

1 **CHARTER REVIEW COMMITTEE MEETING**
2 **BENNINGTON TOWN OFFICE – CONFERENCE ROOM**
3 **205 SOUTH STREET**
4 **BENNINGTON, VERMONT 05201**

5 **AUGUST 23, 2017**

6 **MINUTES**

7 **COMMITTEE MEMBERS PRESENT:** Sean Marie Oller-Co-Chair; Robert Plunkett-Co-Chair; Daniel Malmberg;
8 Jonathan Cohen (at 12:15pm); Michael A. Keane; Robert Ebert and P. Lynn Green (at 11:49pm).

9 **COMMITTEE MEMBERS ABSENT:** None.

10 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Zoning Administrator; Cassandra Barbeau-Town
11 Clerk; Michele Johnson-Human Resources and Contracts Administrator; Joan Pinsonnault-Treasurer; Jim
12 Therrien-Bennington Banner and Nancy H. Lively-Secretary.

13 At 11:45 AM, Co-Chair Sean Marie Oller called the meeting to order.

14 **1. PUBLIC COMMENTS**

15 None.

16 **2. APPROVE MINUTES OF AUGUST 16, 2017**

17 *Daniel Malmberg moved and Robert Plunkett seconded to approve the Minutes of August 16, 2017*
18 *as submitted. The motion carried with Michael Keane abstaining.*

19 **3. REVIEW BENNINGTON TOWN CHARTER CHAPTERS 2-4**

20 Mr. Plunkett stated that the most recent Charter amendments took place in 2013 when the Legislature
21 passed a law allowing the Legislative Counsel to make changes on their own, so much of the grammar
22 corrections and gender neutrality changes have been done. A copy of this version, which is the 2005 Charter
23 approved by the voters plus the 2013 Legislative Counsel changes, will be used as the Committee's Charter
24 copy to work from.

25 Review of the Charter began as follows:

26 "Chapter 2

27 OFFICERS

28 Sec. 201. Elective officers

29 (a) The elective officers of the town shall be:

- 30 (1) Seven Select Board Members elected from the Town at large at a duly warned Annual Town
31 Meeting;
32 (2) a Town Clerk;
33 (3) a Treasurer;
34 (4) a Moderator.

35 (b) All elective officers shall hold office for a three year term. The term shall expire the first day of April
36 following the Annual Town Meeting.”

37 Discussion ensued as follows on electing vs appointing the Town Clerk and/or Treasurer positions with
38 strong focus on the Treasurer:

- 39 • There are both elected and appointed treasurers in Vermont.
- 40 • Anyone can run for an elected position, whether qualified or not.
- 41 • The town of Coventry has had fraudulent issues with an elected Treasurer, who was also the
42 delinquent tax collector. The population of Coventry is fewer than 1,000, so the likelihood of a similar
43 occurrence in Bennington with a population of 16,000 is minimal.
- 44 • Mr. Ebert: Appointing would guarantee a qualification screening, but, “if it’s not broken, why fix it?.
- 45 • Mr. Keane: Feels the Treasurer should have some form of financial expertise, albeit experience or
46 education.
- 47 • Mr. Plunkett: There don’t need to be any changes made to this Section.
- 48 • Ms. Green: If the change is made to appointed, the citizens will decide if they want to do that or not.
49 Or, if it remains elected, then perhaps the required qualifications of someone wanting to run could be
50 put on the website.
- 51 • Ms. Pinonnault: Fears that if the position was appointed, an individual would be more at risk of losing
52 their job due to a personality conflict, for example, and, therefore, would like to have it remain
53 elected. Ms. Pinonnault added that the State tells the treasurers what meetings to attend to stay
54 current within the industry. Ms. Pinonnault is bonded.
- 55 • Ms. Barbeau: Stated that she is required to attend an Election Training every two years and report to
56 the Secretary of State that she has done so. However, if she didn’t, the only recourse to remove her
57 from office would be the recall process.
- 58 • Ms. Oller: Is fine with leaving as is but would like to get information on the requirements of the State
59 as backup to the decision.

60
61 ***P. Lynn Green moved and Michael Keane seconded to not make any changes to Chapter 2, OFFICERS,***
62 ***Sec. 201. Elective officers. The motion carried unanimously.***

63 -----
64 “Sec. 202. Appointive officers

65 (a) The Select Board Members shall annually appoint a constable and other officers required by law or
66 this Charter, including a board of not less than three nor more than five Listers to serve for such
67 terms as the Select Board Members decide, but not less than one nor more than five years, such
68 appointments to be made as vacancies occur in the elected Board of Listers.”

- 69 • Mr. Hurd: Recommended to eliminate “constable” from the list of appointed officers. Because we
70 have a 24/7 police department, the position is unnecessary. We haven’t appointed a constable in over
71 a decade.
- 72 • Ms. Green: Clarified that there will be a place to explain the reasoning behind the changes, and Ms.
73 Oller stated that it could be in the margins of the Charter next to the changes, as well as, in the Final
74 Report to the Select Board. Mr. Plunkett added that there are also requirements of explanation and
75 Minutes availability in reference to the two Public Hearings that will take place prior to the vote.

- 76 • Mr. Hurd: Explained that the Board of Listers, though not required, is a secondary level of approval for
77 all tax adjustment grievances sent to the assessor, who is the same person that did the appraisal. The
78 existence of a peer group is more comforting to those that have submitted the grievance.

79 **Daniel Malmborg moved and Robert Plunkett seconded the following changes to Chapter 2,**

80 **OFFICERS:**

81 **Sec. 202. Appointive officers, (a), Line 1 – Delete “Members”**

82 **Sec. 202. Appointive officers, (a), Line 1 - Change “shall” to “may”**

83 **Sec. 202. Appointive officers, (a), Line 1 – Delete “a constable”**

84 **Sec. 202., Appointive officers, (a), Line 2 – Delete “and other”**

85 **Sec. 202., Appointive officers, (a), Line 3 – Delete “not less than three”**

86 **Sec. 202., Appointive officers, (a), Line 3 – Change “nor” to “not”**

87 **Sec. 202., Appointive officers, (a), Line 4 – Delete “Members”**

88 **Sec. 202., Appointive officers, (a), Line 4 – Change “decide,” to “decides.”**

89 **Sec. 202., Appointive officers, (a), Line 4 – Delete “but not less than one nor”**

90 **Sec. 202., Appointive officers, (a), Line 5 – Delete “more than five years, such appointments to
91 to be made as vacancies”**

92 **Sec. 202., Appointive officers, (a), Line 6 – Delete “occur in the elected Board of Listers”**

93
94 **P. Lynn Green moved and Robert Plunkett seconded to amend the motion as follows with all other
95 sections remaining as moved:**

96 **Sec. 202., Appointive officers, (a), Line 1 – Leave “shall” as is – do not change to “may”**

97 **Daniel Malmborg withdrew the motion and Robert Plunkett withdrew the second.**

98
99 Discussion ensued as follows:

- 100 • Mr. Cohen inquired as to the job of a Lister, and Mr. Ebert – a Lister – stated that once a year for a
101 week or so, the grievances are reviewed with the assessor. It was reiterated that the comfort level of
102 having a grievance reviewed by someone other than the individual that raised the taxes was important
103 and comforting to the person that submitted the grievance.

104
105 **Michael Keane moved and P. Lynn Green seconded the following changes to Chapter 2, OFFICERS:**

106 **Sec. 202., Appointive officers, (a), Line 1 – Delete “Members”**

107 **Sec. 202., Appointive officers, (a), Line 1 – Delete “annually”**

108 **Sec. 202., Appointive officers, (a), Line 1 – Delete “a constable”**

109 **Sec. 202., Appointive officers, (a), Line 2 – Delete “and other”**

110 **Sec. 202., Appointive officers, (a), Line 3 – Change “less than three” to “fewer than two”**

111 **Sec. 202., Appointive officers, (a), Line 4 – Delete “Members”**

112 **Sec. 202., Appointive officers, (a), Line 4 – Change “decide,” to “decides.”**

113 **Sec. 202., Appointive officers, (a), Line 4 – Delete “but not less than one nor”**

114 **Sec. 202., Appointive officers, (a), Line 5 – Delete “more than five years, such appointments to
115 to be made as vacancies”**
116

117 **Sec. 202., Appointive officers, (a), Line 6 – Delete “occur in the elected Board of Listers”**

118
119 **The motion carried unanimously.**

120 -----
121 “Chapter 2

122 OFFICERS

123 Sec. 202. Appointive officers

124 (b) The Select Board Members may create such appointive officers not provided for by thie Charter or
125 required by law as they deem to be in the best interest of the Town.”

126 **Robert Ebert moved and Michael Keane seconded the following changes to Chapter 2, OFFICERS:**

127 **Sec. 202., Appointive officers, (b), Line 1 – Delete “Members”**

128 **Sec. 202., Appointive officers, (b), Line 2 – Change “they deem” to “it deems”**

129 **The motion carried unanimously.**

130 -----
131 “Chapter 2

132 OFFICERS

133 Sec. 203. Compensation

134 (a) Compensation paid to the Select Board Members shall be set by the voters at Town Meeting.

135 (b) Subject subsection (a) of this section the Select Board Members shall fix the compensation to all
136 elective officers and of all officers appointed by the Select Board.

137 (c) The Town Manager, under policies approved by the Select Board Members, shall fix the
138 compensation of all other officers and employees whose compensation is not fixed by the Select
139 Board pursuant to subsection (b) of this section.”

- 140
- 141 • Mr. Hurd stated that compensation is a budget discussion in open session with the Select Board and
142 that there are no policies, per se. There are 65 employees, or 60% of the work force, governed by
143 contracts.
 - 144 • Mr. Keane clarified that Mr. Hurd only sets the salaries, whereas, compensation also includes the
145 benefit package that is approved by the Select Board. The Committee discussed changing
146 “compensation” to “salaries” but decided to leave the broader term of “compensation”.

147 **Michael Keane moved and Robert Plunkett seconded the following changes to Chapter 2, OFFICERS:**

148 **Sec. 203., Compensation, (b), Line 1 – Change “Subject subsection” to “Subject to subsection”**

149 **Sec. 203., Compensation, (b), Line 2 – Delete “Members”**

150 **Sec. 203., Compensation, (b), Line 2 – Change “to” to “of”**

151 **Sec. 203., Compensation, (c), Line 2 – Delete “Members”**

152 ***The motion carried unanimously.***

153 -----

154 **4. CONTINUED DISCUSSION RE: COMMUNICATION**

155 Ms. Oller stated that the website auto response has been set up. Public comments will go to Ms.
156 Johnson and Mr. Hurd to be sorted through with the appropriate comments forwarded onto the Committee.
157 Those comments deemed inappropriate containing profanity or personal attacks will only be sent to the co-
158 chairs for them to distribute to the rest of the Committee at their discretion. The public will be made aware
159 that inappropriate content will not be posted.

160 With a few tweaks, the Public Comment link will be available to the public later this afternoon.

161 **5. APPEARANCE AT SELECT BOARD MEETING ON AUGUST 28**

162 Ms. Oller and Mr. Plunkett will attend the August 28, 2017 Select Board Meeting to update the Board
163 on the Committee's progress.

164 ***At 1:06 pm, Daniel Malmborg moved and Michael Keane seconded the adjournment of the meeting.***
165 ***The motion carried unanimously.***

166
167 Respectfully submitted,
168 Nancy H. Lively Secretary