

APPROVED Minutes of the Town of East Montpelier Charter Committee
Wednesday, August 28, 2013
7:00 pm at the Municipal Building

Committee members present

Edie Miller
Carl Etnier (recording secretary)
Rick Mastelli
Norman Hill
Richard Brock
Michael Duane
Ed Deegan
Kim Watson
Karen Gramer (7:25)

A. Call to Order & Additions to Agenda

Ms. Miller called the meeting to order at 7:05 pm.

B. Public Comment

None.

C. Review & Approval of Minutes of July 31 and August 14

Motion: I move to approve the minutes of July 31 as submitted. Made: Mr. Duane. Second: Mr. Mastelli. 7-0

Motion: I move to approve the minutes of August 14 as amended. Made: Mr. Brock. Second: Mr. Duane. 7-0

D. Review of progress made at last meeting

Listers

Mr. Etnier reported that the Selectboard had briefly discussed the issue of elected listers and decided not to ask the committee to pursue it further.

Ms. Watson said that townspeople had problems with the listers after the recent reappraisal, and putting something in the charter could address that.

Mr. Etnier pointed out that if we hear strong opinions from the public at the public hearings, we could revisit the issue.

Mr. Mastelli summarized last meeting's discussion, pointing out that there doesn't seem to be an acute problem with the listers.

Mr. Deegan said that other provisions we're looking at, like recall of elected officials, could help address issues with elected listers.

Ms. Watson said her concerns stemmed from qualifications of listers to do their job, which recently took an election to address.

=====

Trustee of public funds

Mr. Deegan spoke with Don Welch and Terri Conti, who are elected as our Trustees of Public Funds. They reported that there are no formal meetings or other activities of the Trustees, but he is confident that the functions are being performed. Both Mr. Welch and Ms. Conti think the positions are a waste of time and would like them to be eliminated.

For the charter, he thinks that the Selectboard and Treasurer should take on those functions and the position of Trustees of Public Funds should be eliminated.

Ms. Miller has posed the question to attorney Paul Gillies about whether and how the town can eliminate the office of Trustee of Public Funds without a charter.

Motion: I move that the office of Trustee of Public Funds be eliminated, and we will await advice from our attorney as to whether a charter change is needed to do so. We will also ask the attorney if he sees a reason to continue the office. Made: Mr. Brock. Second: Mr. Hill.

Mr. Duane said it would be useful to know whether and when the town ordered that we should elect Trustees of Public Funds.

Mr. Mastelli said he is not satisfied that we know enough to eliminate the Trustee of Public Funds position. He would like to look into the issues himself some more.

Motion: I move to table the motion. Made: Mr. Brock. Second: Mr. Duane.

=====

Delinquent tax collector

Ms. Gramer voiced her opposition to including the position in the responsibilities of the Treasurer. She said it's a time-consuming position that calls for counseling skills. She would like to see it remain as a separate position. The Vermont League of Cities and Towns considers it an independent position, and most towns have it as an independent position. Treasurer Don Welch and Assistant Treasurer (and Town Clerk) Terri Conti both support maintaining the office as an independent position.

She also supports maintaining the funding mechanism, of funding the position through delinquent tax penalties. While she is satisfied with the elective process now, she reiterated her support for the office being appointed rather than elected, citing a past year when it appeared that no candidate was going to run.

Mr. Mastelli appreciated Ms. Gramer's summary and position, and he would like to see the delinquent tax collector paid through some other mechanism than penalties. Penalties put the delinquent tax collector and the delinquent taxpayer at odds with each other and can result in widely varying amounts of compensation per time spent on a case.

Much discussion ensued about the compensation model for the collector of delinquent taxes. According

to VLCT's Selectboard Handbook, the town can vote to pay the delinquent tax collectors some other amount than the 8% penalty or to pay a salary.

Ms. Miller pointed out that a write-in campaign successfully protected the office from a candidate whom many believed would be less than qualified for the position. And if the town adopts recall of elected officials, it could address problems like that in the future if a less qualified person gets elected.

Mr. Duane supported the concept of "messy democracy" to let the people choose their collector of delinquent taxes.

Mr. Mastelli discussed with Ms. Gramer the lack of a spring tax bill reminder letter this year. As a result, many more taxpayers were delinquent. Some of the bills were paid right away, and still Ms. Gramer collected the 8% penalty. Mr. Mastelli did not think that was right.

Motion: I move that the delinquent tax collector remain a separate position.

Made: Mr. Brock. Second: Mr. Deegan. 8-0-1 (Ms. Gramer abstaining).

Motion: I move that the delinquent tax collector position remain an elected position. Mr. Brock.

Second: Mr. Deegan.

Mr. Deegan said that he would like to see this position and the treasurer position appointed, because of the skillsets that the positions requires and the need occasionally to look outside the town's citizens for qualified candidates.

Mr. Mastelli said that the skillset for the treasurer is different than for the delinquent tax collector. The delinquent tax collector needs people skills, and the person should be answerable to the people. Ms. Miller agreed.

Ms. Watson argued that the delinquent tax collector needs certain special skills. If no one runs, the Selectboard would appoint someone. She would like to see the position appointed, perhaps with a committee to nominate candidates.

Mr. Brock said it can be done either way, citing Bev Hill, who was appointed in Montpelier and did a great job for years. Nonetheless, he thinks the officer is in a stronger position to do the job if elected by the townspeople.

6-2-1 (Ms. Gramer abstaining)

On compensation (commission vs. salary), the town does not to address this issue in the charter. The committee members had different opinions on this issue and chose not to formally address it.

=====

Town law agent and grand juror.

We will pose the following question to our attorney: How important is it to retain the positions of town law agent and grand juror for enforcement of possible future ordinances, e.g., a sign ordinance.

=====

Conflict of interest policy

Mr. Etnier will draft the question to the attorney about the possibility of an ordinance providing the sort of teeth that a charter provision will have and circulate it to the committee .

Set agenda for next meeting

The following issues are ones the committee still needs to take a position on:

- Hired town law agent, grand juror
- Zoning administrator serves at will
- Conflict of interest policy
- Trustees of Public Funds
- Social/environmental funding requests
- Recall of elected officials
- Provision that all elected and appointed positions are subject to personnel and other policies

Plan public forum

The public forum will be at the village fire station on Wednesday, October 9, at 7 pm. We will plan to also hold our regular meeting there, if the forum goes quickly.

[This meeting was changed to U-32 at the September 11, 2013 meeting.]

Ms. Miller will reserve the fire station, draft an article for The Signpost, talk to Ms. Conti about including a notice in tax bills, and write something for Front Porch Forum.

G. Adjournment

Motion: I move to adjourn. Made: Ms. Watson. Second: Mr. Duane. 9-0 at 9:15 pm.