

APPROVED Minutes of the Town of East Montpelier Charter Committee
Wednesday, July 10, 2013
7:00 pm at the Municipal Building

Committee members present

Kim Watson
Jack Pauly
Rick Mastelli
Edith Miller
Norman Hill
Karen Gramer
Julie Potter
Carl Etnier (recording secretary)

A. Call to Order

Ms. Miller opened the meeting at 7:07 pm.

B. Public Comment

None

C. Additions to the Agenda

Under E: Ms. Potter on judicial bureau and enforcement
Ms. Watson and Mr. Deegan on conflict of interest

D. Review & Approval of Minutes of June 12 and June 26, 2013

Motion: I move we approve the minutes of June 12 as amended. Made: Mr. Mastelli. Second: Ms. Gramer. Passed 7-0.

Motion: I move we approve the minutes of June 26 as amended. Made: Ms. Watson. Second: Ms. Potter. Passed 7-0.

E. Information and discussion on potential charter content

Norm Hill: report on contact with former treasure

Norman Hill spoke on the phone today with former Treasurer Terri Conti about any thoughts on the hiring or electing of a treasurer. Ms. Conti argued that an impressive-looking applicant for the position of treasurer, if it is a hired position, may not be a good fit. She further noted that Selectboard members usually stay one or two terms. Officers such as Treasurer, Clerk, and Listers stay for a while. She told him that she is against the idea of a charter, as it would be difficult to replace a hired clerk, treasurer, or listers because of labor laws.

On other charter-related issues, Ms. Conti thinks it is a bad idea to combine Collector of Delinquent Taxes with any other position. She also asked that listers stagger their hours to cover a larger portion of the week, as other people in the office end up doing lister work when listers are not scheduled to be in.

Kim Watson: report on conflict of interest policies of the Development Review Board, Selectboard, and Planning Commission

Ms. Watson looked at the question of whether recusal for conflict of interest is "voluntary" for

members of the DRB, SB, or PC. She said that identifying particular conflicts is up to the individual, but that each policy has a process to force the recusal of a member. She read through the Selectboard policy in detail.

However, Mr. Etnier pointed out that the Selectboard conflict of interest policy exempts elected officials from enforced recusal, citing 24 V.S.A. §1984 (which details the process for creating a conflict of interest ordinance at town meeting).

Mr. Hill pointed to Jamaica's conflict of interest provision in their charter as being simple yet comprehensive.

The committee will ask its lawyer the following question: Can an ordinance adopted by the town under 24 V.S.A. §1984 have as strong a legal method of forcing recusal of elected and appointed officials in the case of a conflict of interest as a provision in a charter would?

The committee prefers to accomplish town goals outside a charter, if possible.

Rick Brock: report on research on treasurer

Mr. Brock reported by email to the chair:

My thoughts are that the movement to a 5 person Selectboard and the increasing complexity of town government and finances leads to that outcome (sic).

The old model was that people were "selected" for particular tasks. Today it makes more sense to me to have a policy-making Board that is democratically elected and that is too large to be dominated by any one person. Then, that Board can and should designate/appoint the technical people who can execute Board policy. The Treasurer is one of those people. The idea that an appointed Treasurer can be recruited from a much larger pool is also a plus.

Since I think that the Treasurer should serve at will, a check on that office is also needed - an audit.

I would like our charter to: (1) require a Selectboard of 5 or more; (2) authorize/allow that Board to appoint a Treasurer to serve at will; and (3) require regular audits by a CPA or equivalent.

Julie Potter: Is a charter needed to write tickets and work with the Judicial Bureau on violations such as those of sign ordinances?

Ms. Potter consulted a Vermont League of Cities and Towns (VLCT) guidance manual on civil enforcement through the Judicial Bureau, which advises that a charter is not necessary to work with Judicial Bureau and lays out the process for doing so.

However, both the town law agent and the town grand juror are a part of the enforcement process. She suggested that we may wish to retain these positions, in contrast to our decision at last meeting, and to make them appointed positions.

Edie Miller: The Selectboard's wishes for an extended town administrator or town manager system

Ms. Miller noted Town Administrator Bruce Johnson's email of July 9 saying that the Selectboard had agreed to respond to the committee's request for more details on the request "regarding the various

town manager/town administrator/expanded town administrator possibilities." The Selectboard will address the issue in a future meeting and invite this committee to attend.

F. The committee's use of a lawyer

The Selectboard has given the committee a budget of \$3600 to use on attorney fees and specified that the hourly rate be no more than \$90 per hour.

The committee will question towns that recently have adopted or changed a charter to find out about their experience working with a lawyer, to find out what they learned about the process.

Ms. Miller will invite the VLCT senior attorney, Jim Barlow, to give us an initial consultation at our next (July 24) meeting, wherein we discuss what we want to do as a committee and how he can help us.

G. Set agenda for next meeting

As per item F, Jim Barlow will be invited to the next meeting.

Ms. Potter will look into the options for recall of locally elected officials, and if she is ready, she will present at next meeting.

Mr. Mastelli will begin looking at the options for a hired treasurer position. Mr. Etnier will assist him but is not available to do so before next meeting.

Mr. Hill and Mr. Mastelli will talk to listers about their thoughts on the town hiring versus electing the listers.

Old business:

Mr. Duane will report on his further research Vermont statutes to understand what options the town has with listers without a charter and whether a charter change is necessary to cease electing trustees of public funds.

Ms. Miller will draw together our discussions in an overview of what is in and out.

H. Adjournment

Motion: I move to adjourn. Made: Ms. Potter. Second: Ms. Gramer. Passed 8-0 at 9:03 pm.