

**VMCTA EXECUTIVE BOARD
MEETING MINUTES
Thursday, March 18, 2021
Via Zoom (an online meeting provider)**

MEMBERS PRESENT: President Georgette Wolf-Ludwig, Fairlee; Past President Donna Kinville, South Burlington; 1st Vice President Tracy Borst, Thetford; Treasurer Audra Girouard, Concord; Secretary Dawn Custer, Hubbardton; and Members at Large – Charles Degener, Woodstock; Deb Hawkins, Pawlet; Diane Judd, Holland and Diana Vachon, Shelburne

MEMBERS ABSENT: 2nd Vice President Julie Graeter, Colchester and Auditor Sue Gage, Brandon

OTHERS PRESENT: **Town Clerks-**Stacy Jewell, St. Johnsbury; Amy Grover, Bolton; Curry Galloway, St. Albans; Tim Arsenault, Vernon; Carol Dawes, Barre City; Tammy Legacy, Roxbury; Sally Ober, Lincoln; Bobbi Brimblecombe, Marshfield; and Lucrecia Wonsor, Killington

9:33 a.m. – President Georgette Wolf-Ludwig called the meeting to order and thanked the visitors for joining us.

AGENDA REVIEW AND MODIFICATIONS

Georgette noted the agenda needed to be modified to add Legislative Committee Update under New Business, and to remove the Education Committee update on the Zoom Roundtable and Spring Trainings from under Old Business. Donna Kinville added the Board should add and discuss allowing the current VMCTA president to attend the International Institute of Municipal Clerks' (IIMC) Conferences for two years. Both were canceled during Georgette's presidency due to COVID.

NEW BUSINESS

A. Connecticut Attorneys Title Insurance Companies (CATIC) Lawsuit

Donna Kinville began by explaining nine towns were sued by CATIC due to lack of access to town records. John Odum, Montpelier City Clerk, was called to the stand regarding a petition he started about the lawsuit which had numerous signatures. It was thrown out because Montpelier was not associated with the lawsuit. The lawsuit was dismissed without prejudice. The towns met to see if they could receive back some of the monies spent on the suit. Sally Ober explained she has been in contact with an attorney who is having trouble accessing records. One Vermont town only has hours on Sunday. She suggested clerks reach out to fellow clerks to see if they can open safely. It does not help the cause of Vermont clerks if there is one only open Sunday. Amy Grover explained Andrew Mikell, an attorney with CATIC, stated he reached out to VMCTA in June of 2020 about the lack of access and never received a response. The lawsuit cost Bolton 20% of the legal line item for the year, not including time spent compiling information and the lack of sleep. Georgette noted Mr. Mikell did touch base via email communication. She explained in her emails that she would be happy to talk with him after the 2020 November General election was over. It was suggested after the tenth. Then the lawsuit was submitted, after which discussions did not occur because of the lawsuit. Amy noted Mr. Mikell had stated the lawsuit would not have moved forward if a response was received from VMCTA or Vermont League of Cities and Towns (VLCT). VLCT also communicated with Mr. Mikell. Carol Dawes stated some researchers in areas have difficulty accessing land records. Overall, most clerks bend over backwards to allow and find creative ways to grant access to records. There will always be a few who will not follow the rules. It is those actions that affect all the clerks. A member of the Bankers' Association suggested some of the money from the America Rescue Plan could be used for digitization. Creative discussion followed about ways to identify and work with clerks who may not understand what they are required to do by law and may not be doing as a result. Bobbi Brimblecombe stated attorneys still call her office not realizing Marshfield's land records are online. It was noted the VMCTA does not want to strong arm clerks. It was suggested mentors could reach

out and offer encouragement. Circumstances in individual towns are not known unless someone reaches out. Tracy wondered why VLCT, as the insurance provider for municipalities, did not cover the legal costs. Sally answered VLCT explained because the lawsuit was not after money; it only wanted clerks to change their hours. Everyone agreed VMCTA should reach out in some way. Some clerks may not have the resources available. There may not be enough town funding for items or an assistant. Deb Hawkins wondered if all clerks even know about the lawsuit. She suggested correspondence be sent to all clerks informing them this lawsuit happened and could happen again. This is what triggered the concerns and provide a list of area mentors. People need to know the lawsuit was real. Each office should self-evaluate. Stacy Jewell suggested a letter be sent to select boards and town managers as well. In some cases, it was the select board or town managers who made the choice for offices to be closed. It was suggested VMCTA and VLCT could collaborate. Donna noted it sounds like two different letters with two different approaches. It was agreed to send an outreach letter.

B. Legislative Update

Carol Dawes informed members S.15 could get final approval today. The Senate Gov-Ops held pre-meetings before the legislative session began. Some clerks met with them. It offers clarification of nicknames on ballots, outside polling places, drive up voting and towns can decide to mail ballots to all voters for local elections. There is language about school boards, each member community must approve school ballots being mailed to all voters. Schools would be responsible for the cost. There is clarifying language about duplicate ballots, absentee ballot envelopes are paid for by the Secretary of State's Office (SOS), except for local elections for which the towns bear the cost. The SOS will mail ballots to all active voters for general elections, not so for primaries. It clarifies how to handle voters who register after the SOS mails the ballots. Language on the certificate envelope being removed is up to the SOS. It is hoped the language on those envelopes will be clearer. It allows for drop boxes, but they must meet certain criteria. It establishes stricter processes for recording receipt of mailed ballots and for curing defective ballots. The SOS will provide postcards to mail to voters whose ballots were defective informing them how it can be rectified. A question was asked about rectifying defective ballots when the vote is in person. It was answered that there is language in the bill for that and it is for those who do not bring ballots to the polls. Hopefully, over time, people will become more accustomed to receiving ballots in the mail. Voter education is especially important. The SOS will consult with municipalities and stakeholder groups about how to grant access to non-English/limited English-speaking people. There is a new staff position in the elections' office. An amendment was presented to determine who can return and absentee ballots. Candidates or campaign members can only return absentee ballots for family members. It was asked where the SOS gets the funding to keep the checklist up and running accurately. Funny things sometimes happen with the software. Is everything being kept working and updated? It was asked if voters will be able to opt-out of receiving ballots in the mail. Many people in the 2020 general election did not like having an unrequested ballot mailed to them. Carol noted there has been no discussion about that.

There is a miscellaneous bill that will include language to correct recording fees for tax sale documents. H.151, a vitals records bill adds grandchildren to the list of those eligible to request a death certificate. There is a Uniform Real Property Electronic Recording Act. It does not require clerks to accept electronic recording. It plugs loopholes.

H.314 is in the Committee on Housing and Military Affairs. It provides emergency legislation put forth by the administration. It will cut the state's portion of liquor license renewal fees in half this year due to COVID. A report issued yesterday summarize the impact of reducing fees and included municipal impact. They have looked at waiving 1st and 3rd class fees for clubs like the Elks.

C. IIMC Conferences and the VMCTA Current President's Attendance Due to COVID

Donna Kinville made a motion in favor of VMCTA putting last year and this year's IIMC line-item dollars into future year budgets, in addition to the money which will be included for the fiscal years at the time, to be used for current VMCTA President Georgette Wolf-Ludwig to attend two future IIMC Conferences;

the reason being both IIMC conferences during her term of office were canceled due to COVID. The motion was seconded and passed.

REVIEW AND APPROVE MINUTES OF January 21, 2021 MEETING

Tracy Borst made a motion seconded by Deb Hawkins to approve the minutes of the January 21, 2021 meeting with corrections. All members were in favor. The motion carried.

TREASURER'S REPORT

Treasurer Audra Girouard reported a warrant in the amount of \$1,751.04 needed approval. The cost of web hosting by GovOffice increased. Visioneer Consulting workshop is to be funded by reimbursements from those who attended. There have not been any received yet. Georgette stated she would have a check issued adding an invoice would be needed. Tracy Borst made a motion seconded by Deb Hawkins to approve the warrant in the amount of \$1,751.04. All members voted in favor. The motion carried.

OLD BUSINESS

A. VMCTA Annual Conference

Georgette reported she felt the conference should move forward. It will be held via Zoom if we cannot meet in person. She noted she would like to move forward as if the conference will be held in person. She suggested we step it up a notch for the 85th Anniversary of VMCTA. She suggested a slide show with pictures to show at the banquet or Annual Meeting. It would be nice to have the color guard, a national anthem singer, the minutes of the first meeting, recognize clerks who passed away in the last couple of years and the newer retirees. Jim Condos will be there for the swearing in of newly elected officers. It was further suggested the governor could be invited. VMCTA may be the oldest clerk association in the country. It would be nice to have a pin to commemorate. Donna volunteered to have a company local to her draw up some images and ideas at no cost to the Association. It was suggested Deb Markowitz and Jim Douglas could be invited as former Secretary of State.

COMMITTEE UPDATES

A. Fundraiser Committee

Diane Judd reported people like attending Athenian Dialogues on Sundays. There are twelve regulars and recently and some from Alaska. They are currently signing up for the April one on Zoom. There are twelve nametags and eighteen desk plates that can be sold. She noted she has considered VMCTA face masks.

B. Membership Committee

Diana Vachon reported there are 412 members. Last year there were 409.

OTHER BUSINESS

A. TOEC Clerk Roundtable

Georgette reported it would be held via Zoom this year. Deanna Robitaille asked some clerks and they jumped on it. It is free this year.

B. Card Room

Georgette reported VMCTA is scheduled in the card room Tuesday, March 8, 2022.

C. Listserv

Georgette stated she has been contacted because there are too many emails. She suggested listserv education. Show how the emails can be sent directly to a folder, how to search and put email threads together. Charlie explained he has a separate email specifically for the listserv. Having two listservs was suggested – one for clerks and another for treasurers.

The next E-Board meeting was set for April 29, 2021; 9:30 a.m. via Zoom.

Adjourn: Deb Hawkins made a motion seconded by Donna Kinville to adjourn the meeting of the Board at 11:59 a.m. All members voted in favor. The motion carried.

Attest: _____
Dawn Custer
VMCTA Secretary