

APPROVED Minutes of the Town of East Montpelier Charter Committee
Wednesday, September 11, 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
Karen Gramer
Jack Pauly
Kim Watson (7:25)

A. Call to Order & Additions to Agenda

Ms. Miller called the meeting to order at 7:00 pm.

Mr. Etnier asked to add to the agenda a discussion of open meeting law and email.

Mr. Etnier also requested that the committee prioritize getting ready for the October 9 hearing at this meeting and the next meeting.

B. Public Comment

None.

C. EMail and Open Meeting Law

Mr. Etnier noted that Vermont's Open Meeting Law requires discussions of business with a quorum of a body to be at a warned meeting. Email may be used to disseminate information but, unless an email discussion is a warned meeting, not to go back and forth on any issue. He will email the group a page from the Selectboard Handbook from the Vermont League of Cities and Towns (VLCT) that explains this aspect of the law.

D. Review & Approval of Minutes of August 28

Motion: I move to approve the minutes of August 28 as amended. Made: Mr. Brock. Second: Mr. Duane. 9-0

E. Continue discussion of items for inclusion

Hired town law agent, grand juror, trustees of public funds

The committee's attorney, Paul Gillies, advised that the town grand juror office "has been made irrelevant." He also recommended that the town law agent's enforcement functions with the Judicial Bureau be carried out by the Selectboard. For trustees of public funds, he recommends that the Selectboard assume the responsibility, in consultation with the treasurer.

Question to Mr. Gillies: Why do you characterize the position of grand juror as "irrelevant"? Are there

no longer statutory duties for the grand juror to perform? Or are those duties now, by statute, undertaken by other officers? Or is there some other reason?

Ms. Miller noted the VLCT says that the job's responsibilities are carried out by the State's Attorney.

Motion: I move that the Selectboard shall serve as trustees of public funds. Made: Mr. Brock. Second: Mr. Hill. 9-1.

Question for Mr. Gillies: We're wondering how the Judicial Bureau functions. What are the practicalities, if there is not a town law agent, and a town ordinance is violated? Without a town law agent, must a Selectboard member go before the Judicial Bureau? How can the town economically enforce a low penalty (e.g., a \$50 ticket)?

Mr. Mastelli noted that the VLCT has a handbook explaining the Judicial Bureau.

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Zoning Administrator

The town currently has one person serving as both as zoning administrator and town administrator. The town administrator serves at the pleasure of the Selectboard. The zoning administrator serves a three-year term and can be dismissed with cause; state statute allows the town to appoint ZAs for a one-year term.

Mr. Brock and Mr. Duane expressed reservations about making the zoning administrator an "at will" position, on the grounds that the position is insulated from political pressure from the Selectboard.

There was discussion of whether there is a practical difference between "at will" and "for cause" employment in Vermont. Mr. Deegan argued that even someone in an "at will" job can sue. Mr. Duane said that in governmental entities, "at will" has real meaning.

Mr. Mastelli raised the possibility of a one-year term as giving flexibility to allow the appointment to expire if the ZA is not performing.

Mr. Etnier noted that a Selectboard can easily and gracefully "dismiss" a ZA with a one-year term simply by not reappointing the person.

Mr. Duane wonders when the "at cause" clause was added for the ZA; he will check with legislative council.

F. Discussion of Public Forum on October 9

The forum will be to discuss the charter at the conceptual level, rather than offer a draft charter.

The following elements for a forum agenda were proposed:

- Introduction of committee members
- Introduction to charters in Vermont municipal government: What is a charter, why do towns adopt them, how many and what size towns have charters, etc.
- Describing the charge from Selectboard, plus other items the committee developed

- The committee has built consensus out of a diversity of views
- The criteria the committee developed
- Here's where we are now in our thinking
- Here's how we got there: For each possible charter provision, describe our research, our thinking, and tentative conclusions. Allow give and take on each item.
- Next steps

Publicity

Ms. Miller has completed articles for Front Porch Forum and The Signpost; she will post the FPF article 2-3 times. She will also prepare something for the schools and talk to the *Times Argus* or write a letter to the editor.

Ms. Watson will bring food and drink; Mr. Etnier will ask the Selectboard to cover the expense, not to exceed \$30.

Next meeting

Finish working through potential charter provisions at the conceptual level

Final planning for the Oct. 9 forum

G. Adjournment

Motion: I move to adjourn. Made: Mr. Duane. Second: Mr. Brock. 10-0 at 9:15 pm.