

February 1, 2022 Hearing

House Committee on Government Operations State House
Montpelier, Vermont

Madam Chair and Members of the House Committee on Government Operations:

Thank you for this opportunity to provide testimony on H.447, Amendments to the Town of Springfield Charter.

I would like to address some of the items that were discussed at your January 19th meeting, to provide some historical perspective relative to our charter amendment process, and provide context to some of the specific amendments.

Page 3 lines 20 and 21, Page 4 lines 1 through 7 – Section 3(b)(1 and 2). One of the most talked about concerns in town is blight and code enforcement. Most people see it as depressing the Grand List and on a more personal basis, directly reducing property values. In early 2016 we met with our Representatives and Senators and decided to introduce legislation to allow towns and cities to pass an ordinance that holds a property owner responsible for the maintenance and appearance of his or her real property. Representative Bob Forguites took the lead and was joined by Representatives Alice Emmons and Leigh Dakin. The Government Operations Committee heard testimony and ultimately the bill failed on a tie vote. A few of the Committee members commented that the need to address this issue in Springfield might be better received by the Committee if presented as a charter amendment. That started this six-year journey. The following month a Charter Committee was formed with eleven members of which seven were from the community at large. After biweekly meetings over an eight-month period, a comprehensive overhaul of the charter was presented to the Selectboard. There were numerous public hearings and forums, newspaper coverage and a one and half hour show on our local public access TV. It went to the voters at Town Meeting in March 2017. It overwhelmingly passed. Unfortunately, the current charter requires at least 25% voter participation to approve a charter amendment (page 22 lines 10 through 15). Our turnout was 19%. In fact, during the prior decade we never reached the 25% threshold. Furthermore, the current charter also states that a charter amendment or revision may be voted only once in three years (page 29, lines 15 to 18).

The Charter Committee was reconstituted and we went through the entire process again (including all the outreach and public information sessions mentioned before) starting in October 2019 and presented it to the voters at the Presidential election of November 2020 where it once again was approved with 2,234 yes and 1,147 no. This time we far exceeded the 25% voter turnout (60%).

I'll now focus on some of the specific items that were discussed at your January 19, 2022 meeting.

Page 3 lines 20 and 21, Page 4 lines 1 through 7 – Section 3(b)(1 and 2): The ability to fight blight is extremely important to the Selectboard and our community. We researched the topic thoroughly and ultimately decided to adopt the exact same language that already exists in statute in the Charter for the Town of Shelburne (24 App. V.S.A. ch. 147, Section 1.04(4)). We hoped that by using existing language, it would be more acceptable to the Legislature.

Page 6 lines 17 through 19 (permissive referendum): In reviewing the notes of the discussion about the inclusion of this item, it appears that there was concern over a possible conflict with another part of the existing Charter that states “The effect of town meeting action on an ordinance shall take place upon passage unless otherwise provided therein” (Page 6 lines 1 through 3). This would effect the timing of when ordinances become effective. I have talked with some of the members of the Charter Committee and I don’t believe that it was intended that the permissive referendum process be removed.

Page 10 lines 20 and 21, and page 11 lines 1 and 2 (emergency ordinances): This change in voting was made because it was felt that there could be an emergency that requires immediate action and not all Selectboard members could be assembled. If the action required four affirmative votes and only four members were available, then one member could prevent action. If only three were available, no action could be taken. The proposed language would allow action with four aye votes when five members are present, three aye votes when four members are present, and three aye votes when three members are present. We felt this was a more reasonable approach to take when faced with a declared emergency.

Page 13 lines 16 through 18 (injunctive relief): We have had a number of dilapidated and unsafe buildings that have taken years going through the courts. The most recent one took five years. Our inability to take action to remediate the problem has resulted in the neighbors and entire neighborhoods becoming blighted. Such structures become magnets for graffiti, drugs and other crimes.

Page 13 lines 19 and 20, pages 14 through 16 lines 1 through 20, page 17 lines 1 through 10 (open meetings): Our charter was out of date with statutes dealing with open meetings, and with additional changes occurring, there was no way that the charter could keep pace. Therefore we decided it would be best to simply refer to existing statutes.

Page 21 lines 12 through 14 (emergency plan): I believe this is an error. It simply repeats lines 4 through 6 on the same page.

Page 22 lines 10 through 14 (voter participation): Achieving a 25% voter turnout for town meeting elections has been next to impossible. We have reduced the requirement to 15% which is more attainable.

Page 22 lines 15 through 17 (charter amendment revote): This language is related to charter language on page 29 lines 15 through 18 where the three-year waiting period was established under the existing charter for any proposed amendment or revision regardless of whether it

was coming from the Selectboard or a citizen initiative. We felt there may be instances where the Selectboard determines that a charter amendment is needed sooner than waiting three years.

Page 40 lines 13 through 20 and page 41 lines 1 through 7 (Constable): We have moved the Town Constable position from elected to appointed as noted on page 45 line 20 and page 46 lines 1 through 11. The duties are basically the same. We have had difficulty in getting candidates to run for this office and we would like to be able to rely on this position.

Thank you for accepting this testimony. I will be available at your February 1, 2022 meeting to answer questions and provide additional information. I will be joined by Jeff Mobus, the Town Manager. Jeff was the Chair of the Charter Committee for the 2019-2020 session (before he became Town Manager).

Sincerely,

A handwritten signature in cursive script that reads "Walter Martone". The signature is written in black ink and is positioned below the word "Sincerely,".

Walter Martone

Chair, Springfield Selectboard