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TOWN OF BURLINGTON

Meeting Minutes

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DEPT./BOARD: General Bylaw Review Committee

DATE: September 20, 2022

TIME: 6:30 PM

PLACE: Virtual via Zoom

MEMBERS IN ATTENDANCE:

Chair Scott Martin, Vice Chair Phyllis Neufeld, David Miller, Wendy Guthro, Susan Kadilak, Michelle Huntoon, Sagini Ramesh

Minutes

Chair Scott Martin called the meeting to order at 6:33 PM.

Minutes from August 16, 2022

Upon a motion by Dave, seconded by Phyllis, the minutes of the August 16, 2022 meeting were accepted unanimously, 5-0.

New member

Scott welcomed Sagini Ramesh to the meeting. He said that this committee was taking it upon itself to appoint a new member. Introducing herself, Sagini said that she has been a Burlington resident for over 12 years, that her family includes two sons attending Burlington schools, and that her professional position is VP for a technology company. She expressed her desire to assist the committee, and the Town, with her skills and interest, noting that this committee “has great influence across all the different departments, by bringing forward changes that would benefit all Town residents.” Committee members reported that they had received the notice, five days in advance of this meeting, that a membership vote would be taken, as specified in the Bylaws: Article V, Section 4.0. Upon a motion by Phyllis, seconded by Susan, the committee voted unanimously to approve Sagini Ramesh as a member of this committee, 6-0. Scott said he would notify the Town Clerk of this action.

Phyllis Neufeld, whose re-appointment had been pending, reported that since the last meeting she had been re-appointed by the Town Moderator.





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Discussion

Wendy said she applauded this committee for “recognizing and exercising the power that we have” to appoint members if the Town Moderator fails to do so in the time frame specified in the Bylaws. “That is how government should move.” She advocated for the creation of a guideline for other committees as well, documenting the actions this committee took and advising others of the procedures they can follow if they are in a similar situation (vacant/expired committee positions, delayed re/appointments).

The committee members discussed how this inter-committee communication could be accomplished, in compliance with the Open Meeting Law. Suggestions included posting on the Town website, and/or emailing committee chairs. Wendy suggested that Scott ask the Town Clerk about contacting other committee chairs, and if there were any options for informal sharing among committees. Michelle said that the information should be available to the public, as many residents are unaware of committee work and the fact that they could be appointed to a committee. Dave said that the Town website should include information about what vacancies for committee memberships currently exist, and that there should be “soup to nuts” guidance as to all the steps needed to be appointed to a Town committee. Susan said that some departments have facebook pages, where committee openings could be announced. Phyllis said that online folders, as part of the Town website, could be created and contain “how-tos” that could be updated as needed.

Michelle suggested that this committee compose a guide “to make the Bylaws as approachable as possible,” using bullets and plain language. She said that the Bylaw(s) on committee memberships “is too complicated” and could be interpreted in multiple ways. Wendy said she believed that the “bylaw is the controlling factor and the clarity of the bylaw should stand on its own” and should be the focus of improvement. “We should stick to the letter of the law, but have flexibility as to the process.”

Scott referred to a communication from Town Counsel, that was shared with committee members, in answer to his questions about the intent of the Bylaws concerning committee memberships, appointments, terms, etc. Town Counsel agreed that this committee had the authority to appoint members, since over 45 days had lapsed from the time the Town Moderator could have made the appointment (end of May Town Meeting). Scott said that he would be meeting with the Town Clerk and others about this committee’s intent to rewrite the Bylaws to be clearer on filling vacancies, expired terms, number of members, chair/vice-chairs, length of terms, how notifications are handled (in the current Bylaws, by postal mail); with the goal of greater clarity, and of updating/streamlining this section of the Bylaws.

Filling elected positions

Michelle reported on her work with Sunil Prajapati, a Town resident who attended the previous meeting to ask for the committee’s help in resolving issues around filling vacancies for elected (as opposed to appointed) positions. The concern was around a position to be filled on the Planning Board. Sunil objected to the process, which was that the Planning Board nominated and voted on a candidate, and then the Select Board reviewed





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candidates again and selected someone else. Michelle said that from her review of the state laws, “we are compliant,” although there is some question on the process, for example, should all candidates be reviewed, discussed, and voted on at the same time, during a joint meeting of (in this instance) the Planning Board and the Select Board? This is not described in the state laws – whether or not one vote should be taken at the same time among all members of both the Board with the vacancy and the Select Board.

Phyllis commented that the Select Board normally takes actions at their own meetings, and asked how these situations are normally handled? Dave said that the Planning Board has more members than the Select Board, so theoretically if voting occurred at one time, the Planning Board would have the advantage. Wendy agreed with Michelle that the current process (separate votes) seems to meet the requirements of the state law, but that she could see “a good argument either way.” She suggested that the committee ask Town Counsel to review this matter to determine if the current process is being properly implemented and that the questions are: who gets to nominate candidates, and what is the process for voting? Michelle said she forwarded the relevant state law and the questions to Scott, for sending to Town Counsel for an opinion.

Upcoming Town Meeting

Scott noted that two Bylaws would be presented for votes during the upcoming Town Meeting: the Stormwater Article, and the Article regarding establishing the Burlington Housing Partnership as a permanent committee. Both of these Articles were reviewed by this committee, and at previous meetings the committee voted to recommend them.

Adjournment

Upon a motion by Phyllis, seconded by Susan, the committee voted unanimously, 7-0, to adjourn the meeting. The meeting was adjourned at 8:15 PM.

