

Opinions

Office of the Vermont Secretary of State



Vol. 9, #1

January 2007

A Message from the Secretary



Winston Churchill is famous for having said “We make a living by what we get, but we make a life by what we give.”

Last month I had the extraordinary experience of being present at a ceremony to honor one of my great uncles for his lifetime of giving. My Uncle Abe passed away last year. Like most of his generation he started with nothing. His father, my great grandfather, had been a rag peddler. After serving in the Second World War, my uncle used the GI Bill to go to school and he ultimately became a lawyer and a real estate developer. Despite his success, my Uncle Abe led a very modest life. He was not one for buying fancy things (although he liked collecting antiques). Instead of spending his money on himself or his family, he found ways to give it away – to help others who had a greater need and to support causes that he felt were important.

The ceremony for my uncle was incredibly moving. I was particularly happy that my children were there to witness it, since there is no more important lesson we can give our children than the importance of giving.

The New Year is a time to count our blessings

and to think about our resolutions for the New Year. We are incredibly blessed in Vermont to have so many people here who are like my uncle. People who feel that it is their obligation to give back to their communities and to spend their hard earned dollars on helping others. This year I, for one, am resolving to recommit myself to a life of giving. After all, as Winston Churchill (and my Uncle Abe) said, there is no better way to live than that!

Deborah L. Markowitz, Secretary of State

In this Issue...

Voice From the Vault.....	pg. 2
Opinions.....	pg. 4
Municipal Calendar.....	pg. 8
Tip of the Month.....	pg. 9
Civics Behind the Scenes.....	pg. 10
Upcoming Training Events.....	pg. 11
Quote of the Month.....	pg. 11

Voice from the Vault

By Gregory Sanford, State Archivist

We Are Living in Someone Else's Future

Thirty years ago Vermonters grappled with the opportunities and concerns inspired by the proposed Pyramid Mall development at Taft Corners in Williston. This was not only one of the first large scale commercial property developments proposed for Vermont, but also one of the first major tests for Act 250, the land use and development planning law enacted in 1970.

Government planning dates back to Vermont's original land grant charters. The earliest charters envisioned a population center clustered around a town commons. Many charters set out minimum number of acres for cultivation or even a minimum square footage (18 foot square) for dwellings.

A more formal state planning office dates back to at least the 1930s. Originally attached to the State Development Department, the planning function was eventually moved under the direct supervision of the governor's office. At various times it was known as Central Planning, the Planning Council, the Planning Division, the State Planning Board, the State Planning Office, and the Office of Policy Research and Coordination.

The planning office was originally enacted to promote development. By the 1960s rapid, unplanned development, linked in part to the new inter-state highway system, created support for managing development in ways that preserved Vermont's character. Governor Deane C. Davis (1969-73) became a champion of planned development and of what became Act 250 (see his farewell address at: <http://vermont-archives.org/govhistory/gov/govinaug/farewells/pdf/Davis1973.pdf>).

In the mid-1970s the Pyramid Corporation proposed a 494,000 square foot enclosed mall on 94 acres at Taft Corners, just off the inter-state exit. The mall would include two major department stores, approximately 80 other retail stores, and 20 restaurants. Some Williston residents raised concerns about the impact of such a large development on the nature of their town and its services. Surrounding communities, notably Burlington, wondered about the regional economic impact of the mall. Burlington pointed to its own development plans as evidenced by its commitments "to such projects as: the Southern Connector, the North End Connector, the Church Street Mall, the Waterfront, and the Civic Center." (undated draft "Statement of the City of Burlington with Regard to Certain Retail Expansions in the Trade Area," Pyramid Mall Background Information folder, State Planning Office, Pyramid Mall files). Would a large mall only five miles away undo those plans?

Governor Richard Snelling directed the State Planning Office to coordinate various impact studies conducted by state agencies. Among the impacts studied were regional employment and income, traffic flows, loss of prime agricultural land, stream and air pollution, state and town expenditures and revenue, population growth and increased demands on local services from education to public safety.

The impact reports were gathered in 1977 and 1978. In October 1978 the Pyramid Mall proposal was rejected by the State.

The reports from agencies, consultants, and from Pyramid Mall and its opponents are fascinating reading. Some provide a snap shot of Chittenden County's retail environment some thirty years ago. For example, University Mall had, at the time, one occupant: Zayre's. There were a number of "mini-malls" built around a single major store, such as Gaynes or, in two cases, Ben Franklin stores. Some of the reports highlighted the need for better coordination of the permitting processes within agencies, such as storm water permits within the Agency of Natural Resources. Others underscored the need for moving beyond municipal zoning to regional or statewide planning to address the broader impacts of large developments. And yet others noted the economic and social divisions exacerbated by the proposal. Shouldn't farmers, for example, be able to sell their land for development to escape the economic and other strains of agriculture?

The reports are also fascinating when viewed from our current perspective and the development that subsequently took place at Taft Corners. How, for example, does the projected peak traffic flow of 1,075 cars per hour in 1978 compare to current traffic patterns at the Corners?

Underlying this are core questions about the nature of planning. We are living in someone else's future. Is the present development of Taft Corners the future envisioned by past planners? If not, why not? Which, if any, of the impacts projected in 1977-78 have come to pass? Can municipal, regional or state plans be sustained in the face of continued development pressures?



This, in turn, emphasizes a role of archival records. Can we use the archival records from the State Planning Office from 1977-78 to better understand and evaluate planning? A sound, comprehensive archival management program can provide the metrics we need to better measure the long term results of our deliberations and actions. In order to do so, however, we must know how to improve the appraisal of records to identify records with archival value. We need to manage those records so they, and information they contain, are accessible to those who can use them.

The information on the Pyramid Mall debate of thirty years ago comes from two State Planning Office boxes the Archives recently acquired under the new authorities enacted in 2003 (currently found in 3 V.S.A. §117). Those records had presumably been in the Office of Policy Research and Coordination, a successor to the old State Planning Office. Since 1996 they had been in the record center in Middlesex. Their existence, much less their content, was largely unknown. They existed, but were effectively inaccessible.

The Archives recently began to test new appraisal and processing approaches through work with the two boxes on the Pyramid Mall. How, for example, do these records fit within the larger planning functions? How can we trace that function across changing mandates, corporate names (State Planning Office to Policy Research and Coordination, for example), and administrative placement? How can we present the information so it is accessible and useful to current planners and others? As we develop those tools we will share them through our website.

Planning, as a collective, structured effort to describe not only who we are but also what we want to become, is an important government function. At the municipal level it would be useful to compare original town plans against what actually evolved, for example. It is important not simply to preserve such records but also to make them known and accessible. Let's plan on it.

In Memoriam

John A. Williams (1908-2006). Colonel John A. Williams passed away on December 26, 2006. Col. Williams directed the State Archives from 1963 to 1974, when the position was known primarily as Editor of State Papers or State Historian.

During his tenure Col. Williams edited and annotated eight volumes of the State Papers of Vermont series, more than any other director of the Archives. He was an amazingly productive editor, publishing the Laws of Vermont, 1781-1784 in 1965; the Laws of Vermont, 1785-1791 in 1966; the Laws of Vermont, 1791-1795 in 1967; the Laws of Vermont, 1796-1799 in 1968; Journals and Proceedings of the General Assembly of Vermont, 1791-1792 in 1970; Journals and Proceedings of the General Assembly of Vermont, 1793-1794 in 1972; and the Journals and Proceedings of the General Assembly of Vermont, 1795-1796 in 1973 (the latter three volumes he edited with Marlene Wallace). In 1968 he edited and published the Public Papers of Thomas Chittenden, 1778-1789; 1790-1797.

Col. Williams continued his love of Vermont after his retirement publishing histories of the Battle of Hubbardton, Mount Independence, the First Congregational Church of Essex Junction, and the Lake Champlain Yacht Club.

Under Col. Williams the Archives began to move beyond the publication of annotated volumes of government records. Most notably he, with Marlene Wallace, began a document conservation program that restored many of Vermont's early government records.

On a personal note I greatly appreciated Col. Williams continued interest in the Archives. I looked forward to the occasional letters of support, usually typed by his wife Joyce, encouraging us in our work and expressing support for our adoption of a full archival management program. We are grateful for his many contributions to making Vermont's history more accessible and to the development of the Vermont State Archives.

Opinions of Opinions



1. Board may meet in deliberative session so long as final decision is written. A board may meet and make its decision in deliberative session so long as it is acting as a quasi-judicial body, and the decision of the board is in writing. A deliberative session is not an “executive session” from which the public is excluded, but where no decisions can be made; rather, it is a total exemption from the open meeting law. And, unlike the executive session, in deliberative sessions the board DOES take action and DOES make decisions.

2. Written decision of deliberative body must indicate who participated in the decision. When a board makes a decision in deliberative session, the written decision must include findings (the facts that the board believes are compelling) and its conclusion. The decision must also name the board members who have participated in making the decision. If the decision is not unanimous, the names of the board members who did not agree should be indicated in the decision as dissenters. The dissenters may choose to write their own decisions explaining why they dissented from the opinion of the board.

3. Board may not conduct meeting with backs to public. In one town the selectboard sat around a small table for its meetings and the public were left to watch the backs of the board members as they conduct the business of the town. Understandably, this made it difficult for the public to hear and participate in the meeting. The open meeting law requires all public bodies to conduct their business in a forum that allows the public to be present, hear what is going on and provide reasonable comment. 1 V.S.A. § 312. While there may be some situations where one or more board member has his or her back to the audience for part of a meeting, a board should not have as a general practice conducting its business with its back to the public. This violates the spirit, if not the letter of the open meeting law.

4. Public participation may be controlled by the board chair. Although the open meeting law gives the public the right to be present and comment at all public meetings of a board, it does not permit them to participate in the board discussions. 1 V.S.A. § 312. The board members are the decision makers and the chair may set reasonable rules to ensure that the board members can get their jobs done. The open meeting law is designed to ensure that the public has reasonable access to the process by ensuring that they can observe the board proceedings and have some opportunity to comment. Some chairs add a public comment period to each agenda (at the beginning or at the end of the meeting) to permit the public to give input to the board. When this is the practice, during the rest of the meeting the public is not permitted to comment, although the board may always ask particular individuals to give them information or feedback on agenda items. Other board chairs ask those present if they have any comments when each agenda item is considered. In every case it is appropriate for the board chair to limit the amount of time for public comment (a five minute time limit is common depending upon how many people want to speak).

5. Nonvoters can participate in a public meeting. There is no law that would permit boards to treat nonresidents or nonvoters differently than other members of the public when it comes to the right to comment on the business of the board. What may be confusing to boards is the rule that at an Annual or Special Meeting of the town, nonvoters may only speak with permission of the body. This same rule will not apply to meetings of the town boards.

6. Minutes must be available within five days of a meeting. The law provides that “minutes of all public meetings shall be matters of public record, shall be kept by the clerk or secretary of the public body, and shall be available for inspection by any person and for purchase of copies at cost upon request after five days from the date of any meeting.” 1 V.S.A. 312(b)(2). Note that this is five days – not five working days!

7. Budget Committee requires public meeting. The committee appointed by the selectboard to prepare a proposed budget for the board’s review is a public body subject to the open meeting law. This means that the committee must publicly announce its meetings, keep minutes and give the public who attend reasonable opportunity to be heard. 1 V.S.A. §§ 310, 312.

8. Budget committee may act without a quorum. A budget committee appointed by a board may act without a quorum unless the board or municipal charter provides otherwise. Vermont’s quorum rule requires that “when joint authority is given to three or more, the concurrence of a majority of such number shall be sufficient and shall be required in its exercise.” 1 V.S.A. § 172. Because the budget committee provides recommendations to the selectboard, and does not have independent authority to act, the quorum requirement does not apply.

9. No requirement to raise right hand when taking oath. Although it is often the custom, no law requires either the raising of the right hand, nor the use of a bible when taking an oath in Vermont. It is also important to remember that some Vermonters prefer not to “swear.” Every person should therefore be given the choice to “swear” or “affirm.” When a person “affirms,” the word “affirm” is substituted for the word “swear” and the words “under pains and penalties of perjury” are substituted for “so help you God.”

10. Towns may vote a specific budget or vote a tax rate. Vermont law gives the selectboard a choice when it formulates its budget for action at town meeting. 17 V.S.A. § 2664 provides that a town must “vote such sums of money as it deems necessary for the interest of its inhabitants and for the prosecution and defense of the common rights.” The law permits the board either to “express in its vote the specific amounts, or the rate on a dollar of the grand list, to be appropriated for laying out and repairing highways and for other necessary town expenses.” We recommend that towns vote the specific amount at town meeting rather than the rate on the dollar of the grand list, since the grand list will likely change between the date of the vote and the date the selectboard must set the tax rate.

11. Vote required to spend unexpected revenues. The town’s voted budget gives the town officers authority to spend town funds. No other spending authority exists in law (except in certain situations involving particular highway and school expenditures). This means that in most situations the school or selectboard cannot spend grants, gifts or interest on investments without specific voter approval. Many towns include an article in the annual warning that gives the board the authority to spend “unanticipated funds such as grants and gifts.



12. Selectboard and school board draft budgets to propose to voters. One of the selectboards’ and school boards’ most important duties is to draft the budget of the town and school. This budget is included in the warning and is then voted at the annual meeting. In most towns the boards ask for input from the various departments. However, the ultimate decision about what to put before the voters is up to the selectboard or school board.

13. Fire department may petition for additional funds. In one town the municipal fire department was not satisfied with the selectboard’s budget. In their free time, not during work hours, the fire department brought a petition of five percent of the voters for an additional appropriation. (If the budget was voted on the floor they could have simply moved to amend the budget). Voter approval of the additional appropriation in effect overrules the selectboard’s budget. Note that there is an argument that the selectboard would still have authority to withhold funds allocated to the department in the selectboard’s budget as the budget is authority to spend – not a requirement to spend. However, if the budget was amended on the floor, or if the budget line items are voted individually, the board would be bound to authorize expenditure of the money appropriated for the fire department.

14. Only social service agencies that serve the community may request special appropriations from the town. The general rule is that a town may only spend taxpayer dollars for social service agencies that serve the community. According to 24 V.S.A. § 2691 a town or village may “appropriate such sums of money as it deems necessary for the support of social service programs and facilities within that town for its residents.” Note that, despite the statutory language, the Vermont Supreme Court has held that social service agencies physically located outside the municipality may be considered to be social programs within the village or town if the agency serves the residents of the municipality. *Addison County Community Action Group v. City of Vergennes*, 152 Vt. 161 (1989)(this case also extended § 2691 to cities.)

15. Social service agency does not have to petition if selectboard agrees. An organization's request for a town appropriation can be placed on the ballot in one of two ways. An agency can bring a petition, signed by five percent of the voters, to the selectboard by the 40th day before the date of the meeting. 17 V.S.A. § 2642(a). In the alternative, the selectboard may, on its own motion, include in the warning appropriations for non-profits that serve the town. Some selectboards have an established policy about when it will include an appropriation request on the warning without petition. A typical policy is to automatically place on the warning the previous year's appropriations. In these towns, any non-profit that had not previously been given funds by the town, or an organization that wishes an increase in funding must still petition the town to get on the ballot.

16. Auditors must be given access to records. Town auditors must meet at least 25 days before each annual town meeting, 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, many auditors begin their work in early January. The law provides that at any time in their discretion, town auditors may, and if requested by the selectboard, must examine and adjust the accounts of any town officer authorized by law to receive money belonging to the town. Any town officer who willfully refuses or neglects to submit his or her books, accounts, vouchers or tax bills to the auditors or the public accountant upon request, will be ineligible to reelection and will be subject to possible fines or penalties. 24 V.S.A. § 1686.

17. Auditor meetings must be noticed as public meetings. Meetings of the town auditors must be announced to the public as a special meeting of the board in accordance with the requirements of the open meeting law. 1 V.S.A. § 312. Town auditors may perform merely clerical functions outside of an open meeting (i.e. checking accounts, reviewing books, etc.) but best practice is to notice a public meeting of the board whenever a quorum of the board meet to perform auditing functions.

18. Town may hire accountant in lieu of elected auditor. Municipalities may vote to eliminate the office of auditor. In such a case the town must hire a public accountant to perform the duties of the town auditors. 24 V.S.A. § 1690. The town can also hire a public accountant to assist the elected auditors in their duties if the auditors are interested in having the help.

19. Selectboard not bound by road policy of previous board. A board is not bound by a previous policy and may change it to reflect what the board believes is the best interest of the community. For example, the selectboard may reconsider its road policy whenever it feels it is necessary. A person who lives on a class four road has no right to continued plowing even if the road has been plowed in the past.

20. Town should not plow private roads. The recommendation that towns not get in the habit of plowing private roads comes from the rule found in our constitution that public resources may not be used for private benefit. While it is tempting to plow private roads as a courtesy for residents, it is important for towns to make a consistent policy so that all residents are treated equally (remember property on a private road is listed at a lower value than those on the public highway – so they are paying less property taxes because they are not receiving the benefit of road maintenance at town expense.) Also note that a town that maintains private roads over a period of time may be deemed to have acquired the road through “dedication and acceptance.”



21. Resident may not put up fence in right of way. In one town a resident was unhappy that the school bus used her road as a turn around so she constructed a fence in the highway right of way that would prevent the bus from turning around. 19 V.S.A. § 1111 makes it unlawful to construct a fence in the highway right of way. However, the fence may be placed on the landowner's property – outside of the right of way – even if it prevents the tail end of the bus from making the turn around.

22. The selectboard may construct snow fence to prevent obstruction of highway. When the selectboard determines that a town road is liable to be obstructed by snowdrifts unless a snow fence is erected on land adjoining the highway, it may give the landowner notice and hold a hearing for the owner to discuss the matter, and then they can go on the private property to build and maintain the fence for the winter months. 19 V.S.A. § 927. Note that the selectboard may also require a landowner to remove a fence for the winter if it can be done easily, in order to prevent the town highway from being obstructed by snowdrifts as a result of the placement of the fence. 19 V.S.A. § 925. In both cases the board must follow statutory procedures found in 19 V.S.A. § 923 for giving the landowner and others notice, inspecting property, determining need, awarding damages and satisfying appeals.

23. Snowmobiles may only cross plowed roads in unobstructed locations. Vermont’s motor vehicle law provides that a snowmobile may not be operated across or on a plowed public highway unless “the crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and the operator brings the snowmobile to a complete stop before entering the traveled portion of the highway; and the operator yields the right of way to motor vehicles and pedestrians using the highway.” Note that in order to cross a public road the snowmobile operator must be 16 years of age or older. Or if over the age of 12, but under the age of 16, the operator must be under the direct supervision of a person 18 years of age or older. 23 V.S.A. § 3206.

24. Snowmobiles may use unplowed public highways. 23 V.S.A. § 3206 provides that a snowmobile may run on unplowed highways if the town road has been opened to snowmobile travel by the selectboard, and the road is so posted by the town. Snowmobiles may also use the unplowed portion of the highway right of way so long as the operator is not closer than five feet from the plowed portion. The selectboard should adopt a clear winter use policy so that all landowners and snowmobile users know what roads may be used in the winter.



25. Town may permit landowner to pent a road. One landowner was unhappy because snowmobilers used the class four road in front of his house at all hours of the day and night, despite the fact that it was a privately maintained class four road that the board had not opened to snowmobiles. 23 V.S.A. § 3206. The board may grant the landowner written permission to put up an unlocked gate across the road to deter recreational use of the road. 19 V.S.A. § 301. (Pent roads were originally created to keep in farm animals where a landowner owned both sides of the road and let the animals graze freely.)

26. Couple cannot keep marriage out of the public record. In one town a couple wished to get married but asked the clerk not to include their names in the public record as they did not want family members to know of their marriage. State law makes the marriage records public records. However, the clerk might agree to keep their names out of the town report. 18 V.S.A. §§ 5012. (Note that if both members of the couple live in the same town that will be the only town in which they can register their marriage. However, nothing would stop the couple from leaving the state to elope.)

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.

Municipal Calendar

JANUARY 2007

- 1 New Year's Day. 1:371(a)
- 3 (*First Wednesday after the first Monday of January*) Legislature convenes. Vermont Constitution. Ch II, §7
- 5 (*60 days before Town Meeting*) Last day to warn the first public hearing if a charter adoption, amendment or repeal is to be voted at Town Meeting. 17:2641(a), 2645(a)(3)
- 15 Last day for Tax Collector to deliver unpaid real and personal property tax lists to Town Treasurer. 32:5162
- 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. 20:3581(f)
- 15 Martin Luther King, Jr.'s Birthday. 1:371(a)
- 25 (*Not less than 40 days before Town Meeting*) Last day to file petitions signed by at least five percent of voters with Town Clerk for articles to be included in Town Meeting warning. 17:2642(a)
- 25 (*40 days before Town Meeting*) First day for the legislative body to warn the meeting, by posting the warning and notice in two public places and in or near the Town Clerk's office. 17:2641(a), 2642
- 25 (*40 days before Town Meeting*) Last day for Board of Civil Authority to designate polling places and, if necessary, divide the checklist according to geographic boundaries. 17:2501(a)
- 25 (*10 days before first public hearing*) Official copy of proposed charter amendments must be filed in Town Clerk's office if vote is to be taken on Town Meeting Day. 17:2645(a)(2)
- 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. 32:5842
- 29 (*Sixth Monday before election*) 5:00 p.m. deadline for filing with the Town Clerk nominating petitions for town officers to be voted on by Australian Ballot. 17:2681(a)
- 30 Last day for Auditors to post 10 days' notice of their meeting to examine town accounts. 24:1681
- 30 (*Within 24 hours of receipt*) Town Clerk must return nominating petitions found not to conform, stating in writing the reasons why they cannot be accepted. 17:2681(e)
- 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. 24:1179
- 31 (*Wednesday after filing deadline*) 5:00 p.m. deadline for candidates to file written consent for the candidate's name to be on the ballot. 17:2681(a)
- 31 (*Wednesday after filing deadline*) 5:00 p.m. deadline for a person to withdraw after he or she has consented to be nominated. 17:2681(d)
- 31 (*Wednesday after filing deadline*) 5:00 p.m. deadline for candidates to file supplementary petitions if initial petition was not accepted. 17:2681(e)
- 31 Last day to file Form 941 (*Quarterly Withholding Return*) with the IRS.

FEBRUARY 2007

- 1 Last day to mail W-2 Withholding Forms to employees.
- 1 Deadline for Tax Collector to turn over moneys collected and settle account with Town Treasurer. 24:1532
- 1 Last day for Listers to file corrected grand list for preceding year in order to render it valid. 32:4112
- 4 (*Not less than 30 days before Town Meeting*) Last day for municipality to post warning and notice of Town Meeting. 17: 2521(a), 2641(a), 2642
- 4 (*At least 30 days before Town Meeting*) Last day to hold first public hearing on charter amendments if article is to be voted at Town Meeting. 17:2645(a)(3)
- 4 The most recent checklist of the town should also be posted at this time, wherever the warning and notice are posted. In towns that divide their checklist, that portion of the checklist that applies to the district should be posted. 17:2141, 2501, 2521(a)
- 9 (*25 days before Town Meeting*) Auditors must meet by this date to examine and adjust town finances. 24:1681
- 9 (*25 days before Town Meeting*) Town officers must settle accounts with Auditors to be eligible for re-election. 24:992
- 10 Last day for any municipality that has enacted special weight limits, which are other than State legal limits for highways and bridges, to file complete copy of the limitations with the Department of Motor Vehicles. 23:1400b(a)

- 10 Last day for Legislative Body to file with Town Clerk annual statement of description and measurement of all
 Class 1, 2 and 3 town highways, then in existence, including special designations. 19:305(b)
- 12 Lincoln's Birthday. 1:371(a)
- 14 *(Not later than 20 days before election in towns using Australian Ballot)* Under direction of the Town
 Clerk, ballots must be back from printer. 17:2681a(a)
- 14 **VLCT LOCAL GOVERNMENT DAY IN THE LEGISLATURE**
- 19 Washington's Birthday. 1:371(a)
- 20 *(At least two weeks before Town Meeting)* Town Clerk must have liquor ballots printed if liquor issue is on
 Town Meeting agenda and if town does not use Australian Ballot. 7:163
- 23 Last day for legislative body to post warning for public informational hearing on any public question to be
 voted by Australian Ballot at Town Meeting. 17:2680(g)
- 24 *(At least 10 days before Town Meeting)* Legislative body must mail or otherwise distribute Town Meeting
 warning in annual town report by this date to avoid publishing warning in newspaper. 17:2641(b)
- 24 *(At least 10 days before Town Meeting)* Auditors' Report, or the findings of the public accountant employed
 in accordance with 17:2651b, must be distributed. 24:1682
- 24 *(Not later than 10 days before municipal election)* Last day for Town Clerk to post sample ballots in the
 same places Clerk has previously posted copies of the warning, notice and checklist. 17:2522(a)
- 24 *(At least 10 days before the election)* Voting machines must be tested using official ballots that are clearly
 marked "test ballots." 17:2493(b)
- 26 Last day *(up to 12:00 noon)* for Town Clerk to receive a request for an application for addition to the
 checklist simultaneously with a request for an early voter or absentee ballot. 17:2532(b), (c)
- 26 Town Clerk's office must be open from 10:00 a.m. or earlier until at least 12:00 noon for the purpose of
 receiving applications for addition to the checklist. 17:2144(a)
- 26 Last day *(up to 12:00 noon)* for people who are not eligible to register to vote by this date, but who will be
 by election day, to file a written notice of intent to apply with the Town Clerk. 17:2144(b)
- 26 *(10 days before the election)* Candidates for Town Meeting local election who are spending more than \$500
 must file a campaign finance report with officer with whom nominating papers were filed. 17:2822, 2103(13)
- 26 *(During the eight days immediately preceding election day and on election day)* In towns using Australian
 Ballot, Town Clerk must give each pair of Justices one part of the list of ill or physically disabled applicants to
 be visited, together with early or absentee voter ballots and envelopes for each. 17:2538(b), (c)

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

Tip of the Month



This month's tip comes from Deb Beckett, Williston Town Clerk and Treasurer...

In preparation for the upcoming audits, keep a paper trail for everything and ask the auditors for a "to-do list" early. Get as much done ahead of time as possible. When you get the payment reports from the state, identify where they hit in the general ledger immediately rather than waiting until the end of the year.

Please send your tips to Clyde Jenne, Hartland Town Clerk, at hartlandvtclerk@vermontel.net or 802-436-2444.

I want to say thank you and farewell to Janel Johnson who will be leaving the Secretary of State's office having worked for three years as the Voter Outreach and Civics Education Coordinator. Janel's dedication to our democracy and her enthusiasm for civics education has made a real difference in Vermont.

Janel was instrumental in ensuring that the "Your Vote is Your Voice" campaign and the "Honor a Vet with your Vote" programs were a success. She worked with college campuses and retirement homes, with new citizens and election officials to ensure that Vermonters everywhere had the information and encouragement they needed to participate in our elections.

Janel has a particular passion for working with our schools. As our Civics Education Coordinator she found creative ways to help our teachers incorporate civics education in the classroom. She made our mock election program - Vermont Votes for Kids and Democracy in Action - a success, and she expanded our Civics education offerings to include a new board game, "On the Road to Congress," a role play tour of the Vermont Statehouse, including a booklet entitled "The Adventures of Bill, a Real Life Story of How a Bill Becomes Law," and our most popular publication for school children "Vermont History, Facts and Fun." The success of these materials and programs are in large part due to Janel's hard work and her commitment to involving young people and educators as the projects were developed.

We wish Janel luck in her future endeavors!

I would also like to welcome **Missy Shea** who will be taking over as the Voter Outreach and Civics Education Coordinator. Missy has a strong background in education, project management, and outreach having been a high school social studies teacher, served on her local school board, and having worked for many years as a manager in the ski industry. We are excited to have her on board!

Goodbye to Birdie Wyman



Photo courtesy of the Bennington Banner.

Congratulations to Birdie Wyman on her retirement from 23 years as Town Clerk for the Town of Arlington. Thank you for your many years of service to your community and to the State of Vermont! We wish you well.

Quote of the Month



Be always at war with your vices, at peace with your neighbors, and let each new year find you a better man.

~Benjamin Franklin

Upcoming Training Events

Thursday, January 18
7:00 p.m.

SUBDIVISION PRIMER
Vermont Interactive TV

Thursday, January 25
9:00 a.m. - 4:00 p.m.

LOCAL WATER QUALITY PROTECTION
Vermont College, Montpelier

Thursday, February 1
9:00 a.m. - 4:00 p.m.

WELLNESS COORDINATOR WORKSHOP
Capitol Plaza, Montpelier

Thursday, February 8
9:00 a.m. - 4:00 p.m.

WELLNESS COORDINATOR WORKSHOP
Comfort Inn, St. Johnsbury

Thursday, February 8
6:30 p.m.

MUNICIPAL PERSONNEL PRIMER, NORTH
Comfort Inn, St. Johnsbury

Thursday, February 15
9:00 a.m. - 4:00 p.m.

WELLNESS COORDINATOR WORKSHOP
Wilmington Town Office

Thursday, February 15
6:30 p.m.

MUNICIPAL PERSONNEL PRIMER, SOUTH
Wilmington Town Office

For more information contact Jessica Hill (jhill@vlct.org) - Phone: 800-649-7915

Mailing List Updates!

Help us keep our mailing list up to date!

Let us know if:

- your address needs to be updated,
- your name is misspelled, or
- you'd rather receive *Opinions* a week early via email.



Send us a note via fax: 802-828-2496,
email: gcolbert@sec.state.vt.us,
or post: 26 Terrace St., Montpelier, VT 05609-1101.

Be sure to include the information from your current *Opinions* mailing label as well as any changes that you would like to have made.

Thank you for helping us keep Opinions running efficiently!

RETURN SERVICE REQUESTED

Redstone Building
26 Terrace Street
Montpelier, VT 05609-1101
802-828-2363
www.sec.state.vt.us

PRSR STD
U.S. Postage Paid
PERMIT NO. 147
MONTPELIER, VT
05609-1101

Office of the Vermont Secretary of State
January 2007
Opinions