



Opinions

Office of the Vermont Secretary of State

Vol. 11, #11

December 2009



*Nomination information
on page 8*

Quote of the Month

**If you can't feed a
hundred people, then just
feed one.**

Mother Theresa

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A Message from the Secretary

Everyone in my family loves to cook. Paul and I often share the kitchen tasks and, as our kids have gotten older, they have each developed their own specialties. Because of this we take our family dinners seriously. We spend the weeks leading up to Thanksgiving planning our menu and deciding who will make each dish. My son makes apple crisp and Caesar salad, my oldest daughter likes to make the pecan pie and the squash soup and my middle daughter's specialty is the mashed potatoes and she designs an elaborate menu and beautiful table settings. We are a household of plenty.



As we prepare for our holiday feasts it is important to remember that not all families are as blessed as ours. These are tough times for many Vermonters.

An alarming report was issued just a few weeks ago that says that hunger in the United States is at its highest level since 1995. And according to the USDA, as of December 2008, 12 percent of Vermont households struggle with hunger. Given the worsening economic conditions, this number is likely to be even higher today. Our local food shelves and soup kitchens are seeing higher and higher demands and Vermont's food stamp program (now called 3SquaresVT) has seen a 45 percent increase in use since last year. (This increase is in part because the eligibility rules have changed so that more Vermonters are able to benefit from the program.)

Contributing to the food bank and helping in local soup kitchens is one way that each of us can help. But battling hunger means reaching out and encouraging more Vermonters to use the resources that are already available. Only 68 percent of those who are eligible for food assistance enroll in the program – and only 38 percent of senior citizens who are eligible for help take advantage of the 3SquaresVT program. With one out of six of our kids coming to school each day hungry we need to make it easier for children to enroll in free or reduced price lunches and make sure that every school offers a breakfast program. And we have a wonderful opportunity to link hungry families with local farms. There are innovative programs all over Vermont that help needy families grow their own food in the summer and put it by for the winter as well as gleaned programs that make locally grown foods available through the local food shelves and farmers markets.

This year when we are sitting with our families enjoying our holiday feasts let us remember those who are not so blessed. We have the tools to make sure that every Vermonter has enough to eat. Now, we must come together as a community and as a state to get the job done!

Deborah L. Markowitz, Secretary of State

Voice from the Vault

by Gregory Sanford, State Archivist

A Bridge to the Past

The passage of time can occasionally add irony to events where none was intended. Take for example the symbolic burning of the ferry *Henry Proctor* on August 26, 1929. The burning symbolized the transition from reliance on ferries to the opening of the Lake Champlain Bridge. Eighty years later New York and Vermont are scrambling to re-institute a ferry service in the wake of the bridge being declared unsafe for travel.

The closing of the bridge has had profound impacts on local economies and lives. In 1929, however, the bridge was celebrated as achieving a new transportation revolution. An estimated forty to fifty thousand people gathered for the official opening of the bridge, which had taken 15 months and a little over one million dollars to build. Local towns and civic groups supported a parade of floats and marching bands while Governor Franklin D. Roosevelt of New York and Governor John E. Weeks of Vermont sat in review. The parade stretched for an estimated 15 miles, while the Burlington Yacht Club led a flotilla of boats to the site. Planes flew over and, in one case, under the bridge.

A 1927 compact between New York and Vermont created the Lake Champlain Bridge Commission, consisting of six members, three from each state. The commission had the authority to construct, maintain, and operate a bridge; that is the Lake Champlain Bridge. In 1937 the commission's authorities were expanded to include construction and maintenance of the Rouse's Point Bridge. Over the years the commission also considered additional bridges across the lake. For example a 1967 report by the commission looked at seven possible sites for an additional bridge. The commission also oversaw the

replacement of the original Rouse's Point Bridge, which was finished in 1987. On December 11, 1987, the commission was abolished and its duties were transferred to the respective transportation agencies of the two states.

Through the cooperation of the New York State Archives, the bridge commission's records were transferred to the Vermont State Archives in 1989. The records include minutes and reports of the commission, traffic reports, design and construction drawings, repair and maintenance records, correspondence, and photographs. To get more detail on what is in the series go to our online record series

database and you can either enter the record series number (A-058) or search by Lake Champlain Bridge Commission (the database is at: <http://vermont-archives.org/research/database/series.asp>).

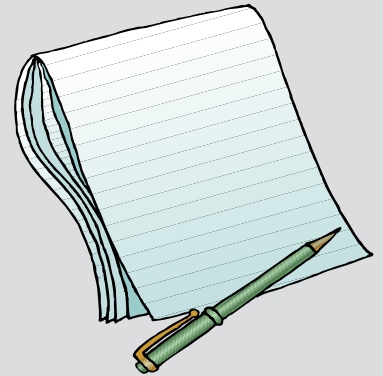


Archives are bridges to the past. Consequently they are often perceived as historical societies, while in truth archives hold institutional records that have a continuing legal or

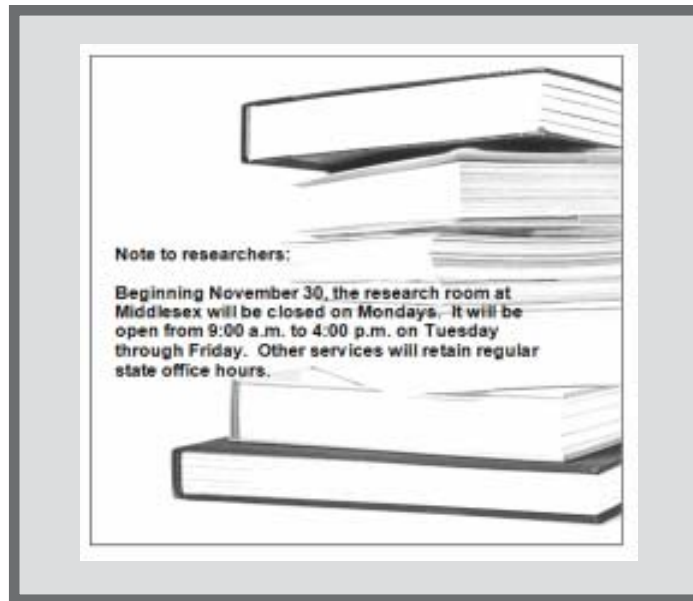
administrative value. Our institution is, of course, Vermont state government. The bridge commission records were preserved, in part, because of the information they held on the design, construction, and maintenance of the bridge. Even though the decision was to replace, rather than repair the bridge, the records have other potential uses from understanding its design as a historic structure to understanding the stresses it experienced between 1929 and 1987, when the commission records end. We hope that the current interest in the bridge will encourage you to visit and review the records (please note - the oversized drawings are still at Redstone and can only be viewed by appointment until construction at Middlesex is complete).

Tip of the Month

In most towns, December is when selectboards prepare and finalize the budget. If you haven't done so already, this is the time you should submit your budget requests to your selectboard.



If you have a tip to share, contact Alison Kaiser at akaiser@townofstowe.vermont.org



In Appreciation

On November 30th Christie Carter will retire after more than 21 years of service as the assistant state archivist. Christie's career spans our days as the State Archives to our current role as the Vermont State Archives and Records Administration, from our days at Redstone in Montpelier to our new home in Middlesex. She helped bring order to many of our record series (including the Lake Champlain Bridge Commission); designed our first web page; and helped hundreds if not thousands of researchers find the records they needed. Christie helped design and create our exhibits and on more than one occasion kept the state archivist from making an exhibition of himself. For all this and more we hope you will join us in thanking Christie for her contributions and in wishing her the best in future endeavors.

Opinions of *Opinions*

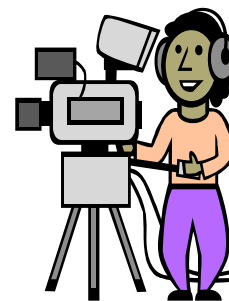
by Secretary of State Deb Markowitz

- 1. Candidate petitions must specify the position and term of office.** In municipalities using the Australian ballot system for election of officers, Vermont law requires that candidates clearly indicate the office and term length on the petition prior to circulating it for signatures. For example, a candidate cannot circulate a petition for selectboard without indicating which term he or she is seeking. It is permissible for a person to circulate two or three different petitions for selectboard, one petition for the one-year seat, one for the remaining year of a three-year term, and one for the three-year term, and then wait until the filing deadline to decide which petition to submit to the town clerk. However, a candidate cannot circulate a petition for signatures without a term length and then add or change the term length after signatures have been obtained. 17 V.S.A. §2681(b).
- 2. The town clerk and the town treasurer are separate offices.** Even though in most Vermont towns there is only one person serving as both town clerk and treasurer, the law treats these as two separate positions. This means that unless there is a town charter that creates a position of clerk/treasurer, the offices of clerk and treasurer must be listed separately on the ballot and the candidate(s) must circulate and submit a separate petition with a stated term length for each office. 17 V.S.A. §2746.
- 3. The town clerk is responsible for distribution of the town report to certain officials.** 24 V.S.A. § 1173 requires that the town clerk must send two copies of the town report to each library in the community, and to the state library in Montpelier. One copy of the town report must be sent to the secretary of state, commissioner of taxes, transportation board, state board of health, commissioner for children and families, director of the Office of Vermont Health Access, auditor of accounts, and board of education. Section 1174 provides that the clerk shall “keep two or more copies of the annual report of the auditors, which at suitable intervals he shall bind in book form.” This distribution list, including mailing addresses, is located at <http://vermont-elections.org/elections1/TownReportDistributionList2009.xls>
- 4. Auditors prepare the town report.** The law requires the board of auditors to meet at least 25 days before each annual town meeting to “examine and adjust the accounts of all town and town school district officers and all other persons authorized by law to draw orders on the town treasurer.” 24 V.S.A. § 1681. However, if there is a professional audit of the town and school records, the board of auditors can choose not to meet to conduct an audit, but can simply include the CPA’s audit report in the town report distributed to voters.
- 5. Special notice is required for auditors’ meeting.** When the auditors meet to approve the audit report the law provides that they must give ten days’ notice “by posting or publication.” The notice should be posted in the town clerk’s office and we recommend that it also be posted in two other places, just as you would for a special meeting of a board. If the notice is to be published, it should be published in the newspaper of record for the town (which is set by the selectboard).
- 6. The auditors must prepare and distribute the town report.** The auditors are responsible for reporting their findings in writing and then mailing or distributing those findings to the voters and residents of the town at least ten days before Town Meeting. 24 V.S.A. § 1682. As a practical matter, most town reports include reports from officers and other information about the town and in many towns, the town report booklet, which includes the report of the auditors, is prepared and distributed by the selectboard’s assistant or by the town clerk. Note that if a town has voted to eliminate the office of auditor, the findings of the public accountant shall be mailed or otherwise distributed by the selectboard.
- 7. Voters can choose to eliminate mailing of town report.** A recent change in the law permits the voters to elect to permit the town to provide notice that the report is available, in lieu of mailing or otherwise distributing the report itself. If the voters of the town vote to provide notice of availability, they must specify how notice of availability shall be given, and such notice of availability shall be provided to the voters or residents of the town at least 30 days before the annual meeting. 24 V.S.A. § 1682. Also, upon request the auditors must mail or distribute a copy of the full report to a voter or resident of the town.
- 8. The selectboard can get a credit card to make purchases for the town.** The selectboard can choose to authorize the use of a credit card for town purchases. However, before the treasurer pays the credit card bill the selectboard should review the purchases and sign a warrant for payment.
- 9. Town clerk may not spend money from restoration reserve fund without permission of the selectboard.** Although the restoration reserve fund fee is collected by the clerk as part of a recording fee, the clerk may not draw orders on the



treasurer for expenditures from that fund. The law provides that the restoration reserve fund “shall be used solely for restoration, preservation, and conservation of municipal records.” 32 V.S.A. § 1671(c). However, since only the selectboard can spend money on behalf of the town, the clerk must confer with the board when he or she wishes to use these funds.

10. **Town treasurer should not make out checks without warrant signed by the board.** In one town the selectboard asked the treasurer to bring already filled out checks to the selectboard meeting prior to the board’s approval of the individual expenditures. 24 V.S.A. § 1576. The treasurer was correct to decline. Indeed, Vermont law only permits the treasurer to make payments based on properly signed orders of the board or based on certified minutes of the board, signed by both the board’s clerk and chair or by a majority of the board, clearly setting out the amount, and to whom payment is to be made. 24 V.S.A. § 1623.
11. **Assistant treasurer stands in when treasurer is ill or absent.** An assistant treasurer, during the temporary absence or disability of the treasurer, must perform the duties of treasurer. The treasurer is still held responsible for the acts and omissions of an assistant appointed by him or her. Note that if the treasurer does not appoint an assistant the selectboard can make written request for him or her to do so, and if the treasurer fails for ten days to appoint an assistant the selectboard may appoint an assistant treasurer and may revoke the appointment at any time. The treasurer will not be liable for the acts or omissions of an assistant who was appointed by the selectboard. 24 V.S.A. § 1573.
12. **Subcommittee of board must follow open meeting law.** The open meeting law applies to all meetings of public bodies, including the selectboard, school board and other local boards. The law specifically provides that subcommittees of these boards are also subject to the open meeting law. 1 V.S.A. § 310(3). This means, for example, when a budget or personnel committee of a selectboard or school board meets it must provide public notice of the meeting, keep minutes, and follow all of the requirements of the open meeting law with respect to executive sessions and public participation.
13. **Public has right to be heard at meetings but the law permits the board chair to set reasonable limits.** The open meeting law and the law governing school board meetings do not require the board to provide a specific amount of time for citizens to use for public comment. 1 V.S.A. § 312(h), 16 V.S.A. § 554(b). Section 312(h) provides that “the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting...subject to reasonable rules established by the chairperson.” Section 554(b) provides that “a school board shall afford a reasonable opportunity to any person in the school district to appear and express views in regard to any matter considered by the school board, and if requested to do so shall give reasons for its action in writing.” This means that the board can set rules that ensure members of the public can speak about issues on the agenda but that the meeting can end in a timely fashion.
14. **Members of the public may tape meetings of the board.** The open meeting law permits members of the public to tape or video tape public meetings of the board. The chair can set reasonable conditions to ensure that the tape or video recording equipment (or web-streaming equipment) does not get in the way of the meeting.
15. **The selectboard cannot expend any surplus from the general fund that is carried over to the next fiscal year without voter approval.** Some boards take care of this issue by including an article for each annual town meeting: “Shall the Town of XX vote to apply any surplus from the current fiscal year to reduce taxes in the next fiscal year?” Otherwise, the board must have an article approved by the voters at a special meeting or the next annual meeting in order to expend the surplus general funds in a future budget year.
16. **Surplus money in the highway budget can be rolled over into the next year and only requires board approval to spend.** 19 V.S.A. § 312. The legislature apparently understood that sometimes weather, required permits, or other events prevent highway projects from being completed. The following provision allows the expenditure of highway funds in future years: “The funds raised from town highway taxes shall not be used for any purpose other than that for which the tax was voted subject to the provisions of this chapter. If in any year money so voted is not expended, it shall be applied for the same purpose the following year.”
17. **It is not a conflict of interest to serve on a nonprofit board and also support the efforts of the nonprofit as a selectboard member.** For example, a selectboard member may serve on “downtown improvement committees” or be involved with other nonprofit groups in supporting a grant request to the state, and still participate in the selectboard vote to decide whether the town will apply for the grant. It is only when the specific interest of the selectperson is different from the interests of the public at large that a selectboard member needs to consider withdrawing from the vote. For example, if the selectperson would personally profit financially from the grant, or his business would profit from the grant in a special way, then the board member should recuse himself from the decision making.



- 18. All documents – including emails – obtained in the course of agency business are public record.** The Vermont public records law broadly defines public record or public document as “...or any other written or recorded matters produced or acquired in the course of agency business...” unless the document fits one of the exceptions listed in the statute. 1 V.S.A. §317(b). Emails that are written, sent, or received in the course of the business of the public board or entity or between board members dealing with board business are public records and must be produced for inspection upon request. **This is true even if the emails are sent to and from home computers!** An email must be reviewed or considered in the same light as a letter would be considered on the same topic. If a letter on the same subject would become a public record, then the email is public record. Copies of emails sent and/or received in the course of board business should be provided to the custodian of public records for the board so that the public can inspect them upon request.
- 19. Board should avoid email meetings.** The open meeting law provides that “all meetings of a public body are declared to be open to the public at all times . . .” 1 V.S.A. § 312(a). and “Meeting” is defined as “a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action.” 1 V.S.A. § 310 (2). This means that whenever a quorum of the board is discussing the business of the board it must be done in a properly noticed open meeting. The legal question is whether a board that discussed the business of the board by email is “meeting” by email. We do not have a court case on this question in Vermont yet, but we believe that boards should avoid discussing the business of the board by email because, if nothing else, it violates the spirit of the open meeting law. Boards may take care of administrative matters by email - like set the agenda for a meeting or deciding when to hold a special meeting of the board – or passing out information that will be discussed during the board meeting. However, boards should not discuss issues over email.
- 20. A board that recesses its meeting may not use the recess to continue the board discussion in private.** All board business must be discussed in public unless it meets one of the two exceptions to the open meeting law discussed below (executive session or deliberative session). It is perfectly appropriate for a board to take a brief recess to allow members to use the facilities, take a stretch, or return an important telephone call. However, the recess should not be a ruse so that board members can discuss board business outside of the hearing of the attending public.
- 21. Board can discuss business outside of a public forum in an executive session.** Executive session is used when the board is acting in a legislative capacity and the subject that needs to be discussed fits into one of the eight reasons listed in 1 V.S.A. §313 to go into executive session. To enter executive session, there must be a motion stating the statutory reason with specificity, the motion must be seconded and passed by a majority vote (a two-thirds vote for a state agency). No action can be taken in executive session (except for decisions to enter into purchase agreements) and the board can only discuss the subject that it publicly announced.
- 22. Boards may deliberate in private when the decision is to be in writing.** Deliberative session is used when a board is acting in a quasi-judicial capacity, such as zoning board applications or tax appeals, and when the statutes require that the board must issue a written decision that will be subject to appeal. 1 V.S.A. § 312 (e). After the board has heard all of the evidence in a hearing affording due process to the applicant, the entire board that will be participating in the decision meets in private to weigh the evidence and make its decision. Deliberative sessions do not need to be warned and the board can reach its decision during the session. Frequently, after the decision is reached, one member is designated to draft the written decision and circulate it to other members. The intent of deliberative sessions is to allow a board to have candid discussions to weigh the evidence and to reach a decision. The deliberative session should be attended by all board members who will be participating in the decision.
- 23. Town can vote to exempt active duty military from delinquent tax penalty and interest.** The legislative body of a municipality or the voters at a town meeting may exempt from the payment of any penalty, fee or interest relative to the failure to make timely payment of taxes upon the principal residences of military personnel, individuals who have been called to full-time active duty by the President of the United States as the result of a military conflict in an area designated a combat zone by the President of the United States, for the time such member is on active duty and for 180 days thereafter. To secure such benefits, a person must provide a copy of their military orders or other appropriate documentation to the municipal clerk. 32 V.S.A. § 4609.
- 24. There is no leave of absence for elected officials.** There is no provision in the law that would permit an elected official to take a temporary leave of absence from office. Although the law does not require a board member or town officer to resign if they are unable to fulfill the duties of their office, the oath officials take implies an obligation to serve only if one is capable of meeting the obligations of the office. That being said, there is generally no problem when an elected official takes a few months off because of an illness or family tragedy, so long as an arrangement is made to ensure the functions of the office are fulfilled, and so long as it does not create a quorum problem for the board.



In our monthly Opinions, we provide what we believe the law requires based upon our legal judgment, years of observing Vermont's local government practices, and Vermont Court decisions. This information is intended as a reference guide only and should not replace the advice of legal counsel.

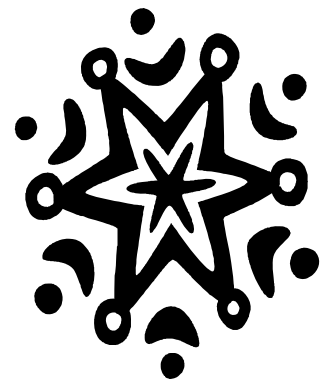
Holiday Displays and Municipal Property



Now that we have passed through Vermont’s biggest holiday season—hunting season—the rest of the holidays will soon be upon us. We expect calls from the public or from public officials in Vermont asking about the guidelines for holiday displays on municipal property. Although there has been a considerable amount of litigation about holiday displays on public property, the longstanding public officials among us will remember that there are no hard and fast “rules” that give a straightforward answer to most of the questions regarding holiday displays.

Vermont has had at least two federal cases involving challenges to religious displays on public property. In 1988, the Trustees of the village of Hyde Park settled a challenge by agreeing to no longer place a cross on the Hyde Park Court House lawn. In 1989, the second circuit court of appeals held that based upon the specific facts of the case, the display of the menorah in City Hall Park in Burlington would violate the Establishment Clause of the First Amendment.

A more recent 1997 second circuit case, *Elewski vs. the City of Syracuse*, held that the challenged placement of a crèche in a public park along with a menorah in a nearby public park and other secular decorations throughout town was not unconstitutional and did not violate the separation of church and state required by the first amendment. This court went through a detailed description of the cultural, social, and economic motivations of the downtown merchants and city officials in its analysis.



What do we learn from these cases? First, and foremost, the definitive U.S. Supreme Court case, *County of Allegheny vs. ACLU* (relied upon by lower courts to decide challenges to displays on public property), makes it clear that any decision will be extremely fact specific and the outcome will depend on the presentation of the various facts to the judge. In fact, in *Allegheny*, the Supreme Court justices wrote five separate opinions joined in whole or part by various members of the court because the nine justices drew different conclusions based on the facts as presented.

After the *Allegheny* decision, the judge hearing a challenge to a display must determine: “Would a reasonable observer of the challenged display in its particular factual context perceive a message of governmental endorsement or sponsorship of religion?” This endorsement test focuses upon the perception of a reasonable, informed observer who must be deemed aware of the history and context of the community and forum in which the religious display appears. Therefore, after *Allegheny*, not every city-owned and/or displayed crèche or menorah violates the Establishment Clause. The

issue is now, would a reasonably informed observer perceive the display as a message of endorsement of a religion or perceive the displays as a celebration of the diversity of the holiday season.



In a nutshell, we believe that if municipal officials wish to permit holiday displays on public property, the physical display(s) itself and all of the historical and cultural facts surrounding the placement of the display(s) must support the conclusions that the display(s) are a celebration of the diversity of the holiday and not an endorsement of a religion.

Vermont Public Service Awards

The next few issues of Opinions will contain monthly updates on the 2010 Vermont Public Service Awards. In the November edition we provided background information on the program and outlined the nomination process. By now, each municipal clerk should have received via email the list of local officials who were honored in previous ceremonies, as well as the nomination form for 2010. We have also posted a list on our website at <http://www.sec.state.vt.us/municipal/fame.htm>



- Step One - On the nomination form, list everyone who reached their 20-year milestone since the last ceremony. These folks will receive a certificate.
- Step Two - Add all the officials who already received an award and are still serving. They will receive a State of Vermont pin at the ceremony.

If your town has never participated, or if you have not received a list from our office, please feel free to contact us. Many towns have already responded and we are looking forward to working with all of you!

If your town is interested in hosting a regional event please contact Ginny Colbert at gcolbert@sec.state.vt.us or 802-828-2148.

Nomination forms are due by February 5, 2010!



Is Your Business A Century Old? If yes, then the Secretary of State is looking for you!

The Vermont Centennial Business Awards is a joint project of the Office of the Secretary of State, the Vermont Chamber of Commerce, and Vermont Business Magazine. Any business that has operated in Vermont continuously for 100 years or more is eligible to participate.

The Vermont Centennial Business Award acknowledges Vermont's oldest businesses for enriching our economic heritage. We also hope that this program will deepen our understanding of how Vermont's businesses have enhanced our community life during the last hundred years.

In March we will be presenting awards to the Vermont businesses that will reach their centennial in 2010, as well as honoring up to 20 of Vermont's older businesses. Every centennial business that applies to participate will be recognized.

If you know of a business that qualifies for the Centennial Business Award, contact Ginny Colbert at 802-828-2148 for an application, or visit our website at www.sec.state.vt.us. The application deadline is **January 15, 2010**.

Civics Behind the Scenes

by Missy Shea, Civics Education and Voter Outreach Coordinator

Service in the Season of Giving

In last month's *Opinions*, I wrote about Cavendish Elementary School's participation and generous donation as part of the Secretary of State Office's *Service-for-Service* program, a project that links Vermont school children with Vermont National Guard families. The concept is for schools to create service-learning opportunities for students that will also provide assistance and support to deployed soldiers and their families. But what do we really mean by the terms "service" and "service-learning?"



Dictionary.com defines **service** as a noun, adjective, verb, and idiom. The word boasts more than 30 definitions! But the primary meaning is "An act of helpful activity; help; aid" (noun) or "To supply with aid, information, or other help" (verb).

If **service** can be described as helping others, **service-learning** might be best defined as helping oneself through knowledge while doing things to help others.

According to the online info source Wikipedia, "**Service-Learning** is a method of teaching, learning and reflecting that combines academic classroom curriculum with meaningful service, frequently youth service, throughout the community. It integrates meaningful community service with instruction and reflection to enrich the learning experience, teach civic responsibility, encourage lifelong civic engagement, and strengthen communities for the common good."

What I really appreciate about the service-learning philosophy is that it goes beyond simply getting something worthwhile accomplished. The very concept demands that students think about what they themselves value, what is valued in their community, and where the two intersect.

Actually, as a mother of one teenager and one pre-teen, I think service-learning need not be restricted to students. With the holidays fast approaching, now seems like a good time to reflect on the things in our lives that we hold dear. It's the perfect time for our family to think about how we might give back to our community. I find myself considering the possibilities of making our family's contribution through service-learning. I think I may give my kids a lesson about food budgeting and grocery shopping through the process of purchasing a holiday dinner for a family in need.

I encourage you to also explore and expand your definitions of service and service-learning during this season of giving. Happy holidays.



Upcoming Events

2009 Vermont Community Energy and Climate Action Conference

Saturday, December 5, 2009, 8:00 a.m. to 4:00 p.m.

Offered by the UVM Extension

Location: Lake Morey Resort in Fairlee, VT.

Information: Mary Peabody, UVM Extension, 802-223-2389 x15 or 1-866-860-1382 x15; <mailto:mary.peabody@uvm.edu>.

Registration: <https://www.regonline.com/VTEnergy>

Price: \$20.00

This conference is for those interested in how Vermont communities can take action to increase energy efficiency and renewable energy for municipal government, businesses, and residents. The day will include concurrent workshop presentations, regional break-out meetings, and general sessions. The goal for the day is to provide strategies communities can implement to reduce energy costs and reduce the damaging greenhouse gasses released into the environment. Participants will gain an increased understanding of a wide range of local opportunities for tackling energy and climate change at the local level, while also having an opportunity to network with other Vermont communities. Afternoon keynote by Senator Bernie Sanders (invited).

Town Meeting Tune-Up

February 17, 2010

Sponsored by VLCT Municipal Assistance Center

Location: Capitol Plaza Hotel, 100 State Street, Montpelier, VT

Time: 8:30 am

Contact: Jessica Hill (info@vlct.org)

Phone: 802-229-9111

Fax: 802-229-2211

Price: PACIF members \$55, VLCT members \$80, Non Members \$125

A parliamentarian's paradise, this annual workshop is designed for moderators and selectboard members, both seasoned and new. It will focus on the statutory requirements for town meeting, Robert's Rules of Order, and best practices for making it through Town Meeting unscathed.

Town Officer Education Conferences

Mark your calendars now for the 2010 TOEC, coordinated by the University of Vermont Extension:

April 5 - St. Michael's College - Colchester

April 8 - Lyndon State College - Lyndonville

April 13 - Lake Morey Resort - Fairlee

April 20 - Mount Snow, Dover

April 28 - Rutland Holiday Inn, Rutland Town

Contact for More Information: Sally Cleveland at University of Vermont Extension

Phone: 802-773-3349

Email: sally.cleveland@uvm.edu

Website for information and/or registration: <http://www.uvm.edu/extension/>

Municipal Calendar

December 2009

- 1 - Last day to pay property taxes in towns that voted to collect interest on overdue taxes. 32 V.S.A. § 5136(a)
- 14 - Last day for listers to notify persons of omissions from inventory. 32 V.S.A. § 4086
- 22 - First day to warn the first public hearing if charter adoption, amendment or repeal is to be voted at town meeting (70 days before town meeting). 17 V.S.A. §§ 2641(a), 2645(a)(3) and (6)
- 25 - Christmas Day. 1 V.S.A. § 371(a)
- 30 - Last day for listers to correct real or personal estate omission or obvious error in grand list, with approval of the legislative body. 32 V.S.A. § 4261
- 31 - Town fiscal year ends, unless voted otherwise. 24 V.S.A. § 1683(c)

January 2010

- 1 - New Year's Day. 1 V.S.A. § 371(a)
- 1 - Last day to warn the first public hearing if charter adoption, amendment or repeal is to be voted at town meeting (60 days before town meeting). 17 V.S.A. §§ 2641(a), 2645(a)(3) and (6)
- 6 - (First Wednesday after the first Monday of January) Legislature reconvenes. Vermont Constitution. Ch II, §7
- 15 - Last day for Tax Collector to deliver unpaid real and personal property tax lists to Town Treasurer. 32 V.S.A. § 5162
- 15 - Last day for Town Clerk to remit to State Treasurer an accounting of dog and wolf-hybrid licenses sold and remit the license fee surcharge for a rabies control program. 20 V.S.A. § 3581(f)
- 18 - Martin Luther King, Jr.'s Birthday. 1 V.S.A. § 371(a)
- 21 - First day town clerks may post warnings for town meeting (40 days before the meeting). 17 V.S.A. § 2641(a)
- 21 - Last day for receipt of petitioned articles to be added to the town meeting warning. (Petition must have been signed by five percent of the legal voters of the municipality.) 17 V.S.A. § 2642(a)
- 21 - Last day for Board of Civil Authority to designate polling places and, if necessary, divide the checklist according to geographic boundaries. 17 V.S.A. § 2501(a)
- 22 - Official copy of proposed charter amendments must be filed in town clerk's office if vote is to be taken on town meeting day (10 days before first public hearing). 17 V.S.A. § 2645(a)(2)
- 25 - In Australian ballot towns, nominating petitions for town offices must be filed with the clerk of the municipality no later than 5:00 p.m. (sixth Monday before the election). A nominating petition must be signed by 30 voters or one percent of the legal voters, whichever is less. 17 V.S.A. § 2681(a) and (b)
- 25 - State Withholding Tax Return is due (actual date by which return must be postmarked is shown on the printed form) if reporting less than \$2,500 per quarter. More than \$2,500 requires monthly report; more than \$9,000 requires semi-weekly report. 32 V.S.A. § 5842
- 26 - In Australian ballot towns, town clerk receiving petitions for candidates running for municipal office must return any defective petitions to the candidate (within 24 hours of receipt). 17 V.S.A. § 2681(e)
- 26 - Last day for auditors to post 10 days' notice of their meeting to examine town accounts. 24 V.S.A. § 1681
- 27 - In Australian ballot towns, a candidate may withdraw by notifying the municipal clerk in writing no later than 5:00 p.m. (Wednesday after the filing deadline). 17 V.S.A. § 2681(d)
- 27 - In Australian ballot towns, supplementary petitions for municipal candidates whose original petitions were defective must be filed no later than 5:00 p.m. (Wednesday after the filing deadline). 17 V.S.A. § 2681(e)
- 27 - In Australian ballot towns, candidates for municipal office must file a consent of candidate form with the municipal clerk by 5:00 p.m. (Wednesday after the filing deadline). 17 V.S.A. § 2681(a)
- 30 - Last day for town clerk in municipality with fiscal year ending December 31 to publicly disclose fees kept as compensation for that fiscal year. 24 V.S.A. § 1179
- 30 - Last day for U.S. Congressional candidates to file FEC non-election year year-end report. (July 1-Dec. 31). 2 U.S.C. § 434(a)(2)
- 31 - This is the last day that the warning and notice for town meeting may be posted (30 days before the election). 17 V.S.A. §§ 2521(a) and 2641(a)
- 31 - Checklist must be posted in two or more public places in the town in addition to being posted at the town clerk's office in towns with population over 5,000. In towns with less than 5,000 population, the checklist must only be posted in one place in addition to the clerk's office. 17 V.S.A. §§ 2141, 2521(a)
- 31 - (No sooner than 30 days before polls open) First day for town clerk in towns with at least 5,000 registered voters to direct two election officials to open outer envelopes, sort, and check in absentee ballots. 17 V.S.A. § 2546(a)
- 31 - Last day to mail W-2 Withholding Forms to employees.
- 31 - Last day to file Form 941 (Quarterly Withholding Return) with the IRS.

The Municipal Calendar is provided by the Vermont League of Cities and Towns/Chittenden Bank and the Secretary of State's Office.

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