

APPROVED Minutes of the Town of East Montpelier Charter Committee Special Meeting
Wednesday, July 31, 2013
7:00 pm at the Municipal Building

Committee members present

Rick Mastelli
Edith Miller
Norman Hill
Julie Potter
Karen Gramer
Carl Etnier (recording secretary)
Jack Pauly
Ed Deegan
Michael Duane

Public

Attorney Paul Gillies

A. Call to Order and public comment.

Ms. Miller opened the meeting at 7:01 pm. No public comment.

B. Conversation with attorney Paul Gillies

Mr. Gillies said he put together the pamphlet on municipal charters because charters are such an important part of state government--they have sometimes given rise to statutes that apply to all municipalities.

He mentioned his 12 years as deputy secretary of state, which put him in touch with charter questions at the legislature. He saw things that didn't work in that capacity.

He was appointed chair of Berlin's charter commission when he moved there in 1985 and has been called back every 6-7 years to help revise the charter. The last charter change there incorporated many progressive ideas, as it was responding to specific problems. He recommends that East Montpelier approach its charter that way, too.

The specific problems Berlin was responding to include a single person as town administrator (TA) and
--making zoning administrator serve at pleasure of SB, because also TA
--strong conflict of interest policy
--abolish town auditors, create producer of town report, mandate CPA report
--professional appraiser instead of listers
--treasurer appointed.

He later noted that Berlin had put its collector of delinquent taxes position in with the town treasurer.

Ms. Miller asked how he likes to work with committees on charters. Mr. Gillies brought up his work with the City of Montpelier. There, chair Nancy Sherman sent him and others a chapter at a time of the charter, and they commented. Then a revised draft was sent out. He probably saw each chapter seven times or so.

Mr. Gillies sees a problem of Vermont town government that decisions tend to be taken away from voters and put into a centralized authority. One thing he recommended in Montpelier is that any petitioned items for Town Meeting ballot with the requisite number of signatures would automatically go on the ballot, eliminating the City Council's veto.

With Jamaica, he and the committee emailed back and forth, often on a daily basis. Usually he keeps his own political opinions out of the discussion.

Mr. Hill asked about the city manager form of government, which he said that has the appearance of centralizing power. Mr. Gilles noted that under Vermont statutes, the voters can vote in a town manager system. It's difficult, he said, to run a Vermont town just by the Selectboard. The administrator is one way to do that. There comes a time when the Selectboard needs the relief of being strictly a political body, with a non-partisan manager operating more or less independently of the Selectboard.

He also told stories of towns that have had difficulties with their town managers.

Mr. Etnier asked why the town should hire Mr. Gillies in particular. Mr. Gillies said that there are other attorneys who can help us. He's interested in the process. He's fast and he's early, he says, working 4 am to 1 pm.

Mr. Etnier asked whether the meeting schedule of every two weeks is appropriate, in his experience, and he said yes--as long as we keep an eye on our schedule.

Mr. Pauly and Ms. Miller asked how he would keep track of where we are on the budget. He said that he would bill us monthly for hours worked.

Mr. Etnier asked about recommendations or preferences for the work--whether he would write the first draft or he would. He is willing to work either way, and he thinks the more that comes from the committee, the better. He also recommends that the attorney we work with draft for each provision in the charter an explanation of its purpose.

Mr. Duane asked about the process in the legislature. Mr. Gillies said that our state representative is our best friend in the process. He can help usher it through the legislature in the same session. He has also gone in to the legislature to talk about charters he has worked on.

Ms. Potter asked how frequently a town should revisit its charter. He said every five years, like the town plan, is probably good; in Berlin, he's been called in every seven years or so, usually in response to a problem.

Mr. Mastelli asked how we should communicate with him about complex situations that involve layers of history and nuance. Mr. Gillies thinks it is inefficient for him to attend every meeting, and that he's willing to come to our meetings as needed.

Mr. Hill asked whether he would attend the warned hearing. He has done it and is willing to do so for us.

Mr. Etnier asked how attorney-client privileges apply to our work. He said that he is our attorney and all communications to him, he will hold confidential. We are welcome to release to the press whatever we wish.

His final thoughts were "dream large and write small."

C. Decision on consulting attorney

Barlow's email.

Exec session. Etnier, Deegan

I move that the committee hire Paul Gillies as our attorney. Made: Mr. Hill. Second: Ms. Potter. Passed 9-0

D. Set agenda for next regular meeting (August 14)

Ms. Miller will not be at the next meeting, and Mr. Brock will serve as chair.

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

Ms. Gramer will report on how towns handle selection of officers.

We will look at the charters in Jamaica and Berlin and review them for language we can use.

The committee's consensus on the town manager position is that, given that a charter is not necessary for that change, we do not wish to address it in our work. Ms. Miller will draft a letter to the Selectboard to inform them of this sentiment.

G. Adjournment

Motion: I move to adjourn. Made: Mr. Mastelli. Second: Mr. Hill. Passed 9-0 at 8:32 pm.