# Vermont Incorporated Villages: A Vanishing Institution

*As the number of village governments continues to decline, it is important to recognize that they have been—and remain—an integral part of the structure of local governmental units in Vermont. In addition, many of them have served as the setting for several aspects of growth within the state, particularly its economic development.*

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On October 30, 2003, village and town voters in separate meetings in Bradford (Orange County) approved the merger of their two local governments. Under terms of the proposal, the incorporated village of Bradford—created in 1891 with broad functional and regulatory powers—ceased to exist as of December 1, 2004.[1] Shortly before the Bradford voters went to the polls, the incorporated village of Milton (created in 1905 in Chittenden County) dissolved in April 2003.[2] These recent dissolutions are the latest in a long trend that has seen the disappearance of almost one-half of the total number of incorporated villages ever created in the State of Vermont. As a result of this decline, only forty village governments currently remain in existence.

The disappearance of these incorporated villages and their predecessors represents a loss of a unique form of local government for both Vermont and the New England region. Several other New England

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states do have some form of village government. However, boroughs (except Naugatuck) in Connecticut, village corporations in Maine, and village districts in New Hampshire generally provide more limited functional services within respective town areas. Massachusetts and Rhode Island, on the other hand, never created borough or village governments. Outside New England, incorporated villages currently exist in eighteen states across the country. For instance, neighboring New York State has had these local governmental entities since the end of the eighteenth century.[3]

Towns have traditionally served as the basic unit of organized local government in Vermont since the first town (Bennington) was chartered in the future state in 1749. Given that town governments would not, or could not afford to, offer certain public services in densely populated areas, a new governmental unit—the incorporated village—was created in the early nineteenth century. The formation of incorporated villages continued throughout the nineteenth and twentieth centuries, though by the 1930s village incorporations had become a rare event. By the mid-twentieth century the process of incorporating villages had ceased, but a new phase in the history of these villages was becoming more evident: mergers with towns.

As the number of village governments continues to decline, it is important to recognize that they have been—and remain—an integral part of the structure of local governmental units in Vermont. In addition, many of them have served as the setting for several aspects of growth within the state, particularly its economic development. Accordingly, this article examines the origins, powers, heyday, demise, and possibilities for the future existence of the remaining incorporated villages.

Table 1 shows that the structure of local government in Vermont in 2004 consisted of fourteen counties, nine cities, 237 organized towns, forty incorporated villages, five unorganized towns (Averill, Ferdinand, and Lewis in Essex County; Glastenbury in Bennington County; and Somerset in Windham County), three gores or irregular parcels of land that were left after towns were surveyed (Avery's Gore and Warren's Gore in Essex County and Buel's Gore in Chittenden County), and one grant (Warner's Grant in Essex County). In addition, there were 112 special districts, excluding school districts, that operated either within a town (e.g., fire or water district) or on a regional level (e.g., solid waste district).

The county governments do not have major functional responsibilities, being limited to local law enforcement and administering certain units of the state court system. Supervisors and appraisers, appointed by the governor, administer unorganized towns and gores. An exception exists in Essex County, where an elected board of governors makes these

TABLE 1 Vermont Local Governmental Structure, 2004

| *Unit* | *Number* |
|---|---|
| Counties | 14 |
| Cities | 9 |
| Towns | 237 |
| Incorporated Villages | 40 |
| Unorganized Towns | 5 |
| Gores | 3 |
| Grants | 1 |
| Special Districts | 112 |

*Sources: Population and Local Government* (Montpelier, Vt.: Office of the Secretary of State, 2001); U.S. Census Bureau, *1997 Census of Governments, Volume 1, Government Organization,* Table 5 (Washington, D.C.: Government Printing Office, 1999).

appointments. Supervisors perform a variety of functional duties including truant officer, constable, and tax collector. Avery's Gore and Warner's exist as legal entities, but have had no inhabitants for decades.

## Town and Village Origins (1724–1791)

The French were the first Europeans to reach the future state of Vermont, when they came to the northern Champlain Valley region in the seventeenth century. They focused primarily on exploration and fur trading, not on colonization. In contrast, New England settlers were committed to permanent agricultural communities. Arriving in the southern Vermont territory, farmers from Massachusetts established Fort Dummer (near Brattleboro) as the first English settlement in 1724. After Massachusetts leaders granted settlements for the current towns of Rockingham and Westminster in 1735, a disagreement erupted over jurisdiction of the southern Vermont territory between Massachusetts and New Hampshire. Following an appeal by New Hampshire to King George II to settle the matter, New Hampshire gained control of the disputed area by 1740.[4]

Governor Benning Wentworth of New Hampshire proceeded to initiate settlement of the southern Vermont territory in 1749 with a grant for the town of Bennington. By 1764 he had issued 135 land grants that covered about one-half of the territory of the future state. Six of these grants were for military purposes. One grant (Dunbar) was forfeited because the land had previously been legally conferred as another town. The result, including Bennington, was that 128 grants were issued for town formations. Each of these towns, as well as those created later by the colony of New York and the independent state of Vermont, was thirty-six square miles in area. In 1765 New York decided to issue its own grants, or patents, after a British decree put an end to the authority of Wentworth to grant charters by setting the eastern boundary of Vermont at the west bank of the Connecticut River. Between 1765 and 1776 New York issued 107 patents, twenty-four without town names given to single individuals or families and eighty-three assigned town names. After Vermont created itself as an independent state in 1777, it recognized the 128 New Hampshire town grants and five New York patents—the only New York patents from which present towns originated. Between 1779 and 1791 the independent state issued another 128 charters that covered almost all the remaining land without previous ownership.[5] These grants, patents, and charters set forth the boundaries and terms of settlement of a town and were conferred by the governing authority to the original owner(s) or proprietor(s) willing to pay fees.

Although all towns were chartered, the date they were organized—i.e., held their first meeting to enact laws—marks the real beginning of their existence. Town meeting laws in the early decades of statehood, traceable to those for Bennington in 1762, provided for an annual meeting at which town voters elected a moderator, clerk, treasurer, collector of taxes, three to five selectmen, tything men, grand jurors, property listers, highway surveyors, and overseers of the poor. Other residents were elected to serve as sealers of weights and measures, sealers of leather, pound keepers, haywards for impounding swine, fence viewers, and constables.[6] In essence, the elective positions indicated the major responsibilities of the town government: general administration, law enforcement, and certain regulatory activities. All of these activities were primarily financed through taxation of the "grand list" of ratable property. After holding elections, the town meeting then considered miscellaneous business items (e.g., rules governing the behavior of various animals).

In addition to towns, the Constitution of 1777 gave the legislature of the new state the power to create counties, cities, and boroughs.[7] Beginning with Bennington County in 1779, six additional counties (Addison, Chittenden, Orange, Rutland, Windham, and Windsor) were chartered prior to 1791. One city, Vergennes, was created in 1788. No boroughs, or incorporated villages, were chartered before Vermont became the fourteenth state of the United States in 1791.

The grants, patents, and charters were generally sold to politically connected speculators, who usually resold them to settlers for profit. Unlike other New England colonists, who lived in towns and went to work in their fields, the early Vermont settlers lived on their scattered farms and traveled to nearby unincorporated villages to acquire goods for numerous needs.[8] Although these small villages were without governmental powers, they generally had a meetinghouse, church, tavern, general store, artisan shops (e.g., a cooperage or blacksmith), and various mills that catered to divergent needs. A town could have one or more of these villages, often located at a convenient crossroads or waterway.[9]

One of the earliest unincorporated villages to benefit from being located at the convergence of major roads was in the town of Bennington (Bennington County). The significance of the village as an early regional commercial center was enhanced when a major road opened in 1791 that gave local farmers access to markets in Albany and, ultimately, to New York City. The increasing commercialization of farming activity in the Bennington area not only benefited village merchants, who bought output from regional farmers and sold them a variety of nonfarm goods from distant areas, but an array of artisans that also included wheelwrights, goldsmiths, watchmakers, and tailors. Nevertheless, many of the original settlers, whose vast property holdings made them rich and influential, continued to hold sway over town government operations throughout the late eighteenth and early nineteenth centuries. Despite a growing convergence of economic interests based on the profit motive, the wealthy farmers continued to view the merchants as unproductive and aristocratic.[10]

Other unincorporated villages emerged near a stream, where abundant waterpower was available for milling activities, or at a point along a river that served as a transport center for goods entering or leaving interior locations. The town of Barnet (chartered in Caledonia County in 1763) had two of these villages, both of which emerged in the 1770s. Sawmills, gristmills, and cloth-making mills operated in Stevens Village, which was adjacent to a stream that flowed to the Connecticut River. McIndoes Falls Village, a more commercially oriented settlement, was located at the last site on the Connecticut River that could be navigated by flatboats.[11]

## Early Incorporated Villages (1816–1870)

As the state population increased from 85,341 in 1791 to 291,948 by 1840, unincorporated villages continued to spread across Vermont, particularly within some of the faster-growing towns. One of these villages appeared near the falls in the town of Middlebury (Addison County) about 1794. The falls provided the waterpower for several mills, with an unspecified number of "mechanics shops" located nearby to assist in their operation. The village also had a bookstore, printing shop, several offices for merchants, and a college that was founded in 1800. Communal problems in the early years of village settlement, here and elsewhere, were handled through volunteerism before the advent of a private or governmental organization. Fire was the greatest danger that town residents faced. After a series of fires had destroyed a large amount of property, a private Fire Society was incorporated in Middlebury in 1808. Its members appeared to lose interest in its operation, though, as it ceased functioning within a few years.[12]

After the demise of the Fire Society, village residents increasingly demanded a variety of special public services that the town government was unwilling or financially unable to provide. The Vermont Constitution of 1793, retaining a provision of the 1777 constitution, gave the General Assembly the power to create local units of government.[13] Acceding to the wishes of its citizens, the legislature created the "Borough of Middlebury" by special act in 1816—the first incorporated village in the state. Under the terms of incorporation, the residents of the borough were declared a "body politic," who would remain town residents. As a corporate body, the borough was capable in law of "suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatever; having a common seal; and capable in law of purchasing, holding, and conveying estate both real and personal, for the use of said borough." The corporation had the power to enact bylaws, rules, and regulations relative to maintaining public buildings; repairing and improving the commons; providing a watch and lighting for the streets, alleys, and highways; operating public markets, slaughterhouses, and hayscales; restraining animals from running at large; providing fire protection; and generally doing whatever would lead to the improvement of the borough. Taxes could be levied for the purchase of real and personal property, the erection of public buildings, and the creation of useful improvements. The borough was to hold an annual meeting to transact business and elect a clerk, treasurer and collector of taxes, and five bailiffs.[14] Voter approval was not necessary for the act to take effect, a requirement for later village incorporations. After operations began, opposition to tax payments became so strong that the borough ceased to function within a few years. However, support for a subtown government later reappeared and in 1832 the legislature incorporated a "Village of Middlebury" with essentially the same powers.[15]

Situated in the geographic center of the state, another commercial village emerged after 1787 along the Onion (Winooski) River in the town of Montpelier (Washington County). It featured various mills, a distillery, a footwear manufactory, and a saddlery.[16] By 1805 the town had become the state capital. In 1818 the "Village of Montpelier" was incorporated, by special act, and was given specified powers similar to the borough of Middlebury, except it did not provide fire protection.[17]

While the legislature retained the right to create villages by special act, it also gave town selectmen the power to establish villages through general authority.[18] General authority to create a village without legislative approval, effective in 1819, required seven freeholders to make a written request to the town selectmen to establish the village boundaries. The only power granted to a village formed under the 1819 general statute was the ability to restrain certain animals from running at large from May to November.[19]

Four more commercial villages were incorporated, by special act, during the 1830s. Brattleboro (Windham County), incorporated in 1832, was a well-known trading center for lumber, grain, and other goods; Windsor (Windsor County), also incorporated in 1832, was the site of an expanding machine-tool industry; Bellows Falls (Windham County), incorporated in 1834, was already an established manufacturing locale that included one of the earliest paper mills in the state; and Woodstock (Windsor County), incorporated in 1836, was the location of several publishing firms.[20] While the charters of Brattleboro, Bellows Falls, and Woodstock provided for a specified set of elected officials, the Woodstock charter was the only one that provided for the election of "five trustees" as the governing board of the village. The Windsor Village charter specified only the election of fire wardens. These villages generally had the same powers as their predecessors, including the right to make bylaws, rules, and regulations regarding governmental services and business activities, and the right to levy taxes and fines.[21]

Up to 1832 fire protection was usually provided in a town by private companies created through special act (e.g., the Montpelier Fire Company in 1809).[22] In 1832 the state legislature amended the laws on incorporated villages and enacted a general law authorizing three-fourths of the freeholders of any village containing twenty or more houses to petition the town selectmen to create a fire society using the same boundaries as the village. The fire society could elect "officers deemed proper and necessary," including fire wardens, and had the power to regulate the "keeping of combustible materials within the limits of such village" and to impose fines for neglecting duties.[23] Since the fire society was an independent unit of government within the village, its existence partially undermined the authority of the trustees to control the provision of all public services.[24] Eventually, parts of the town outside the village also wanted more control over fire protection. In 1854 the legislature enacted a fire district law that was independent from the general village law. Town selectmen were authorized to establish a fire district, after receiving a petition from twenty freeholders in any part of the town, that was limited to one square mile (later increased to two square miles in 1870).[25]

Between 1840 and 1870 the state population expanded from 291,948 to 330,551 residents. However, two contrasting population trends emerged during this period. While many agricultural towns suffered a loss of population, other towns—oriented toward manufacturing and mining activities—experienced population gains. One of the main reasons for this internal population shift was the arrival of the railroads.[26] Three major railroad lines—the Vermont Central, the Rutland and Burlington, and the Connecticut and Passumpic River—were built, starting in 1848, from the southern to the northern areas of the state. The purpose of these networks was to integrate the economies of southern New England, Canada, and the Atlantic coast.

As the railroad lines spread across the state, new opportunities arose for industrial expansion. The population growth that accompanied this activity eventually led to an upsurge in new village incorporations, generally by special act. The Rutland County villages of Rutland, incorporated in 1847, and Fair Haven, incorporated in 1865, prospered from marble production. The villages of Bennington (Bennington County), incorporated in 1849, and North Bennington (Bennington County), incorporated in 1866, profited from their iron foundries and cotton and woolen mills.[27] St. Johnsbury Village (Caledonia County), incorporated in 1852, flourished with the growth of the Fairbanks Scales Co. Northfield Village (Washington County), incorporated in 1855, and St. Albans Village (Franklin County), incorporated in 1859, both benefited from their association with the Vermont Central Railroad. Newport Village (Orleans County), created under general statute in 1864, was a thriving northeastern rail center near the Canadian border. Wilmington Village (Windham County), incorporated in 1855, Cabot Village (Washington County), incorporated in 1866, and Plainfield Village (Washington County), incorporated in 1867, experienced increased activity from their mills and manufacturing firms. Winooski Village (Chittenden County), incorporated in 1866, was part of a growing woolen textile industry in the state.

All of these incorporated villages generally had the same powers as the villages created in prior years. A notable change in power occurred after 1860 regarding the construction, maintenance, and repair of streets and highways. Many charters were subsequently enacted or amended so that the boundaries of the entire village became a "highway district" to carry out these activities. The charters also indicated that a specified percentage of the highway taxes assessed upon the "polls and ratable estate" of the property of the village was for the use of the village (usually in excess of 50 percent) and the remainder for the benefit of the town. For example, 60 percent of the highway taxes collected in Cabot in 1866 was received by the village, while the remaining 40 percent was for town usage.[28] Highway districts were not separate municipalities in the village, unlike fire districts, but were under the control of village trustees.[29]

The nineteen incorporated villages that existed in 1870, before the heyday of expansive growth, were located in towns of widely varying population levels, according to federal census data. Rutland Town had the largest number of residents (9,834), while the town of Plainfield had the fewest (726). Nine of these villages—Bennington, Brattleboro, Middlebury, North Bennington, Northfield, Rutland, St. Albans, St. Johnsbury, and Winooski—were located in the ten most populous towns in the state.[30]

Table 2 shows the number, name, and date by decade, of the nineteen village incorporations that occurred up to 1870.

Although various powers had been granted to incorporated villages through original or amended special charters up to 1870, the General Assembly remained hesitant to provide additional powers to villages created under general authority. It was not until 1857 that incorporated villages were granted general authorization to enact property taxes.[31] Presumably, villages created under general authority did not require tax revenues prior to this date, but relied upon voluntary contributions of labor services. In 1865 and 1866 incorporated villages had general authorization to appoint a five-member police force and to purchase, construct, and maintain a jail.[32] However, since the powers authorized through general statutes remained limited, village residents felt compelled to incorporate through special acts. In Vermont there has been a long-standing belief that direct and explicit powers approved by the state legislature have a sound legal basis that avoids any question of improper delegation of authority to a political subdivision. Consequently, villages that were incorporated in later years through gen-

TABLE 2 Early Village Incorporations, by Decade

| *Decade* | *Number* | *Name* |
|---|---|---|
| 1810–1819 | 2 | Middlebury, Montpelier |
| 1820–1829 | 0 | |
| 1830–1839 | 4 | Bellows Falls, Brattleboro, Windsor, Woodstock |
| 1840–1849 | 2 | Bennington, Rutland |
| 1850–1859 | 4 | Northfield, St. Albans, St. Johnsbury, Wilmington |
| 1860–1869 | 7 | Cabot, Fair Haven, Ludlow, Newport, N. Bennington, Plainfield, Winooski |

*Source:* D. Gregory Sanford, ed., *Vermont Municipalities: An Index to Their Charters and Special Acts* (Montpelier, Vt.: Office of the Secretary of State, 1986).

eral authority—except for Albany Village—eventually asked the legislature for special charters or acts that would give them the powers needed to undertake certain activities.[33]

### Heyday of Village Incorporations (1870–1910)

The flowering of the Industrial Revolution in the late nineteenth and early twentieth centuries dramatically transformed the economies of southern New England, the Middle Atlantic states, and the Midwest into major manufacturing centers. Some of the technological advancements enabled the construction of water, sewer, and electric systems that provided previously unimaginable conveniences. Technological and financial requirements, however, limited these large-scale projects to densely settled areas in Vermont and elsewhere.[34] Consequently, given the strong demand for these services and the desire for governmental participation in providing them, the pace of village incorporations quickened.

Between 1870 and 1910 forty-seven villages were incorporated, approximately two-thirds of all villages ever formed in Vermont. Table 3 shows the name, location, and date of incorporation of each village formed during each decade of the period. Twenty villages were created between 1900–1909, the most in a single decade.

Given the large amounts of expenditure needed to build water, sewer, and electric systems, the legislature authorized incorporated villages to use bond financing for these purposes. Rutland Village used bond financing to "relay, enlarge or extend" an aqueduct to improve its water supply as early as 1852.[35] However, many villages did not rely heavily on bonds for this purpose until the early 1870s. For example, the village of Montpelier won legislative approval in 1870 to issue bonds for a water supply to "extinguish fires and for sanitary and other purposes." In 1872 the village of St. Johnsbury was authorized to issue bonds to construct and maintain aqueducts and reservoirs.[36] Extensive use of bond financing to construct sewers and electric lighting systems appears to have been underway by the late 1880s. For example, in 1886 the village of Barre was granted the right to issue bonds for providing a water supply, electric lights, and sewers. In 1890 the village of Swanton received authorization to use bonds for financing a waterworks, lighting, and sewers and drains.[37]

Private electric utilities that operated in Vermont in the late nineteenth and early twentieth centuries found it more profitable to develop and send hydroelectric power to southern New England rather than to local communities in the state. Responding to constituent complaints that electricity from these sources was too expensive and unreliable, many

TABLE 3 Villages Incorporated 1870–1910, by Decade

| *Name* | *County* | *Incorporation Date* |
|---|---|---|
| 1870–1879 | | |
| Springfield | Windsor | 1870 |
| Barton | Orleans | 1875 |
| Randolph | Orange | 1876 |
| North Troy | Orleans | 1877 |
| Richford | Franklin | 1878 |
| Orleans | Orleans | 1879 |
| 1880–1889 | | |
| Lyndonville | Caledonia | 1880 |
| Waterbury | Washington | 1882 |
| Proctor | Rutland | 1884 |
| Barre | Washington | 1886 |
| Enosburg Falls | Franklin | 1887 |
| Wells River | Orange | 1888 |
| Swanton | Franklin | 1889 |
| 1890–1899 | | |
| Morrisville | Lamoille | 1890 |
| Hardwick | Caledonia | 1890 |
| Bradford | Orange | 1891 |
| Readsboro | Bennington | 1892 |
| Essex Junction | Chittenden | 1893 |
| Johnson | Lamoille | 1894 |
| West Derby | Orleans | 1894 |
| Hyde Park | Lamoille | 1895 |
| Stowe | Lamoille | 1895 |
| Lyndon Center | Caledonia | 1896 |
| Jeffersonville | Lamoille | 1897 |
| Derby Center | Orleans | 1898 |
| Derby Line | Orleans | 1898 |
| Lyndon | Caledonia | 1899 |
| 1900–1909 | | |
| Manchester | Bennington | 1900 |
| Old Bennington | Bennington | 1900 |
| Richmond | Chittenden | 1902 |
| West Burke | Caledonia | 1902 |
| Bristol | Addison | 1903 |
| Concord | Essex | 1904 |
| Glover | Orleans | 1905 |
| Jacksonville | Windham | 1905 |
| Milton | Chittenden | 1905 |
| Newbury | Orange | 1905 |
| Saxtons River | Windham | 1905 |
| Chester | Windsor | 1906 |
| Groton | Caledonia | 1907 |
| Newfane | Windham | 1907 |
| Proctorsville | Windham | 1907 |
| Westminister | Windham | 1907 |
| Cambridge | Lamoille | 1908 |
| Newport Center | Orleans | 1908 |
| Poultney | Rutland | 1908 |
| South Ryegate Lighting District | Caledonia | 1909 |

*Source:* D. Gregory Sanford, ed., *Vermont Municipalities: An Index to Their Charters and Special Acts* (Montpelier, Vt.: Office of the Secretary of State, 1986).

municipalities decided to provide their own sources of electric power.[38] Among the earliest incorporated villages to get legislative authorization to acquire or construct their own generating facilities were Barton, Johnson, Morrisville, Northfield, and Swanton in 1894; Enosburg Falls, Hyde Park, and Lyndonville in 1896; and Ludlow in 1900.[39] Jacksonville (1921) and Orleans (1925), however, created electric departments to purchase electricity from other suppliers. All of these municipal electricity providers are still in existence. Other municipally owned facilities that currently operate are located in Burlington, and the towns of Hardwick, Readsboro, and Stowe. All three towns acquired their electric plants from their previously incorporated villages. Many other villages, such as Rutland, were also authorized to build electric plants, but ultimately their facilities were taken over by private utility speculators in the first decades of the twentieth century.

Bonding authority was also granted for other endeavors. Prior to 1892 towns, cities, and incorporated villages relied on poll and property taxes to purchase labor, materials, and equipment for highway building. In 1892 these governmental units received authorization to issue bonds to buy equipment for highway construction, subject to voter approval.[40] Individual villages, through special acts, also gained broadened authority for bond issuance. For instance, in 1910 Bellows Falls had the right to use bonds to acquire land for a public park and to construct a building for street, water, and fire department usage.[41]

Outside of bonding authority, incorporated villages gained some additional powers through special acts during this period. For instance, in 1874 the villages of Rutland and St. Albans were authorized to establish municipal courts. In 1882 Bennington Village had the power to create a board of health. An unusual grant of authority was made to the village of Barton in 1906, when it received permission to advertise itself as an industrial center and to provide free water and electric lighting as an inducement to attract more business.[42]

Meanwhile, partly as a result of mechanization, which increased productivity and displaced farm labor, the state population continued its shift away from agricultural areas to burgeoning manufacturing and mining centers. This shift was aided by the construction of secondary railroad routes after 1870, mostly in westerly and easterly directions. Among the owners of these rail lines were the Montpelier and Barre Railroad, the Bennington and Glastenbury Railroad, and the Hoosac Tunnel and Wilmington Railroad.[43]

Most of the incorporated villages created in this period were focused on agricultural production, but several were engaged in other economic activities. The incorporated villages of Essex Junction, Lyndonville, and Richford were significant transportation hubs; Old Bennington and Stowe had become popular resort areas; the village of Springfield was an important producer of machine tools; and the villages of Barre, Groton, Hardwick, and Swanton were located near various mining ventures.

The state legislature, weary of reviewing and approving proposed municipal charters and amendments, delegated this responsibility in 1910 to the Public Service Commission. However, the Vermont Supreme Court, in an advisory opinion in 1912, said it was an unconstitutional delegation of authority to allow the commission to determine the powers, functions, expenditures, and indebtedness of municipalities, given that the legislature was entrusted with the power to create local governments.[44] The Public Service Commission incorporated the village of Peacham in the interim period but, in view of the court opinion, it never came into existence. The General Assembly, through an amendment (Section 69) to the Vermont Constitution in 1913, did succeed in eliminating its responsibility for approving proposed charters and amendments of private corporations by special acts. General law provisions pertaining to private corporations allow these matters to be administratively handled by the Office of the Secretary of State.

The General Assembly tried again in 1963 to reduce its responsibilities regarding municipal charters by creating a "passive" review process. If locally approved charter amendments were submitted to the General Assembly sixty days before final adjournment, they would become law when the session formally ended as long as they were not amended or disapproved. In 1984 the state legislature abandoned this approach and adopted the present procedure, that again requires a more active role. A charter amendment now becomes effective when the General Assembly approves either a proposal agreed to by a majority of legal voters in a municipality or a version amended by the legislature, without a requirement for subsequent voter ratification.[45]

After the unprecedented increase in village formations that ended in 1910, the number of incorporations slowed considerably in subsequent decades. Ten villages were chartered between 1910 and 1949. They were generally located in small (less than 700 residents) agricultural communities. Six of these were created between 1910 and 1920: West Glover (Orleans County) in 1911, Marshfield (Washington County) in 1911, Pittsford (Rutland County) in 1913, Albany (Orleans County) in 1915, Alburg (Grand Isle County) in 1916, and Townshend (Windham County) in 1916. After general bonding authority was granted to all municipalities in 1917, only four additional village incorporations occurred. Two villages were formed in the 1920s—North Westminster (Windham

County) in 1925 and Perkinsville (Windsor County) in 1928. The 1933 incorporation of Jericho (Chittenden County) and the 1949 incorporation of Essex Center (Chittenden County) marked the end of the era of village government formations in Vermont.

Some additional powers were granted, through special acts and general authority, to the incorporated villages after 1910. For example, Springfield and Swanton, through special acts in 1919, were among the first villages permitted to license porters, cartmen, and the owners of coaches, cabs, carriages, and buses. As traffic problems became more numerous, special acts authorized police courts in the 1940s in many villages, including Essex Junction, Morrisville, and Waterbury. The last half of the twentieth century saw a significant reduction in new functional powers authorized through special acts. One notable power was granted to Bellows Falls Village, which was authorized to create a refuse disposal facility in 1992.[46]

Incorporated villages were among the beneficiaries as the powers of various levels of local government were significantly broadened through general authority after 1915 to meet various needs. Towns and incorporated villages obtained general authorization in 1917 to employ a manager to supervise daily operations. In 1919 cities, towns, and incorporated villages received authority to establish and maintain wood and coal fuel yards and ice plants for the purpose of selling these products at cost. In 1921 cities, towns, and incorporated villages were granted the right to create planning commissions and appoint wiring inspectors. In 1929 towns and villages were given general authority to issue bonds for building airports. Municipalities gained the power to organize water departments in 1945 and sewage systems in 1947 and to issue bonds for the construction, operation, maintenance, and repair of such facilities.[47]

Altogether, seventy-six villages were incorporated in Vermont between 1816 and 1949. The state legislature did vote affirmatively over the years for other proposed charters, but village residents did not subsequently grant the required approval that would have brought them into existence. Among the villages that failed to achieve incorporation were Benson, Castleton, Danby, Halifax, Hinesburg, Island Pond, South Shaftsbury, West Concord, and West Poultney.[48]

## Vanishing Villages (1893–present)

Since the late nineteenth century, thirty-six incorporated villages have dissolved either by becoming cities, merging with town governments, or reverting to fire districts. Only three of the nine cities in Vermont did not have their origins in incorporated villages: Vergennes, Burlington, and South Burlington. Vergennes was formed from parts of three towns (Ferrisburgh, New Haven, and Panton) in recognition of aid provided by the French Foreign Minister during the American Revolution. The City of Burlington, incorporated as the second city in Vermont in 1865, encompassed an unincorportated village and an adjoining area in the Town of Burlington. The Town of South Burlington was created from the remaining portion of the Town of Burlington in 1865. It became the latest incorporated city in 1971.

The first attempt to incorporate Burlington as a city, in the early 1850s, generated a heated debate—about whether or not a city government would best serve the interests of its citizens—that would set an important precedent for later city incorporation efforts. Advocates contended that an independent city could offer more services than a town and would be capable of attracting more businesses to the community. In addition, by giving a mayor strong control over administrative and financial affairs, the diffusion of responsibility exercised by town selectmen could be avoided. Finally, a representative legislature that met on a regular basis was in a better position to enact laws reflecting the views of a diverse population than an annual town meeting characterized by inconclusive debate. Opponents of city incorporation argued that a mayor-council system would result in the abolition of participatory democracy in deciding important issues. Moreover, corruption would inevitably permeate city affairs and lead to an increase in taxes. Although the effort to incorporate Burlington as a city was rejected by voters in 1853, another undertaking won approval in 1865. Its success depended on a compromise that allowed city residents to pay for an array of new services through higher taxes and bonds, which the town residents outside the city would not have to finance.[49]

Seven incorporated villages became cities between 1893 and 1922. Rutland Village, still thriving from the marble industry, was incorporated as a city in 1893. Barre Village, whose growth was based on granite quarrying, and Montpelier Village, which had also become an important insurance center, became cities in 1895. St. Albans Village, the railroad center in northwestern Vermont, became a city two years later. The villages of Newport and West Derby, rail and resort areas near the Canadian border, merged to form Newport City in 1918. Winooski Village, the woolen producer in the town of Colchester, was the last incorporated village to become a city in 1922.[50]

The state legislature approved all of the city charters through special acts. However, requirements varied as to whether final voter ratification was needed before actual operation could begin. The charter for St. Albans specified that both town and village residents had to approve it. Village residents of Winooski voted on city incorporation, but town residents outside the village were restricted to deciding whether a school district should become part of the new city. Only the residents of the two villages that became Newport voted on its incorporation. The charters for the cities of Rutland, Montpelier, and Barre did not include procedures for final voter ratification.[51]

Two attempts by incorporated villages to become cities in the early twentieth century failed. Village voters in St. Johnsbury voted against a proposed city charter in 1902, with 196 ballots in favor and 296 against. Opponents had argued that direct control over village affairs, such as land records and debts, would be lost and that running a city would be more expensive than running a town. Advocates said these and other objections were already addressed in the charter.[52] The town selectmen decided not to have a vote on the incorporation issue, following the decision by the village electorate. A 1923 legislative act that would have created a city of Brattleboro and a new town of Brattleboro needed approval by a majority of legal voters in the town and village of Brattleboro and the town and village school districts. However, ratification by these entities never occurred and the city of Brattleboro failed to come into being. At a town meeting in 1926 voters approved a resolution to merge the village and town of Brattleboro and to abolish the Brattleboro Graded School District and the West Brattleboro Fire District.[53] The legislature approved the proposal and a special town meeting was held in 1927 that ratified the action of the General Assembly, but there is no record of the votes cast.

A successful town-village merger may be achieved by following procedures set forth in the state general statutes. The current general law requires a plan to be drawn up by a merger committee that includes provisions relating to governmental structure, functional and financial responsibilities, and any special charter provisions wanted by either merger party. After notice and hearing requirements, the plan must be approved by a majority of the voters in each jurisdiction. Following approval, the plan then becomes an act of legislation, with the merger taking place after enactment and the approval of the governor. Alternatively, the merger process may proceed under a special act authorizing the merger.[54]

When the village of Brattleboro merged with its town in 1927, a trend in consolidation began that continues to the present. The second and third villages to merge with town governments were Newport Center in 1931 and Springfield in 1947. Two more mergers occurred in the 1950s, involving the villages of Fair Haven in 1955 and Wilmington in 1959. Middlebury Village attempted to merge with the town government in 1955, but voters did not ratify it until 1966. The pace of activity quickened over the following four decades with town-village mergers approved in St. Johnsbury in 1965; Chester, Proctor, and Windsor in 1967; Concord in 1969; Bennington in 1970; Glover and West Glover in 1973; Essex Center in 1977; Randolph in 1984; Plainfield in 1985; Readsboro in 1986; Proctorsville in 1987; Hardwick and Pittsford in 1988; Richmond in 1989; Bristol in 1994; Stowe in 1996; Richford in 1998; Milton in 2003; and Bradford in 2004.

The main driving force behind merger activity has been a desire to achieve governmental efficiency. When a village dissolves, both a layer of government and its supporting tax payments are eliminated. The town then becomes the sole provider of previously duplicated services. In many cases, another reason for merger support was the increasingly difficult task of recruiting elective and appointed village officials.

Two incorporated villages were abolished in favor of establishing a fire district. Voters in Lyndon approved a conversion of their incorporated village into a fire district in 1951, which required ratification by two-thirds of village voters. Ten years later West Barnet became a fire district, upon ratification by a majority of both village and town residents.

Table 4 shows the number of dissolutions of incorporated villages, by decade, from 1890 to the present.

Voter referenda in Townshend in 1961 and Groton in both 1965 and 1967 rendered the village governments inactive. Nevertheless, because legislative approval was not subsequently obtained, both village governments technically remain in existence.

TABLE 4 Dissolutions of Incorporated Villages, by Decade

| *Decade* | *Number* |
|---|---|
| 1890–1899 | 4 |
| 1900–1909 | 0 |
| 1910–1919 | 2 |
| 1920–1929 | 2 |
| 1930–1939 | 1 |
| 1940–1949 | 1 |
| 1950–1959 | 3 |
| 1960–1969 | 7 |
| 1970–1979 | 4 |
| 1980–1989 | 7 |
| 1990–1999 | 3 |
| 2000– | 2 |

*Source: Population and Local Government* (Montpelier, Vt.: Office of the Secretary of State, 2000); Laws of 1951, No. 283; Laws of 1961, No. 335.

Not all proposed town-village mergers come to fruition. Waterbury residents voted on merger propositions five times between 1990 and 2005. Village residents approved a merger with the town in 2002, with 476 votes in favor and 176 against. However town voters narrowly disapproved of the move, with 1,076 in favor and 1,092 against. In November of 2004 the village voted again to approve the merger, and the town also approved on a vote of 1,498 in favor and 1,363 opposed. Opponents petitioned for a vote to rescind the merger, however, which passed in January 2005 by a narrow margin of 983 to 901, thus defeating the most recent attempt to merge village and town.[55] Attempts to merge other types of governmental units have also been rejected. Rutland Town voters turned down a proposal to consolidate the town and city governments in 1992, with 203 votes in favor and 1,496 opposed to the move.[56] In 2003 Bennington Town voters failed to support an advisory opinion favoring a change to a city form of government, with 1,062 ballots in favor and 1,730 against.[57]

A contentious situation between residents in the town of Essex and those in the incorporated village of Essex Junction, over alternative charter proposals regarding the formation of a city of Essex Junction, currently remains unresolved. In 1999 village voters barely approved a plan, with 1,266 ballots in favor and 1,229 against, to separate the village from the town and incorporate the village as the tenth city. Shortly thereafter, town voters (including village residents) approved an alternative proposal, with 3,284 votes in favor and 1,661 against (mainly village voters), to consolidate the village and town and convert the town into a city.[58]

Essex Village residents favoring separation cited the need to abolish tax payments to the town for several duplicative services (e.g., for fire and recreation departments), the desire to avoid future tax increases associated with town growth, and the confidence that a new city government would be more responsive than village trustees to important concerns (e.g., revitalization projects) within the 4.6-square-mile village area. Village residents opposed to separation said that the formation of a new city would only aggravate the strain in social relationships between former village and town residents caused by the divisive issues, severely limit the growth capabilities of the former village, and compel the former village to remain heavily dependent on IBM, its largest taxpayer. They argued that if a significant reduction or closure of IBM facilities were to occur, the financial impact on the new city budget would be enormous. They noted that the firm, at the time, accounted for almost 50 percent of total general fund revenues through property taxes on land and the subsidy tax on machinery and equipment—a tax currently being phased out.[59] They also pointed out that Winooski once was similarly dependent on a major employer as its biggest taxpayer, and suffered a severe financial blow when the American Woolen Company closed in 1954. Meanwhile, town supporters of consolidation of the village and town governments said that it was the best way of providing quality services at the lowest cost, creating a better-balanced economy, and keeping the village area as the center of the new city.[60]

Although Essex town and village residents have considered plans for separation or consolidation since 1958, the latest charter proposals were the first to reach the Vermont legislature. The legislature, generally inclined to approve submissions when both governments are in common agreement, has so far been reluctant to choose between the competing plans with the parties so sharply divided.

The slowdown in village formations after 1925, and the subsequent failure of others to emerge after 1949, may partially be attributable to legislation enacted in 1917. In that year the General Assembly granted authority to all types of municipalities to issue bonds for public purposes, within prescribed financial limits, provided that two-thirds of the voters at a duly warned election gave their approval.[61] Town governments now had general authority to issue bonds for capital improvements, without the need for approval through special acts of the legislature. It is likely that voter approval of bonds for large-scale projects in towns experiencing rapid population growth may have forestalled proposals for new village formations.

Another possible reason for the failure to incorporate new villages may be related to expansion in the functions authorized for fire districts through general statutes. Fire districts may now encompass either a portion or an entire town, as the result of a general law passed in 1929.[62] Beyond providing fire protection, they have had authority to construct and maintain sewer and lighting systems since 1909; sprinkle and oil streets and construct and maintain sidewalks since 1912; construct and maintain public parks and sewage treatment plants since 1941; and adopt the town manager system since 1943.[63] Fire districts may use a property tax to finance current operations and issue approved bonds for capital expenditures. In addition, fire districts may regulate the manufacture and safekeeping of ashes, gunpowder, and combustibles, and take precautionary measures for the preservation of buildings.[64]

A town-village merger does not mean that certain services formerly received by village residents, such as police protection, will necessarily be terminated. A merger agreement may include a provision for the creation of a special-services district under the control of the town board. The expenses of these services, financed by a property tax, are borne only by the taxpayers who receive them.[65] District residents benefit through receipt of a limited number of services that the town is not willing to offer and the town avoids the need to finance them. Several town and village merger agreements have taken advantage of this option. For example, after the town and village of Randolph merged in 1984, special-services districts were created for water usage, sewer facilities, and police protection. In some instances, a special service has eventually been extended to residents of the entire town (e.g., police protection in Richford) and the special-services district then ceased to exist. On a larger scale, two or more municipalities may form a consolidated water or sewer district or charter a solid-waste district to cope with regional issues.[66]

## The Future

The future of the remaining forty incorporated villages in Vermont holds three possible outcomes. The most probable result is the occurrence of more town-village mergers. The likelihood of these mergers will increase as village residents become more willing to relinquish a controlling interest in their governmental affairs for efficiency gains, a special-services district is provided for the former area of the village, and town residents have already assumed or are willing to undertake services provided by the village. For example, when the town and village governments of Stowe merged in 1996, the town already was totally funding many of the services formerly provided by the village government (e.g., road repair). Town residents in Stowe did not view any additional post-merger expenses as financially burdensome. Similarly, Milton town residents, who were already fully funding ambulance and fire services for the village, appeared willing to assume the costs of village street lights and sidewalk maintenance when they approved merger plans in 2003.

Between 1960 and 2000 the state population surged from 389,881 to 608,827 residents. The dramatic growth resulted from improved transportation facilities, particularly the interstate highways, and the structural shift in the economy from less reliance on agriculture and natural resources production toward the faster-growing services sector (e.g., education, tourism, and health care) and light manufacturing (e.g., computer technology).[67] While towns in Chittenden County experienced the largest population increase in the period, medium-sized towns scattered across the state also grew. In many cases, sprawl development accompanied growth in the countryside, while village populations and their economic activity stagnated or declined.

Given these developments, a second possibility is that village residents will likely approve a merger proposal, but town residents outside the village will be inclined to vote against it. Examples of this outcome occurred both in Waterbury in 2004–2005 and during a previously unsuccessful merger attempt in Bradford. Village voters in Bradford approved a merger plan in 1999, with 196 in favor and 14 against, that would have eliminated a village tax rate that was double that of the town tax rate. Town residents rejected the proposal, by a vote of 391 to 341, fearing higher postmerger taxes, partly associated with revitalizing the village infrastructure.[68] Similarly, town voters in Waterbury, fearing future tax increases for townwide services, narrowly rejected the aforementioned proposal for a town-village merger in 2000 and 2005.[69]

The third possible outcome is that a majority of residents in some incorporated villages will have no desire to merge with the town. These village residents have a strong preference for village government and are willing to pay for a level of services that suits their preferences. The prospects of survival for these village governments will be further enhanced if there is a sound economic base, good relations between village and town officials, and a strong commitment by village residents to the preservation of participatory democracy that is fostered by a shared sense of community identity.

The creation of incorporated villages in Vermont has been a unique local government experiment. Since coming into existence in the early nineteenth century, villages have provided a host of urban amenities to residents in settled town areas that greatly added to the safety and convenience of daily living. However, over the last several decades, a desire to achieve governmental efficiency has caused the demise of many village governments. As these incorporated villages have vanished, the town once again assumed its role as the basic unit of local government in meeting the public service needs of its citizens.[70]

## Notes

The author wishes to acknowledge the invaluable advice and suggestions for revisions contributed by Paul S. Gillies and the anonymous reviewer.

[1] "Bradford Residents Narrowly Approve Town-Village Merger," *White River Junction Valley News,* 1 November 2003, 2A.

[2] Matt Sutkowski, "Douglas Signs Bill Merging Town, Village," *Burlington Free Press,* 4 April 2003, 4B.

[3] U.S. Census Bureau, *1997 Census of Governments, Volume 1, Government Organization* (Washington, D.C.: Government Printing Office, 1999), A-41, A-119, A-127, A-170, A-183, A-223, A-252.

[4] Christopher McGrory Klyza and Stephen C. Trombulak, *The Story of Vermont: A Natural and Cultural History* (Hanover, N.H.: University Press of New England, 1999), 51.

[5] Esther Munroe Swift, *Vermont Place-Names: Footprints of History* (Brattleboro, Vt.: The Stephen Greene Press, 1977), 14, 23, 571, 579, 601. See also D. Gregory Sanford, ed., *Vermont Municipalities: An Index to Their Charters and Special Acts* (Montpelier, Vt.: Office of the Secretary of State, 1986).

[6] Paul Gillies, "Two Hundred Years of Local Government: A Look at the Legal Basis for Town Government" (unpublished manuscript, 1991), 2.

[7] Constitution of 1777, Chapter II, Section 8.

[8] Jan Albers, *Hands on the Land: A History of the Vermont Landscape* (Cambridge, Mass.: The MIT Press, 2000), 86–87.

[9] Randolph A. Roth, *The Democratic Dilemma: Religion, Reform, and the Social Order in the Connecticut River Valley of Vermont, 1791–1850* (Cambridge: Cambridge University Press, 1987), 16.

[10] Robert E. Shalhope, *Bennington and the Green Mountain Boys: The Emergence of Liberal Democracy in Vermont, 1760–1850* (Baltimore: The Johns Hopkins University Press, 1996), 195–197, 222.

[11] Roth, *The Democratic Dilemma,* 17.

[12] Samuel Swift, *History of the Town of Middlebury* (Rutland, Vt.: Charles E. Tuttle Co., 1859), 303.

[13] Constitution of 1793, Chapter II, Section 9.

[14] Laws of 1816, Chapter CVIII; Sanford, *Vermont Municipalities.*

[15] Swift, *History of the Town of Middlebury,* 304.

[16] A. M. Hemenway, *The History of the Town of Montpelier, Including that of the Town of East Montpelier, For the First One Hundred and Two Years* (Montpelier, Vt.: The author, 1882), 274–276.

[17] Laws of 1818, Chapter III.

[18] James H. Douglas and Paul S. Gillies, *A Book of Opinions,* 2 vols. (Montpelier, Vt.: Office of the Secretary of State, 1992), 2: 777.

[19] Laws of 1819, Chapter XX.

[20] Federal Writers' Project of the Works Progress Administration for the State of Vermont, *Vermont: A Guide to the Green Mountain State,* American Guide Series (Boston: Houghton Mifflin Company, 1937), 83, 97, 147, 148, 152, 153.

[21] Laws of 1832, No. 46; Laws of 1832, No. 53; Laws of 1833, No. 39; and Laws of 1836, No. 82.

[22] Laws of 1809, Chapter CXX.

[23] Laws of 1832, No. 18.

[24] Douglas and Gillies, *A Book of Opinions,* 1: 232.

[25] Laws of 1854, No. 7; Laws of 1870, No. 41.

[26] Herbert E. Putnam, "Vermont Population Trends—1790 to 1930 as Revealed in the Census Reports," *Proceedings of the Vermont Historical Society,* New Series, 9 (March 1941), 14–16.

[27] Shalhope, *Bennington and the Green Mountain Boys,* 332.

[28] Laws of 1866, No. 172.

[29] Douglas and Gillies, *A Book of Opinions,* 2: 789.

[30] U.S. Census Office, *Population Schedules of the Ninth Census of the United States, 1870, Vermont* (Washington, D.C.: Government Printing Office, 1870).

[31] Laws of 1857, No. 37.

[32] Laws of 1865, No. 47; Laws of 1866, No. 48.

[33] Douglas and Gillies, *A Book of Opinions,* 2: 778, 779.

[34] D. Gregory Sanford, "The Bleat of the Sheep, The Bark of the Tree: Vermonters and Their Landscape, A View from the Archives," *Vermont History* 70 (Winter/Spring 2002): 15.

[35] Laws of 1852, No. 115.

[36] Laws of 1870, No. 240; Laws of 1872, No. 265.

[37] Laws of 1886, No. 190; Laws of 1890, No. 93.

[38] Dean Corren, "Re-Powering Vermont," text of a white paper written for Vermont legislators in March 1999, 2. Reproduced with the permission of the author by Vermonters For A Clean Environment at www.http://www.VTCE.org/energyindex.html.

[39] Laws of 1894, No. 167, No. 182, No. 185, No. 187, No. 193; Laws of 1896, No. 157, No. 159, No. 163; Laws of 1900, No. 179.

[40] Laws of 1892, No. 57.

[41] Laws of 1910, No. 295, No. 296.

[42] Laws of 1874, No. 49, No. 50; Laws of 1882, No. 200; Laws of 1906, No. 257.

[43] Harold A. Meeks, *Time and Change in Vermont: A Human Geography* (Chester, Ct.: The Globe Pequot Press, 1986), 109, 127–130.

[44] In Re Municipal Charters, 86 Vt. 562 (Supreme Court of Vermont, 1912).

[45] Laws of 1963, No. 120; Laws of 1984, No. 161.

[46] Laws of 1919, No. 270, No. 272; Laws of 1947, No. 234, No. 243, No. 258; Laws of 1992, No. M-26.

[47] Laws of 1917, No. 104; Laws of 1919, No. 105; Laws of 1921, No. 107, No. 109; Laws of 1929, No. 60; Laws of 1945, No. 49; Laws of 1947, No. 51.

[48] Douglas and Gillies, *A Book of Opinions,* 1: 387.

[49] Barry Salussolia, "The City of Burlington and Municipal Incorporation in Vermont," *Vermont History* 54 (Winter 1986), 7–10, 13.

[50] Sanford, *Vermont Municipalities*, passim.

[51] Toby Dayman and Frederick E. Schmidt, "Vermont's Incorporated Cities: A Research Note on Patterns of Incorporation" (unpublished manuscript, 1978), 9–11.

[52] "City Charter Turned Down," *Caledonian-Record,* 24 January 1902, 1.

[53] "19 Cent Tax Increase," *Brattleboro Daily Reformer,* 2 March 1926, 8.

[54] 24 V.S.A § 1481–§ 1487.

[55] Adam Silverman, "Williston, St. George Endorse School Ties, Ballot Items Prove Popular," *Burlington Free Press*, 6 November 2002, 4B; Peter Hirschfeld, "Waterbury Faces 4th Merger Vote," *The Barre-Montpelier Times Argus,* 29 October 2004; "Waterbury Village[,] Town Agree to Merge," *Times Argus,* 3 November 2004; "Waterbury Merger Defeated," *Times Argus,* 12 January 2005.

[56] Paul Teetor, "Town Slams Rutland's Merger Vote," *Burlington Free Press,* 4 March 1992, 1A.

[57] "Bennington Defeats Government Change," *Burlington Free Press,* 5 March 2003, 2B.

[58] Eve Thorsen, "Essex Votes to Unite, Village Residents Oppose Plan for Consolidation," *Burlington Free Press,* 3 November 1999, 1.

[59] *109th Annual Report of the Village of Essex Junction Vermont, Fiscal Year July 1, 2001–June 30, 2002* (Essex Junction Vt.: Village of Essex Junction, 2002), 35.

[60] Nancy Remsen, "Essexes Wonder Which Way to Go," *Burlington Free Press,* 11 July 1999, 1.

[61] Laws of 1917, No. 105.

[62] Laws of 1929, No. 57.

[63] Douglas and Gillies, *Book of Opinions,* 1: 233.

[64] 20 V.S.A. § 2602.

[65] 24 V.S.A. § 1483.

[66] 24 V.S.A. § 3341, § 3671.

[67] Klyza and Trombulak, *The Story of Vermont,* 114, 115.

[68] "Bradford Town Defeats Merger with Village; Village Residents Favored Consolidation," *Burlington Free Press,* 30 September 1999, 1B.

[69] Sky Barsch, "Waterbury Merger on Back Burner for Now," *Barre-Montpelier Times Argus,* 3 January 2003, 1B; and see above, page 34, fn 55.

[70] Paul S. Gillies, "The State and Local Government" in *Vermont State Government Since 1965,* ed. Michael Sherman (Burlington, Vt.: The University of Vermont, 1999), 580.