

1 **CHARTER REVIEW COMMITTEE MEETING**
2 **BENNINGTON TOWN OFFICE – CONFERENCE ROOM**
3 **205 SOUTH STREET**
4 **BENNINGTON, VERMONT 05201**
5 **OCTOBER 4, 2017**
6 **MINUTES**

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

9 **COMMITTEE MEMBERS ABSENT:** None.

10 **ALSO PRESENT:** Dan Monks-Zoning Administrator; Beth Antognioni; Jim Therrien-Bennington Banner and
11 Nancy H. Lively-Secretary.

12 At 11:45 am, Co-Chair Robert Plunkett called the meeting to order.

13 ***Robert Plunkett moved and Sean-Marie Oller seconded to add “Final Report-discussion and format”***
14 ***to agenda #5. “Discuss Committee meeting time and length of meetings going forward”. The motion carried***
15 ***unanimously.***

16 **1. PUBLIC COMMENTS**

17 None.

18 **2. PUBLIC COMMENTS RECEIVED**

19 Two public comments were received this week. One was from Spoon Agave, a resident of Brattleboro
20 who had served as the Chair of the Brattleboro Charter Review Commission about six years ago and also sent a
21 Letter to the Editor of the Banner on the same topic - Mayor/Manager, and one from Ron Alderman who
22 preliminarily “basically agrees” with some of the points that Mr. Agave made in that letter.

23 Ms. Green: Unless you have a mayor that is strictly ceremonial, the mayor is a “hands on” position and
24 requires some managerial background.

25 Mr. Malmborg: Having a mayor doesn’t preclude also having a town manager. There are some points
26 in Mr. Agave’s comments that Mr. Malmborg agrees with and some points that he doesn’t agree with. He has
27 yet to make up his mind on having just a major, both a mayor and town manager, or just a town manager.

28 Ms. Oller: The questions at the end of Mr. Agave’s comments - ‘what problems are you trying to solve?
29 Is a mayor significantly more likely to solve them? Are there other ways of solving your problems?’, and what
30 problems are we trying to solve in Bennington? Ms. Oller has heard “on the street that a mayor would be
31 more accountable because he/she would be elected”. Since the town manager is reviewed every year, she
32 doesn’t see how the mayor would be more accountable than that. “What are we trying to solve?”

33 Mr. Plunkett: Read from Mr. Agave’s Letter to the Editor on the process that Brattleboro went through
34 - “It was a three year process using more than 70 meetings. In the end we recommended 33 changes of which
35 24 were accepted by the voters.”

36 Ms. Green: Keeping in mind what we are trying to solve is good advice that we sometimes lose sight of.

37 Mr. Ebert: The charge that the Charter gives us is “to find ways to improve the operation of Town
38 Government so if something isn’t broken doesn’t mean we have to walk away from it”.

39 Mr. Keane: Mr. Agave makes some assumptions that the Select Board members have the backgrounds
40 to be able to make good hiring decisions when they may very well not.

41 Ms. Green: It is Mr. Agave’s point of view that a Select Board as a hiring body will have the opportunity
42 to review resumes, experience, etc. that the population at large will not.

43 **3. DECIDE DATES FOR PUBLIC FORUM IN OCTOBER AND NOVEMBER AND DISCUSS PUBLIC OUTREACH**

44 The dates for the October and November Public Forums are:

45 Thursday, October 26, 2017 at 5:30pm-7:00pm

46 Tuesday, November 28, 2017 at 5:30pm-7:00pm

47 **4. DISCUSS WHO WILL ATTEND FIRE DEPARTMENT QUARTERLY MEETING ON OCTOBER 4, 2017 AT**
48 **6:00PM**

49 After the Informational Public Forum on September 27th, Bill Latour and Jeff Barry from the Bennington
50 Fire Department expressed concern about potential changes that the Committee may be proposing for the
51 Fire Department without having heard about them first.

52 Ms. Oller added that another Fire Department member had approached her on a different day stating
53 that he felt that the Town wouldn’t be able to afford paying any of the current volunteers.

54 Mr. Ebert noted that it is often the assumption that if a change is made to allow for the possibility at a
55 future date that that change was to become effective immediately. We are not trying to change the Fire
56 Department, we’re just trying to improve Town Government by allowing them to talk about it. Also, it has
57 been Mr. Ebert’s experience that when volunteer departments establish paid positions it is not to pay the
58 Chief, it is to pay the drivers.

59 Mr. Plunkett, Mr. Ebert and Ms. Green will attend the Fire Department Quarterly Meeting on October
60 4, 2017 at 6:00pm to explain the Charter Review Committee process and intent.

61 **5. DISCUSS COMMITTEE MEETING TIME AND LENGTH OF MEETINGS GOING FORWARD AND FINAL**
62 **REPORT-DISCUSSION AND FORMAT**

63 Ms. Oller stated that, since the Committee has only reviewed 1/3 of the Charter so far, perhaps longer
64 meetings should be set at possibly other times of the day to be able to have gone through the Charter by
65 December.

66 Mr. Ebert reiterated his feeling that there is actually a year to review the Charter and it does not have
67 to be done by “the artificial deadline” of December.

68 Discussion ensued and the Committee decided to meet on October 17, 2017 in the Town Office
69 Conference Room from 4:30pm-7:30pm in lieu of the midday meeting on October 18, 2017.

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71 The Committee approved the final report structure that Mr. Keane had submitted, and he will work on
72 a draft of it for as far as the Committee has gotten to this point within the next couple of weeks.

73 **6. APPROVE MINUTES OF SEPTEMBER 27, 2017 X 2**

74 *Sean-Marie Oller moved and Jonathan Cohen seconded to approve the September 27, 2017 Minutes*
75 *of the Charter Review Committee Meeting and the September 27, 2017 Minutes of the Informational Forum.*
76 *The motion carried unanimously.*

77 **7. REVIEW CHAPTER 3 SECTION 303 (6) - RETENTION BASED ON BARLOW COMMENTS**

78 Mr. Barlow commented that “Many towns no longer bother to elect a town agent. Section 303(6)
79 alleviates the legal requirement to elect a town agent and clarifies that the selectboard has authority to hire
80 attorneys to represent the Town”. The Committee had previously deleted Section 303 (6).

81 *P. Lynn Green moved and Sean-Marie Oller seconded to make the following changes to Subchapter*
82 *3., Select Board, §303. Further powers of the Select Board:*

83 *Add (6) that had previously been deleted - “(6) discharge all duties heretofore devolving on the Town*
84 *Agent by general law and hire attorneys on behalf of the Town;”*

85 *Change the current “(6)” back to “(7)”*

86 *The motion carried unanimously.*

87 **8. REVIEW CHAPTER 3 SECTION 304 - ABSENTEEISM AND BARLOW COMMENTS**

88 Committee comments:

89 Mr. Malmberg: There are other reasons than absenteeism that warrant removal of a Board member,
90 i.e., a breach of executive session confidentiality, criminal activity, etc. “A thousand roads.” Mr. Malmberg
91 doesn’t feel this should be in the Charter because “90%” of the votes are not determined by a tie breaker and
92 the Select Board has other ways to get it on the record that a person is not regularly attending the meetings.

93 Mr. Ebert: Is the purpose of removing a Board member for absenteeism to ensure the efficiency of the
94 Board, or is it as a sanction to an individual, or both?

95 Mr. Keane: It is for the efficiency of the Board. “It’s not a sanction but a necessary encouragement for
96 people to take this seriously”.

97 Mr. Cohen: Feels there should be a mechanism in place to remove a Board member if their
98 circumstances are such that they are unable to attend the meetings. It is about “essentially not having that
99 seat filled”.

100 Ms. Green: Agrees with Mr. Cohen.

101 Discussion ensued and the Committee developed the following language:

102 *“(g) A Select Board member who fails to attend more than 4 consecutive regular meetings or 50% of all warned*
103 *meetings in a 12 month period shall be removed from the Board.”*

104 This was proposed but not voted on.

105 **9. CHAPTER 3 SECTION 304 - TERM LIMIT DISCUSSION, IF ANY, FROM BARLOW COMMENTS**

106 No discussion occurred.

107 **10. IF TIME ALLOWS CHAPTER 4 SECTION 401 - TOWN MANAGER APPOINTMENT AND CONDITIONS**

108 No discussion occurred.

109 ***At 1:03 pm, Daniel Malmborg moved and Sean-Marie Oller seconded to adjourn the meeting. The***
110 ***motion carried unanimously.***

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112

113 Respectfully submitted,

114 Nancy H. Lively

115 Secretary

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