

**Power Point Presentation**  
**Attorney James W. Barlow**  
**8/1/2017 and 9/29/2017**



## Agenda

- What is a municipal governance charter?
- Forms of Vermont local government.
- Things to consider.
- The governance charter amendment process.

## What is a Municipal Governance Charter ?

In thirty nine states, local governments are free to pass laws and ordinances as they see fit, limited only by the bounds of the state and federal constitutions.

This is known as municipal home rule.

## What is a Municipal Governance Charter ?

Vermont law does not allow for municipal home rule.

Though Vermont has a strong tradition of local control and participatory democracy, Vermont's constitution does not grant any power or legal authority directly to the state's municipalities.

## What is a Municipal Governance Charter ?

Instead, Vermont municipalities only have only those powers specifically delegated to them by the Legislature, and only such additional authorities as may be necessary to the exercise of those express powers.

Any fair doubt concerning the existence of municipal power must be resolved against the municipality.

## What is a Municipal Governance Charter ?

A municipal governance charter is a grant of state law, approved by local voters and the Legislature, that sets out specific laws for operation of local government in that municipality.

All 9 of the state's cities and 50 towns operate under a municipal governance charter. There are also at least 50 village charters.

## What is a Municipal Governance Charter?

In undertaking consideration of amendments to the Bennington governance charter, you are actually considering amendments to the laws of the State of Vermont as they apply within the boundaries of the Town of Bennington.

## What is the Relationship Between a Charter and State Statute?

When addressing a conflict between a municipal charter and a provision general statute, a court will "apply the long-standing rule of statutory construction that where two statutes deal with the same subject matter, and one is general and the other specific, the more specific statute controls."

The charter will prevail because it is more specific to the municipality. *Town of Brattleboro v. Garfield*, 2006 VT 56.

## What is the Relationship Between our Charter and State Statute?

*Does the municipal charter still control when state law is changed?*

Yes. Even when the general statute is amended, the local charter will still control unless the Legislature expresses a contrary intention.

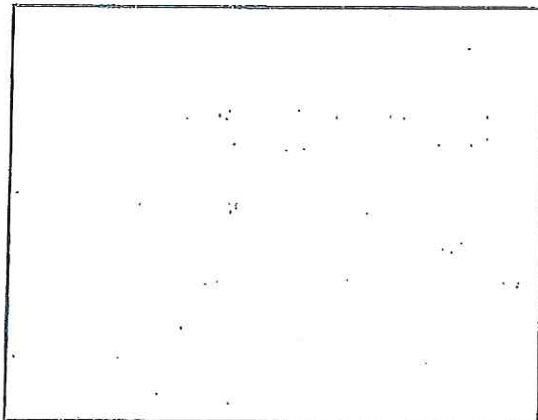


## Defining Vermont Local Government

Four characteristics that define a local governance model:

- Which officers are elected and which are appointed.
- Who appoints, controls, and directs municipal employees.
- How are the budget and tax rate set.
- What powers the voters have in relation to the authority granted to municipal officials.

## Vermont Town Government



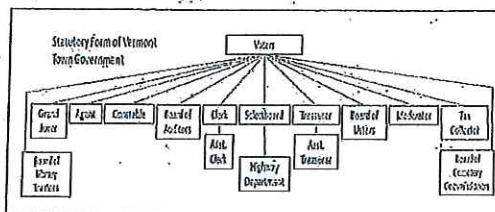
## Vermont Town Government

The basic statutory model of local government is the town.

Under the town government model there are at least 16 elected town officers responsible for governmental operations:

- Selectboard
- Clerk
- Treasurer
- Constable
- Town Agent
- Listers
- Auditors
- Grand Juror
- Moderator
- Delinquent Tax Collector

## Vermont Town Government



## Vermont Town Government

The voters' primary authority is the election of town officers and adoption of the town budget.

## Vermont Town Government

The voters adopt the town budget and the selectboard sets the tax rate.

The selectboard administers the budget during the fiscal year.

In managing the budget, the selectboard has some measure of discretion to deviate from the budget as required by the circumstances.

## Vermont Town Government

There are other authorities vested in the voters including the right to disapprove town ordinances, adopt zoning bylaws, approve borrowing etc.



### Vermont Town Government

Under the town model, each elected town officer is accountable to the voters through the election process but no elected board or officer is legally accountable to another in the performance of the officer's statutory duties.

### Vermont Town Government

As an organizational structure, the town form of government relies heavily on political remedies and social control.

"As in many other Vermont towns of those days, there was a strong cohesion to the community life of the area. Tradition played a large part in the lives of these people. *Tradition had in many respects the force of unwritten law, and was indeed a force stronger than law.*"

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### Vermont Town Government

The town government structure generally emphasizes political accountability over efficiency of operations.

The town government structure assumes a high level of transparency, simplicity in municipal operations, knowledge about municipal responsibilities, and citizen engagement.

The reliance on political remedies is mitigated by the fact that there is no statutory process for recall of elected officers.

### Vermont Town Government

The model isn't particularly efficient and doesn't scale well. Common issues arise:

- **Lack of Time** - The selectboard finds it does not have the facts it needs to make sound decisions.
- **Lack of Expertise** - The selectboard doesn't have the level of technical expertise required to oversee municipal operations or comply with state and federal regulations.
- **Lack of Resources** - Administrative issues continually consume large amounts of time.

### Vermont Town Government

Approximately 187 Vermont towns operate under the statutory town governance model, with some minor variations.

Of these towns, approximately 35 selectboards have employed a town administrator to assist with the obligations of running the town.

The town administrator is not a statutory town officer, but an employee of the selectboard whose responsibilities are set out in a job description.



## Municipal Manager Form of Local Government

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The most common variation from the basic statutory model is the municipal manager form of government.

24 V.S.A. Chapter 37 authorizes municipalities to adopt the municipal manager form of government through a local vote.

Some municipalities, including Bennington, have adopted the manager form of government through a municipal governance charter.

Approximately 54 Vermont municipalities operate under the manager form of government.

## Municipal Manager Form of Local Government

The adoption of the municipal manager form of government significantly alters the role of the selectboard.

Generally, the selectboard retains its quasi-judicial and legislative functions.

Administrative and executive responsibilities are vested in a professional manager who reports to the selectboard.

## Municipal Manager Form of Local Government

Under the manager form, the selectboard members are the elected representatives of the community.

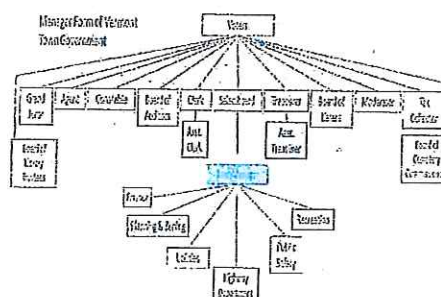
Theoretically, the selectboard concentrates on policy and ensuring that the local government is responsive to community needs and wishes.

## Municipal Manager Form of Local Government

The manager is hired to assist the board in the determination of policy and to carry out those policy decisions.

The manager serves at the direction of the board and may be terminated if not responsive to the wishes of the board.

## Municipal Manager Form of Local Government



## Municipal Manager Form of Local Government

Under the statutory town government form, a selectboard operates much like the proprietors of a small business, serving as shareholders, directors, officers, managers and employees simultaneously.

## Municipal Manager Form of Local Government

Under the municipal manager form of local government, the selectboard functions less like the proprietors of a small business and more like the board of directors of a public corporation - strategically engaged in setting the town's policies and direction but operationally distant from day-to-day functions.

## Municipal Manager Form of Local Government

In theory, the municipal manager form of local government:

- Increases accountability by allowing the selectboard to hold one person accountable for the delivery of town services.
- Increases efficiency by removing the selectboard from operational decisions, allowing the board more time for policy issues.



## Vermont City Government

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*Do any statutory criteria define a City vs. a Town or is that solely a local voter decision?*

It is a local voter decision.

*Is there any real difference between a City or Town other than perception?*



## Vermont City Government

There are nine cities in Vermont:

- Barre
- Burlington
- Montpelier
- Newport
- Rutland
- St. Albans
- South Burlington
- Vergennes
- Winooski

## What Defines a City?

It is not population.

The towns of Bennington, Essex and Colchester are among the top ten Vermont municipalities in terms of population.

Each has a charter and governance system unlike a statutory town, but they are not cities (or at least they don't call themselves cities).

## What Defines a City?

Four general parameters that characterize a local governance model:

- Which offices are elected and which are appointed?
- Who appoints, controls and directs municipal employees?
- How are the budget and tax rate set?
- What powers the voters have in relation to the authority granted to local officials?

## What Defines a City?

There are fewer elected and more appointed city officers. In South Burlington, only the clerk and the city councilors are elected.

Most cities, but not Burlington or Rutland, have an appointed city manager who directs and controls the city employees.

Most cities, but not South Burlington, have a mayor, but the mayor's authority relative to the city council and manager varies.

## What Defines a City?

In a few cities, the council prepares, adopts and administers the city budget and sets the tax rate. The voters are not directly involved in the budget approval process.

Generally, the city governance system is more representational and less participatory than statutory town government.

## What Defines a City?

Though each Vermont city accomplishes the same functions, each goes about it in a different way.

Each has evolved more as a result of conditions particular to that community than as a result of what other communities have done.

There is no one "best" model. Longevity shows that each works despite the differences.



## Rutland City

Population: 17,292

Mayor, treasurer, and assessor elected for two year term.

The city clerk and city attorney are appointed to two year terms by the mayor.

No city manager.

## Rutland City Board of Aldermen/Mayor

Eleven member board of aldermen elected to two year terms.

Aldermen adopt and amend city ordinances.

Aldermen confirm appointments made by the mayor.

## Rutland City Board of Aldermen/Mayor

The mayor can veto an action passed by the board of aldermen, subject to override.

Mayor appoints department heads and officers, subject to confirmation by the board of aldermen.

## Rutland City Board of Aldermen/Mayor

Mayor, with the president of board of aldermen, comprise the board of finance.

The board of finance approves payment of bills. Upon board approval, the mayor signs a warrant, authorizing the treasurer to pay money.

## Rutland City Clerk/Treasurer/Assessor

Appointed city clerk has same general statutory responsibilities as town clerks.

Elected city treasurer has same general responsibilities as town treasurer. Acts as collector of current and delinquent taxes.

Elected assessor has same general authorities as town listers.

## Barre City

Population: 9,291

Clerk, treasurer and mayor are elected to two year terms.

City manager is appointed by the city council.

Assessor is appointed by the city manager, subject to approval by the city council.

### Barre City Council/Mayor/Manager

City council is comprised of six aldermen and the mayor.

Council appoints the city manager, city attorney, most board and committee members. Fills vacancies in elected offices.

Council adopts ordinances and determines all matters of city policy.

### Barre City Council/Mayor/Manager

Mayor is the leader of the city council.

Presides at all meetings of the city council, can call special council meetings and participates as a full voting member.

Mayor has little executive authority under the charter.

### Barre City Council/Mayor/Manager

Manager is the chief administrative officer of the city.

Appointed by the city council to an annual term.

Holds office at the will of the city council and may be removed without cause.

### Barre City Council/Mayor/Manager

Manager appoints and removes all department heads and other officers.

City council is expressly prohibited from giving orders to appointed officers and employees subordinate to the manager.

Manager is responsible for responsible carrying out city council policies.

### Barre City Clerk/Treasurer/Assessor

Elected city clerk has same general statutory responsibilities as town clerks. Serves as clerk of the city council, responsible for records, etc.

Elected city treasurer has the same general statutory responsibilities as town treasurers. Acts as the collector of current taxes.

The city assessor is appointed by the city manager, subject to approval of the city council. Department of assessment that has the same powers and duties as town listers.

### South Burlington City

Population: 15,418

Clerk elected to a three-year term. Until recently, the clerk was appointed by city council.

City manager and treasurer appointed by the city council. No mayor.

Assessor is appointed by the city manager.

**South Burlington  
Manager/City Council**

City council is comprised of five members elected at large for two and three year terms.

Council appoints the city manager and most of the other city officers and board members.

Council adopts ordinances, subject to voter initiative authority.

**South Burlington  
Manager/City Council**

Manager is the chief executive officer of the city.

Manager is appointed by the city council to an indefinite term.

Can be removed from office without cause on ninety days notice.

**South Burlington  
Manager/City Council**

Manager is responsible for all financial accounting and reporting.

Responsible for the enforcement of all city laws and ordinances

Collects all current and delinquent taxes.



**Town of Bennington**

Population: 15,764

Clerk and treasurer are elected to three year terms.

Seven-member select board elected for three-year terms.

Town manager is appointed by select board.

Three member board of listers is appointed by select board.

**Town of Bennington  
Uncommon/Unique Charter Provisions**

The voters have authority to compel nonbinding advisory votes. The Select Board must place these articles on the warning. See Section 103.

In most Vermont municipalities, the legislative body is only required to warn a petitioned article when the purpose stated in the article "sets forth a clear right which is within the province of the town meeting to grant or refuse through its vote." *Clift v. City of South Burlington*, 2007 VT 3.



### Town of Bennington Uncommon/Unique Charter Provisions

Bennington voters have authority to recall elected officers. Sixteen other municipal charters have recall provisions. There is no statutory recall authority. See Charter Section 104.

The Bennington select board appoints a board of listers. Typically, where listers are not elected, a single assessor is appointed to fill the statutory responsibilities of the board of listers. See Charter Section 202.

### Town of Bennington Uncommon/Unique Charter Provisions

The Bennington select board has authority to set speed limits less than 20 mph. See Section 302.

The Bennington select board has authority to establish polling places. See Section 303.

A person appointed to fill a vacancy on the select board holds the position until the next annual election. See Section 304.

### Town of Bennington Uncommon/Unique Charter Provisions

Special assessment districts can be established by the Bennington select board without a vote of the town. See Section 504.

A reduction in town property tax is allowed for those living in Bennington Fire District No. 1. See Section 505.

The Bennington Downtown District. See Sections 506-510.

### Things to Think About

Should Bennington have a mayor?

Among Vermont cities with mayors, there are stronger mayors and weaker mayors.

The mayor can be chair of the city council and ceremonial head of government (e.g., Winooski City) or the city's chief executive officer (Rutland City).

One city - South Burlington - does not have a mayor.

### Things to Think About

If so, what should the role of the manager be?

There are stronger managers and weaker managers (e.g., South Burlington and Newport City).

Most of the manager's "strength" lies in the authority to make appointments and employees and administer the budget without interference from the city council or selectboard.

Sometimes the strength of the manager's office is a function of the personalities of the manager, mayor, and council members. (e.g., Barre and Montpelier).

### Things to Think About

Should Bennington have a local option tax?

As of October, 2016 there were 14 municipalities with local option sales tax and 17 municipalities with local option meals, alcoholic beverages, and rooms taxes.

As part of Act 60, local option tax was authorized for municipalities (e.g., Killington, Manchester, Dover) meeting certain property thresholds. 1 V.S.A. 138(a)(3).

Adoption of a local option tax on sales, meals, alcoholic beverages, and rooms would require an amendment to the Bennington charter.

## Housekeeping

### Quick Corrections

- Section 304(c) "...when the voters of the District Town shall fill the vacancy."
- Section 401. Appointed by selectors Select Board.
- Section 401. The Select Board members shall appoint a Town Manager for an indefinite term, and upon such conditions as they may determine.
- Section 404(d) Change "Zoning Board" to "Development Review Board"

## Housekeeping

If personal property tax is not being collected, consider eliminating the reference to personal property in 501.

Consider changing Select Board to Selectboard.

Change reference from Select Board members to Select Board when the group is being referenced.

## Questions



## The Charter Amendment Process

When a committee drafts a charter amendment, the legislative body must approve it:

17 V.S.A. 2645(a)(1)

The legislative body can amend the committee's proposal.

Once approved by the legislative body, the amendment proposal is then filed in the clerk's office.

17 V.S.A. 2645(a)(1)

## The Charter Amendment Process

No less than ten days after filing, the legislative body must hold the first of two informational hearings on the proposal.

The first hearing must be held at least 30 days before the annual or special meeting at which the voters will vote to approve the amendment.

17 V.S.A. 2645(a)(3)

If the proposal was made by the Legislative body, it may revise the proposal after the hearings.

17 V.S.A. 2645(a)(4)

## The Charter Amendment Process

Voting on a charter amendment is by Australian ballot.

17 V.S.A. 2645(a)(7).

If the amendments are approved, the clerk must certify the results to the Secretary of State.

17 V.S.A. 2645(b).

The amendment becomes effective upon affirmative enactment by the Legislature.

17 V.S.A. 2645(d).

### **The Charter Amendment Process**

As a state statute, the Legislature is free to amend the charter proposal as it sees fit.

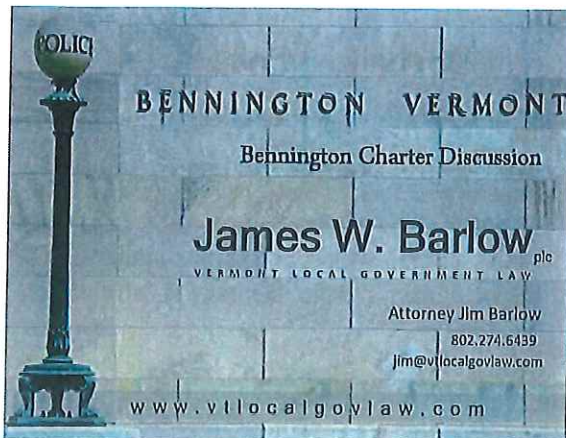
Most pass through the Legislature without change.

The selectboard and manager should be ready to testify and advocate for the proposal in the Statehouse.

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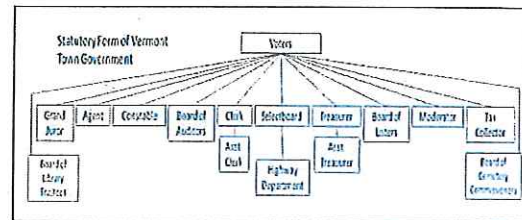
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## Municipal Manager Form of Local Government

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The most common variation from the basic statutory model is the **municipal manager form of government**.

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Some municipalities, including Bennington, have adopted the manager form of government through a **municipal governance charter**.

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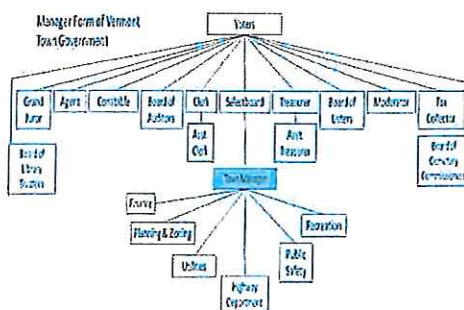
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- How are the budget and tax rate set?
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## What Defines a City?

There are **fewer elected** and more appointed city **officers**. In South Burlington, only the clerk and the city councilors are elected.

Most cities, but not Burlington or Rutland, have an appointed **city manager** who directs and controls the city employees.

Most cities, but not South Burlington, have a **mayor**, but the mayor's authority relative to the city council and manager varies.

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Generally, a city governance system is **more representational** and **less participatory** than statutory town government.

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There is no one "best" model. Longevity shows that each works despite the differences.

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Population: 17,292

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The city clerk and city attorney are appointed to two year terms by the mayor.

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## **Rutland City Clerk/Treasurer/Assessor**

**Appointed city clerk** has same general statutory responsibilities as town clerks.

**Elected city treasurer** has same general responsibilities as town treasurer. Acts as collector of current and delinquent taxes.

**Elected assessor** has same general authorities as town listers.

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Population: 9,291

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City manager is appointed by the city council.

Assessor is appointed by the city manager, subject to approval by the city council.

## **Barre City Council/Mayor/Manager**

City council is comprised of six councillors and the mayor.

Annually, one council member is elected from each of three wards. The mayor is elected biannually.

Council appoints the city manager, most board and committee members. Fills vacancies in elected offices.

Council adopts ordinances and determines all matters of city policy.

## **Barre City Council/Mayor/Manager**

Mayor is the leader of the city council.

Presides at all meetings of the city council, can call special council meetings and participates as a full voting member.

Mayor has little executive authority under the charter.

## Barre City Council/Mayor/Manager

Barre City Charter, Section 409.

(a) The Mayor shall be chief conservator of the peace and safety of the City and, as such, is empowered to control and direct the police force, in case of riot, insurrection, or other emergency, when he or she may take command of the whole police force, including the chief executive thereof, and may, for the occasion, appoint and commission as many special policemen as he or she may deem necessary who shall have all the powers of regular members of the police force. Any emergency as provided for in this section shall not be construed to be the operation of the police force in its routine duty. The Mayor shall have the power to administer oath before the City Council and official oaths to the several officers of the City, when required by law.

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(b) The Mayor shall preside at all meetings of the City Council and shall have a voice and vote in its proceedings. He or she shall be recognized as head of the municipal government for all ceremonial purposes and by the Governor for the purposes of military law. In the event of his or her inability to act, his or her absence or disability, the Council shall designate one of its members to act as Mayor during his or her absence or disability.

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Elected city clerk has same general statutory responsibilities as town clerks. Serves as clerk of the city council, responsible for records, etc.

Elected city treasurer has the same general statutory responsibilities as town treasurers. Acts as the collector of current taxes.

The city assessor is appointed by the city manager, subject to approval of the city council. Department of assessment that has the same powers and duties as town listers.

?

## Town of Bennington

Population: 15,764

Clerk and treasurer are elected to three year terms.

Seven-member select board elected for three year terms.

Town manager is appointed by select board.

Three member board of listers is appointed by select board.

## Town of Bennington Uncommon/Unique Charter Provisions

The voters have authority to compel **nonbinding advisory votes**. The Select Board must place these articles on the warning. See Section 103.

In most Vermont municipalities, the legislative body is only required to warn a petitioned article when the purpose stated in the article "sets forth a clear right which is within the province of the town meeting to grant or refuse through its vote." *Clift v. City of South Burlington*, 2007 VT 3.

## Town of Bennington Uncommon/Unique Charter Provisions

Bennington voters have authority to **recall** elected officers.

Sixteen other municipal charters have recall provisions. There is no statutory recall authority. See Charter Section 104.

## Town of Bennington Uncommon/Unique Charter Provisions

**Special assessment districts** can be established by the Bennington select board without a vote of the town. See Section 504.

The Bennington Downtown District. See Sections 506-510.

## Things to Think About

Should Bennington have a mayor?

Among Vermont municipalities with mayors, there are stronger mayors and weaker mayors.

The mayor can be chair of the council and ceremonial head of government (e.g., Winooski City) or the chief executive officer (Rutland City).

## Things to Think About

If so, should Bennington have a manager and what should the role of the manager be?

There are stronger managers and weaker managers.

Most of the manager's "strength" lies in the authority to make appointments and employees and administer the budget without interference from the city council or selectboard.

Sometimes the strength of the manager's office is a function of the personalities of the manager, mayor, and council members. (e.g., Barre and Montpelier).

## Things to Think About

Should Bennington have a local option tax?

As of October, 2016 there were 14 municipalities with local option sales tax and 17 municipalities with local option meals, alcoholic beverages, and rooms taxes.

As part of Act 60, local option tax was authorized for municipalities meeting certain property tax thresholds. 1 V.S.A. 138(a)(3). For example, Killington, Manchester, and Dover.

Adoption of a local option tax on sales, meals, alcoholic beverages, or rooms would require an amendment to the Bennington charter.

## Questions



## The Charter Amendment Process

Town of Bennington Charter, Section 806 Charter Review Committee

The Select Board may appoint a Charter Review Committee of not less than five nor more than nine members of the inhabitants of the Town, said Committee to review the charter and recommend such changes therein as it finds necessary or advisable for the purpose of improving the operation of Town government. Said Committee shall prepare a written report of their recommended amendments to the charter in time for same to be submitted to the Select Board for review no later than one year after the appointment of said Committee. At the discretion of the Select Board such amendments may be warned for ballot vote at an annual or special Town meeting to be held no later than one year after the submission of the report. The Select Board shall provide in their budget for any year when a Charter Review Committee is appointed, a sum of money for said Committee.

## The Charter Amendment Process

The select board must hold at least two informational hearings prior to a public vote.

17 V.S.A. 2645(a)(3)

Voting is by Australian ballot.

17 V.S.A. 2645(a)(7)

If the amendments are approved, the clerk must transmit the amendments to the Secretary of State.

17 V.S.A. 2645(b)

The amendment becomes effective upon affirmative enactment by the Legislature.

17 V.S.A. 2645(d)

## The Charter Amendment Process

As a state statute, the Legislature is free to amend the charter proposal as it sees fit.

Most charter amendments pass through the Legislature without change.

Nevertheless, the Town should be ready to testify and advocate for the its charter in the Statehouse.

## Questions





**Town of Bennington**  
**Charter Review Committee**  
**Public comments received via**  
**the Town's website**

2017-08-24 14:28:26

**Name:** Lora Block

**Town:** Bennington

**Subject:** Town Treasurer

**Message:** I strongly support the suggestion made by Sean-Marie Oller that some professional qualifications and expertise be required for the post of Treasurer of both Town and School Boards. And I agree that should remain an elected position. Stu Hurd's comment in the news report that "Bennington isn't Coventry because our accounts are audited" doesn't give us enough assurance that we will always have the appropriate individual in that position.

2017-08-24 16:26:59

**Name:** Ron Alderman

**Town:** Bennington

**Subject:** general

**Message:** Committee members, I finally made time to download the website and catch up on minutes of all meetings. Very neat and easy to navigate site. Thank you for that. Nancy Lively, Great job on the minutes. I like all the details. Very informative. So far-so good

2017-08-26 08:06:17

**Name:** Catherine Condict

**Town:** Bennington

**Subject:** Salary of Town Clerk

**Message:** I have been deeply disturbed to learn of the salary of the Town Clerk, in comparison to other salaries and the median (for males, females, household, and for families) in the Town of Bennington, especially when compared to the lack of educational attainment required by this position. In consideration of the poverty rate, and particularly the rate of children living in poverty in this area, it seems to be that the Town of Bennington should be transparent that the Clerk earns upwards of 78,000 a year (likely more now) and the citizens should question whether that salary is justified (third highest in the State as of the last time I checked despite Bennington having one of the highest poverty rates). What was the justification for this? How was this salary allowed to surpass that of more affluent areas? Could the Town reallocate that money to better support early education and begin to change the community conditions that negatively affect those that are most vulnerable? In comparison to State employee salaries for a job that requires only a bachelor's degree, this is excessive. What is the justification and what was the process by which this was approved? Did all town salaries follow the same process to be increased to such a rate?

2017-09-14 18:56:31

**Name:** William Stewart

**Town:** Bennington

**Subject:** 'Mayor Discussion Tabled for Now'

**Message:** In reading this article in the Bennington Banner today, I have a few comments regarding Term Limits.

- 1.) According to Wikipedia, "A term limit is a legal restriction that limits the number of terms an officeholder may serve in a particular elected office. When term limits are found in presidential and semi-presidential systems they act as a method to curb the potential for monopoly, where a leader effectively becomes "president for life"."; and these days..."Dictator for Life"
- 2.) A Term of nine years (more than 2 Presidential terms) for a Select Board Member, should be viewed as completely unacceptable.
- 3.) I'd be interested to understand the "ambivalence and philosophical reasons" for not enforcing term limits regardless of the individuals position in our Town Government
- 4.) And, why on earth isn't anyone recommending term limits for the Town Manager, who has been the town manager for 25 years? I see this as a complete violation of item #1, as stated above
- 5.) 14 years have passed since the last mayoral format option was presented to the citizens of Bennington. I think we have waited long enough, and "tabling" this issue only demonstrates a complete violation of item #1, as stated above

2017-09-18 07:22:52

**Name:** Abby Shapiro

**Town:** Bennington

**Subject:** Water Board

**Message:** It is my understanding that the current charter states that the selectboard is also the water board. I think this is a mistake because the selectboard have too much on their task list already. In my experience the town manager comes to the board says this is what we are going to do and then that is it.

My wish list would be an advisory water board/committee composed of 3-5 people either elected or appointed who would work with the town manager, water dept and the selectboard to add a citizen's perspective to all large decisions. Criteria to be on the board would be a municipal water user, not a town employee or elected member of the government, or someone who might have a conflict of interest if work were being bid on. There would not need to be regular meetings if there were no issues but the users perspective has been lacking in many water dept plans and decisions. The power to influence decisions needs to be shared by a larger body. Thank you.



2017-09-30 12:04:09

**Name:** Spoon Agave

**Town:** Brattleboro

**Subject:** Mayor/manager

**Message:** I was the chair of our Charter Revision Commission about six years ago, our last revision. We looked fairly extensively into the mayor/manager (weak and strong) systems. We brought a couple mayors and a couple managers down, one at a time, to discuss this with us. In the end we stayed where we were, with a Town Manager.

The big questions were: what were the problems we were trying to solve and did their cause or solution have anything to do with one form of government leadership or another? Also, could we find substantial differences in the quality of governance and/or community between municipalities using different systems?

It seemed that given the nature of our electoral system (that is, does our electoral system lend itself towards the choosing of truly qualified officers) we concluded that a board/council, with its more numerous and diverse membership, was more likely to choose a more qualified person. In that function it becomes a hiring committee and has the opportunity, if not responsibility, to select the qualifications it wants. It has the opportunity to compare a wide variety of generally qualified candidates. It makes a very deliberative and thoughtful choice. This does not describe an electorate. Essentially, the Town Manager system is a more democratic system.

In Brattleboro we have a Town Manager system. We could find no evidence among the few cities (mayor systems) in Vermont of any advantages or benefits that we didn't enjoy ourselves. It seems like the usual argument for a mayor is to have a person who can and will be more decisive. More efficient, so to speak. Someone who can make and implement decisions more quickly. More than that, that person has to be making the "right" decisions. Given the nature of electoral campaigns, that voters are more often than not under informed or ill-informed, that candidates are only required to be 18 years old and a citizen of the municipality, what are the chances of getting the best possible person? Would a Selectboard, acting as a hiring committee, be asking for applicants with only those qualifications?

Again: what problems are you trying to solve? Is a mayor significantly more likely to solve them? Are there other ways of solving your problems?

2017-10-02 09:27:18

**Name:** Ron Alderman

**Town:** Bennington

**Subject:** Mayoral discussion

**Message:** Committee Members, I realize that you have tabled the Mayoral discussion for the time being. I just want to mention that a letter was published in the October 2 issue in the Banner from a Brattleboro resident regarding this issue. The writer makes valid points. I basically agree with her. I will have more to say at the appropriate time.

Thank you.



2017-10-26 14:20:56

**Name:** Ron Alderman

**Town:** Bennington

**Subject:** Mayor or Town Manager

**Message:** Committee members,

I see the mayor question has once again come to surface.

I see no valid reasons to replace the town manager system. Voting for a mayor would in my opinion be more of a popularity contest rather than a vote for an experienced and knowledgeable person. As one of your members pointed out, a mayor is most often associated with a city as opposed to a town.

One argument for a mayoral system is that if the voters are unhappy with performance the mayor can be voted out of office. By the same token a town manager can be removed by the select board with a 30 day (?) notice for cause or a ninety day notice without cause. If enough voters are unhappy they should contact select board members, attend select board meetings on the subject etc. This would eliminate waiting for the next voting period or holding an expensive special election.

As for a ceremonial weak mayor, to me makes that no sense what's so ever.

Thank you,

Ron

2017-11-15 17:39:28

**Name:** Ron Alderman

**Town:** Bennington

**Subject:** Downtown District

**Message:** Board members, I just read the minutes of the November 8 Meeting.

As noted we already have a downtown district. If it were to be expanded, in my estimation, it would mean fewer dollars available for each business in the larger district.

I think this idea should be tabled until at least the Putman Project is completed.

Thank you,

Ron

2017-11-22 12:45:56

**Name:** Joey Kulkin

**Town:** Bennington

**Subject:** Downtown Taxation

**Message:** I am requesting that you strike a portion of the following from the 11/15/17 minutes:

- This section of the Charter gives the Select Board the authority to hire a contractor, such as the Bennington Downtown Alliance (BDA), to accomplish some or all of the purposes set forth in this section.

It should instead read: "This section of the Charter gives the Select Board the authority to hire a contractor to accomplish some or all of the purposes set forth in this section."