

APPROVED Minutes of the Town of East Montpelier Charter Committee
Wednesday, October 23, 2013
7:00 pm at the Municipal Building

Committee members present

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

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

Motion: I move we adopt the minutes of September 25, amending them by deleting the paragraph on Mr. Mastelli reporting back on conflict of interest. Made: Mr. Brock. Second: Mr. Mastelli. 10-0.

D. Review of October 9 public forum feedback and suggestions

It was noted that Tony Klein raised objections to any conflict of interest policy with teeth, but no support for his objection was expressed.

Mr. Hill said that one member of the public praised the idea of including conflict of interest, noting that it underlines a concern for good government.

It was noted that Seth Gardner questioned whether a hiring committee for the treasurer would slow the process. There is no strong objection on this committee to the hiring committee.

Mr. Etnier reported that the Selectboard discussed the public forum at its October 21 meeting and had three comments on the position of delinquent tax collector:

1. An appointed DTC gives the SB flexibility to combine positions
2. DTC is an agent of town and town is liable for her actions, but she acts completely independently of anyone else. No checks and balances with an elected position.
3. SB asks that financial considerations be taken into account.

Mr. Hill noted that the city of Washington, DC does not "coddle" taxpayers with a delinquent tax collector who works out payment terms with the delinquents. They just add interest and send new

assessments. Others pointed out that the delinquent tax collector does not negotiate on the amount to be paid, only on the payment schedule.

He also brought feedback from a forum participant on the delinquent tax collector: that if the charter could save money for the town, it would be a selling point.

On the zoning administrator: The committee noted the discussion about unemployment compensation that Bruce Johnson raised, but decided it does not affect our reasoning.

For Trustees of Public Funds, the committee noted the question raised about what the Town would do if it had a larger endowment in public funds than now. Ms. Miller did not think the size of the endowment mattered for this question. Many on the committee wondered whether the psychological impact of giving this position's responsibilities to the Selectboard might generate opposition to the charter.

E. Consideration of other items

Delinquent tax collector

Ms. Gramer was asked to leave the room for this discussion.

Points raised by committee members:

One person said that he or she initially voted to keep the position elected, but is willing to reconsider the vote, primarily because of a desire to change the compensation model.

One person said the reasoning behind the compensation model for the delinquent tax collector is that other taxpayers should not be paying for collection of delinquent taxes; the delinquents should do that. The person agrees with that reasoning and fears that hiring someone would cost more money.

One person noted the importance of efficiency. Another replied that election confers legitimacy, voicing a preference, if delinquent in tax payments, for an elected official show up on the door step.

One person said that there is no greater power to the Selectboard with an appointed position. Another countered that the result is consolidation of authority in the Selectboard.

One person said we weren't talking efficiency with this job, but personal interactions.

One person said Selectboard oversight is important to avoid litigation.

One person suggested that a standing finance committee be appointed by the town, which would nominate people to positions like DTC. The committee could also take on the responsibilities of the Trustees of Public Funds.

Ms. Gramer was asked to return to the room to comment on the Selectboard's comments. She addressed the point that the position could be combined with other positions by saying that she works with people when they are available, often on nights and weekends. She went through her routine today to give an example of how she works. She worked with some people today at Heaton Woods for 45 minutes. At 5 pm today, she spoke with someone who had many questions about her taxes. And she had another discussion this evening with a commercial property owner who had questions about setting up a payment plan, and she set up an appointment for 7:15 am tomorrow to meet with someone else.

She said the people who know the position best--she, Terri Conti, and Don Welch--believe the position

should not be combined with anything else.

Ms. Miller asked Ms. Gramer if she had changed her mind from previous support for an appointed position. Ms. Gramer said she now supports the position being elected.

With respect to the liability of the town for the DTC's actions, Ms. Gramer said she thought her bonding would cover any liability. And Mr. Duane asked what the basis for saying that the town is liable for her actions is. Mr. Brock suggested that this is a question for attorney Paul Gillies.

On the financial considerations, she said her position is a minimal financial cost to the town, as the delinquent taxpayer covers it and she brings in revenue to the town.

Ms. Gramer was asked to leave the room again.

Motion: I move that the Collector of Delinquent Taxes become an appointed position, selected with the same process for the Treasurer. Made: Mr. Deegan. Second: Ms. Watson.

One person was uncertain about whether to vote for an appointed position without knowing what the nominating process will be.

Three people said they value the democratic process of electing someone to the office.

Vote on the motion: 4-5-2 (Ms. Gramer was out of the room and thereby recused.)

F. Set dates for November meetings and next agenda

Special meeting October 30 to discuss recall and conflict of interest, 7-9 pm. If we get through them, we'll move on. We will discuss our other meetings in November at that meeting.

G. Adjournment

Motion: I move to adjourn. Made: Mr. Hill. Second: Mr. Brock at 9:06 pm. 10-0.