probability of error. The Legislature in defining "subdivision" has in effect arbitrarily determined the point at which descriptions would so increase the likelihood of irregular development and error as to make a plat necessary. The Legislature has left it largely to the discretion of the reviewing authority whether or not in other types of land division plats are needed to gauge or promote compliance with land use restrictions.

While the "replat" requirement is limited to instances of "subdivision," a broader question remains whether ch. 236 contains any other restrictions against land transactions resulting in parcels departing from a subdivision's platted lot lines. I have concluded that it does not.

One could argue that permitting such division is inconsistent with a policy underlying ch. 236. Section 236.01, Stats., states that one of the purposes of the regulation of subdivision of land is "to promote proper monumenting of land subdivided and conveyancing by accurate legal description." Toward this policy sec. 236.28, Stats., requires that all lots in a subdivision plat "be described by the name of the plat and the lot and block in the plat."

But there is no reason to assume that a parcel with boundaries which do not trace lines drawn on the subdivision plat could not be identified by plat, lot and block. This same section foresees the eventuality of a kind of alternate description. In one instance:

> "... Any conveyance containing such a description shall be construed to convey to the grantee all portions of vacated streets and alleys abutting such lots and belonging to the grantor unless the grantor by appropriate language indicates an intention to reserve or except them from the conveyance."

It is possible to describe land as a specific portion of a platted parcel or parcels.

The statute placing additional restrictions on the conveyance of land within cities of the first class, sec. 236.33, is another indication that the Legislature did not intend to restrict land sales in subdivisions to parcels with platted boundaries. It states in part:

> "... This section shall not prohibit the dividing or subdividing of any lot or parcel of land in any such city where the divided or subdivided parts thereof which become joined in ownership with any other lot or parcel of land comply with the requirements of this section, if the remaining portion of such lot or parcel so divided or subdivided complies. ..."

While a plat is required when this sort of transaction results in "subdivision," under the general provision of sec. 236.03(1), here there is no additional statutory plat requirement when such parcel rearrangements do not result in "subdivision." When land sales in city subdivisions do not result in "subdivision," a plat is only needed if the local authority requires one pursuant to sec. 236.45(2).

If the ordinances of the local authority establish no requirements more stringent than those found in ch. 236, the subdivider or individual lot owner is at liberty to split and regroup lots as long as the result is no new subdivision as defined in sec. 236.02(8) and as long as the resulting lots conform to the basic requirements of ch. 236, as set forth in sec. 236.16 and sec. 236.33.

But governmental bodies may be authorized to impose additional regulations on land transactions under sec. 236.45(2). Should the local authority, through an ordinance requiring strict conformance to a so-called master plan for the area, the subdivider or lot owner desiring to deviate from the approved plat may be prohibited from doing so or may be required to go through a procedure such as replatting.

To the extent that earlier opinions of the Attorney General conflict with this one, they are hereby modified.

BCL:JEA

Open Meeting; Towns; Whereas it is preferable to hold meetings of a town board in a public building such as a town hall, fire station or school building, such meeting can be legally held at the home of a town officer if proper notice is given and if the home is, in fact, reasonably accessible to members of the public during all times the meeting is in progress. OAG 28-78

April 26, 1978.

RONALD W. DAMP, *Attorney*
City of Plymouth

Pursuant to sec. 19.98, Stats., you request advice whether a meeting of a town board can be held at the home of the town clerk where the town hall is available for such meeting.

I am of the opinion that a legal meeting can be held at the home of the town clerk or other board member if the meeting is properly noticed and if the place, the home, is in fact reasonably accessible to members of the public.

The policy declaration in the open meetings law is in part set forth in sec. 19.81(2), Stats., which provides:

> "To implement and ensure the public policy herein expressed, all meetings of all state and local governmental bodies shall be publicly held in places reasonably accessible to members of the public and shall be open to all citizens at all times unless otherwise expressly provided by law."

The substantive provision involved is found in the definition of the term "open meeting." Section 19.82(3), Stats., provides:

> "'Open session' means a meeting which is held in a place reasonably accessible to members of the public and open to all citizens at all times."

The statute does not require that all meetings be held in publicly owned places but rather in places "reasonably accessible to members of the public." There is no requirement that the place which has the greatest accessibility be utilized or that it be owned by the public. Public meetings are often held in privately owned hotels, theaters, etc.

Meetings of town boards have traditionally been held in homes of the various officers. Many town halls are not adequately heated, lighted or equipped to hold meetings during all seasons of the year. In certain towns in midwinter, a town officer's house might be more "accessible" than an unheated town hall. The test to be utilized is whether the meeting place is "reasonably accessible," and that is a factual question to be determined in each case.

Public policy favors the holding of meetings of governmental bodies in public places, such as a town hall, fire station or schoolhouse, rather than a private home. In certain cases the nature of the business to be transacted, such as a hearing, the size of the governmental body or the anticipated attendance, would require the meeting to be held at some other place than a private home in order that the meeting place be "reasonably accessible to members of the public." Meetings held in private homes should be the exception, not the common practice; and where so held, responsible officials should take such steps as may be necessary to insure that adequate notice to the public and members of the press has been given and that there is an open invitation and ready admittance to members of the public who seek admission to the meeting place.

BCL:RJV

Intoxicating Liquors; Licenses And Permits; Malt Beverages; The tied-house prohibitions of sec. 66.054(4)(a), Stats., apply to holders of temporary Class "B" beer licenses for picnics or similar gatherings issued pursuant to sec. 66.054(8)(b), Stats., unless the holder of the temporary license involved falls within the exemption contained in sec. 66.054(4)(a)8., Stats. OAG 29-78

April 26, 1978.

DANIEL G. SMITH, *Administrator*
Income, Sales, Inheritance and Excise Tax Division
Department of Revenue

You have requested my opinion regarding interpretation of the fermented malt beverage tied-house laws as they may affect holders of so-called temporary or picnic beer licenses. Specifically, you ask the following:

> "does the prohibition in s. 66.054(4)(a)(intro.) apply to holders of temporary Class "B" licenses for picnics or similar gatherings issued under s. 66.054(8)(b), Wis. Stats.?"

The answer is yes.