

Minutes

CVSWMD Program Oversight Committee (POC)

Central Vermont Chamber of Commerce, 33 Stewart Road, Berlin, VT

Wednesday, September 7, 2016

1. **Convene meeting:** Chair Lee Cattaneo convened the meeting at 5:03 PM with committee members Gerhard Postpischil, Laura Zeisel, and Nancy Kellogg. Other attendees included Cathleen Gent (Planning Analyst) and Bruce Westcott (General Manager). Cathleen Gent took notes.
2. **Approve Meeting Minutes – August 1:** *Laura Zeisel made a motion to approve the minutes, seconded by Gerhard Postpischil. The motion passed unanimously.* Cathleen Gent noted that the draft FY18 Program Work Plans will be presented to the POC at the October meeting.
3. **Charter Review:** Bruce Westcott provided a brief introduction as to the status of the revision project. Gerhard Postpischil distributed a set of charter comments that he compiled. The POC reviewed Gerhard's list, which references the "clean" version of the document and the meeting packet page numbers:
 - a. Section 403-5; page 32 lines 18, 19, and 21 – Change "which" to "that"
 - b. Section 403-5; page 32, line 21 – add space between "domain" and "within"
 - c. Section 403-6; page 33, lines 18-19 – Change "may be responsible for providing" to "may provide"
 - d. Section 403-XX (7); page 34, line 25 – Change "on May" to "by May" [NOTE: staff changed the language to "on or before" for contextual consistency with the rest of the document.]
 - e. Section 403-9; page 35, line 8 – Ask legal counsel if adding "voting" before "representative" is needed. This would clarify that the alternative member cannot vote if the representative is present.
 - f. Section 403-10; page 35, line 14 – Change "shall appoint" to "is encouraged to appoint". Also, ask legal counsel if it is advisable to set a maximum number of alternative appointees (to no more than one).
 - g. Section 403-33; page 40 - Ask legal counsel or reference statute writing protocols regarding whether to retain a section number which has been repealed, with language indicating the fact that it is repealed and the date.
 - h. Section 403-38; page 42, line 21 – Change "each" to "that" before "year"
 - i. Section 403-44; page 45, line 10 – Add new line after "meeting" and before section symbol
 - j. Section 403-57; page 50, line 7 – Change "which" to "that"
 - k. Section 403-59; page 51, line 26 – Change "automobile and truck" to "vehicle"
 - l. General - Delete "maymaymay..." in any instances where those were added due to formatting.
 - m. General – Per conversation with and recommendations from legal counsel, correct section numbering, beginning with Section 403-34.

The POC then reviewed the track changes version of the charter changes to review legal counsel's comments. Bruce Westcott explained that the legal counsel comments stemmed from comments or questions made at the last POC meeting. In general, the POC agrees with the proposed changes, with the following specific language changes or questions.

1. Section 403-5, subsection (8) – Revise to the following: "To provide waste management, resource recovery and/or solid waste disposal services for the member municipalities..."

2. Section 403-5, subsection (15) – Much discussion, but no recommendation was offered. POC asks a question for legal counsel - is the expanded version legal or preferred to the simple “to exercise the power of eminent domain”?
3. Section 403-8 – The POC decided to refer the matter regarding the General Manager language to the Executive Board. The POC prefers the following language without spelling out the specific powers for the General Manager: “The Board of Supervisors may appoint and employ a General Manager and such other personnel as it deems necessary for the conduct of business of the District. The General Manager oversees all aspects of the District, in accordance with CVSWMD’s mission statement. The General Manager shall be responsible to the Board for the administration of the District and for carrying out the policies and duties of CVSWMD. The powers and duties of the General Manager shall be specified by the Board of Supervisors.”
4. Section 403-14 (d) – The POC wants to retain the last part of that section, “Whenever the number of Board of Supervisors attending a meeting shall not be sufficient to constitute a quorum, the Clerk of the District shall so notify the Clerk of each municipality in the District, naming those Supervisors who were not in attendance.”
5. Section 403-XX– Procedures for Adoption of Ordinances, Rules, and Regulations - The POC indicated a preference for a simple statement for this section, as follows: “The Board of Supervisors may adopt ordinances relating to the District, its powers, and other related subjects pursuant to the procedures of Chapter 59 of Title 24.” This could be part of Section 403-18, which means that a new section for procedures for adoption of ordinances, rules, and regulations is not needed.
6. Section 403-XX – Grand Juror – The POC agreed to retain this section, since legal counsel recommends that it be in the document. The POC agreed that the juror should NOT be a member of the Board.
7. Section 403-59 – (1) – Solid Waste definition – agreed with legal counsel’s suggestion to simply refer to 10 V.S.A, section 6602, for this definition.

Motion: Made by Laura Zeisel, seconded by Gerhard Postpischil, to recommend approval of the CVSWMD charter changes with the changes made tonight, with the exception of the items detailed during the discussion. The motion passed unanimously.

Lee Cattaneo noted that the other topics not covered during this meeting will be taken up at the next POC meeting.

4. **Adjournment** – *The meeting adjourned at 6:28 PM.*