

1 **CHARTER REVIEW COMMITTEE MEETING**
2 **BENNINGTON TOWN OFFICE – CONFERENCE ROOM**
3 **205 SOUTH STREET**
4 **BENNINGTON, VERMONT 05201**
5 **AUGUST 9, 2017**
6 **MINUTES**

7 **COMMITTEE MEMBERS PRESENT:** Sean Marie Oller-Co-Chair; Robert Plunkett-Co-Chair; Daniel Malmberg (at
8 11:55am); Jonathan Cohen; Michael A. Keane (skyped from The Netherlands); P. Lynn Green; and Robert
9 Ebert.

10 **COMMITTEE MEMBERS ABSENT:** None.

11 **ALSO PRESENT:** Stuart Hurd-Town Manager; Dan Monks-Zoning Administrator; Cassandra Barbeau-Town
12 Clerk; Michele Johnson-Human Resources and Contracts Administrator 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 2, 2017**

17 *Michael Keane moved and Jonathan Cohen seconded to approve the Minutes of August 2, 2017 as*
18 *submitted.*

19 Ms. Oller requested that the PDF of Attorney Barlow’s power point presentation be attached to the
20 end of the Minutes. The Committee agreed.

21 *The motion carried unanimously.*

22 **3. REVIEW OPEN MEETING AND PUBLIC RECORDS REQUIREMENTS**

23 Mr. Plunkett pointed out that any e-mail exchange among committee members is public record, so a
24 separate file should be created by each member where all charter committee communications can be stored.
25 E-mail exchanges are not considered to be a “meeting” unless a quorum, or four members, are involved.

26 Ms. Oller clarified that if an individual unable to access the Town’s website requests a copy of the
27 Minutes or The Charter, for example, that town staff would send them one, and Mr. Hurd agreed.

28 **4. TIMELINE FOR CHARTER REVIEW TOPICS AND SETTING AGENDA TOPIC FOR NEXT FEW MEETINGS**

29 Mr. Ebert would like to start on Page 1 of the Charter and work through it to the end, stating that it is an
30 “organized and structured” document that should be reviewed as a whole. He sees the beginning chapters as
31 “easier” topics for discussion and that will give the Committee the opportunity to familiarize themselves with
32 each other which may make the discussions of the “thornier” topics go more smoothly. He also feels that
33 methodically reviewing the document as it exists will promote credibility to the Committee and rebut those
34 that may feel that the Committee is “agenda driven”.

35 The rest of the Committee agreed with Mr. Ebert’s approach recognizing that, apart from the more
36 “boiler plate” issues, there will be “parking lot issues” that will require lengthier more in depth discussions.

37 Mr. Plunkett expressed a different approach – not necessarily one that he agreed with – where each
38 issue should be taken separately because of the fact that there are major issues that the Committee was
39 charged with that everyone is aware of, i.e., mayor or manager, taxation, downtown district and TIF.

40 Ms. Green feels that the Committee is aware that there are “pebbles and boulders” for issues. The
41 pebbles may be able to be decided in one meeting, whereas, the boulders may take several meetings each.

42 Mr. Ebert stated that the Charter gives us a year and we shouldn’t have hard and fast deadlines that
43 rush the Committee into decisions by November 1, 2017 just to be able to bring it to the voters for the March
44 2018 vote.

45 Mr. Cohen likes deadlines, and noted that only some of the changes may be ready for the 2018 vote
46 when others may not be ready until 2019. Mr. Hurd agreed that is possible.

47 Given the discussion, Ms. Oller proposed the following agenda schedule to also include the continuation
48 of the final report, housekeeping amendments and communication at each meeting:

- 49 • August 16th Meeting – Chapters 1-4
- 50 • August 23rd Meeting – Chapter 5
- 51 • August 30th Meeting – Chapters 6 and 7
- 52 • September 6th Meeting – Chapter 8

53 Mr. Plunkett would prefer to pull out the topics that may be changed and discuss them as they occur
54 during the review.

55 Ms. Oller added that this schedule does not mean that we will spend 4 weeks just reviewing the
56 Charter that exists. We will be “playing it by ear” as we roll through the chapters and will adjust our agenda
57 accordingly.

58 ***Robert Ebert moved and Robert Plunkett seconded to review the entire Charter, pages 1-23, and to go***
59 ***back as needed.***

60 Mr. Keane added that he just wanted to be sure that the Committee is not just going to proofread the
61 Charter but will take on the issues as they occur.

62 ***The motion carried unanimously.***

63 Mr. Ebert asked how decisions are made within the Committee, and they are made with a majority
64 vote. The Committee will conduct itself by following the Roberts Rules guidelines. Those who disagree with
65 the vote are free to explain why they voted against, however, should back the decision that the Committee
66 made.

67 Mr. Cohen questioned his qualifications to be making changes to the Charter, and Mr. Malmberg stated
68 that that was the charge the Committee was given by the Select Board.

69 **7. COMMUNICATION: SOLICITING INPUT, CHARTER REVIEW WEBPAGE ON TOWN WEBSITE**

70 Mr. Keane asked if there had been any public input, and there has not been any at this time.

71 Ms. Oller suggested creating a blog on the town website for gathering citizens input with no reply
72 expected. Getting the word out to the public could be done through a Select Board meeting, Letter to the
73 Editor in the Banner, and Mr. Hurd could mention the various communication opportunities in his monthly
74 column.

75 Mr. Plunkett would also like to specifically invite any “stakeholders” to a Committee meeting where a
76 topic that is of specific interest to them is on the agenda.

77 After further discussion concerning potential monitoring of a blog, it was decided that an e-mail address
78 with an auto reply would be the best vehicle for public comments. And, as always, any citizen may attend a
79 Select Board meeting and make their comments under Citizens. Ms. Oller and Ms. Johnson will create the e-
80 mail address and auto reply message.

81 Ms. Oller suggested, and the Committee agreed, that she and Mr. Plunkett should attend the August 28,
82 2017 Select Board meeting to update the Board on the Committee’s progress, and Attorney Barlow should be
83 scheduled for an hour presentation to the Board on the September 25, 2017 meeting.

84 **6.HOUSEKEEPING AMENDMENTS**

85 To be done as they occur.

86 **5. FINAL REPORT FORMAT**

87 Mr. Keane made the following comments:

- 88 • As a committee, we will need to present a professional final report to the Select Board that will be a
89 public document.
- 90 • An outline should be developed where the Committee decisions can be entered as they are made
91 explaining how and why such decisions were made, and not be held until the end.
- 92 • They need to be “high level”, structured and easily understood.
- 93 • He will work on putting together some format templates for the Committee.

94
95 Mr. Hurd will send the Committee the housekeeping changes that the staff has notated on Chapters 1-
96 4 for their perusal.

97 Mr. Cohen requested Select Board input concerning the Charter changes, and Mr. Hurd will ask them
98 to provide that.

99
100
101 ***At 1:06 pm, Daniel Malmberg moved and Robert Ebert seconded the adjournment of the meeting.***
102 ***The motion carried unanimously.***

103
104 Respectfully submitted,

105 Nancy H. Lively

106 Secretary