

APPROVED Minutes of the Town of East Montpelier Charter Committee  
Wednesday, November 13, 2013  
7:00 pm at the Municipal Building

**Committee members present**

Edie Miller (chair)  
Richard Brock (vice-chair)  
Carl Etnier (recording secretary)  
Karen Gramer  
Julie Potter  
Rick Mastelli  
Ed Deegan  
Kim Watson  
Norman Hill

**A. Call to Order & Additions to Agenda**

Ms. Miller called the meeting to order at 7:03 pm.

Additions:

- \* Discussion of the committee's role recommending language for the conflict of interest ordinance.
- \* Educational discussion at Selectboard 11/18 re: town manager form of government

**B. Public Comment**

None.

**C. Review & Approval of Minutes of Nov. 6**

**Motion: I move to approve the minutes of November 6 as written. Made: Mr. Brock. Second: Ms. Gramer. 6-0-2.**

**D. Review of revised charter drafts**

Long and short drafts, both labeled 11-08-13 with PG comments, were distributed. Also distributed was a short draft dated 2013113, which differed slightly from the other short draft.

Ms. Miller asked the committee whether we wanted to work with the short version.

The committee likes the idea of having one easy place to get an overview of town offices, but recognizes that the information is available in the annual town report and can be made available on the web site.

**Motion: I move we focus on the short version in our discussions. Made: Mr. Mastelli. Second: Mr. Brock. 8-0.**

The following amendments were made to the short version distributed by Mr. Etnier:

*Section 1*

**Motion: I move to change**

**(b) to solve a-problem~~s~~ that the town currently has, has had in the past, or might have in the future;**

**Made: Mr. Mastelli. Second: Mr. Brock. 8-0-1**

**Motion: I move to change**

**to be consistent with democratic control, particularly ~~that it observes~~ observing the principle of checks and balances;**

**Made: Mr. Mastelli. Second: Mr. Brock. 9-0.**

*Section 2 Powers of the town*

**Motion: I move to eliminate this section and move the sentence "In this charter, no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the town would have if the particular powers were not mentioned, unless this charter otherwise provides." to before "The modifications..." in section 1.**

**Made: Mr. Mastelli. Second: Mr. Brock. 8-1**

*(New) Section 2 Elected offices*

**Motion: I move to use the language from the PG short version without the final quotation mark.**

**Made: Mr. Brock. Second: Mr. Etnier. 9-0.**

*Town Treasurer section*

**Motion: I move we adopt town treasurer section. Made: Mr. Brock. Second: Mr. Etnier.**

**Motion: I move to amend:**

**(b) 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; also 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. to review and recommend to the Selectboard qualified candidates for the position of treasurer. This committee shall be composed of two residents, a certified public accountant, and the following town officers: two members of the Selectboard, an Auditor, and the Town Clerk.**

**Made: Mr. Mastelli. Second: Mr. Brock. 9-0.**

**Vote on motion as amended: 9-0.**

We will work to make capitalization of offices consistent and correct throughout.

*Section 4, Zoning Administrator*

**Motion: I move to adopt section 4 with deletion of "(a.k.a. Administrative Officer)" and ask Paul Gillies if that may have unfavorable effect. Made: Mr. Brock. Second: Mr. Mastelli. 8-1**

*Section 5, Separability*

**Motion: I move to adopt Section 5 as written. Made: Mr. Brock. Second: Mr. Etnier. 9-0**

**E. Set dates for next meetings and next agenda**

Next steps:

Revise the draft according to today's motions

Send it to Paul for comment and us for checking

Ms. Miller will talk to planning commission chair Rick Hopkins about PC input.  
Get input from school board's Nov. 18 meeting  
Meet Nov. 20 to discuss the final draft and the conflict of interest ordinance (see below)  
Send the final charter recommendation to Selectboard.

#### **F. Conflict of interest ordinance**

The committee decided to work on agreeing on recommended language for a conflict-of-interest ordinance to send to the Selectboard. It worked with the draft Mr. Etnier prepared, based on the town's existing COI policy (taken from Vermont League of Cities and Towns' model policy), with enforcement "teeth" vis-a-vis elected officials taken largely intact from Paul Gillies draft, which is modeled on the Town of Berlin charter.

One change discussed:

Change in Article 7, Enforcement

Upon majority vote, the board, commission or committee may further request that the offending public officer resign

The committee wondered how to handle failures to recuse themselves in conflicts of interest for officers not on a board, commission, or committee. One possibility raised was to do so through an ethics committee, which could be a function of the board of civil authority.

The committee decided to discuss the COI ordinance further at a Nov. 20 meeting.

#### **G. Adjournment**

**Motion: I move to adjourn. Made: Mr. Brock. Second: Ms. Potter at 8:58 pm. 9-0.**