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## VLCT News March 2019

### Executive Director's Message

It is important to begin this issue of VLCT News by recognizing local officials retiring from their positions and welcoming all the newly elected officials to the vital world of local government. First, we at VLCT want to thank each of you for giving your time, skills, and energy to the critical work undertaken by municipal government all around Vermont. Many of you have served for several years – perhaps decades – and the state and your communities are better for it. We salute you and wish you well as you pursue other interests, or simply take a little time “off.”

To our newly elected colleagues, I look forward to meeting you in person over the coming months and sharing with you the numerous ways that VLCT is committed to working with you. Our monthly publication, VLCT News, is but one of the many resources in which we share important news and information with our members. In this issue, for example, you will find a comprehensive article from our Municipal Assistance Center detailing the post-town meeting process, as well as guidance about what to do should a town’s Australian ballot budget be rejected by the voters. We work hard every month to deliver useful information in a timely and easy-to-understand manner. As you look through this issue and visit us online to read past issues ([www.vlct.org/newsletters](http://www.vlct.org/newsletters) [1]), I encourage you to let me know if there are topics that you would like to see covered in upcoming issues of VLCT News, or if there is an article about what is happening in your city or town that you would like to highlight.

When VLCT hosted the organization’s annual Local Government Day on February 14, attendees were given a sticker to wear with the easy to remember tagline “Municipal Government – the Heart of Vermont.” It was a little play on words, since Local Government Day was held on Valentine’s Day, however it also accurately captures the truth of just how essential local government is to Vermont and places appropriate focus on municipalities being special places to live, to work, and to visit. Whether you are new to municipal government or have been active in your town for years as an elected official or employee, know that your efforts are what keep the heart of Vermont beating strongly.

One topic that is of interest to many VLCT members is economic development, and we are excited to host our annual Economic Development Forum on Wednesday, March 27, at Burke Mountain Resort.

Building on the success of last year's event that explored the relationship between economic development and "placemaking," this year's forum will show attendees how to implement creative and sustainable economic development initiatives that drive results. The day will begin with a keynote address from Rebecca Sanborn-Stone, a principal with Community Workshop LLC, who was a popular presenter at last year's forum. In her keynote, Rebecca will discuss the role of civic infrastructure in building strong communities. She has also authored an article in this issue of VLCT News on that subject to give you a glimpse of what she will cover at the forum. Rebecca is an engaging and knowledgeable speaker, and I hope you will come listen to her in Burke on March 27 ([www.vlct.org/econforum](http://www.vlct.org/econforum) [2]).

Thank you all for your past, current, and ongoing dedication to strong, effective municipal government. I wish you continued success and remind you that all of us at VLCT are here whenever you need us. There are many talented individuals with significant municipal expertise who are only a phone call, email, or car ride away from your town or city office, so never hesitate to reach out to us.

Warm regards,

Maura Carroll  
Executive Director, VLCT

## **Australian Ballot Budget Rejection**

### **What happens if the town's Australian ballot budget is rejected by the voters?**

If the town's budget is rejected by the voters, then 17 V.S.A. § 2680(c)(2) is triggered, which describes the required process to adopt a subsequent budget. This law requires the selectboard to warn a special town meeting, prepare a revised budget, and set a date for the town to vote on the revised budget.

To warn a special town meeting, the selectboard must post the warning and notice in at least two public places in town and in the clerk's office, not fewer than 30 nor more than 40 days before the meeting. 17 V.S.A. § 2641. The warning must also be published in a newspaper of general circulation in the town at least five days before the meeting.

In addition, the selectboard must hold another public informational meeting on the revised budget, which must be noticed at least five days in advance. The selectboard should give notice of the additional public informational meeting by posting warnings in at least two public places in town and in the clerk's office.

The date of the vote on the revised budget must be at least seven days following the notice of the public informational meeting. The vote on the revised budget must be by Australian ballot and must occur at the same location that the first vote was taken; however, if that polling place is unavailable, the vote may be held at a different location, so long as notice of the new meeting location is also posted at the original location. The revised budget is adopted by a majority vote.

If the revised budget again is voted down, the town must repeat the above procedure until a budget is adopted.

Carl Andeer, Staff Attorney II

# Civic Infrastructure

Most Vermont towns spend millions of dollars and many dozens of hours each year maintaining infrastructure, planning for it, and probably arguing about it. We all know that roads and bridges, cell towers, and fiber-optic lines are essential for thriving local economies and quality of life. If your town is thinking long term, you're likely also looking at green infrastructure. Healthy natural systems can absorb and filter stormwater, minimize heat impacts, and protect drinking water – all saving money, protecting property, and meeting community needs.

But very few communities anywhere in the U.S. are strategically planning for or investing in civic infrastructure. Every single town should be.

Built infrastructure is the physical structures and systems that allow a community to function. Civic infrastructure is the culture and systems that allow people to connect, work together, get information, solve problems, and create a thriving community. Civic infrastructure supports many of the things Vermonters value most: engaged and connected communities, local democracy, independence, and resourcefulness. It's also the key factor in whether we can function together as towns, make decisions, respond to disasters or challenges, and take advantage of opportunities.

What does it look like when civic infrastructure is strong? Vermont is a great place to take a peek, and here are some examples of towns that are doing it well:

- Middlesex distributes an “Operators’ Manual” to the community. This invaluable guide has information for all residents on how the community works, where to find information and help, and how to participate and get involved.
- Windham County and the Upper Valley have strong COADs – Community Organizations Active in Disaster. COADs are teams of local organizations (like hospitals, fire and rescue groups, churches, shelters, and social service providers). They meet regularly and build relationships, so they are ready to mobilize and work together the instant disaster strikes.
- Morrisville keeps finding creative new ways to enliven its downtown and public spaces. Each year, it invites local artists to paint Adirondack chairs, which are placed around town to offer outdoor seating in the summer and auctioned off as a fundraiser in the fall. This year, high school students just finished banners and stories about diverse local leaders, which help people get to know one another and celebrate leadership while adding color and vibrancy to the downtown streetscape.
- In my town, Bethel, we're in the midst of our sixth season of Bethel University – a community pop-up university. During March of each year, anyone can teach a class on any topic under the sun, and everyone can take classes for free. In addition to courses on bread baking and knitting, “BU” has become a platform for local groups and committees to reach new volunteers and educate the community on everything from wilderness medicine to invasive species removal.
- In many Vermont towns, Front Porch Forum has taken dialogue and communication to a whole new level. With dozens of daily messages, it creates a way for people to connect with neighbors, instantly get and share information, and practice civil discussion. (Yes, practice is the operative word.)

- These examples highlight some of the ingredients in strong civic infrastructure: gathering places, information channels, relationships and connections. It's far more important and less common to take a holistic look, but Randolph, Braintree, and Brookfield have been doing just that. A group spent the last year taking inventory of what's available and what's needed in terms of community meeting spaces, activities, and opportunities for social connection, and identifying recommendations to strengthen those areas. The emerging needs may seem like a lower priority than potholes (or at least draw fewer angry phone calls). But investments in civic infrastructure will pay off in more volunteers and fewer expectations on government, more collaboration and less overlap, more support for local businesses and fewer Main Street vacancies, and more civic participation and fewer civic battles.

There is no single recipe for building stronger civic infrastructure. There are a dozen other ingredients and ways of combining them. It's up to your town to find creative ways to mix and match, stir and sauté. Start with small, inexpensive projects: invite your neighbors to join Front Porch Forum and plop a chair or two on a street corner. And start together: invite a new neighbor for coffee and civil dialogue. Better yet, invite a whole group to take a look at where civic infrastructure is strong in your community and where it needs to be stronger. If you'd like to learn more about ingredients and examples of civic infrastructure, next month's Economic Development Forum at Burke Mountain (see details on page 14) will be a great place to start. It's up to you to get cooking.

Rebecca Sanborn Stone, Principal  
Community Workshop LLC

*Community Workshop is a Vermont consulting firm that offers creative engagement, planning, placemaking, and effective communications to towns, cities, and non-profit organizations across North America.*

## Post Town Meeting - What's Next?

### 2019 Post-Town Meeting Process

The gavel has come down and the polls are closed, but the work necessary to ensure a truly successful town meeting is just beginning. This article will help you navigate the numerous post-town meeting legal requirements found in Vermont statutes.

#### The Official Record

Under state law, the town clerk must record "all proceedings of all town meetings." There is no requirement that the clerk create a full transcript of the meeting, but the record should at least include the following information: all articles introduced, the substance of any motions made, the identity of the motion-makers and of those who spoke in regard to the articles and motions, and the results of all votes taken. Once it is created, the record must be approved by any two of the following officials who were present at the meeting: moderator, selectpersons, and justices of the peace. The clerk must request approval of the record from these officials within seven days after the meeting and the request must be given prompt consideration. 24 V.S.A. § 1152.

## Certifying Elections

State law mandates that the town clerk report the election of certain officials. Certificates of election can be found on the Elections Division page of the Office of the Secretary of State's website, [www.sec.state.vt.us/elections/town-clerks-election-workers.aspx](http://www.sec.state.vt.us/elections/town-clerks-election-workers.aspx) [3]. Here are some of the elected positions to be certified:

- **Town Clerk:** File a certificate of election or appointment and a copy of the official oath with the county clerk within six days of the election or appointment. This certificate must be signed (1) by the moderator if the clerk is elected from the floor; (2) by the chair of the board of civil authority if the clerk is elected by Australian ballot; or (3) by the selectboard if the clerk is appointed. 24 V.S.A. § 1151. The clerk must also supply each library in town with two copies of the town report and one copy to the Vermont State Archives and Records Administration. 24 V.S.A. § 1173.
- **Treasurer:** Report the name of the town treasurer to the state treasurer on or before July 1st of every year. 24 V.S.A. § 1166.
- **Selectpersons:** File with the secretary of state a list of the names and addresses of selectpersons elected and notify the secretary of state of any changes in the list as filed. 17 V.S.A. § 2665.
- **Lister:** Names, post office addresses, and lengths of term of office of each lister must be reported electronically to the director of the Division of Property Valuation and Review after each annual meeting and when a lister is appointed to fill a vacancy. 24 V.S.A. § 1168.
- **First Constable:** Certify the name and post office address of the person elected to the county clerk. 24 V.S.A. § 1169.
- **Justice of the Peace:** Send or deliver to each candidate that is elected a certificate (on a form provided by the secretary of state) signed by the town clerk and one other election official. The town clerk shall also file with the secretary of state a list of the names and addresses of justices of the peace and notify the secretary of any changes in the list as filed. 17 V.S.A. § 2592(i).

## Announcing and Reporting Votes

The clerk's post-town meeting responsibilities also include reporting certain actions taken by the voters at town meeting. When a town votes to raise a tax, borrow money, or make any appropriation, the town clerk must certify such vote within five days to the town treasurer and selectboard chair. 24 V.S.A. § 1167. If the townspeople voted to amend their town charter, the clerk must, under direction of the selectboard, announce and post the results of the vote immediately after it is counted. Within ten days, the clerk must certify facts of the origin and procedure followed for each amendment adopted, if any, to the secretary of state and certify the result before any subsequent action on the amendment by the Vermont Legislature. 17 V.S.A. §§ 2645(b), 2663.

Towns that conduct elections by Australian ballot have different reporting requirements depending on how votes are tabulated. In towns that count by hand, the presiding officer must publicly announce the results when each summary sheet is completed. For those that use vote tabulating machines, the presiding officer may publicly announce the results from the tabulator tape and post them as "unofficial incomplete results" in the polling place. The town clerk must report, as soon as practicable on the day of the election, the unofficial vote counts of all candidates whose names appeared on the ballot to the secretary of state electronically via the secretary's online elections reporting system or, if unable to submit electronically, via telephone, facsimile, or email. Within 48 hours of the close of the polls, the clerk must deliver one certified copy of the election return to the secretary of state, the senatorial district clerk, the county clerk, and the representative district clerk. 17 V.S.A. § 2588.

## Appointing Assistants

After his or her election, the town clerk must appoint at least one assistant (24 V.S.A. § 1170) who must be sworn into office (24 V.S.A. § 1171). A record of the assistant clerk's appointment must be certified by the clerk and a copy of the assistant's oath must be deposited with the county clerk. 24 V.S.A. § 1172. The treasurer may, but does not have to, appoint an assistant. 24 V.S.A. § 1573. If the treasurer fails to appoint an assistant within ten days of a selectboard's written request to do so, the selectboard may appoint one for him or her. Appointments for both offices must be recorded in the town clerk's office.

### **Administering Oaths of Office**

A handful of town officers must be sworn into office before they may carry out any of their duties. Among them are the clerks and their assistants (24 V.S.A. §§ 831 and 1171); justices of the peace (4 V.S.A. § 491); selectpersons, constables, listers, and fence viewers (24 V.S.A. § 831); village clerks, treasurers, and collectors of taxes (24 V.S.A. § 1306); assistant election officials (17 V.S.A. § 2454(a)); and members of the board of civil authority (32 V.S.A. § 4405). State law prescribes different oaths for different town officers. The town clerk may administer oaths of office whenever they are required and must keep a record of all oaths taken. 24 V.S.A. § 1160. The clerk's oath may be administered by a justice of the peace; notary public; supreme, superior, or assistant court judge; presiding officer, secretary, or clerk of either chamber of the Vermont General Assembly; or by the governor. 12 V.S.A. § 5852. A listing of the different oaths of office is posted on the Elections Division page of the Office of the Secretary of State's website, [www.sec.state.vt.us/elections/town-clerks-election-workers.aspx](http://www.sec.state.vt.us/elections/town-clerks-election-workers.aspx) [3].

### **Settling Accounts**

When a new treasurer is elected, his or her predecessor must immediately pay over to his or her successor all funds belonging to the town and town school district and deliver all official books and papers in his or her possession. 24 V.S.A. § 1578. Similarly, if there is a change regarding the collection of taxes, the predecessor collector must give the treasurer all uncollected tax bills and all moneys collected thereon. These bills must be audited and reissued to the new collector, who must in turn provide a receipt for them. 32 V.S.A. § 4671.

### **Bonding Requirements**

Certain officers and employees must provide a bond conditioned on the faithful performance of their duties. These include constables, road commissioners, collectors of taxes, treasurers, clerks, assistant treasurers when appointed by the selectboard, and any other officer or employee of the town authorized to receive or disburse town funds. 24 V.S.A. § 832. The purpose of the bonding requirement is to protect the municipality financially from the possible wrongdoing, misappropriation, or honest mistake committed by its officers or employees. Bond amounts are set by the selectboard and paid for by the town. 24 V.S.A. § 835. Such bonding is customarily done through the town's insurance carrier or a specialty surety company. (VLCT PACIF provides coverage to its member municipalities that meets the statutory requirement for bonding but is technically not a bond. Certain acts committed by elected and appointed officials and employees are covered by the PACIF program as stated in the coverage document. PACIF will facilitate the procurement of additional coverage.) On approval, the selectboard must file all bonds with the town clerk who must record them in a separate book kept for that purpose. 24 V.S.A. § 833.

### **Organizational Meetings**

After its election, the selectboard must hold an organizational meeting at which it must elect a chair and, if it so votes, a selectboard clerk. 24 V.S.A. § 871. Certificates of election for these positions must be recorded with the town clerk. The first organizational meeting of the selectboard is a good time to establish the board's regular meeting schedule and adopt rules of procedure (available on the Resource

page of our website, vlct.org). The selectboard may also want to use this meeting to designate physical locations in the town for posting meeting notices, choose the town's newspaper of record for public notices, and authorize a designated selectboard member to sign orders on behalf of the town. The selectboard must also appoint a legally-qualified voter to serve as the tree warden and may – though it is no longer required to – appoint three fence viewers, a poundkeeper (residency not required), a town service officer, a grand juror, and one or more inspectors of lumber, shingles, and wood, and weighers of coal. These appointments, if made, must be recorded by the town clerk. 24 V.S.A. § 871.

### **Validating Errors or Actions**

If there was a mistake in the way the town meeting was warned or noticed, there will need to be a subsequent town meeting to “validate” the action taken at the first meeting. Seventeen V.S.A. § 2662 allows voters to “correct and legalize” an omission or noncompliance with notice and warning requirements for a town meeting so long as the meeting and the business conducted at that meeting was otherwise legal and within the scope of the town's authority. Validation takes place when the town holds a properly warned subsequent special or annual town meeting and votes to “readopt, ratify and confirm” the action taken at the first meeting. 17 V.S.A. § 2662. The town need not vote anew on each article of the prior meeting, but merely pose one question in substantially the following form: “Shall the action taken at the meeting of this town [or city, village or district] held on [state date] in spite of the fact that [state the error or omission], and any act or action of the municipal officers or agents pursuant thereto be readopted, ratified and confirmed?” 17 V.S.A. § 2662.

Validation may also be used to correct and legalize procedural errors or omissions in the conduct of the town meeting itself. In this type of situation, it is the selectboard that must act to validate the previous town meeting. Seventeen V.S.A. § 2662 allows a selectboard, at a properly warned selectboard meeting, to pass a resolution by a two-thirds vote stating that the procedural error or omission that occurred at the town meeting was “the result of oversight, inadvertence or mistake.” Once this resolution is passed, and assuming that the town otherwise had the power to act, the actions taken at the prior town meeting are deemed valid.

For more helpful Town Meeting Day resources, including this article as a Post Town Meeting Process Info Sheet, visit [www.vlct.org/municipal-assistance/municipal-topics/town-meeting\\_](http://www.vlct.org/municipal-assistance/municipal-topics/town-meeting_) [4]

Susan Senning, Staff Attorney I  
VLCT Municipal Assistance Center

## **Trust Matters**

### **UI Program Works with Equifax**

To those groups in VERB's Unemployment Insurance (UI) program, we ask you to remember that Equifax is our partner for UI claim administration, and Kelly Storm is the person we rely on to interact with the Vermont Department of Labor to shepherd these claims through the state system. If your office gets a request from her – most likely via [kelly.storm@equifax.com](mailto:kelly.storm@equifax.com) [5] – seeking a former employee's separation information, we urge you to fulfill her request in a timely manner. It is critical that Kelly receive the

information as quickly as possible, in part so you can avoid a costly state penalty, and in some cases to allow her to protest the claim on behalf of the municipality or VERB. Your timely responses to these legitimate requests help keep the pool strong by allowing us to serve all VERB Trust UI groups well.

If you have any questions about information requests from Equifax or VERB's UI Program in general, please call VLCT's own Kelley Avery at 800-649-7915, ext. 1965.

### **How Can Health Advocate Help?**

West® Health Advocate, the nation's leading independent healthcare advocacy and assistance hotline service, is available to employees of all groups that are in a VERB program at no additional cost to the group or the employee. Health Advocate tackles issues that would otherwise distract your employees during normal work hours. Health Advocate's professionals help callers navigate frustrating health care issues, particularly with claims and coverage. They are well versed in Medicare issues and coverage options, which can be extremely confusing to employees approaching Medicare eligibility.

Any employee - or the employee's spouse, dependent children, parents, and parents-in-law - can call 866-695-8622 toll-free any time for services such as:

- insurance claims mediation
- assistance with correcting billing errors
- answers to questions regarding medical terms, tests, medications, and treatments
- explanation of coverage and plan details, including Medicare
- assistance with eldercare issues
- help with serious or chronic conditions
- locating doctors and hospitals
- researching treatments for a medical condition
- securing second opinions
- scheduling appointments with hard-to-reach specialists

Learn more at [vlct.org/rms/verb/health-advocate](http://vlct.org/rms/verb/health-advocate). If you have further questions, or to request brochures or sign up for services, please contact Kelley Avery or Larry Smith at VLCT at 800-649-7915.

## **Municipality Triviality - March 2019**

Score another one for Google-free minutiae as no one knew the name of the composer who, on March 6, 1969, was honored by the Vermont Legislature with a resolution that noted "the stupendous dissonance" of one of his tunes - though two astute trivialogists nominated me. Hmm. I'll take that as a compliment. No, the honoree was Carl Ruggles, late of Bennington, whose stupendously dissonant "Sun Treader" can still be enjoyed on YouTube. Enjoyed. Yes. That's the word.

All righty, then: Who, when, where, why, and how was the first official execution in Vermont? Email your answers to [dgunn@vlct.org](mailto:dgunn@vlct.org) [6]. My answers, all of 'em, will appear in the ably apostrophed April issue.

# Water Infrastructure Sponsorship Program

*Vermont's Clean Water State Revolving Fund (CWSRF) is a federal-state program that provides communities with a permanent and independent source of low-cost financing for a wide range of water quality infrastructure projects. This is the third in a series of VLCT News articles tracing the evolution of the CWSRF, an outcome of Act 185, which became law last May. In January, we wrote about how the program has expanded to include private entities. Last month, we wrote about the program's new flexibility to fund a broad range of projects with clean water benefits. This month, we explore the Water Infrastructure Sponsorship Program, which can provide financial resources for natural resource projects sponsored by municipalities.*

The Water Infrastructure Sponsorship Program, more familiarly known as WISPr, encourages pairing a municipal water pollution control project, such as a wastewater treatment facility upgrade or green stormwater infrastructure, with a natural resource project, such as a floodplain restoration or dam removal. Under WISPr, the same loan funds both the municipal project and the natural resource project. The cost of the natural resource project can be no more than 10 percent, or a 1:10 ratio of the cost of the sponsoring municipal project. A reduced administrative fee over the life of the loan will cover the total value of the sponsored natural resource project.

For example, a town could take out a \$1 million loan for a pipe replacement project and sponsor a conservation easement for \$100,000. The total cost of the projects would be \$1.1 million. Instead of paying back a loan at 2 percent interest per year for 20 years, the municipality would pay it back at 1 percent over 20 years. In other words, the municipality would still spend a total of \$1.1 million, but it would save \$100,000 worth of administrative fees over the life of the loan. This means that the sponsored natural resource project is, in practical terms, "free." A municipality's annual debt service payment would be the same for a \$1 million standard project (one without a sponsored natural resource project) as it would be for a \$1.1 million WISPr project.

WISPr is designed to provide a funding source for restoration and conservation projects that otherwise wouldn't be pursued because of the hefty price tag. The CWSRF has traditionally focused on funding wastewater treatment facilities which account for a relatively small percentage of pollution in our surface waters. The program is only available to municipalities and nonprofit organizations. The municipality provides the sponsorship funding mechanism and the municipality or nonprofit is responsible for the long-term control and maintenance of the natural resource project.

Act 185 is silent on whether there needs to be a geographic or watershed connection between the sponsoring municipal project and the natural resource project. Therefore, the natural resource project can be in different watersheds or parts of the state. The program leaves it up to the municipality to decide which natural resource projects to sponsor. The Vermont Department of Environmental Conservation maintains a "Match-ready List" (that is, natural resource projects ready for matching) as well a "Hopper List" (or natural resource projects still in the planning stage). As of this writing, these lists are a little spare, but as WISPr catches on, we expect that to change.

More on WISPr is posted at [dec.vermont.gov/facilities-engineering/water-financing/cwsrf/WISPr](http://dec.vermont.gov/facilities-engineering/water-financing/cwsrf/WISPr). Questions? Please contact WISPr Project Lead Ashley Lucht at 802-585-4904 or [anr.wispr@vermont.gov](mailto:anr.wispr@vermont.gov)

[7].

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**Links**

[1] <http://www.vlct.org/newsletters>

[2] <http://www.vlct.org/econforum>

[3] <http://www.sec.state.vt.us/elections/town-clerks-election-workers.aspx>

[4] <http://www.vlct.org/municipal-assistance/municipal-topics/town-meeting>.

[5] <mailto:kelly.storm@equifax.com>

[6] <mailto:dgunn@vlct.org>

[7] <mailto:anr.wispr@vermont.gov>