

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

5 **SEPTEMBER 6, 2017**

6 **MINUTES**

7 **COMMITTEE MEMBERS PRESENT:** Sean Marie Oller-Co-Chair (at 11:59am); Robert Plunkett-Co-Chair; Daniel
8 Malmborg (at 11:50am); Jonathan Cohen; Michael A. Keane; Robert Ebert and P. Lynn Green.

9 **COMMITTEE MEMBERS ABSENT:** None.

10 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Zoning Administrator; Michele Johnson-Human
11 Resources and Contracts Administrator; James Therrien-Bennington Banner and Nancy H. Lively-Secretary.

12 At 11:48 AM, Co-Chair Robert Plunkett called the meeting to order.

13 **1. PUBLIC COMMENTS**

14 None.

15 **2. APPROVE MINUTES OF AUGUST 30, 2017**

16 *Michael Keane moved and Jonathan Cohen seconded to approve the Minutes of August 30, 2017*
17 *amended as follows:*

18 **3. REPORT ON SELECT BOARD MEETING PRESENTATION (OF AUGUST 28), Paragraph 2, Line 1 - Change**
19 ***“found it interesting” to “noted”***

20 *The motion carried unanimously.*

21 **3. DISCUSSION OF SEPTEMBER 27 PUBLIC FORUM FORMAT; OTHER EVENING SESSIONS**

22 Mr. Plunkett asked the Committee if they wanted Attorney Jim Barlow to do the same presentation that he
23 had done before, or present a different format? Mr. Barlow had recommended repeating the same
24 presentation. The only advertising of the original presentation was as part of the meeting Warning.

25 Comments were as follows:

26 Mr. Cohen: Mr. Barlow should remind the public that it is in the Charter, § 103, for them to petition for a
27 charter change.

28 Mr. Keane: It should be advertised, as citizens will benefit from it, learn from it, and rethink assumptions that
29 they may have made.

30 Mr. Ebert: More emphasis on the mayor vs. town manager issue would be helpful to the public. And shorten
31 the presentation, if possible.

32 Ms. Green and Mr. Malmborg: More explanation of the charter change process for the public’s understanding.

33 Mr. Plunkett: Clarification of the Town’s powers and the Select Board’s powers.

34 Generally, the Committee agreed the forum should be advertised so the public understands the
35 educational part will be followed by an opportunity for them to speak; questions should come at the end of
36 the presentation, not throughout; Ms. Oller and Mr. Plunkett should act as moderators; it will be televised on
37 CAT-TV and will take place at the Bennington Fire Facility on September 27, 2017 at 5:30pm.

38 There will also be one public forum in October and one in November. These will be more listening to
39 public comments and answering their questions, with perhaps, a brief overview of the Committee's process
40 and progress. Ms. Oller and Mr. Plunkett will respond to questions with other Committee members joining in
41 as needed.

42 Mr. Hurd will contact CAT-TV and the Fire Department for date and time scheduling of the October and
43 November public forums.

44 **3. REVIEW BENNINGTON TOWN CHARTER - CHAPTER 3, SECTION 303-CHAPTER 4**

45 "SUBCHAPTER 3.

46 SELECT BOARD

47 §303. Further powers of Select Board members

48 In addition to powers otherwise conferred by law, the Select Board members shall also have the power
49 to:

50 (1) organize and from time to time reorganize, the Fire Department under the supervision of a
51 coordinating committee formed by the Select Board from its members, such Department shall be a volunteer
52 department and the Select Board shall have authority to continue any existing contract with a volunteer fire
53 department or to enter on behalf of the Town into contracts with other volunteer fire departments to provide
54 additional fire protection to the inhabitants;

55 (2) create departments not now existing for the performance of municipal services;

56 (3) create commissions and committees not now existing and appoint the members thereof;

57 (4) provide for and shall provide on an annual basis an independent audit of all Town financial records
58 by a certified public accountant;

59 (5) inquire into the conduct of any officer, commission, or department and investigate any and all
60 municipal affairs;

61 (6) discharge all duties heretofore devolving on the Town Agent by general law and hire attorneys on
62 behalf of the Town;

63 (7) establish an adequate number of polling places within the Town as required for the convenience of
64 the Town voters and without regard to election district boundaries, to the end that election expenses may be
65 lessened and confusion among the voters as to the proper place for them to vote may be avoided; however,
66 one such polling place shall be in North Bennington and the central polling place shall be within the
67 boundaries of the former Village of Bennington."

68 Discussion followed:

- 69 • Mr. Keane: 'Additional powers' in §302 and 'Further powers' in §303 seem redundant.

- 70 • Mr. Cohen: Why are some powers mentioned in §102, §302 and §303 but others aren't? Perhaps a
71 question for Mr. Barlow.
- 72 • Mr. Hurd: The Fire Department operates under a contract with the Select Board. The Select Board has
73 never reorganized them but the ability to do so should remain in the Charter.
- 74 • Mr. Ebert: Would like to eliminate "such Department shall be a volunteer department" so future Select
75 Boards have the flexibility for the Fire Department to have paid positions at some point in time.
- 76 • Mr. Hurd: The Town presently doesn't have any contracts with other fire departments. This is
77 unrelated to the need for mutual aid.
- 78 • Mr. Cohen: Should we get more information from other towns as to how they have addressed the
79 current volunteer fire department to the potentially paid fire department.
- 80 • Mr. Plunkett: Feels the Fire Department should be consulted before a change is made.
- 81 • Mr. Hurd: There have been previous discussions on paying the Chief, and the Department of Labor and
82 Industry wants paid departments. The Town currently pays a clerical person (not a member of the Fire
83 Department) to do the additional reports required by the Department of Labor and Industry.
84

85 ***Sean Marie Oller moved and Jonathan Cohen seconded the following changes to SUBCHAPTER 3., SELECT***
86 ***BOARD, §303. Further powers of Select Board members as follows:***

87 ***Change "§303. Further powers of Select Board members" to "§303. Further powers of the Select Board"***

88 ***Line 1 - Change "Board members shall" to "Board shall"***

89 ***(1), Line 2, Change "; such" to ", the Fire"***

90 ***(1) Line 3, Change "shall be a volunteer" to "may be a volunteer or paid"***

91 ***(1) Line 4, Change "volunteer" to "volunteer or paid"***

92 ***(1) Line 5, Change "volunteer" to "volunteer or paid"***

93 ***(2) Change "create departments not now existing for the performance of municipal services;" to "create,***
94 ***consolidate, or dissolve departments as necessary or relevant for the performance of municipal services;"***

95 ***(3) Change "create commissions and committees not now existing and appoint the members thereof;" to***
96 ***"create, consolidate, or dissolve commissions and committees as necessary or relevant and appoint the***
97 ***members thereof;"***

98 ***(4) Line 1, Change "provide for and shall provide" to "shall provide"***

99 ***(6) Delete "(6) discharge all duties heretofore devolving on the Town Agent by general law and hire***
100 ***attorneys on behalf of the Town;"*** NOTE: This change will be sent to Mr. Barlow for his input.

101 ***(7) Change "(7)" to "(6)"***

102 ***The motion carried unanimously.***

103 ***At 1:00pm, Michael Keane and P. Lynn Green seconded to adjourn the meeting.***

104 Respectfully submitted,

105 Nancy H. Lively, Secretary