

KEN BURCHESKY, D.D.S.

PO BOX 974
14 MAIN ST.
HISTORIC ONE MAIN
LYNDONVILLE, VERMONT 05851-0974

TELEPHONE
802-626-3235

"PREVENTION FIRST"
GENERAL DENTISTRY

2023 February 22

to: VT House + VT Senate Committees on Government
Operations and VT Governor Phil Scott
State Street
Montpelier VT
Re: "merger"

Greetings!

I am very sure that each of you feel
as I do in that we are so privileged in
our State and country to be able to bring
our opinions to decision makers in our
uniquely fine democracy!

Specifically, I write to you regarding
a November 8, 2022 vote here on the
topic of "merger" of Town of Lyndon & Village
of Lyndonville.

In my entire life I have always voted when
eligible. I have attended 48 Town/Village
Annual Meetings here.

Until Nov 8, 2022, I had never experienced
a ballot question which was presented as
improperly as the topic I now bring to your
attention.

The Village of Lyndonville received its Charter
from the legislature more than 140 years ago.
There have been efforts here to obliterate

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the Lyndonville Charter - presented incorrectly as "Merger." I say "incorrectly" and put merger in quotation marks because the merger of the two elected legislative bodies is very brief as the plan was presented to the voters. A combined Town Selectboard & Village Trustee Board was limited to only exist for two (2) years.

Please note, I now bring to your attention the fact that Vermont state law was violated and you are in the position to see that the violations are corrected.

I now quote and enclose a copy of 17 V.S.A. § 2680 (g) (1): "The legislative body of a town...or village may vote to mail a ballot to all active registered voters in the town, city, or village." I believe this law was enacted at the end of the last legislative session.

I now quote & enclose a copy of the minutes of the October 17, 2022 "TOWN OF LYNDON VILLAGE OF LYNDONVILLE JOINT SELECT BOARD & TRUSTEE MEETING: "Informational meeting on the Proposed Merger Vote which is to be held on General Meeting Day, November 8, 2022: ... Susan Mills began the joint discussion by thanking the Town Clerk and her assistants for getting the merger ballots mailed out last week.

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There was a discussion at the last informational meeting about getting the information out to voters. It was originally decided to mail a postcard but the Clerk decided to mail ballots (emphasis added) as a money-saving alternative."

I also enclose a copy of the information sheet which was mailed with the ballots to those eligible.

please note the highlighted sentence:

"IF you reside within the village limits, you will receive a PINK Village ballot AND a YELLOW Town Ballot."

please note 17 V.S.A. § 2080 (g) (1) states: "The legislative body ... may vote to mail a (emphasis added) ballot, (not 2 on same question)

My understanding of VT state law is that everyone receiving this letter (members of Gov. Op. Committee and the governor) is in a position to disallow the November 8, 2022 vote on "merger."

if this happens (as it should) those in Lyndon/Lyndonville who still wish to dissolve the Village Charter, will petition

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the 2 legislative bodies to hold another
vote and if done legally and the result
is "yes" or "merger" from both the Town
& Village, then the Village charter would
end approximately 140 1/2 years after
original approval.

Thank you for your thoughtful
consideration!

Sincerely,

Ken Burchesky

P.S.

please do not hesitate to contact
me if you have any questions.

Thank you!

enclosures:

17VSA § 2680 (g) (1)

October 17, 2022 minutes Joint Selectboard
& Trustee Meeting

Town of Lyndon ~ Village of Lyndonville
PROPOSED MERGER

The Vermont Statutes Online

Title 17 : Elections

Chapter 055 : Local Elections

Subchapter 003 : Local Elections Using The Australian Ballot System

(Cite as: 17 V.S.A. § 2680)

§ 2680. Australian ballot system; general

(a) Application. Unless specifically required by statute, the provisions of the Australian ballot system shall not apply to the annual or special meeting of a municipality unless that municipality, at its annual meeting or at a special meeting called for that purpose, votes to have them apply.

(b) Officers. Once a municipality votes to elect officers by the Australian ballot system, such officers shall be elected in that manner until the municipality votes to discontinue use of the system.

(c) Budgets.

(1) A vote on whether to use the Australian ballot system to establish the budget shall be in substantially the following form:

"Shall (name of municipality) adopt its (name of individual budget article) or (all budget articles) by Australian ballot?"

(2) If a budget voted on by Australian ballot is rejected, the legislative body shall prepare a revised budget.

(A) The legislative body shall establish a date for the vote on the revised budget and shall take appropriate steps to warn a public informational meeting on the budget and the vote. The date of the public informational meeting shall be at least five days following the public notice. The date of the vote shall be at least seven days following the public notice.

(B) The vote on the revised budget shall be by Australian ballot and shall take place in the same locations that the first vote was taken; provided, however, that if that polling place is unavailable, the vote may be held at a different location, with notice posted of the meeting location at the original location.

(C) The budget shall be established if a majority of all votes cast are in favor. If the revised budget is rejected, the legislative body shall repeat the procedure in this subsection until a budget is adopted.

(D) Once a municipality votes to establish its budget by the Australian ballot system, the vote on the budget shall be taken by Australian ballot until the municipality votes to discontinue use of the system.

(d) Public questions.

(1) A vote on whether to use the Australian ballot on public questions other than the budget shall be in substantially the following form:

"Shall (name of municipality) vote on (specify the public question) by Australian ballot?"

or

"Shall (name of municipality) vote on all public questions by Australian ballot?"

(2) Once a municipality has voted to vote on any specific or all public questions by Australian ballot, the votes shall be taken by Australian ballot until the municipality votes to discontinue use of the system.

(e) Use. A municipality shall not use the Australian ballot system at the same election at which its voters decide that the system shall be used.

(f) Presiding officer. The presiding officer for any election or part of an election using the Australian ballot system shall be the town clerk or as otherwise provided in section 2452 of this title.

(g) Early and absentee voting. At the time the Australian ballots are available, which shall be not less than 20 days before the election, early and absentee voting shall be permitted in accordance with chapter 51, subchapter 6 of this title.

(1) The legislative body of a town, city, or village may vote to mail a ballot to all active registered voters in the town, city, or village.

~~Use as provided by the legislative body of each~~



TOWN OF LYNDON
 VILLAGE OF LYNDONVILLE
 JOINT SELECTBOARD & TRUSTEE MEETING
 October 17, 2022
 5:30 PM



Accessed
 approximately
 10-17-2022

Selectboard: Dan Daley-Chair, Christian Thompson, Nancy Blankenship
Trustees: Jeremiah Aiken, Christopher Hunter, Heather McPhee, Sue Mills
Merger Committee: Jon Elwell, Marty Feltus, Robert Little
Officials: Dawn Dwyer, Justin Smith,
Press: Alexandra Huff & Quin Peer - NVU
Public: Ken Burchesky, Edward Arnold, Sandra Heath, James Heath Sr., Sara Simpson, Carol Fisher, Kermit Fisher, Cathy Boykin, Walt Morris, Sharon Grenier, Randy Drew, Larry Willey, Julian Lamb, Anton Jareman, David Stahler Sr., Dan Guest, Dance Workshop, Sam Davis, Sylvia Dodge, Marie Peiter (6:58), 802-626-4381, Rachel Riendeau, Darlene's iPad

1. Informational Meeting on the Proposed Merger Vote, which is to be held on General Election Day, November 8, 2022:

Dan Daley opened the Selectboard portion of the Joint Meeting at 5:30 PM.
 Chris Hunter made the motion to appoint Susan Mills as chair of the Trustees in Doug Conly's absence.
 Jeremiah Aiken seconded the motion and it passed 4-0. Susan Mills then opened the Trustee's portion of the joint meeting at 5:31 PM.

Susan Mills began the joint discussion by thanking the Town Clerk and her assistants for getting the merger ballots mailed out last week. There was a discussion at the last informational meeting about getting the information out to voters. It was originally decided to mail a postcard, but the Clerk decided to mail ballots as a money saving alternative.

TOWN OF LYNDON ~ VILLAGE OF LYNDONVILLE

PROPOSED MERGER

The Selectboard and Trustees have warned a special vote on the merger issue for November 8, 2022, at the same time as the General Election. The voting location is at the Municipal Office Building Gymnasium located at 119 Park Avenue, Lyndonville from 8 AM to 7 PM. Registered voters are urged to participate.

There will be an informational hearing held on Monday, October 17, 2022, starting at 5:30 PM in the Municipal Office Building First Floor Conference Room located at 119 Park Avenue, Lyndonville and by Zoom. Meeting ID 879 0702 4731 Passcode 434127. Additional Zoom and merger information can be found on the website www.lyndonvt.org.

Enclosed is a ballot or ballots for the proposed merger vote.

n.b. → If you reside within the village limits, you will receive a PINK Village ballot AND a YELLOW Town Ballot.

If you reside outside the village limits, you will receive a YELLOW Town Ballot.

If you choose to vote on the proposed merger, please complete the certificate envelope including signing it. Place your voted ballot(s) inside the certificate envelope and you can either mail them to the Town Clerk, drop them in the drop box located outside the glass doors of the Municipal Office Building, or bring them with you if you wish to vote in person on November 8th no later than 7 PM.

All ballots, General Election and merger, must be received in the Town Clerk's Office no later than 7 PM on November 8th.