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**MEETING MINUTES**

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1. CALL MEETING TO ORDER AND ROLL CALL: Chair John Hall called the meeting to order at 6:01 p.m. The following Committee Members were present – Richard Andrews, John Bond, John Follett, John Hall, Barbara Schultz, Tom Yennerell, Barbara Courchesne, Jeff Mobus, Kristi Morris, Sharon Ayer, and Walter Martone.
2. MINUTES:
  - a. Town Charter Review Committee Minutes, April 20, 2016: Jeff noted that Sharon was sworn in by Town Clerk Barbara C. by phone, the meeting was adjourned at 8:40 p.m. and not 7:40 p.m. The Minutes were approved as amended by unanimous vote. There was discussion about the role of the Vermont League of Cities and Towns (VLCT) in the Charter review process. Walter was appointed by consensus, to be the liaison to VLCT. A number of questions and requests were noted that should be transmitted to VLCT. They include:
    - i. Request that the VLCT review commence as soon as possible.
    - ii. Ask for recommendations for items that need to be changed in order to make the Charter consistent with existing laws. Identify recommended inclusions and deletions.
    - iii. Identify obvious omissions.
    - iv. VLCT does not need to prepare an index. This will be done after the Charter review has been completed.
    - v. Identify powers in addition to those already authorized in Statute that other towns have added to their Charters.
    - vi. Ask VLCT to recommend a replacement to Article I, Section VI. Open Meetings/Freedom of Information, that complies with State law and is timeless so it will not require further modification if State law is changed further.
    - vii. Ask VLCT for a model Article I, Section VII. Potential Or Actual Conflict Of Interest, Personal Financial Interest, and ask if it is still appropriate to include something related to the current item C. Discussions of salary and benefits shall be exempt from this prohibition.
- Walter will report back on the response received from the VLCT.
3. SUGGESTED AGENDA CHANGES: Barbara S. requested an item to discuss a Preamble for the Charter. It was added as 3.a.
  - a. Barbara S. provided samples of preambles/introductions used in the Charters from seven (7) other towns. A copy is included with these minutes. She noted that the ones for Windsor and Berlin appear to be the most applicable. It was decided that this item would be placed on the agenda for the next meeting. It was also suggested that the preamble not be finalized until the charter review and editing is complete. There was also a brief discussion about the need to make the Charter user friendly to the public, but still maintain it's basic structure. It is likely that the State Legislative Counsel will legalize the language further when it is considered by the Legislature for approval.
4. REVIEW TIMELINE: Chairman John H. provided a handout titled "Time Table for Charter Review Committee to Meet Goal." This table provided the dates of the scheduled meetings and the goals to be accomplished at each meeting in order to accomplish the goal of completing the Committee's work by November 16, 2016. The handout is included as an attachment to these minutes. Barbara C. requested that an additional target date be added for the preparation of the final document.
5. DISCUSSION ON MOST EFFICIENT METHODS FOR COMMITTEE TO PROCEED AND MEET SCHEDULE: Jeff recommended that the Committee consider the appointment of subcommittees for the more efficient review of the Charter. Each subcommittee would be assigned a portion of the Charter to conduct a thorough of, and to lead the discussion of that section at the meeting of the full Committee. Under discussion it was noted that these subcommittees would have to comply with all of the requirements of the Open Meeting Statutes, including the warning of meetings, and taking and posting of minutes. There was a motion by John F., seconded by Kristi, to continue the existing process with the full Committee of eleven (11) reviewing the entire Charter. Motion passed with ten (10) ayes and one (1) no (Jeff).
6. REVIEW ARTICLE #1, MODIFICATIONS TO DATE: The changes made at the last meeting to Article 1 were reviewed. It was agreed that the changes to the Charter would be e-mailed to each member by Walter with the minutes, after each meeting. Barbara C. will print and duplicate paper copies of the changed pages and have them available for handout at the

following meeting. In the future, all pages will be dated and numbered. There was discussion about Article I, Section III. Powers of the Town. Committee members have been reviewing the Charters from other towns/cities to see if they have included powers that may be beneficial to Springfield, if included in its Charter. The power to enact ordinances to regulate blighted properties was identified as one that should be considered. It was generally agreed that the items that may be expected to generate significant discussion, should be placed on the agenda early in the review process.

7. DISCUSS SPECIFIC CHARTER CHANGES, CONTINUED FOR ARTICLE 1, PAGE 5 - 10:

- a. Since the last meeting, Barbara C. and Walter compared the official version of the Charter on file at the Town Clerk's Office, with the version that is included in the Vermont Statutes On-Line. They created a reconciled version that defers to the wording in the Statutes and preserves the format in Town's official copy. This new document was e-mailed to all Committee members. It will be used as the official version that the Committee will work from. All edits, amendments, additions, deletions, etc. adopted by the Committee will be identified on this reconciled version of the Charter and will be circulated to all Committee members. All pages will be numbered and dated.
- b. At this point the Committee continued the line-by-line review of the Charter that was started at the last meeting. The starting place began with Article I, Section V. Authentication and recording, codification, printing:
- c. The specific changes that were proposed are shown on the attachment to these minutes.

8. PUBLIC COMMENTS: No one from the public was present.

9. ADJOURNMENT: The meeting was adjourned at 8:45 p.m.

10. NEXT MEETING: The next meeting will be held on Wednesday, May 18, 2016 at 6:00 p.m. at Town Hall.

Respectfully submitted,  
Walter Martone

## **Town Charter Introductions**

### **Town of Bennington: Preamble**

The people of Bennington reaffirm faith in Government of the people, by the people, and for the people and describe this government in a charter with provision to review and amend. The charter of the Town of Bennington reflects concern to improve the quality of life for all people.

### **Town of Berlin: Statement of Purpose**

Under the authority granted by the General Assembly of the State of Vermont, this charter establishes certain guidelines with respect to organization and functioning of local Town government in the Town of Berlin, Vermont.

### **Town of East Montpelier: Statement of Purpose**

(a) Under the authority granted by the General Assembly of the State of Vermont, this chapter modifies the organization and functioning of local Town government in the Town of East Montpelier, Vermont.

(b) Except when changed by the provisions of this chapter, all provisions of the statutes of the State of Vermont relating to municipalities shall apply to the Town of East Montpelier.

(c) In this chapter, no mention of a particular power shall be construed to be exclusive or to restrict the scope of the powers which the Town would have if the particular powers were not mentioned, unless this chapter otherwise provides.

(d) The modifications are intended to accomplish the following goals:

- (1) to help the Selectboard more effectively exercise its ultimate responsibility for Town affairs;
- (2) to solve problems that the Town currently has, has had in the past, or might have in the future;
- (3) to be consistent with democratic control, particularly observing the principle of checks and balances;
- (4) to avoid or minimize unintended consequences from the modification;
- (5) to include changes that can be accomplished only through a charter; and
- (6) to keep the chapter simple

### **Town of Jamaica: Statement of Purpose**

Under the authority granted by the General Assembly of the State of Vermont, this chapter establishes certain guidelines with respect to organization and functioning of local Town government in the Town of Jamaica, Vermont.

#### **Town of Williamstown: Statement of Purpose**

Under the authority granted by the General Assembly of the State of Vermont, this charter is enacted for the purpose of converting the elective position of Town Treasurer to a position appointed by the Selectboard.

#### **Town of Windsor: Preface**

Under authority granted by the General Assembly of the State of Vermont, the voters of the Town of Windsor adopt a charter for the following purposes:

- (a) to clarify the structure and organization of Town government;
- (b) to define the duties and responsibilities of Town officers, officials, and employees;
- (c) to establish procedural requirements for the proper transaction of Town business; and
- (d) to provide for the citizens of the Town of Windsor a unified and convenient reference with respect to the basic laws affecting government.

#### **Town of Woodford: Statement of purpose**

Under the authority granted by the General Assembly of the State of Vermont, this charter establishes certain guidelines with respect to organization and functioning of local town government in the Town of Woodford, Vermont. The voters of the Town of Woodford adopt a charter for the following purposes:

- (1) to clarify the structure and organization of Town government;
- (2) to define the duties and responsibilities of Town officers, officials, and employees;
- (3) to establish procedural requirements for the proper transaction of Town business; and
- (4) to provide for citizens of the Town of Woodford a unified and convenient reference with respect to the basic laws affecting government.

## TIME TABLE FOR CHARTER REVIEW COMMITTEE TO MET GOAL

<u>Month</u>	<u>Date</u>	<u>Goal to reach</u>
April	13 <sup>th</sup>	Organization and set schedule
April	20 <sup>th</sup>	Start review of Article #1
May	11 <sup>th</sup>	Finish review of Article #1
May	18 <sup>th</sup>	Final sign off of Article #1, start Article #2
May	25 <sup>th</sup>	Review of Article #2
June	15 <sup>th</sup>	Final review and sign off on Article #2,
June	22 <sup>nd</sup>	Start Article #3
July	13 <sup>th</sup>	Review of Article #3
July	20 <sup>th</sup>	Review of Article #3 continued
August	17 <sup>th</sup>	Final sign off on Article #3
August	24 <sup>th</sup>	Start Article #4
September	14 <sup>th</sup>	Review of Article #4
September	21 <sup>st</sup>	Continued review of Article #4
October	12 <sup>th</sup>	Final review and sign off of Article #4
October	19 <sup>th</sup>	Overview of Charter and discussion on other additions to the document
November	16 <sup>th</sup>	Final meeting before sending to Selectboard

## Consent Agenda Items

### Manager's Info May 23, 2016

**Item 2:** The Veterans of Foreign War, (VFW), have submitted a Parade Permit Application for a Memorial Day Service and Parade to be held on Monday, May 30, 2016. A short service will be held at the Memorial Park along Route 106 starting at 9:30 AM. The Parade will start at approximately 9:50 AM proceeding from the memorial Park going south on Route 106 until reaching the intersection of Route 106 and 11. The procession will turn left, going west and then stop on the McDonald's Bridge for dedication to those killed at sea. The Parade will end at the Riverside Middle School at approximately 10:30 AM. I recommend the approval for this annual event.

**Item 3:** The Springfield Alumni Association has submitted a Parade Permit Application for the Annual Alumni Parade to be held on Saturday, June 18, 2016. The parade participants would assemble on Clinton Street and disassemble at the Riverside Middle School. The parade would start at 10:00 AM and end at approximately 12:30 PM. I recommend the approval for this annual event.

**Item 4:** The annual Taxi Cab Licenses and Taxi Cab Driver's Licenses need to be renewed by the Selectboard. The only licensed operating taxi in Springfield is **Days in Town Taxi**. A memo and renewal information from Town Clerk, Barbara Courchesne is attached.

## CHARTER AMENDMENTS FROM MEETING OF MAY 11, 2016

### I. Authentication and recording, codification, printing:

1. Authentication and recording: The ~~town~~ Town clerk ~~Clerk~~ shall authenticate, by signature, and recording, in full, all ordinances and resolutions adopted by the board of selectmen.
2. Printing of ordinances and resolutions:
  - a. The board of selectmen shall cause each ordinance and resolution having the force and effect of law to be printed.
  - b. ~~Printed~~ Ordinances, resolutions, Charters and Charter amendments shall be published electronically and made available in printed form for sale ~~distributed or sold to the public at reasonable prices set by the board of selectmen.~~
  - c. All ~~printed~~ ordinances, codes, resolutions and Charter amendments should follow a uniform format or style established by the initial codification following this Charter adoption.
3. Codification:
  - a. Within one (1) year after the adoption of this Charter, and at least every ~~five~~ ten (~~5~~10) years thereafter, the board of selectmen shall provide for the uniform codification of all ordinances and resolutions having the force of law.
  - b. When completed, the updated codification will be adopted by the board of selectmen by ordinance, shall be published in a form convenient for general use and shall be incorporated into the town code.

### J. Penalties:

1. The selectmen may provide for and authorize within an ordinance, penalties for the breach of any ordinance which the general law or this Charter authorizes.
2. The town may take actions necessary to prosecute any person who violates ordinances passed under this Charter. Said prosecution may be through the courts, ~~or the town grand juror as may be established under this Charter.~~

## **VI. Open meetings, freedom of information. (Ask VLCT to draft update to this section)**

### A. Meetings, workshops, minutes and records:

1. Meeting as defined by this Charter shall mean any occasion when a public body, created pursuant to this Charter, convenes a quorum for the purpose of voting and doing business, either in person or by telecommunication or video communication. If a meeting is by telecommunication or video communication, all provisions of 1 V.S.A. section 312 shall be met.
2. A workshop shall be defined as the convening of any number of the voting members of a public body for free discussion of predetermined subjects, upon which no action shall be taken, but upon which a nonbinding consensus may be reached.
3. Only actions taken at meetings shall be official and binding.
4. Minutes shall be kept of all meetings, recording results of all votes and major subjects discussed, with a special effort to record comments by voting members.

## CHARTER AMENDMENTS FROM MEETING OF MAY 11, 2016

5. No minutes shall be required at a workshop, but a public record of the workshop must be kept for two (2) years.

### B. Executive sessions:

1. Any public body, as herein constituted, may only convene an executive session at a meeting publicly warned, by a vote of two-thirds (2/3) of the members.
2. A motion taken to go into executive session shall state the reason, in accordance with this section, but need not state the specific subject matter.
3. A body constituted under this Charter may hold an executive session for one of the following reasons:
  - a. For the discussion or consideration of contracts, labor relations agreements with employees, arbitration, grievances, civil actions at law, or prosecutions by the state, where premature general public knowledge would clearly place the state, municipality, other public body, or person involved at a substantial disadvantage;
  - b. The negotiating or securing of real estate purchase options;
  - c. The appointment or employment or evaluation of a public officer or employee;
  - d. A disciplinary or dismissal action against a public officer or employee; but nothing in this act shall be construed to impair the right of such officer or employee to a public hearing if formal charges are brought;
  - e. A clear and imminent peril to the public safety;
  - f. Discussion or consideration of records or documents excepted from the access to public records provisions of section 317(b) of Title 1, Vermont Statutes Annotated. Discussion or consideration of the excepted record or document shall not itself permit an extension of the executive session to the general subject to which the record or document pertains;
  - g. Deliberations of a public body of the state or of any state agency or authority, or of political subdivisions thereof when considering a case which it is required by law, after hearing and evidence, to decide with finding of fact and conclusions of law.
4. The only binding action which may be taken in executive session shall be the securing of real estate or property purchase options.
5. The public body may admit persons to executive sessions whose presence it judges to be critical to deliberations.

### C. Meetings/warning/agenda:

1. The regular meeting schedule of a public body shall be posted in the town clerk's office.
2. Workshops must be publicly announced.
3. Special meetings may be called upon twenty-four (24) hour prior notice to the media.

## CHARTER AMENDMENTS FROM MEETING OF MAY 11, 2016

4. Emergency meetings may be called without special notice, provided efforts to notify the media and all members, verbally or in writing, is documented.
5. All regular meetings, special meetings and workshops shall have a printed agenda specifying subjects to be covered, subject to amendment in accordance with the bylaws or rules of the body.

### D. Access to public records:

1. All public records, as defined by statute, shall be made available for public inspection during working hours, within a reasonable period. Efforts to produce records which require research or special efforts to pull from dead files, shall be required on a timetable with due consideration to the work load of the department, with the person making the request so notified.
2. The board of selectmen shall fix a fee for costs of recovering and reproduction of public records in consideration of their availability and effort involved in production and reproduction.

## VII. **Potential or actual conflict of interest, personal financial interest.**

- A. At a meeting, no elective or appointive officer, acting in an official capacity, or employee of the town, while engaged in his or her duties, shall raise the issue of, place on the agenda, participate in a discussion of, or take part in a discussion concerning any business of the town relating to his/her business or personal financial interests, or those of a spouse, be they direct or indirect, to the degree that said interests exceed those of taxpayers generally.
- B. Personal and business interests shall include direct or indirect ownership of land, stock, property, materials, supplies or services.
- C. Discussions of salary and benefits shall be exempt from this prohibition.
- D. Any officer or employee having such an interest shall immediately make said interest known publicly.
- E. Any officer who willfully conceals such an interest, or willfully violates any requirement of this section shall forfeit said office or position, as provided under Article Two, section III, B.8.b.
- F. Any contract, sale or action taken in violation of this section shall be voidable by the board of selectmen.
- G. Officers of the town may buy/sell goods and services from/to the town subject to the restrictions above, provided said procurement is done competitively in accordance with the procurement ordinance.
- H. The board of selectmen may require public disclosure of assets or financial interest, in a form they may prescribe, of any elected or appointed official as part of an investigation into matters of conflict of interest, or for the purposes of general investigation. Failure to disclose or incomplete or falsified disclosure may be cause for removal as provided under Article Two, section III B.8.b.
- I. No officer shall devote any town property or labor to private use, except as may be provided by law or ordinance.

## CHARTER AMENDMENTS FROM MEETING OF MAY 11, 2016

### **VIII. Licenses, fees, charges, user fees, fees for service.**

- A. The board of selectmen shall have the sole authority for the setting of all fees, charges, user fees, or fees for services, related to town government, except those prescribed by state statute relating to the office of the town clerk. All fees and charges set by the board of selectmen shall be reasonably related to actual costs.
- B. The board of selectmen shall have the authority to license or issue permits for any function or activity taking place or occurring within the boundaries of the town over which jurisdiction is established by statute, ordinance or this Charter.
- C. All licenses required by the town shall be authorized by passage and/or amendment of a license ordinance.

~~4. All fees, charges, user fees or fees for service shall be implemented by passage of a comprehensive fee ordinance which shall be placed on the board of selectmen agenda for review and/or update, every three (3) years from its date of passage.~~

- D. No officer of the town shall collect fees or prerequisites for his/her own use, and all fees or charges shall be accrued to the general fund.

### **IX. Acquisition and disposition of town property.**

- A. The board of selectmen shall ~~may~~ pass an ordinance governing the acquisition or disposition of town property, which shall outline procedures for the handling of such matters.
- B. The board of selectmen may acquire or dispose of real property in accordance with such ordinance.

### **X. Emergency powers.**

- A. Declaration of public emergency: The board of selectmen may, upon majority vote, declare a state of public emergency which threatens life, property or the public health or welfare.
- B. Condemnation, eminent domain: In the event of a declared public emergency which threatens life, property, the public health or welfare, duly declared by ~~unanimous board of selectmen~~ action at a ~~duly warned meeting~~ warned in accordance with State Statute, the board of selectmen by unanimous vote, may exercise powers of eminent domain and condemnation and take real property or personal property, after notice to the owner and the fixing of fair compensation. An aggrieved party may appeal to superior court.
- C. Civil preparedness: On an annual basis, the selectboard shall adopt an emergency preparedness plan that shall go into effect upon declaration of a public emergency. The town manager shall be the designated civil preparedness chairman and shall be duty bound to exercise the powers afforded by statute, and any powers and functions outlined by the board of selectmen in a declared emergency.

### **XI. Procedures for ~~charter~~ Charter revision and amendment.**

- A. The procedures and process for Charter amendment herein may be initiated either by a unanimous vote of the board of selectmen, or by a citizen initiative (petition) equal to or at least a minimum of five percent (5%) of the voters.
- B. The procedure for Charter revision shall be as follows:

## CHARTER AMENDMENTS FROM MEETING OF MAY 11, 2016

1. The board of selectmen shall appoint a charter review committee of not ~~less-fewer~~ than ~~ten-nine~~ (409) members, which shall include two (2) representatives from the board of selectmen, two (2) representatives from the administration which must include the Town Clerk, and the community at large, with the majority from the community at large.
  2. Within one (1) year after appointment, the charter review committee shall report out any amendments, revisions or changes.
  3. The board of selectmen shall determine if the proposed amendments are a comprehensive revision, and shall determine the format of the article.
  4. Any changes in the Charter must be affected by a town meeting vote with at least twenty-five (25) percent of voters participating.
- C. In addition to the procedure set forth above in subdivisions A and B of this section, the Charter may be revised or amended by the submission of a citizen initiative (petition) signed by ten (10) percent of the voters. The petition and subsequent action shall conform to the requirements of state statutes relating to Charter amendment procedures, shall be subject to the determination of the board of selectmen as to whether or not they are comprehensive in nature, and shall be approved by a town meeting vote with at least twenty-five (25) percent of voters participating.
- D. Any changes in the town Charter shall become effective immediately upon passage by the voters and approval by the Legislature as prescribed by statute.
- E. Charter amendment revote shall be subject to the limits prescribed in Article Two, section II, subsection B(7) herein.

### **1. ~~Transitional procedures.~~**

- ~~1. All boards, commissions and committees in existence upon the adoption of this Charter shall continue to exist until such time as they may be continued, consolidated or abolished under this Charter.~~
- ~~2. The incumbents in all town offices, not herein abolished or superseded when this Charter takes effect, who are not elected by popular vote, shall continue to hold the same until the expiration of their respective terms where a term of years exists, or until such offices are abolished or superseded by lawful ordinance.~~
- ~~3. All employees of the town shall retain their present status upon adoption of this Charter.~~
- ~~4. All ordinances and bylaws of the town shall continue in force until altered or repealed, except where a contrary intent herein appears.~~
- ~~5. So much of the previous enabling act for the Town of Springfield and the present Charter as is now in force relative to the constitution of its sewer, lighting, and other special precincts and their government and affairs, to its water works, and to the borrowing of money in aid of its school districts, is hereby continued in force, with the exception of such provisions as are inconsistent with this Charter, but all special legislation relative to the government of the town, not herein expressly saved, is hereby repealed. All general laws relative to the government of towns shall be in force in the town so far as the same can be applied consistently with the intents and purposes of this Charter, but shall be deemed superseded as to this town so far as inconsistent herewith. Existing ordinances~~

## CHARTER AMENDMENTS FROM MEETING OF MAY 11, 2016

and other town regulations shall remain in force so far as the same can be applied consistently with the interests and purposes of this Charter, but are hereby annulled so far as inconsistent herewith. In all existing laws, ordinances, and regulations hereby saved, references to bodies or officers hereby abolished and superseded, altered, shall be taken to mean the body or officer upon whom jurisdiction of the matter in question is conferred by this Charter or by the administrative code.

~~(Section XII Transitional Procedures above does not appear in the Chapter 149 of the State Statute, however, it does appear in our printed Charter)~~

### **XII. Use of streets by public utilities and private interests.**

Every public utility and private interest that desires to dig up a public street or alley for the purpose of laying pipes or wires shall first obtain from the ~~selectmen~~ Town Manager or designee a written permit stating the place where and the time when digging may be done. Upon receipt of a permit, the digging up and replacing of the street or alley shall be done under the supervision of the ~~selectmen~~ Town Manager or designee, they may complete the work at the expense of the utility or private interest and recover that expense in an action of tort under 19 V.S.A. section 1525, in the name of the town, with costs.

### **XIII. Separability Severability.**

The sections of this Charter, and the parts thereof are ~~separable~~ severable. If any portion of this Charter, or application thereof to any person or circumstance, shall be held invalid, the remainder thereof or the application of such invalid portions to other persons or circumstances shall not be affected thereby.