

DRAFT Minutes of the Town of East Montpelier Charter Committee
Wednesday, November 20, 2013
7:00 pm at the Municipal Building

Committee members present

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

A. Call to Order & Additions to Agenda

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

B. Public Comment

None.

C. Review & Approval of Minutes of Nov. 13

Motion: I move to approve the minutes of November 13 as amended. Made: Mr. Mastelli.

Second: Mr. Hill. 8-0

D. Finalize charter recommendation

Motion: I move to amend Section 1:

(d) to avoid or minimize ~~disadvantages~~ unintended consequences from the modification;

Made: Mr. Brock. Second: Ms. Potter. 8-0.

No other changes were proposed in the language of the charter from the form approved last week. The committee noted that the treasurer selection process described in the charter is the sole method the committee intends for a new treasurer to be selected by, and if the selectboard decides that none of the candidates recommended by the committee is satisfactory, the committee is to find more candidates.

E. Discuss & approve cover memo to Selectboard

The committee discussed the cover memo drafted by Ms. Miller and approved of her sending it to the Selectboard.

F. Discuss and approve a draft conflict-of-interest ordinance to be sent to Selectboard

The committee discussed the draft conflict-of-interest ordinance and amended it to allow bodies like the Selectboard to conduct business even when a majority of the members are conflicted.

Motion: I move to amend the draft conflict-of-interest ordinance, adding in Article 3

“Necessary action means administrative functions that cannot reasonably be delayed until a proper quorum is achieved.”

and altering article 8

Article 8. Exception. The recusal provisions of Article 6 shall not apply if the legislative body of the municipality determines that an emergency exists or necessary action has to be taken and that actions of the public body otherwise could not take place. In such cases, a public officer who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Article 5.

Made: Mr. Brock. Second: Ms. Potter 8-0.

The committee decided that it was beyond its capabilities at this late date to complete the work on the language for the COI ordinance. It decided to send the ordinance as amended to the Selectboard, with the recommendation that it or a similar ordinance be put before voters at town meeting.

Furthermore, the committee will alert the SB that there is nothing in this draft that would deal with a situation where a singular officer (not part of a board, etc.), such as the town clerk or collector of delinquent taxes, might act in a situation in which others perceive a conflict.

G. Other business

The committee will leave any publicity of the draft charter to the Selectboard.

In transmittal language, we will make the descriptions of the criteria consistent with the charter, where applicable. The letter to the residents will not contain the criteria about the town offices. The letter to residents will also be revised to reflect the call for committee members which was issued on Front Porch Forum.

The letter to residents will be transmitted to SB for dissemination with charter, if they so choose.

Presenting a united front

The members of the committee support this charter unanimously and have decided to represent that position publicly. Any details about the deliberations will be prefaced or concluded with the comment that the committee member supports the charter.

H. Adjournment

Motion: I move to adjourn. Made: Mr. Duane. Second: Ms. Hill at 8:48 pm. 8-0.