

**TOWN OF SPRINGFIELD
SELECTMEN'S HALL – 96 MAIN STREET – THIRD FLOOR
CHARTER REVIEW COMMITTEE MEETING
WEDNESDAY, MAY 18, 2016 @ 6:00 PM**

MEETING MINUTES

1. CALL MEETING TO ORDER AND ROLL CALL: Chair John Hall called the meeting to order at 6:02 p.m. The following Committee Members were present – Richard Andrews, John Bond, John Follett, John Hall, Barbara Schultz, Tom Yennerell, Barbara Courchesne, Kristi Morris, and Walter Martone. Members absent included Jeff Mobus and Sharon Ayer.
2. MINUTES:
 - a. Town Charter Review Committee Minutes, May 11, 2016: Item 5 – 2nd sentence was corrected to read “Each subcommittee would be assigned a portion of the Charter to conduct a thorough review of, and to lead the discussion of that section at the meeting of the full Committee.” It was moved by Richard and seconded by Kristi to approve the minutes as amended. Motion passed unanimously.
3. SUGGESTED AGENDA CHANGES: Walter was requested for an update on the request to the Vermont League of Cities and Towns (VLCT) to review the Charter and research other Charter related items. Walter reported that the request was submitted and VLCT staff said they would get back to us soon with a proposal and schedule.
4. REVIEW OF CHANGES MADE ARTICLE 1, PAGES 6-10:
 - a. It was requested that the page numbers be continued from the master document on the selection provided with the minutes, instead of starting over at # 1.
 - b. We should start creating a “style” sheet” so that there is consistency throughout the document. This would include items such as which words get capitalized.
 - c. It was reported that the Vermont Statutes dictate that the format for presenting Charter amendments to the voting public must be done using [brackets] for deletions and underlining or *italics* for additions. It was moved by Richard and seconded by Barbara S. that after the Committee has completed its review of the first two Articles; the capitalization would be standardized and the changes would be put into the required format and distributed to the Committee. Motion passed unanimous.
 - d. There was discussion about Section IX. Acquisition and disposition of town property. It was moved by Richard and seconded by John B. to have Tom provide recommended language for review at the next meeting. Motion passed unanimous.
 - e. There was discussion about Section XI. Procedures for Charter revision and amendment, specifically item B.4., the percentage of voters that must be participating. There is no specific percentage required in the Vermont Statutes. John B. moved and Richard seconded to change the requirement that at least twenty-five (25) percent of voters must be present, to instead require that Charter amendments may be passed by a majority of the voters present and voting. Motion failed with a tie vote (Ayes – John B., Barbara S., Richard, Walter. Nos – Kristi, John F., Barbara C., John H.). By consent, it was decided to table the item and continue the discussion about it at the next meeting.

Tom and Kristi left the meeting at 6:52 p.m. because of a prior engagement.
John F. left the meeting at 7:10.

5. DISCUSSION OF PREAMBLES/INTRODUCTION ADDITION TO CHARTER:
 - a. At the last meeting, Barbara S. provided copies of sample preambles/introductions that were found in the Charters from other Towns. There was general agreement that such a statement should be kept simple and direct. A number of the Members noted that the statement from the Town of Windsor was a good example. It was agreed that the decision on what the preamble should say, should be held until the complete Charter review is finished. The preamble can then reflect the overall purpose of the Charter as amended.
 - b. After discussion it was decided that if a Member wishes to make a change to a section that has already undergone its first and second review by the Committee, the Member can make a motion to reopen discussion on that section, and the Committee can vote up or down on the motion.

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6. DISCUSSION OF BLIGHT LANGUAGE TO SECTION III "POWERS OF THE TOWN":

- a. It was noted that Bellow Falls had done things to improve its economy and appearance of its downtown. We should look into whether they have done unique things to address blight that might be replicated in Springfield.
- b. Walter presented two versions of language to give new powers to the Town to address blight. The Vermont House considered this language in its last session. It failed to pass out of the Government Operations Committee on a tie vote. Richard moved to adopt the first version and add the words "By Ordinance" to the beginning. There was no second.
- c. John B. shared the wording included in the Town of Shelburne's Charter. This language appears to provide broad authority to adopt ordinances relating to the cleaning and repair of premises that impair the general appearance of the Town. There was discussion about whether the Vermont Legislature would look more favorable on Springfield's adoption of the same language from another municipality that had been previously approved by the State.
- d. By consensus it was decided that this question along with a request for other recommended language to address blight, would be submitted to the VLCT.
- e. Barbara C. presented written recommendations she received from Sharon Ayer to address expansion of the Town's powers to address blight. A copy of this correspondence is included with these minutes.
- f. After discussion, it was decided that this item should be continued because additional information is needed and five of the eleven Committee members were not present.

7. DISCUSSION OF ARTICLE #2, PAGES 10 - 15:

- a. Walter suggested that under Section I, the form of government that Springfield operates under should be defined. Walter will explore wording for this definition.
- 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 II.
- c. It was moved by Richard and seconded by John B. under Section II.B.1.a. to change the time for the annual Town Meeting from 7:30 p.m. to 7:00 p.m. Motion passed unanimously.
- d. It was moved by John B. and seconded by Richard to table discussion on Section II.B.2. Special Town Meetings. Consideration of changes to required percentages of voters present and other voting requirements for this and other references in the Charter, should be discussed at the same time.
- e. All of the specific changes that were proposed are shown on the attachment to these minutes. The review was stopped at Section II, B.3.b.

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

9. ADJOURNMENT: It was moved by Barbara C. and seconded by Barbara S. to adjourn the meeting at 8:29 p.m. Motion approved unanimously.

10. NEXT MEETING: The next meeting will be held on Wednesday, June 8, 2016 at 6:00 p.m. at Town Hall.

Respectfully submitted,
Walter Martone

POWER TO REGULATE BLIGHT

OPTION 1

To regulate, and to hold a property owner responsible for, the maintenance and appearance of real property.

OPTION 2

By ordinance to regulate, and to hold a property owner responsible for, the reasonable maintenance and appearance of real property, consistent with the appearance and condition of the preponderance of properties in the neighborhood or district in the municipality.

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CHARTER AMENDMENTS FROM MEETING OF MAY 18, 2016

- A. ~~The board of selectmen~~Selectboard 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.
- B. No officer shall devote any town property or labor to private use, except as may be provided by law or ordinance.

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

- A. ~~The board of selectmen~~Selectboard 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~~Selectboard shall be reasonably related to actual costs.
- B. ~~The board of selectmen~~Selectboard 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.
- ~~C. 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~~Selectboard ~~shall shall pass an ordinance~~a policy governing the acquisition or disposition of town property, which shall outline procedures for the handling of such matters.
- B. ~~The board of selectmen~~Selectboard may acquire or dispose of real property in accordance with such ~~ordinance~~policy. (See Tom for language)

X. Emergency powers.

- A. Declaration of public emergency: ~~The board of selectmen~~Selectboard 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~~Selectboard 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.~~

CHARTER AMENDMENTS FROM MEETING OF MAY 18, 2016

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~~ Selectboard, 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:
1. ~~The board of selectmen~~ Selectboard shall appoint a charter review committee of not less ~~fewer than ten-nine (109)~~ members, which shall include two (2) representatives from the board of selectmen Selectboard, two (2) representatives from the administration one of which must be 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~~ Selectboard 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~~ effected by a town meeting vote with at least ~~twenty-five (25) percent~~ a majority vote of the voters participating. (Revisit this provision at the next meeting)
- 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~~ Selectboard 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.

XI. ~~Transitional procedures.~~

~~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.~~

~~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.~~

~~All employees of the town shall retain their present status upon adoption of this Charter.~~

~~All ordinances and bylaws of the town shall continue in force until altered or repealed, except where a contrary intent herein appears.~~

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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 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.

ARTICLE TWO

ELECTIONS AND LOCAL OFFICIALS

I. Form of government. (Define what type of government)

All governmental authority of the Town of Springfield rests ultimately with the citizens and voters of the town who shall exercise their power by Australian ballot at the annual town meeting in determining:

- A. The election of officers of the town;
- B. The approval of the town budgets;
- C. All authorizations for major bonding or borrowing;
- D. All special appropriations;

CHARTER AMENDMENTS FROM MEETING OF MAY 18, 2016

E. Any articles placed on the warning which involve the expenditure of tax dollars or in directing the provision of direction in the exercise of the power vested in elected or appointed officials.

II. Town meeting/elections.

A. Applicability of general laws: Except as otherwise herein limited, provisions of the general laws of the State related to voter qualifications, warnings, methods of voting, duties of town officers at town meeting and elections, counting of votes, recount of votes, certification of results and nominations of candidates, so far as they may be applicable, shall govern all municipal elections and all annual and special town meetings.

B. Meetings and elections:

1. Annual town meeting:

- a. On the Monday preceding the first Tuesday in March, beginning at 7:30-00 p.m. at a place designated by the selectmen, the town shall start its annual meeting and may transact at that time any business not involving Australian ballot. At this meeting, public discussion of ballot issues and all other issues appearing on the warning, other than the election of candidates, shall be permitted.
- b. A meeting so started shall be adjourned until the following day, the first Tuesday in March at which time business involving Australian ballot will be transacted.
- c. The date of the annual town meeting may be changed by a vote of the citizens at a town meeting duly warned for that purpose.

2. Special town meetings:

- a. Special town meetings may be called at any time for reasons, as prescribed by Charter, by a majority vote of the ~~board of selectmen~~ Selectboard; or by the decree of the town clerk upon receipt of a petition signed by no less than five (5) percent of the voters registered at the time the petition is submitted.
- b. A special town meeting, called in accordance with the above section, shall be held within sixty (60) days from the date of the official call to meeting.

3. Warnings:

- a. Timetable and notice: Public notice of every annual or special town meeting, or town election, shall be given by a warning posted in at least five ~~four (54)~~ public places in the town and on the Town's website, at least thirty (30), but no more than forty (40) days prior to the meeting; and published in a newspaper or newspapers of general circulation in the municipality as may be directed or designated by the ~~board of selectmen~~ Selectboard.
- b. Contents: The warning shall contain:
 - i. The date, time, and location of the meeting;
 - ii. ~~Specific indications of s~~ Separate articles, specifically indicating the business to be transacted ~~which reflect the business to be voted~~, in the language to be voted;
 - iii. The signatures of a majority of the ~~board of selectmen~~ Selectboard.