

APPROVED Minutes of the Town of East Montpelier Charter Committee
Wednesday, August 14, 2013
7:00 pm at the Municipal Building

Committee members present

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

A. Call to Order & Additions to Agenda

Mr. Brock opened the meeting at 7:10 pm.

B. Public Comment

None

C. Review & Approval of Minutes of July 24, July 31

July 24: I move to approve the minutes of July 24 as submitted. Made: Mr. Duane. Second: Ms. Gramer. 8-0

Action on the July 31 minutes was deferred, as they were not yet submitted to the committee.

D. Information and discussion on potential charter content

a. Mike Duane: report on research on listers, trustees of public funds

Mr. Duane spoke with the director of the elections division at the Secretary of State's office about electing listers and trustees of public funds, interpreting 17 VSA § 2646. Offices that are not accompanied by modifiers (e.g., "if the town so orders") must be voted on at town meeting, absent a charter.

For listers, 17 VSA § 2646 is clear that a lister must be elected each year for a three-year-term, "unless otherwise provided by law." Mr. Duane did not research whether state statutes elsewhere apply.

Trustees of public funds are elected "if the town has so ordered." Mr. Brock pointed out that the statute is silent as to whether the Selectboard or town meeting has the authority to so order.

Mr. Brock noted that Steve Twombly, elected lister in Roxbury, and part-time professional assessor in Montpelier, says that local control is important, yet listers face a steep learning curve. A professional assistant can be hired.

===

Discussion of elected vs. hired listers.

Ms. Potter said that some town charters specify that elected officials shall cooperate with each other and contain a recall provision.

Mr. Etnier noted uneven performance in East Montpelier listers this century.

Mr. Duane noted that a democratic election removed one of the listers whose performance was questioned.

There was a discussion of working in existing systems to cut back on listers' compensation and use money to hire professional consultant.

Mr. Hill reported on a conflict in Northfield between an elected lister and the town's professional assessor. Also, the elected assessor there said that a crucial issue is where the person's office is and what access they have to the records, and that elected officials have better access. (The issue arose when the lister tried to gain access to records in a different town.)

Ms. Gramer noted that different towns have different policies on access to public records for members of the public.

Motion:

Whereas there does not appear to be an acute issue with the current elected listers, and whereas the committee wishes to use the charter process only for issues that cannot be addressed another way,

be it hereby resolved that the charter committee recommends that the Selectboard and elected listers discuss as part of the next fiscal year's budget process whether the current model best suits the town's needs or whether it would be helpful to reduce the budget for listers' hours and use the money for professional assistance. The committee welcomes a report on the result of that discussion, preferably by the end of September.

Made: Mr. Degan. Second: Mr. Mastelli.

9-0

Question for the attorney:

24 V.S.A. § 2431 v § 2646 (12). Can trustee of public funds be eliminated without a charter?

A question Mr. Deegan will research:

Ask Don and Terri whether they believe the office of trustee of public funds has a role in East Montpelier and if so, what is it.

=====

b. Karen Gramer: Report on appointee selection processes

Ms. Gramer researched which offices were appointed and which were elected, plus other details of the offices, in Berlin, Jamaica, Williamstown, and Williston. She presented her findings in a chart.

The committee noted a great variation in which offices are elected and which are appointed.

Several committee members commented favorably on the process of appointing people to a committee for nominating candidates for appointment.

Motion: I move that the charter contain a provision for a committee including townspeople to recommend candidates to the Selectboard for an appointed treasurer.

Made: Ms. Gramer. Second: Ms. Potter.

9-0

E. Criteria for choosing whether to include a provision in the charter

Mr. Mastelli asked that one of the criterion that the committee is using for deciding whether to include a provision in the charter be amended. Currently it reads, "Is it consistent with democratic control?"

There was uncertainty about whether the committee had formally adopted the criteria.

Motion: I move we formally adopt all the criteria, as circulated, with one change:

"Is it consistent with democratic control, particularly that it observes the principle of checks and balances?"

Made: Mr. Mastelli. Second: Mr. Deegan.

9-0

F. Set agenda for next meeting, August 28

Do we wish to ask our attorney for a "vanilla template" for our charter? Or what other questions do we wish to ask him?

Discuss process for beginning the writing of the charter

Collector of delinquent taxes

Conflict of interest policy

Trustee of Public Funds (Mr. Deegan's report)

G. Adjournment

Motion: I move to adjourn. Made: Mr. Deegan. Second: Mr. Hill. Passed 9-0 at 8:58 pm.