

APPROVED Minutes of the Town of East Montpelier Charter Committee
Wednesday, September 25, 2013
7:00 pm at the Municipal Building

Committee members present

Edie Miller (chair)

Richard Brock (vice-chair; acting secretary)

Carl Etnier (8:00 pm, during D discussion of Funding Request Committee; recording secretary)

Rick Mastelli

Norman Hill

Michael Duane

Karen Gramer

Julie Potter

Jack Pauly (during D discussion of conflict of interest policy)

A. Call to Order & Additions to Agenda

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

B. Public Comment

None.

C. Review & Approval of Minutes of September 11

Motion: I move to approve the minutes of August 28 as amended. Made: Mr. Brock. Second: Mr. Gramer. 7-0

D. Review of reworked Status Grid

Conflict of interest

Motion: I move that the Committee proceed with the details of a conflict of interest policy for the charter without yet deciding whether we will include it in the charter, so that the Committee can pass on its work to the Selectboard for them to consider in the form of an ordinance, if the Committee opts not to include it. Made: Mr. Brock. Second: Mr. Hill. 8-0.

Zoning Administrator

It was noted that attorney Paul Gillies recommends changing the Zoning Administrator term to one year as a means of enabling the Selectboard to be more responsive to the performance of the Zoning Administrator than a three-year term allows, without replacing the statutory restriction that the ZA "may be removed for cause" [§4448(a)]. The committee agreed to this as a practical compromise, short of having the ZA serve at the SB's will.

Motion: I move to include in the charter proposal a change to a 1 year term for Zoning Administrator without changing other aspects of the statutory office. Made: Mr. Mastelli. Second: Mr. Brock. 8-0.

Funding Request Committee

Motion: I move that the committee will take no action regarding requests to the Funding

Requests Committee in the charter. Made: Mr. Brock. Second: Mr. Hill. 9-0.

Personnel and other policies

Motion: I move that we do not include in our charter recommendations that that all elected and appointed positions are subject to personnel and other policies, on the grounds that the Selectboard already has the authority for appointed officials and we don't want to give them that authority for elected officials. Made: Mr. Brock. Second: Mr. Pauly. 9-0

Recall of elected officials

The committee re-examined research that Ms. Potter had performed in July on recall provisions in charters. What surprised her most was that most town charters do not include recall provisions (34 towns with charters, 12 towns with recall provisions).

Motion: I move that we do not include in our charter recommendations a provision for recall of elected officials. Made: Mr. Brock. Second: Mr. Duane.

Points raised against recall: It is potentially too divisive, and it is unnecessary when the longest terms for town officers are three years.

Points raised for recall: The bar for triggering a recall (the number of signatures necessary on a petition) can be set so high that it will only be used in extraordinary circumstances. A three-year term can be a long time if there are circumstances so extraordinary that they would trigger a recall, should the town have such a provision.

Motion: I move to table the motion until after the Oct. 9 forum and the committee receives a response to its questions to attorney Paul Gillies. Made: Mr. Etnier. Second: Mr. Hill. 9-0

Questions to Mr. Gillies: Has recall ever been used in Vermont? If so, would you describe the circumstances of one or a few cases?

E. Plan the October 9 public forum

The committee will create a simple slide presentation:

Criteria (rearranged order, with those applying to offices last. Mr. Mastelli will send us order)

Grid (item by item in slideshow; handout as a whole; in order of charge plus extra items)

Timeline

The committee's charge from the Selectboard will be available as a handout.

Mr. Etnier will draft the slides presentation and send out the slides ahead of time for individual feedback. He will also work with the audio-visual technician at U-32 so he can run the projector.

Ms. Miller will make copies of Paul Gillies' "Reforming Local Government By Charter" for the meeting. Mr. Etnier has uploaded this document to the committee's outreach folder.

Speaking order:

Introduction, What is a Charter, and Charge from Selectboard: Ms. Miller

Criteria: Mr. Mastelli

Going through the grid: Go around the table.

Motion: I move we amend the committee's criterion on whether a charter provision solves a problem to read, "Does it solve a problem that we have currently, have had in the past, or might have in the future?" Made: Mr. Brock. Second: Mr. Hill. 9-0

G. Adjournment

Motion: I move to adjourn. Made: Mr. Brock. Second: Mr. Duane. 9-0 at 9:22 pm.