shall apply only to those geographical portions of Town that were encompassed by the former Village until the Selectboard amends or repeals those ordinances.

§ 32. EFFECTIVE DATE

This Plan of Merger shall take effect on July 1, 2027.