

TOWN MEETING 2001 – A SNOWY ADVENTURE!

At least 30 towns postponed their annual Town Meetings earlier this month when a two-day nor'easter dumped one to two feet of snow on the state. Local officials in towns where the meeting went on reported mixed results on attendance – some were down because of the storm, while others were packed with citizens who had an unexpected “snow day” and chose to spend all or part of it at their Town Meeting.

The calls began coming into the VLCT Law Center early on the Monday before Town Meeting. Can we cancel the meeting? Can we postpone it? What do we do?

The Law Center advised that according to Vermont law, municipalities are required to hold their annual meetings on the first Tuesday in March. 17 VSA § 2640(a). However, the statutes allow municipalities to adjourn town meeting to another date. 17 VSA § 2640(a). Accordingly, the Law Center advised municipalities to gather at least three people at town meeting (a moderator to start the meeting, someone to make a motion to adjourn the meeting and someone to second the motion) in order to postpone Town Meeting. Any three people would do. Accordingly, a three-member town selectboard could meet to start and adjourn the meeting to a date certain.

The adjourned meeting would not have to be re-warned. Thus, municipalities that adjourned their meetings do not have to wait 30 days to reconvene the meeting. However, towns should of course provide some notice to the voters as to where and when the reconvened meeting would take place. In addition, many towns had questions about the effect postponing town meeting would have on items that were warned to be voted by Australian ballot. This was a particularly difficult issue in towns that are part of union school districts where some towns in the district voted on the school budget by Australian ballot and other towns postponed their meeting. The Law Center’s reaction to this conundrum is that there is no legal authority to cancel Australian ballot votes for school budgets, town budgets, officers or public questions. The Secretary of State’s Office had a different opinion on this legal question. On the Monday before Town Meeting it issued a press release stating that Australian ballot voting could be cancelled. All the issues relating to the legal authority to postpone or cancel Town Meeting are still being discussed within the legal community. VLCT will keep its members informed as these discussions proceed.

“I don’t think in my 23 years at the League that the question of canceling Town Meeting has ever come up,” said VLCT Executive Director Steven Jeffrey, who himself made the decision early on Town Meeting Day to close the VLCT office. “That so many meetings went on despite the weather is a testament to the determination of Vermonters to spend a day in early March governing their towns and schools.”

While meetings adjourned for 30 days or more *should* be safe against bad weather, at press time, another storm was predicted for one week after Town Meeting. Towns that adjourned their meetings for a week may face another snowy day – hopefully not of the magnitude of the Town Meeting Day Storm of 2001!

- Katherine Roe and Jon Groveman, Esq.

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