

# Town of Underhill

P.O Box 120, Underhill, VT 05489

[www.underhillvt.gov](http://www.underhillvt.gov)

Phone: (802) 899-4434

Fax: (802) 899-2137

January 12, 2021

David Demarest  
P.O. Box 144  
Underhill, VT 05489

Re: Petition

Dear Mr. Demarest:

This letter responds to the petition to add advisory articles to the 2021 Town Meeting warning, which you spearheaded. As you may know, the Selectboard has the discretion to warn or reject an advisory article submitted by petition. In this matter, the Underhill Selectboard has decided not to warn the advisory articles for the following reasons:

The first advisory article simply asks that the Town assume only reasonable legal fees by following the statutory provisions of 24 V.S.A. §901. The Town and the Selectboard members are obliged to follow state statutes and the Vermont Constitution, and members must take oaths to do so.<sup>1</sup> Thus, it is unnecessary for the voters to advise the Selectboard on this issue. Further, we are not aware of any evidence that a Town officer acted with any malicious intent in the performance of his or her duties.

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<sup>1</sup> The Oath of Allegiance provides: I, \_\_\_\_\_, do solemnly swear (or affirm) that I will be true and faithful to the State of Vermont, and that I will not, directly or indirectly, do any act or thing injurious to the Constitution or Government thereof. (oath) So help me God. (affirmation) Under pains and penalties of perjury. I do solemnly swear or affirm that I will support the Constitution of the United States. (oath) So help me God. (if an affirmation) Under the pains and penalties of perjury.

The Oath of Office provides: I, \_\_\_\_\_, do solemnly swear (or affirm) that I will faithfully execute the office of SELECTBOARD for the Town of Underhill and will therein do equal right and justice to all persons to the best of my judgment and ability, according to law. (oath) So help me God. (If an affirmation) Under the pains and penalties of perjury.

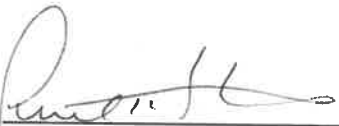
The second advisory article asks whether the Town of Underhill Annual Report should itemize legal fees and expenses incurred during the fiscal year. The Town Report currently provides information about the budgeted and actual legal fees for the previous, current and next fiscal years. This information is listed at lines 61 and 170 under Selectboard and Planning and Zoning expenditures. Like other itemized expense categories, the Town Report does not provide a detailed breakdown of the expenses in each category (for example, training and development, professional and technical services, travel, etc.). Such detail would render the already lengthy financial reports even more cumbersome. If a citizen wants greater detail about expenses by specific legal matter, the Town will provide non-privileged information upon request.

The third advisory article addresses adherence to Article 7 of the Vermont Constitution. As discussed above, the Selectboard must adhere to the entire Vermont Constitution, and a vote on an advisory article telling the Town to adhere to the Constitution is unnecessary.

Thank you for your interest in the Town of Underhill.

Sincerely,

Town of Underhill Selectboard

By   
Dan Steinbauer, Chair