

**CHARLOTTE SELECTBOARD  
MINUTES OF MEETING  
TOWN HALL  
SEPTEMBER 21, 2015**

**APPROVED**

*Draft minutes are subject to correction by the Charlotte Selectboard. Changes, if any, will be recorded in the minutes of the next meeting of the Board.*

**SELECTBOARD MEMBERS:** Lane Morrison, Chair; Fritz Tegatz, Carrie Spear, Matthew Krasnow. **ABSENT:** Jacob Spell.

**OTHERS:** Ellie Russell, Christina Booher, Charles Russell, Jenny Cole, Patrice Machavern, Gerald Bouchard, Lynn Jaunich, Gretchen Morse, Michael Russell, Valarie Graham, Michael Yantachka, Dan Pflaster, Alex Bunten, Charlotte News; and others.

**ITEMS TAKEN UP:**

- 7:05 PM Legislative Charter for changing the municipal budget approval process.  
*Actions under consideration:*
  - 1) *approve sunset provision;*
  - 2) *determine date of Australian ballot vote on the charter;*
  - 3) *warn 2<sup>nd</sup> hearing date if vote is to be held in November or December, 2015.*

**CALL TO ORDER**

Mr. Morrison, Chair, called the meeting to order at 7:00 p.m.

**ADJUSTMENTS TO AGENDA**

ADD: Employee Evaluation Review - discussion (possible Executive Session).

**PUBLIC COMMENT**

Ms. Spear reported that she had attended the Charlotte Central School open house. There were four photographs on display near the elevators. Ms. Spear asked Jenny Cole to look at a way to better protect the photographs.

Ms. Machavern said that she recently came into the Town Hall to research her land records. She discovered that there were land records, including her own, stored in a recycle bin on the Zoning and Planning office floor. These were important documents in danger of accidental disposal that should be securely stored, or digitally captured, stated Ms. Machavern. Mr. Bloch said that staff would look into it.

**LEGISLATIVE CHARTER FOR CHANGING THE MUNICIPAL BUDGET APPROVAL PROCESS. *Actions under consideration:***

- 1) *approve sunset provision;*
- 2) *determine date of Australian ballot vote on the charter;*
- 3) *warn 2<sup>nd</sup> hearing date if vote is to be held in November or December, 2015.*

Mr. Morrison reviewed proposed actions for approving a draft Legislative Charter as follows:

- If the draft included a sunset provision, or not, or if the draft should be enacted as an amendment via a Selectboard letter.
- Set a date for an Australian ballot vote for the first Tuesday in November, or December, 2015; and to warn a 2<sup>nd</sup> hearing in October for a vote in November or December, 2015.

Mr. Morrison reviewed that the Town Attorney said it was not infrequent to have a sunset provision in a charter and had prepared options for sunseting the clause, or sunseting the Charter. It is a simple amendment in the charter to have a sunset, said Mr. Morrison.

Mr. Morrison opened the floor for comments regarding a proposed sunset clause amendment.

Mr. Krasnow explained that the proposed sunset language was straight forward. His intent of the sunset clause was to take an experimental change to the Town Meeting so that in three years the Town would be forced to re-evaluate whether to continue it, or not. It puts the onus for a change on a three-year reaffirmation through a vote in the positive by getting rid of the sunset before it goes into effect. If nothing was done then it would revert back to the Town Meeting style government, said Mr. Krasnow.

Mr. Krasnow said that the Town Attorney was asked the difference between sun setting a clause, or sun setting a charter. The Town Attorney mentioned that without a sunset clause and leaving the charter then there would be one less hurdle to overcome if someone wanted other charter language enacted. He heard a few years ago that just changing the way the Town voted wouldn't work. The charter's intent was to vote differently at Town Meeting. If the charter addressed only that one issue, then we should sun set the charter itself to prevent an easy way to add other language to it. It does require a legislative review. The Town could reapprove a charter three years following the date of enactment, or the Town could repeal the charter over the three years at any time. His intent was just to reaffirm that the charter was working after three years, said Mr. Krasnow.

Mr. Morrison suggested to go back to the original charter without the clause. It could be repealed at any time, said Mr. Morrison.

Ms. Spear spoke in support of a sunset provision.

Ms. Graham said regarding 'reaffirmation' that says it was working work and we want to continue with it. 'Sunset' says we believe it was not working. What if someone forgets to have it on a ballot, would it automatically repeal, asked Ms. Graham.

Ms. Graham said that if there was no charter then someone could bring a petition to force a change to the way vote at Town Meeting. There should be a clause to 'reaffirm' than a clause to 'sunset'. It is a matter of shading; we assume it would work, or people say no, it's not working, said Ms. Graham.

Mr. Tegatz said that a petition requires the same Australian ballot and harder to undo.

There was lengthy discussion regarding a history from 250 years ago related to the creation of a constitution without a sunset clause; amendments to the constitution that gave women the right to vote, for example; differences in interpretations between 'reaffirmation' versus 'sunset' and language that the charter could be repealed at any time (Ms. Jaunich said that with our constitution you don't sunset it, you amend it.); a point of view that a sunset clause forces reaffirmation of a novel experiment; another point that 126 people at the 2015 Town Meeting said to try something different while keeping Town Meeting and giving more voters a voice regarding adoption of a Town budget; and a view that many towns have tried to increase voter participation by changing dates and times without success so returned to the traditional first Tuesday in March;

Mr. Krasnow suggested the following wording that "Shall the Town of Charlotte reaffirm the Town Charter by striking the sunset clause."

Mr. Yantachka, Representative, said that for the charter to stay in effect you would have to amend the charter to take out the sunset, or repeal it. However it is written it must go before the Legislature. If it is written to revoke, or repeal, in three years and you forget and don't vote then it goes away. If the Town does vote to reaffirm in three years and the vote fails you don't have to go any further. The clause becomes obsolete due to a vote to repeal failed. If the vote passes then it goes to the Legislature, said Mr. Yantachka.

Mr. (Charles) Russell said that when there was discussion of a charter at Town Meeting the discussion did not include a sunset clause. Mr. Krasnow asked Mr. Russell if he had read the 1997 article by Paul Gillies, "Reforming Local Government by Charter." There was a difference between a representative government, a Selectboard versus direct democracy, by petition. The Selectboard was asked to look into a charter, said Mr. Krasnow. Mr. (Charles) Russell said that at the time there were people asking if it should be done by petition. In 1982 the Selectboard had authority to enact a Town Plan. The town voted to hold a Town-wide vote versus leaving it to the Selectboard, said Mr. Russell.

Mr. Krasnow said that nothing in the draft Charter has changed other than adding a layer of caution. It could be repealed in two months if we don't like the charter. It is designed so that if we were not sure it was better then it would go away. If it is better then it would be reaffirmed. The Selectboard are temporary members that could change in makeup. He liked the Charter and sunset clause, said Mr. Krasnow.

Ms. Jaunich suggested changing the language to read "this Charter shall be reaffirmed in three years from the date of Legislative approval." Mr. Morrison said that the Town Attorney was asked if a sunset clause was something he had seen in charters. The attorney gave three examples, said Mr. Morrison.

There was further discussion regarding the hoops one has to go through at the Legislative level; that sunset language was a standard way of dealing with new legislation that

everyone understands; of the 70 plus town charters in Vermont they all have a provision; the draft charter was unique to Charlotte as a solution to retaining Town Meeting and allowing a town-wide vote from 7:00 a.m.-7:00 p.m. on a 'day'; and a question of which of the two proposed sunset clauses presented should be used.

Mr. Krasnow suggested using "#7, Absent action to repeal or modify this Section 7, this charter shall expire, terminate and have no further force and effect three years from the date of passage by the legislature."

Mr. (Michael) Russell asked if the Board was supportive of the sunset concept. Ms. Spear replied yes. Mr. Tegatz said yes, based on what transpired at the 2015 March Town Meeting. He lived in a state with no direct democracy before moving to Charlotte. He was enthralled with the Town Meeting process. His personal opinion was it supported voter lethargy. It was his obligation as a voter representative to put forth a hybrid solution at Town Meeting, said Mr. Tegatz.

Mr. (Michael) Russell asked why the sunset. Mr. Krasnow replied that the 'why' of a sunset is that it was the right way to go. Every vote is a snapshot in time. We were looking for a document that changes the way we vote and enfranchises more people. We have seen what happens in low turnout years. In a national presidential election year he wouldn't be worried about voter turnout. He would consider eliminating a sunset provision if the vote was held during a presidential election year when more people would vote. A sunset clause allows for two votes to weigh in on its merits. Three years was enough time for people to weigh an experiment, said Mr. Krasnow.

Ms. Booher asked if there had been a discussion about how many more voters would turn out by waiting until April. She was not a fan of the charter; she was a fan of voting by Australian ballot. Australian balloting does take away democracy during Town Meeting, but people can't always take the day off for Town Meeting, said Ms. Booher.

Mr. (Charles) Russell pointed out that the 'three year' language would never allow more than two Town Meeting cycles. If the Legislature approved the charter by April, would that make 3 ½ years for a Town Meeting cycle Or consider every five years like the Town Plan, suggested Mr. Russell.

Ms. Machavern noted that a petition by 5 percent of the voters could appear on the ballot at the same time as the charter.

Ms. Spear stated while she appreciated the Ad hoc Committee's work, she had started asking people randomly over the last week a simple question what they knew about a charter. She was surprised how many didn't know about it. Then she made some calls. She didn't think that a majority of Town's people have been informed. People work and have family commitments. They can't attend meetings. There have been articles in the Charlotte News, but a better way may be to discuss the issue at forums during the day and evening at multiple locations, such as the library, school, Children's Center, churches. Or at the candidate's night and have a warned article at the 2016 Town Meeting, for the

2017 or 2018 Legislative session. She would not want to change Town Meeting without a much bigger community involvement, said Ms. Spear.

Mr. Tegatz suggested keeping to the proposed timeline and do a direct mailing.

There was further discussion on the importance of Town Meeting; a hybrid solution to preserve Town Meeting with a discussion on the Town budget where adjustment could be made for a Town-wide Australian ballot with an up or down vote; and allowing more people to vote; a question if the Town Plan and Land Use Regulations had more impact on the Town's people, or the Town budget; a timeline approval by the legislative House, then the Senate, and then the Governor's signature, which may take until 2017; and differences between adopting a charter versus by petition. Mr. (Charles) Russell said that if it was done through a petition, then the language could not be changed.

**MOTION by Mr. Krasnow, seconded by Ms. Spear, to approve the Sunset provision as a Section 7 that "Absent action to repeal or modify this Section 7, this charter shall expire, terminate and have no further force and effect four years from the date of passage by the legislature."**

**DISCUSSION:**

**Mr. (Michael) Russell noted that the word "not" was missing from Section 4.**

**AMENDMENT to the MOTION by Mr. Krasnow, seconded by Ms. Spear, to change Section 4, Separability, last line, to insert the word "not" between the words "shall" and "be".**

**VOTE: 4 ayes, 1 absent (Mr. Spell); motion carried.**

Mr. Morrison asked the Selectboard to consider a date for an Australian ballot to vote on the Charter as amended on either the first Tuesday of November, or the first Tuesday of March, and set a 2<sup>nd</sup> hearing date. Ms. Spear called a point of order. Was the school space available to hold a ballot vote, asked Ms. Spear.

There was a brief discussion regarding possible dates for a 2<sup>nd</sup> hearing on October 26, 2015 for a November 3, 2015 Australian ballot vote at the school, or Town Hall.

**MOTION by Mr. Tegatz, seconded by Mr. Krasnow, to hold a vote to consider a Legislative Charter for changing the municipal budget approval process by Australian ballot on Tuesday, November 3, 2015.**

**DISCUSSION:**

**Mr. Morrison reviewed that to hold a 2<sup>nd</sup> hearing on October 26, 2015, a warning notice must be published by October 1, 2015.**

**AMENDMENT to the MOTION by Mr. Tegatz, seconded by Mr. Krasnow, and to hold a 2<sup>nd</sup> hearing on October 26, 2015.**

**VOTE: 3 ayes, 1 nay (Ms. Spear), 1 absent (Mr. Spell); motion carried.**

Mr. Morrison asked staff to secure the polling place at the Charlotte Central School.

Mr. Morrison, Mr. Tegatz and Mr. Krasnow signed the two warning documents. Ms. Spear stated that she would not sign the documents.

Mr. Morrison thanked everyone for their input.

**EMPLOYEE EVALUTATIONS REVIEW – discussion (possible Executive Session).**

Mr. Morrison reported that the Town employee performance reviews were completed. A summary of each review would be available for Selectboard to read at the Town Manager's office. Those that attended the review meetings should sign the reviews.

**OTHER BUSINESS**

Mr. Bloch reported that the next regular Selectboard meeting was scheduled for Monday, September 28, 2015.

**APPROVE WARRANTS TO PAY BILLS**

The Selectboard signed warrants to pay bills.

**ADJOURNMENT**

**MOTION by Ms. Spear, seconded by Mr. Krasnow, to adjourn the meeting.**

**VOTE: 4 ayes, 1 absent (Mr. Spell); motion carried.**

The meeting was adjourned at 8:55 p.m.

Minutes respectfully submitted, Kathlyn L. Furr, Recording Secretary.