

TOWN OF  
EAST MONTPELIER, VERMONT  
SELECTBOARD

Amy Willis (2017 – 2020)  
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Chair, Seth Gardner (2015 – 2018)

April 17, 2017

Representative Maida Townsend  
Chair, House Government Operations Committee  
115 State Street, Room 49  
Montpelier, VT 05633

Re: H.527; East Montpelier Charter Amendments

Dear Chair Townsend:

Representative Jessup provided us with a series of questions members of the House Government Operations Committee have raised regarding the East Montpelier Charter amendments contained in H.527. There are two major elements involved: a Plan of Merger which will allow the town to absorb East Montpelier Fire District #1; and, general charter amendments developed by the East Montpelier Charter Committee designed to integrate the appointment of two currently elected positions, the town clerk and the collector of delinquent taxes, into the existing town governance model. Both amendment elements were passed with overwhelming support by the town voters: 454-74 in favor of the Plan of Merger (the fire district voted unanimously to support the plan); and, 401-112 in favor of the general charter changes.

The committee questions/concerns as described by Representative Jessup, with town responses following each individual concern:

Question 1. There was some interest in the relationship between the EM Fire District and EM Fire Department as well as which other towns the EM firefighters work with and in what kind of arrangement. Regarding the Fire District, I mentioned that it pertains to water negotiations but did not provide any detail.

***The East Montpelier Fire District #1 was created in 2010 with the sole purpose of providing potable water to the properties currently served by the privately-owned Crystal Springs Water System. The intent was for the fire district to pursue the purchase the system from the owner if feasible. After years of fruitless negotiation, the volunteer-run fire district simply ran out of steam. There is no connection between the fire district and the East Montpelier Volunteer Fire Department, which is an independent entity providing fire and ambulance services to the Towns of East Montpelier and Calais, as well as ambulance services to the Town of Plainfield.***

Question 2. There was also a question about what kinds of assets & liabilities are associated with the Fire District.

*The East Montpelier Fire District #1 has one liability, a \$9,700 loan through the Vermont EPA Drinking Water State Revolving Fund. Repayment is in the form of 5 annual payments of \$1,940 starting October 1, 2017. The loan was provided to the fire district to conduct an engineering feasibility study of the Crystal Springs Water System. The Aldrich & Elliott study, available at [http://eastmontpeliervt.org/wp-content/uploads/2016/02/EM-Fire-Dist-Crystal-Spr\\_20140904142023.pdf](http://eastmontpeliervt.org/wp-content/uploads/2016/02/EM-Fire-Dist-Crystal-Spr_20140904142023.pdf), is the major tangible asset of the fire district. There is also a small saving account containing approximately \$400.*

Question 3. Since the Selectboard is charged with appointing an Asst. Town Treasurer but shall do so "after consultation" with the Town Treasurer, a question was raised about what happens if there is disagreement. (Apparently the more common situation is that a Town Treasurer makes that appointment.)

*Although the charter amendments are designed to "assure a well-functioning office with officers working to accomplish common goals in an accountable fashion" (from the East Montpelier Charter Committee's report to the Selectboard), the Charter Committee was very cognizant of the perception of Selectboard control and the perceived loss of balances to that control. The intent of the "after consultation with" phrasing for both the assistant town treasurer and assistant town clerk positions is to ensure that the Selectboard is utilizing the available resources and techniques to ensure successful integration of all the office positions into a functioning staff. The expectation is that the Selectboard will take any town clerk/treasurer concerns into account, but the Selectboard makes the final decision.*

*The final note regarding the fact it is the norm for the treasurer to appoint the assistant treasurer is certainly true for elected treasurers, although even then the Selectboard can appoint the assistant if the treasurer fail to appoint one. As more communities move to appointed treasurers, it will become more common for the Selectboard to appoint the assistant as part of its general management of town employees.*

Question 4. To some degree, the committee was having a difficult time tracking what offices are currently elected offices because the charter only lists offices that have been abolished. The committee should hear a brief review from you about which officers are elected under the Town's current charter and ordinances. (There was also mention of the committee writing transitional provisions that set official dates for the transition of these offices.)

*The elected offices in the town are: Moderator, Selectboard (5), Board of Listers (3), Board of Auditors (3), Planning Commission (9), Justices of the Peace (10), Constable (1), and Cemetery Commission (5). The Town Clerk and Collector of Delinquent Taxes are currently elected, but will become appointed offices once the proposed charter amendments are enacted into law. All other offices are appointed. The Selectboard understood that, with the current transitional language, the charter amendments would take effect on passage. If different transitional language is added, the Selectboard would prefer that the effective date be consistent for all the amendments, with a date of July 1, 2017. That date lines up with the appointment term language contained in §7(1) of the charter as proposed (East Montpelier operates on a July 1-June 30 fiscal year).*

Question 5. In the sentence "The Selectboard shall determine compensation and methodology," there was some confusion about use of the term "methodology," namely that a couple members thought it was too vague or wanted to clarify how it was connected to compensation. In other words, did it mean a methodology for determining compensation?

***The intent of the phrase is to make it clear that the Selectboard will determine both the compensation level and the compensation methodology for the appointed positions. Certain elected positions, such as the town clerk and collector of delinquent taxes, can be compensated in numerous ways including fees, stipends, and penalties. The desire of the town is that the Selectboard handle the manner of compensation, and other employment issues, consistently and fairly in accord with the town's personnel policy. The expectation is that every employee will be compensated by salary or hourly wage set or negotiated by the Selectboard.***

We look forward to the opportunity to speak with the committee on Thursday, April 20, 2017. Selectboard Chair Seth Gardner and Town Administrator Bruce Johnson will represent the town and the fire district at the hearing.

Sincerely,



Seth Gardner  
Chair, East Montpelier Selectboard