

Minutes of the Town of East Montpelier Charter Committee (Approved September 26, 2016)  
Monday, August 22, 2016  
7:00 pm at the Municipal Building

**Present**

Michael Duane  
Carl Etnier (Selectboard liaison)  
Karen Gramer  
Norman Hill  
Rick Mastelli  
Edie Miller  
Julie Potter  
Kim Watson

**A. Call to Order**

Carl Etnier opened the meeting on behalf of the Selectboard at 7:04 pm.

**B. Additions to the Agenda**

None.

**C. Public Comment**

None.

**D. Committee Organization**

The committee unanimously elected the following officers:

Chair: Edie Miller  
Vice chair: Richard Brock  
Secretary: Carl Etnier

**E. Review of Committee's New Charge**

The Charter Committee (CC) has remained a standing committee of the Town since it completed its initial draft charter recommendation in 2013. The Selectboard (SB) recalled the CC in a motion passed at its August 1, 2016 meeting:

***Motion: I move to recall the East Montpelier Charter Committee, with a first meeting August 10, 2016, and a charge to consider the following possible items in the charter: 1) Appointment of town clerk, 2) appointment of delinquent tax collector, and 3) the basic property tax guidelines now voted on in town meeting each year.***

Mr. Etnier clarified the charge on behalf of the SB. The SB was in discussion with Town Clerk Terri Conti about her desire to possibly resign the position before her term was up. (She subsequently, on August 15, submitted her resignation, effective September 1.) This presented an opportunity to consider whether the Town wishes to continue with an elected Town Clerk or move to an appointed position.

In the course of the discussion, the position of Delinquent Tax Collector (DTC) came up, as that is the only other town office held by a single person with a multi-year term. Mr. Etnier said the SB considered the DTC question to be purely one of principle; the SB is quite satisfied with the performance of the current DTC, Ms. Gramer.

The basic property tax guidelines seemed to the SB like it might be unnecessarily repetitive to vote on each year at Town Meeting, so they asked the CC to consider simply incorporating the article into the Charter.

A discussion ensued about whether a charter can abolish an elected office in the middle of a term; committee members did not agree. However, there was no disagreement that, if the CC recommends making the position of DTC an appointed position, the CC would also recommend allowing the current office holder to serve out her term, until March 2019.

Terri Conti was elected to a Town Clerk term ending in March 2018. The SB will appoint someone to fill out the term until March 2017. The CC needs clarification on whether the 2017 election would be through 2018 or three years from 2017.

Mr. Duane volunteered to research the processes of appointment and subsequent election of a town clerk when the position is vacated mid-term.. He will report at the next meeting.

The committee discussed whether to consider recall of elected officers as an alternative to turning an elective position into an appointed position. The CC considered recall when it met in 2013 and decided not to recommend it. There was no argument for reconsidering that position.

The CC went through the various town offices and satisfied itself that the Town Clerk and DTC are, indeed, the only single-person offices with multiple year terms.

The CC considered whether to recommend adding anything to its charge from the SB. The Conflict of Interest Ordinance, which came out of the CC's work in 2013, received some attention. Mr. Etnier acknowledged that problems had been identified with some of the language in the ordinance.

The CC acknowledged the short timeline for action, with the SB looking for a recommendation by December. If the CC has more time, after acting on the charge from the SB, it will consider taking on more.

#### **F. Review and discussion of committee's prior efforts and methodology**

Ms. Miller brought up the criteria the CC used in its last efforts. The CC developed them during its first meeting and refined them over the course of its work; the criteria were enshrined in the Charter to guide future work.

In the absence of a motion to revise the criteria, the CC will continue to be guided by them.

#### **G. Development of Committee Action Plan**

The CC decided to meet in the Town Office on the 2nd and 4th Mondays, September through November, with the intention of submitting something to the SB by December 1.

[Shortly after the meeting, a conflict with the October 10 date was pointed out, and the CC was looking for an alternative.]

In 2013, the SB gave the CC a budget to use for legal advice. The CC will propose to SB a budget equivalent to its expenditures on legal fees last time. The committee anticipates actual expenditures will be less, as this year's work involves tweaking an existing charter rather than creating one from scratch.

Paul Gillies served the CC in 2013 and the committee was happy with his work. Ms. Miller will check

his availability.

Mr. Hill brought up the conflict of interest Ms. Gramer has as current DTC and CC member considering whether to change the DTC position to an appointed one.

Ms. Gramer read the motion passed by the CC on June 26, 2013 with respect to the same issue:

***Motion: I move that Ms. Gramer be present for the discussion of the collector of delinquent taxes, with a period of time during which she has left the room, and that she recuse herself from the vote on the collector of delinquent taxes.***

Ms. Potter pointed out that the Town now has a Conflict of Interest Ordinance. Homework for next time is to read the ordinance so we can discuss how to apply it to our work.

Ms. Gramer volunteered to review town charters to see where town clerks and delinquent tax collectors are appointed, and the process for appointment. She will email the results of her research to the committee a week before its next meeting.

Mr. Mastelli volunteered to research the tax provision in the charter and how other towns handle it.

Agenda for next meeting: Reports back, conflict of interest discussion.

#### **H. Other business**

None

#### **I. Adjournment**

The meeting was adjourned at 8:35 pm.