

APPROVED Minutes of the Town of East Montpelier Charter Committee
Wednesday, October 30, 2013
7:00 pm at the Municipal Building

Committee members present

Edie Miller (chair)
Richard Brock (vice-chair)
Carl Etnier (recording secretary)
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 at 7:10 pm.

B. Public Comment

None.

C. Review & Approval of Minutes

No action.

D. Review of topics for inclusion in charter

Conflict of interest provision (COI) with teeth

Should it go into the charter or be in a separate ordinance?

If it's in the charter, some committee members believe it will be more prominent in the town's consciousness.

If it's in an ordinance, other committee members pointed out that it's easier to amend. There are various details of conflict of interest that might benefit from tweaking:

- A definition of "conflict of interest."

- A list of the elected and appointed officials covered by such prohibition.

- A method to determine whether a conflict of interest exists.

- Actions that must be taken if a conflict of interest is determined to exist.

- A method of enforcement against individuals violating such prohibition.

Also, if the COI is in the charter and arouses controversy, it could take votes away from the charter.

Motion: I move we recommend that the conflict of interest provision be addressed in an ordinance, not in charter. Made: Mr. Brock. Second: Mr. Degan. 10-0

If the committee has time after the charter draft is finished, it will return to the COI question to see whether it can reach agreement on language for a COI ordinance.

Recall provision

Mr. Deegan said that the current control, with elections every 2-3 years for Selectboard members, is sufficient and appropriate. And recall votes raise the potential for outside groups to come in and overturn elections with a smaller number of voters than cast ballots on Town Meeting Day.

Ms. Potter said that for the officials that have the most day-to-day control over town functions are not uniquely in control of any part of the town--they have colleagues who can pick up the slack.

Mr. Pauly reminded us of Ms. Miller's comment that a recall provision is "poison." Ms. Miller clarified that she observed reaction at the forum and thought recall might hurt chances for the charter to be adopted.

Mr. Etnier said he doesn't think recall needs to be in the charter now, but he remembers that earlier discussions of the committee about retaining some officers as elected were at the time understood to be contingent on the charter including recall.

Ms. Watson said that she would rather see people voted out of office at the end of their term than recalled.

Motion: I move that the committee decline to recommend a recall provision in the proposed charter to the Selectboard. Brock, Potter. 10-0.

Selection process for treasurer

Motion: I move that we recommend that the East Montpelier charter include all relevant provisions of the Williamstown charter for the town Treasurer. Made: Mr. Etnier. Second: Ms. Gramer.

The committee examined the lists of people included in the nominating committee in the Williamstown charter and in the most recent charter draft from attorney Paul Gillies. The committee reached a consensus on including the following members for the committee:

Two members of Selectboard

Town auditor

Town lister

A CPA

Town clerk

An additional number of town residents to fill out a committee with a total of 7 or 9 (an odd number) of members.

Questions were raised about whether it was relevant to include a town school board member, given that the treasurer has such a small scope of duties related to the school.

Mr. Brock will check in with a school board member about whether it's important to include a school board member, and Ms. Gramer will ask treasurer Don Welch for his opinion later this week. She will also ask him about the relevance of including a town lister.

The committee consensus, accepted as a friendly amendment to the motion, was to amend the Williamstown charter language in the following ways, in the following paragraphs:

- a) Amend "Williamstown" to "East Montpelier."
- b) "Prior to appointing a town treasurer, and no more than 45 days after the treasurer position is vacated..." Delete "qualified" before "certified public account" and strike the rest of the sentence
- c) Adopt draft language from Paul Gillies
- d) (Unchanged)
- e) Adopt draft language from Paul Gillies
- f) Delete

Motion: I move to table discussion of the motion, pending further information about the need or desire for a school board member or lister on the committee. Made: Mr. Brock. Second: Mr. Etnier. 10-0.

F. Set dates for November meetings and next agenda

We will meet on Nov. 6 and 13, and Nov. 20 if we need it. Not on Nov. 27.

Agenda for next time: Minutes from prior meetings and examine Gillies' draft.

G. Adjournment

Motion: I move to adjourn. Made: Mr. Duane. Second: Mr. Pauly at 9:00 pm. 10-0.