

**Justice of the Peace  
Organizational & Orientation Meeting  
January 30, 2023, 5:30pm**

**MINUTES (Draft)**

**Members Present:** Lynn Bohi; Melinda Brooks; Kevin Christie; Scott Farnsworth; Nancy Howe; Gabrielle Lucke (arrived 5:45pm); Mike Morris; Nancy Russell; Joe Trottier; Ryan Walther; and Lisa O'Neil, Town Clerk.

At 5:32pm Nancy Howe called the meeting to order. She welcomed the members and asked each member to introduce themselves to the group. Lisa O'Neil, Town Clerk, verified all fifteen Justices of the Peace had taken the Vermont Oath of Allegiance and the Oath of Office.

Kevin Christie nominated Nancy Howe as Chair; Lynn Bohi seconded the nomination. Nancy Howe was elected as Chair by unanimous vote (Gabrielle Lucke was not present at the time of the vote).

Mike Morris nominated Nancy Russell as Vice Chair; Lynn Bohi seconded the nomination. Nancy Russell was elected Vice Chair by unanimous vote (Gabrielle Lucke was not present at the time of the vote).

Nancy Howe provided an overview of the packet of materials issued to the JPs via e-mail by the Town Clerk. She touched on the required roles of the JP and emphasized the importance of participation as prescribed by statute but also because the community elected and placed their confidence in each Justice of the Peace to perform the required duties. The duties include being a member of the Board of Civil Authority (BCA is comprised of the 15 JPs and the seven-members of the Select Board); the BCA is responsible for working at elections; holding Property Tax Appeal Hearings; participating in the Biennial Checklist Review and being part of the Board of Abatement.

Nancy H. asked the Clerk to review the needs for the upcoming Annual Town and School District Meeting Election. Lisa explained there will be some pre-election activities to include ballot folding and stuffing for Early/Absentee ballots being mailed; Tabulator testing and gym set-up the afternoon/eve prior to voting day. On election day, the day is broken out into four-hour shifts throughout the polling hours (7am-7pm) and several hours after the polls close for write-in counting, tally of the entrance checklist books, clean up and transport to Town Hall. She explained it is important to have several Board of Civil Authority members present during each shift.

Nancy H. explained the Board of Abatement (BoA) is comprised of the BCA, the Treasurer, the Assessor, and the Town Clerk. For the purposes of an Abatement hearing a quorum is the majority of the entire membership (13 people are needed to establish a quorum for Abatement Hearings). Nancy H. explained the BoA is a quasi-judicial board so there are formal procedures

to follow. Previous BCA established procedures that have been followed. The public may attend and observe the hearings but cannot participate. Board members may not have any ex parte communication with applicants, each other, town staff, etc. If a member feels they have a conflict of interest pertaining to an applicant/hearing, the Board member should notify the Chair and, at the time of the hearing, state there is a conflict of interest then recuse themselves from that particular hearing. The procedures may be amended by this board at a future meeting. The burden of proof is on the taxpayer to show the BoA the request meets the statutory criteria and is compelling to the BoA. The taxpayer is not required to attend the hearing; however the BoA is required to consider the request regardless of applicant attendance and relies upon the written application and any additional information provided by the applicant to make a determination. In recent years the BoA has held hearings in March and September (and additionally as needed). Nancy H. explained when the hearings are complete, the BoA goes into a closed deliberative session. A written Decision letter must be provided to the applicant within 30 days of the hearing. Nancy H. mentioned the BoA needs to work on clarity regarding the reason for the decision. Lisa mentioned she will also be drafting a cover letter to go with application requests to encourage applicants to submit a more complete application to assist with the process.

Lisa reviewed the Biennial Checklist Review process which will likely happen in late spring/early summer. The BCA will receive an electronic version of the checklist for review in advance of the meeting. Members will identify any voters on the list they suspect of no longer being eligible to vote in Hartford. At the Biennial Review Meeting each name will be read aloud as part of the process. Challenge letters will be issued to those voters the BCA determines may no longer be living in Hartford. Lisa explained voters who have been challenged and have not voted or responded to the challenge letter for a period of two General Election cycles may be purged from the checklist. A Certification of Completion of the Biennial Review must be submitted to the State no later than September 15, 2023. Every effort is made to keep the checklist current. The Clerk issues Challenge letters throughout the year based upon receipt of returned mail, Property Transfer Records or other public information. She also monitors local obituaries and death notices from the VT Department of Vital Records as well as out-of-state notifications of residency changes-voters may be purged utilizing these criteria.

Nancy H. reviewed the Property Valuation Tax Appeal process which starts in the Assessor's Office after the Grand List is established for the year. By statute taxpayers have the right to appeal the property valuation to the Assessor through the Grievance process. If the Taxpayer is not satisfied with the Assessor's decision after a Grievance Hearing, they have the right to appeal to the Board of Civil Authority. Statute dictates the specific timelines of the entire process. This is also a quasi-judicial proceeding with formal procedures; the public may observe but may not participate. The burden of proof falls to the appellant; according to statute, the presumption is the Assessor's valuation is accurate unless the appellant provides compelling testimony/evidence to dispute the valuation. In the past, depending on the number of hearings, the Property Valuation Tax Appeals have been held in a daylong session. The hearings are held in the morning; then 3-member teams visit each property site; and the BCA reconvenes to hear the report of the 3-member team for each property. The BCA then has a closed deliberative

session and makes a formal decision. Once again, Nancy H. emphasized the importance of a clear rationale for the BCA's decisions and mentioned we need to revamp our site visit report form. The appellants may appeal the decision of the BCA to either the Vermont Department of Property Valuation and Review (PVR) or to the County Superior Court.

Lisa reviewed the optional roles of a JP to include performing marriages, providing Notary Services and Administering Oaths. She cautioned there have been some scams regarding marriages in the past; use caution when making arrangements with couples. She requested JPs let the Clerk know of any concerns. She emphasized JPs who perform marriages, may not discriminate against any couple. Lisa will send an e-mail to the JPs asking if they wish to have their name and contact information on the JP Marriage List. She explained the process to be a Notary has changed since the last updated version of the JP Handbook. Notaries must now be licensed through the Office of Professional Regulation in the Secretary of State's Office. There is also required continuing education. The license period covers two years (now 1/31/2023-1/31/2025). Lisa will check on the license fee status for JPs. Clerks are exempt from the licensing fees. JPs may Administer Oaths such as to Assistant Election Workers and for the VT Voter Oath. Lisa will get more information regarding the breadth of this function and send it along to the JPs.

Lisa distributed the JP contact list for review/updates/corrections; this is the list the Clerk will use to contact the JPs for meeting notices, elections, and other information. Lisa also gave payroll packets to JP's who wish to be compensated for their time when performing required duties. She explained the compensation is \$50 per four-hour shift or any part thereof.

The meeting adjourned at 7:25pm.

Submitted by Lisa O'Neil, Town Clerk