

Minutes of the Town of East Montpelier Charter Committee
Monday, October 24, 2016
7:03 pm at the Municipal Building

Committee members present

Richard Brock
Ed Deegan
Carl Etnier (Selectboard liaison; secretary)
Norman Hill
Rick Mastelli
Edie Miller (chair)
Julie Potter
Kim Watson

Others present

Karen Gramer, delinquent tax collector

A. CALL TO ORDER

Ms. Miller opened the meeting at 7:03 pm.

B. ADDITIONS TO THE AGENDA

None.

C. PUBLIC COMMENT

None.

D. MINUTES

Motion: I move to approve the minutes of October 12, 2016 as amended. Made: Mr. Hill. Second: Ms. Potter. 8-0.

E Discussion with Terri Conti, former Town Clerk

Ms. Conti sent word she was unable to attend.

F. Review of draft language for amendments to the charter

A discussion point raised was whether the committee is comfortable with the statutory language for the positions of town clerk (TC) and delinquent tax collector (DTC). And if we think the statutes are inadequate in some way, must we have divergence listed in the charter or can it be included by reference to a job description or something else?

One approach would be to draft language for TC and DTC parallel to the language for treasurer, with appropriate changes made.

Shall the officers serve at the pleasure of the selectboard (SB) or only be terminable for just cause?

Attorney Paul Gillies indicated in an email that it's not contradictory for someone to serve at the pleasure of someone else and to be independent.

A member argued that an employee cannot be ordered to do something inconsistent with their obligations.

Another possibility would be to appoint the officers for a fixed term, with reappointment possible.

The committee discussed whether we would prefer a town resident for both positions. Or require residency.

G. Discussion with Karen Gramer, Delinquent Tax Collector

Ms. Gramer said she approaches this job as not just collecting taxes. She needs to work with people who cannot pay taxes—not because they don't want to, but because they can't. In crafting payment plans, she asks: is it something that works for them? She views her main job as coming up with something that works for the property owners, so the property doesn't go to tax sale. But also to make sure they don't get too far behind.

The job involves lots of work with people on weekends and during the evening. These are better times to reach people, when they have time to talk about the issue of paying.

She views it as important to have empathy, to listen to people, and to try to work something out with them. Her biggest question is that if the position comes into the town office, would it be just about collecting taxes?

She works closely with Treasurer Don Welch, and he checks her work. She also works closely with the town clerk. When she has large questions, she goes to the selectboard. She feels a need for SB approval for any tax sale or anything else that's not routine. If the position were appointed, she feels the whole structure would change. She doesn't work an eight-hour day—if someone calls, I talk to them.

A committee member asked if Ms. Gramer works under guidelines about how long back taxes are carried, maximum amounts, etc.?

Ms. Gramer replied that there are statutes. She also has a collection policy, which she brings to the SB each year, and it is usually tweaked each year. The current policy is here:

<http://eastmontpeliervt.org/wp-content/uploads/2013/11/2016-Collector-of-Delinquent-Taxes-Collection-Policy-1.pdf>

In response to a question about working with the TC and the assistant TC, Ms. Gramer said taxpayers can pay DTC at town office. That triggers an email from town clerk's office, so she knows there's a check in the office in her envelope. Most checks she receives at home. The checks are made out to the Town of East Montpelier.

Notices to property owners go out from the town office.

A committee member asked whether agreements are made on paper and signed. Ms. Gramer said she uses a form from Vermont League of Cities and Towns (VLCT); she has adapted it to make it more readable.

In response to a question about the level of formality of the agreement, whether it was a memorandum of understanding or a contract, Ms. Gramer said it's an understanding.

A committee member asked whether delinquent taxes are public records?

Ms. Gramer said yes, they are available in the town office.

Other questions from committee members and answers from Ms. Gramer:

Q: What varies in agreements?

A: What time of month they pay.

Q: Do the various arrangements look equitable?

A: Some people have very small monthly payments initially, and then a higher payment at a time they expect to get more money.

Q: Does SB review or approve your draft letters?

A: No.

A committee member pointed out, however, that Ms. Gramer visits the SB every 3 months to update on agreements, etc.

Q: Is there always an end date on the agreement?

A: I try to structure it so everyone is caught up in a year. People fall behind, and I work with them. They can be abated.

Q: How important that DTC be resident?

A: I know people on list before I was in position. It makes it easier to have a good relationship. Don't know DTC would have to be.

Q: Do you have a busy season, over the course of the year? And on average, how much work?

A: It's not full-time job. 20 hours per week during May, June, July. Other times of year, can be 5-10 hours per week.

It's busy right after taxes become delinquent. May, then the whole summer.

Q: Any problems with the statute and its description of duties and responsibilities?

A: I can look at the statute and get back to you.

Q: If appointed and you were appointee, how would you feel about receiving salary rather than penalty compensation?

A: That would be fine. I'm not sure the position could be paid hourly, because the work is so sporadic.

Q How might the job change, and perceptions of job change, if appointed?

A: I'm not sure what would change. I am always receptive to changing policy. SB has helped me fine-tune policy. Maybe it would be a town policy. I bounce ideas off of other DTCs all the time.

The logistics of hiring attorneys for tax sales came up.

Ms. Gramer: I have to hire an attorney for tax sales. It takes \$600 minimum to take a property to tax sale. By statute, the attorney can collect a maximum of 15% of delinquent tax for the fee. So it doesn't make sense to have a single tax sale for long-outstanding small sums, e.g., on a mobile home. I would like to change that.

Q: Could one person hold both DTC and town clerk positions?

A: Yes, it's possible. The town clerk is no longer treasurer, so could be combined DTC and TC. The town is moving in direction of appointing more positions.

Action items: review of statute, copy of tax payment agreement template.

H. REVIEW OF INFORMATION GATHERED FROM INTERVIEWS

Committee members were impressed with Ms. Gramer's vision of town's development and acceptance of that direction, going to more appointed positions.

Her approach to the job appears to be totally collaborative.

Records are at her house—there was some feeling that records should be at the town office.

I. REVIEW OF DRAFT LANGUAGE FOR AMENDMENTS TO THE CHARTER

There was agreement that we want an appointment process similar to that for the treasurer.

For town clerk, substitute treasurer for town clerk on the nominating committee, and add a lister. There was controversy about whether to include CPA on hiring committee.

Tweaks for the existing language on the treasurer: add that the treasurer is a town employee, subject to personnel policy, and incorporate the job description by reference.

Articulate balance between independence and serving at pleasure of SB.

Just cause or pleasure of SB? Get "cause" and "just cause" consistent. Are they synonyms?

Necessity of being town resident?

J. OTHER BUSINESS

None.

K. Development of next Agenda

Interview Denise chair and vice chair.

Norm gets formats of charters and rules for appointing people.

Don Welch to be interviewed in our meeting.

L. ADJOURN

The meeting was adjourned at 9:05 p.m.