

APPROVED Minutes of the Town of East Montpelier Charter Committee
Wednesday, November 6, 2013
7:00 pm at the Municipal Building

Committee members present

Edie Miller (chair)
Richard Brock (vice-chair)
Carl Etnier (recording secretary)
Karen Gramer
Jack Pauly
Kim Watson (7:15, making a quorum)
Julie Potter (8:45 pm, at end of item D discussion)

A. Call to Order & Additions to Agenda

Ms. Miller called the meeting to order at 7:10 pm. In the absence of the quorum, the committee will discuss business but take no action.

Kim Watson arrived at 7:15 to make a quorum, and the committee began discussion of the minutes.

B. Public Comment

None.

C. Review & Approval of Minutes of Oct. 9, Oct. 23, Oct. 30, 2013

Motion: I move to approve the October 9 forum minutes as amended and meeting minutes as written. Made: Mr. Brock Second: Ms. Watson. 6-0.

Motion: I move to approve the minutes of October 23 as amended. Made: Mr. Brock Second: Ms. Gramer. 6-0.

Motion: I move to approve the minutes of October 30 as written. Made: Ms. Watson Second: Mr. Brock. 6-0.

D. Review of revised charter draft – labeled 11-06-13

All of the discussion and all of the motions in this section are towards the end of providing revised draft charter language for the absent members of the charter committee and attorney Paul Gillies to comment on at or before the committee's Nov. 13 meeting. None of the motions represents the committee's final position on charter language.

The committee began by working with attorney Paul Gillies' charter draft, dated November 6, 2013.

§10. Treasurer

Mr. Brock has not heard back from the school board member he has tried to reach, on whether the school board wants representation on the nominating committee.

Ms. Gramer reported that treasurer Don Welch said that the lister and the school board have no

interactions with the treasurer.

After some discussion, the committee decided that the candidate selection committee for town treasurer would consist of two members of the Selectboard, an auditor, the town clerk; plus a certified public accountant, and two residents of the town of East Montpelier.

Motion: I move to remove from the table the previous motion (from the October 30 meeting) regarding adopting and amending Williamstown's charter language. Made: Mr. Brock. Second: Ms. Watson. 6-0

Motion: I move to further amend Williamstown's charter language to reflect tonight's discussions. Made: Mr. Brock. Second: Ms. Watson.

The motion now amends the Williamstown charter language in the following paragraphs:

a) Amend "Williamstown" to "East Montpelier."

b) Amend the beginning:

Prior to appointing a town treasurer, and no more than 45 days after the treasurer position is vacated, the Selectboard shall appoint a committee composed of the following town officers: two members of the Selectboard, an auditor, the town clerk; plus a certified public accountant, and two residents of the town of East Montpelier to review and recommend to the Selectboard qualified candidates for the position of treasurer. All except the CPA must be residents of the town of East Montpelier. The committee shall have the authority... [The rest of the paragraph is unchanged from Williamstown]

c) Adopt the language from Paul Gillies' October 10 draft charter

d) [Unchanged]

e) Adopt the language from Paul Gillies' October 10 draft charter

f) Delete

The motion to amend passed, 6-0.

Motion: I move to pass the amended motion, adopting Williamstown's charter language with the changes detailed above. Made: Mr. Brock. Second: Ms. Watson. 6-0

§11. Notice of vacancy during unexpired term

The committee did not see a reason to include this language in the charter. However, committee members noted the advantages of the town having a clear written policy for filling appointed positions, both when vacancies arise during a term and at the end of a term. The town website was mentioned as one place to make the policy easily available.

Motion: I move that we delete the proposed section 11 from the charter draft dated November 6. Made: Mr. Brock. Second: Ms. Watson. 6-0.

§12. Separability

Ms. Miller said that this section is important to have in the charter and moved on to the next section without objection.

§13. Amendment

The committee did not see a purpose to including the language that seems redundant with state law. Ms. Miller said she would ask Mr. Gillies about reasons for including it.

§ 1. Statement of purpose

Mr. Etnier presented a draft charter that he had produced, by using some language from Mr. Gillies draft and the committee's previous work on the treasurer's position, but adopting the Williamstown charter's method of simply stating what changes were to be made in the status quo. He asked the committee to adopt the statement of purpose from his draft, which includes many of the committee's criteria, so as to educate voters and guide future charter committees.

The committee desired to keep the second sentence of Mr. Gillies' draft, as written. Mr. Etnier's draft had deleted that sentence; Mr. Etnier agreed with reinstating it.

Motion: I move to adopt the statement of purpose from Mr. Etnier's draft, as amended. Made: Mr. Brock. Second: Ms. Watson.

The committee did not reach agreement on the appropriateness of including the criteria in the statement of purpose.

Motion: I move to table the motion until more committee members and Mr. Gillies comment on the section. Made: Mr. Etnier. Second: Mr. Brock. 6-0.

§ 2. Powers of the town

The entire committee thought the section contained unnecessary language, but differed on how to change it. Mr. Etnier proposed striking the section altogether, on the grounds that it is redundant with state law. Another proposal was to retain only subsection (c). The committee agreed on a third proposal:

Motion: I move to amend section 2 of the Gillies draft charter dated November 6 by deleting everything from the second sentence of (a) to the end of (b), leaving only the first sentence of (a) and all of (c). Made: Mr. Brock. Second: Ms. Gramer. 5-1.

§ 3. Open meetings

The committee noted that this section simply restates state law. There is a large body of state law that governs municipalities, and the charter could become very long if it were all included. The committee saw no reason to keep this redundancy.

Motion: I move to delete section 3 of the Gillies draft charter dated November 6. Made: Mr. Brock. Second: Mr. Etnier. 6-0.

§ 4. Generally

Motion: I move to delete section 4 of the Gillies draft charter dated November 6. Made: Mr. Etnier. Second: Ms. Gramer. 6-0.

§5. Elected Officers

The committee wishes to retain all the flexibility that the town currently has under state law with respect to the offices listed. While some committee members said that the draft language would reduce the town's flexibility, Ms. Miller wanted to check with Mr. Gillies on that question. The planning commission members were mentioned in particular; state law now allows the town by its own vote to choose whether to appoint or elect PC members, the number of PC members, and the length of their terms.

Some people saw this section, and the charter as a whole, as an attempt to give a one-stop document describing how the town is governed, and they liked that concept. At the same time, they didn't want to sacrifice flexibility in order to gain the documentation. One person suggested the town website as a place to list all the appointed and elected offices and their terms.

Mr. Etnier argued that including a lot of provisions in the charter that are not changes makes it harder to educate voters about why the charter is important. Also, while it may be possible to amend this detailed draft charter to retain the flexibility the town has, it is a task that is beyond this committee in the time remaining.

Ms. Miller said she thought the committee could quickly find out what it needed to know about each of the town offices described in this and the following section and amend the charter to reflect current town practice--as long as it does not reduce the town's flexibility.

Mr. Etnier's draft pares this section down to a modified version of Gillies' subsection (b), which contains the charter provisions that the committee has discussed and approved. Mr. Etnier modified the language so as to eliminate the seemingly contradictory statements that the offices of Trustee of Public Funds and Town Agent are both abolished and that the Selectboard shall serve collectively in those offices.

Motion: I move to substitute section 5 of the Etnier draft charter dated November 6 for section 4 of the Gillies draft charter dated November 6, with the amendment that the section is titled "Changes to elected offices." Made: Mr. Brock. Second: Mr. Etnier.

Ms. Watson prefers the section title "Changes to elected officers" and declined to vote for the motion on those grounds.

The motion passed 4-2-0. Ms. Potter abstained, as she arrived as the vote was about to be taken.

§6. Appointed officers

The same reasoning about providing an overview of town function vs. reducing town flexibility and other considerations applies to this section. The committee did not have time to consider this section in detail, but decided to ask Mr. Gillies the same questions here as for section 5.

E. Set dates for next meetings and next agenda

Mr. Etnier will send out his draft charter, revised to reflect tonight's discussion, to all committee members, along with the minutes and the revised Gillies charter.

Ms. Miller will send the revised drafts and many questions to Paul Gillies.

Next week, we will continue this discussion.

G. Adjournment

Motion: I move to adjourn. Made: Mr. Etnier. Second: Mr. Brock at 9 pm. 7-0.