

MINUTES OF THE
MEETING OF THE BOARD OF CIVIL AUTHORITY
Tuesday, February 12, 2019, 6:00 PM

Present: Marge Munger, Seth Hopkins, Brian Coolidge, Bud Coolidge, Doug Bailey, Kathy Clark, Wendy Rowe, Laura Peterson, John Peterson and Bill Moore

I. Welcome to new Board Members

Welcome to Kathy Clark and John Peterson our new board members. (John arrived after the welcome)

II. Election of Officers

Del Cook was elected chair and Seth Clifford was elected vice-chair of the Board of Civil Authority.

III. Review of Policies and Procedures

- A. Emergency Evacuation Procedure – Reviewed policy and readopted with no changes
- B. Policy on Politicking at the Polling Place for Candidates and Pollwatchers (combine two previous policies into one) – Reviewed combined policy and adopted with no changes
- C. Rules for Conduct of Meetings and Hearings - Reviewed and readopted with no changes

IV. Discuss Polling Place and Time for Town Meeting

Town Meeting will be held Monday evening, March 4th, at 7 pm at the Town Hall, 1 Conant Square, Brandon. Voting by Australian Ballot will happen on Tuesday, March 5th 7 am – 7 pm.

V. Discuss Mobile Polling for Town Meeting

We will NOT be holding a mobile polling on the Saturday before the election as we have for the last couple of elections. Construction will not have begun yet, and this will allow people to attend Town Meeting ahead of voting.

VI. Parking/Accessibility on Election Day

Once again we need to confirm election day with Bernie and ensure that Casella Construction clears parking in the Mobil station for voters. Doug Bailey will follow up on this. Also want to make sure that the parking in front of the Town Hall is limited to elderly and disabled. It was also suggested that Town Employees keep Seminary Hill clear for people to park.

VII. Schedule

Sue will set up and send out a schedule after getting input from members at the meeting. Monday, March 4 Ballot Delivery, Wendy Rowe-Feldman and Kathy Clark; Monday, March 4 Evening Meeting – Bud Coolidge and Wendy Rowe-Feldman; Tuesday, March

5 Election – Marge Munger, Wendy Rowe-Feldman, Joan Thomas, Bud Coolidge, Doug Bailey; Tuesday, Election Counting – Laura Peterson, John Peterson, Brian Coolidge

VIII. Other Business

Discussed the role of the Assessor in Board of Abatement hearings. Sue stated that when the listers were eliminated, she was instructed that the assessor should attend in place of the listers. Sue will follow up with the Secretary of State and VLCT to see if anything has changed. She will also check with other clerks around the state.

(Note: This was the response from Jenny Prosser at the SOS office on Wednesday, Feb 13: *The Vermont statutes don't explicitly address whether the contracted assessor, in towns that have voted to eliminate the office of lister, has a seat on the Board of Abatement. I've certainly heard from towns that have decided to give the assessor a seat, though I don't have a sense of how widespread this practice is.*

I did find a 2015 FAQ by the Vermont League of Cities and Towns that addresses your question head on, as follows:

What if our town has eliminated the position of elected lister?

Does the hired assessor have a place on the BOA? We think so. The statute that identifies the members of the board of abatement, 24 V.S.A. § 1533, has not been amended to address the situation of a town that has voted to eliminate the position of elected lister. Nevertheless, we think it is clear from the language of 17 V.S.A. § 2651c(b)(1) that a contracted assessor takes the place of the listers and therefore has a spot on the BOA. The statute states that a contracted assessor "shall have the same powers, discharge the same duties, proceed in the discharge thereof in the same manner, and be subject to the same liabilities as are prescribed for listers or the board of listers under the provisions of Title 32." The contracted assessor holds only one seat on the BOA, regardless of whether the assessor is an individual or an assessing firm.

It is up to the selectboard to decide whether the assessor's contract includes serving on the board of abatement. Even if the contract calls for such work, the assessor (like elected listers) does not sit on the board of abatement during abatement hearings that require testimony or advocacy by the assessor (or lister). This is because the assessor (or lister) may not act as both witness and judge in an abatement hearing.)

IX. Adjournment

Meeting was adjourned at 6:28 pm

Respectfully Submitted



Susan Gage, Clerk