



TOWN OF WEATHERSFIELD

LAND USE ADMINISTRATOR'S OFFICE

(802)674-2626

P.O. BOX 550 ASCUTNEY, VT 05030

landuse@weathersfield.org

Zoning Board of Adjustment Agenda

Martin Memorial Hall – 5259 Route 5, Ascutney, Vermont 05030

Remote option – Zoom details below

Tuesday, March 28, 2023 – 6:30 PM

-
1. Call to Order
 2. Agenda Review
 3. Comments from Citizens regarding items not on the agenda
 4. Approval of Meeting Minutes – February 28, 2023
 5. Board Reorganization – Election of Officers
 6. Ethics Policy, Conflict of Interest Policy, & Rules of Procedure review
 7. Update from LUA on changes to Bylaws by Planning Commission
 8. Site Plan Review Checklist and Example Site Plans
 9. Discussion of Items for Future Agendas
 10. Adjourn

Due to public demand and COVID-19; the Town has changed its public meeting platform from GoToMeeting to Zoom. For computer access, please go to this website, where you will find instructions and links to the meeting: <https://www.weathersfieldvt.org/home/news/public-meetings-zoom>

To join any public meeting via phone, dial (929) 205-6099. When prompted, enter meeting ID 542-595-4364. You will not have a participant ID. Please press # when prompted to skip this section. The passcode for all meetings is 8021.

AGENDA ITEM

4

Zoning Board of Adjustment

February 28, 2023

Draft Meeting Minutes

1. Introductions

Board members present at the meeting were Todd Hindinger, Joseph Bublat, Willis Wood, and David Gulbrandsen. John Broker Campbell participated via zoom. Ryan Gumbart, land use administrator, was also in attendance.

The audience members were Carl Wyman and Susan Kissel.

2. Call to order

Todd Hindinger called the meeting to order at 6:35 PM.

3. Agenda Review

There were no changes.

4. Comments from Citizens regarding items not on the agenda

There were none.

5. Approval of Meeting Minutes – January 24, 2023

Todd Hindinger made a motion to approve the minutes of January 24, 2023 as corrected. David Gulbransen stated that the last printed Bylaws contained wording about abandoned buildings. Ryan Gumbart stated that it needs to be a separate ordinance vs. a Bylaw per the Town's attorney. Willis Wood seconded it. John Broker Campbell and Joseph Bublat abstained. The motion passed.

6. Public Hearing: Application 23.02.08 by Susan Kissel for the use determination at Lot 4 Harvest Park Road in highway commercial zoning district.

Todd Hinderger opened the hearing at 6:41 PM by reading the Notice of Public Hearing. David Gulbrandsen mentioned that his wife knows Susan Kissel, but he feels that he can be fair at this hearing. There were no ex parte communication or conflicts of interest.

Todd Hinderger made a motion that Susan Kissel, applicant, and Carl Wyman, land owner, to have interested party status. Willis Wood seconded it. All were unanimous. Susan Kissel and Carl Wyman affirmed.

Ryan Gumbart stated that veterinary clinics are not listed as a use for highway commercial districts. This hearing is for a primary determination to be made. Once the determination is made by the Board, then the applicant will either come back for the site plan, or not. It depends upon the Board's decision. The Board members were presented a site plan in their packet. Susan Kessel stated that once the Board decides where it falls, then she would do a site plan.

Exhibit #1 is two pages from Ryan Gumbart. Exhibit #2 is the Notice of Public Hearing. Exhibit #3 is the certificate of postage. Exhibit #4 is the abutters map (2 pages). Exhibit #5 is the Kissel application (7 pages). Exhibit #6 is the letter from Dave Fuller.

Susan Kessel stated that she currently has a small animal vet clinic in Windsor, but does not own the building. She has been looking for a place to purchase and move the clinic to. This parcel is a perfect location and in the highway commercial. It is right off the highway. She has met with the abutter on the north side, Mr. LeClair, and he seems fine with it. At this time, it will not have emergency hours. There will be no outdoor kennels or run. They will just walk the dogs. It will be approximately 2000 sq ft. She mentioned that the Office of Veterinary Board regulates vet clinics.

Carl Wyman stated that there is a subdivision already there, septic has been determined, and it has a road. There is a water deposit with the Town of Weathersfield.

The Board discussed the Bylaws in regards to medical facilities not being permitted in highway commercial. Willis Wood read the definition for medical facility. The Board agreed this is not a medical facility. Joseph Bublat stated that it seems like a commercial business and would fall into highway commercial. David Gulbrandsen stated that highway commercial is a service to the public. Todd Hinderger read Dave Fuller's email in support of this.

Carl Wyman wanted to know about the time frame because construction takes time. The sooner they find out, the better. They are hoping it happens this year vs. next year. Todd Hinderger stated that the Board has 45 days from today to make their decision.

Willis Wood made a motion to close the hearing at 7:03 PM. Joseph Bublat seconded it. All were unanimous.

7. Meeting date change

The dates and times will remain the same.

8. Recruitment of new Board members

Diana Stillson mentioned that she was asked to be a reference of an interested candidate. Todd Hinderger mentioned that he has two people interested too. The Board discussed the application form.

9. Adjournment

Willis Wood made a motion to adjourn at 7:16 PM. Todd Hinderger seconded it. All were in favor.

Respectfully submitted,

Diana Stillson

AGENDA ITEM

6

TOWN OF WEATHERSFIELD, VERMONT
ETHICS POLICY

I. PURPOSE

The residents and property owners of Weathersfield deserve the finest municipal government possible.

The operation of a democratic government requires:

- ~ That public officials and employees be independent, impartial, and responsible to the people;
- ~ That government decisions and policy be made in the proper channels of governmental structure;
- ~ The public office not be used for personal purposes or gain; and
- ~ That the public have confidence in the integrity of its government.

In recognition of these goals, a policy relating to ethics and conflict of interest should be implemented. The purpose of this Policy is to establish guidelines and ethical standards of conduct to the Town of Weathersfield, by setting forth those acts or actions which are incompatible with the best interests of the Town, and directing disclosure by officials and staff of private financial, or other, interest in matters affecting the Town.

II. DEFINITIONS

- (A) **Board or Commission** shall mean the Select Board of the Town of Weathersfield, and all other boards, councils, commissions, or committees of the Town of Weathersfield.
- (B) **Conflict of Interest** shall mean a personal or pecuniary interest of a public official, or his or her relative as defined in Title 12, Section 61 (a) or Title 24, Section 1023, of the Vermont Statutes Annotated, a member of the household, business associate, employer or employee, in the outcome of a cause, proceeding, application, or any other matter pending before the board or commission in which he/she holds office or is employed. **Conflict of Interest** does not arise in the case of votes or decisions on matters in which the public official has a personal or pecuniary interest in the outcome no greater than that of other persons residing in Weathersfield generally affected by the decision, such as adopting a bylaw or setting a tax rate;

RECEIVED

SEP 07 2016

WEATHERSFIELD, VT
TOWN CLERK

*310. Ann. Depo
Town Clerk*

TOWN OF WEATHERSFIELD, VERMONT
ETHICS POLICY

- (C) **Official act or action** means any legislative, administrative, or quasi-judicial act performed by any public officer while acting on behalf of the municipality.
- (D) **Public Official** means any person elected, appointed or employed by the Town of Weathersfield.

III. OFFICIAL ACTIONS

- (A) No board or commission member has any legal powers or authority unless acting at a duly warned meeting, or acting for the board or commission after the board or commission has formally granted power to act on its behalf.
- (B) Any board, town staff or commission member shall attend all scheduled meetings, in so far as possible, and review the materials about the issues to be considered on each agenda.
- (C) All board, town staff or commission members shall maintain confidentiality of any discussion conducted in executive or deliberative sessions, and of any privileged information.
- (D) All board, town staff or commission members shall abide by the board's or commissions decisions, regardless of how individual members voted.
- (E) All board, town staff or commission members shall listen to legal counsel and constructive criticism, to protect the Town from liability.

RECEIVED

SEP 07 2016

WEATHERSFIELD, VT
TOWN CLERK

TOWN OF WEATHERSFIELD, VERMONT
ETHICS POLICY

- (F) All board, town staff or commission members, elected, or appointed officials shall adhere to the chain of command regarding complaints, reports, and concerns, and shall avoid making commitments or promises that compromise the Town.

IV. DISCLOSURE AND RECUSAL FROM OFFICIAL ACTIONS

- (A) A public official shall not take any official action if he/she has a conflict of interest as defined in Section II (B) of this Policy.
- (B) A public official shall not take any action on any matter in which he/she has an appearance of conflict of interest unless, in his/her own estimation, he/she is able to do so fairly, objectively, and in the public interest in spite of the appearance of conflict of interest.
- (C) A public official who has reason to believe that he/she has an appearance of a conflict of interest, but believes that he/she is able to act fairly, objectively, and in the public interest in spite of the appearance of conflict of interest shall, prior to participating in any official action on the matter involving the conflict, disclose to the other board or commission members, during an official public meeting of the board or commission, the nature of the potential appearance of a conflict of interest and the reason why the official believes he/she is able to take action fairly, objectively, and in the public interest in spite of the potential appearance of conflict.

V. VIOLATIONS

Violations of this Ethics Policy may be grounds for removal from public office, except if such removal is prohibited by State law.

VI: REPEAL OF INCONSISTENT PROVISIONS

Any provisions of any Policy of the Town of Weathersfield in effect at the time of enactment of this Policy governing any activity included in this Policy is hereby revoked.

RECEIVED

SEP 07 2016

WEATHERSFIELD, VT
TOWN CLERK

TOWN OF WEATHERSFIELD, VERMONT
ETHICS POLICY

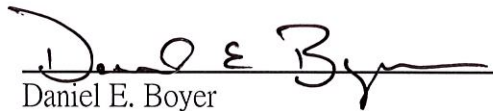
VII: SEVERABILITY

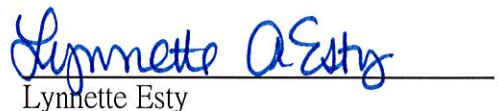
The Select Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or ineffective.

VIII: EFFECTIVE DATE

No section of this Policy shall be construed to supersede or replace any Vermont statute.

The foregoing Policy is hereby adopted by the Select Board of the Town of Weathersfield, Vermont, this 15th day of August, 2016.


Daniel E. Boyer


Lynnette Esty


Amy Beth Main


Kelly Murphy


C. Peter Cole

RECEIVED
SEP 07 2016
WEATHERSFIELD, VT
TOWN CLERK

BLANK

TOWN OF WEATHERSFIELD, VERMONT
CONFLICT OF INTEREST POLICY
ADOPTED 9/6/2016

Article 1. Authority.

Under the authority granted in 24 V.S.A. § 2291(20), the Town of Weathersfield hereby adopts the following policy concerning conflicts of interest.

Article 2. Purpose.

The purpose of this policy is to ensure that the business of this municipality will be conducted in such a way that no public officer of the municipality will gain a personal or financial advantage from his or her work for the municipality and so that the public trust in municipal officials and employees will be preserved. It is also the intent of this policy to ensure that all decisions made by municipal officials and employees are based on the best interest of the community at large.

Article 3. Application.

This policy applies to all public officers as that term is defined below.

When management of a contract involves State or Federal Funds this policy will be followed along with the provisions of the contract and the procurement policies of those organizations (Ex. 2 CFR 200.318 - general procurement standards). The portion of each policy that is most restrictive will be followed.

Article 4. Definitions.

For the purposes of this policy, the following definitions shall apply:

- *Conflict of interest* means any of the following:

A direct or indirect personal or financial interest of a public officer, his or her spouse or partner, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother- or sister-in-law, business associate, employer or employee, or perspective employer in the outcome of a cause, proceeding, application, or any other matter pending before the officer or before the public body in which he or she holds office or is employed.

A situation where a public officer has publicly displayed a prejudgment of the merits of a particular quasi-judicial proceeding. This shall not apply to a member's particular political views or general opinion on a given issue.

A situation where a public officer has not disclosed ex parte communications with a party in a quasi-judicial proceeding.

TOWN OF WEATHERSFIELD, VERMONT
CONFLICT OF INTEREST POLICY
ADOPTED 9/6/2016

A "conflict of interest" does not arise in the case of votes or decisions on matters in which the public official has a personal or financial interest in the outcome, such as in the establishment of a tax rate that is no greater than that of other persons generally affected by the decision.

- *Emergency* means an imminent threat or peril to the public health, safety, or welfare.
- *Ex Parte Communication* means direct or indirect communication between a member of a public body and any party, party's representative, party's counsel or any person interested in the outcome of a quasi-judicial proceeding, that occurs outside the proceeding and concerns the substance or merits of the proceeding.
- *Official act or action* means any legislative, administrative, or quasi-judicial act performed by any public officer while acting on behalf of the municipality.
- *Public body* means any board, council, commission, or committee of the municipality.
- *Public interest* means an interest of the community as a whole, conferred generally upon all residents of the municipality.
- *Public officer* means any person elected, appointed or employed by the Town of Weathersfield.
- *Quasi-judicial proceeding* means a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunities to present evidence and to cross-examine witnesses presented by other parties, and which results in a written decision, the result of which is appealable by a party to a higher authority.

Article 5. Prohibited Conduct.

A public officer shall not participate in any official action if he or she has a conflict of interest in the matter under consideration.

A public officer shall not personally – or through any member of his or her household, business associate, employer or employee, perspective employer, or any other – represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application, or other matter pending before the public body in which the public officer holds office.

A public officer shall not accept gifts or other offerings for personal gain by virtue of his or her public office that are not available to the public in general. A public officer shall not use resources unavailable to the general public – including but not limited to municipal staff time,

TOWN OF WEATHERSFIELD, VERMONT
CONFLICT OF INTEREST POLICY
ADOPTED 9/6/2016

equipment, supplies, or facilities – for private gain or personal purposes.

Article 6. Disclosure.

A public officer who has reason to believe that he or she has or may have a conflict of interest in a particular matter shall, prior to participating in any official action on the matter, publicly disclose at a public meeting or public hearing that he or she has an actual or perceived conflict of interest in the matter under consideration and disclose the nature of the actual or perceived conflict of interest. Alternatively, a public officer may request that another public officer recuse him or herself from a matter due to a conflict of interest.

Article 7. Consideration of Recusal.

Once there has been a disclosure of an actual or perceived conflict of interest, other public officers may be afforded an opportunity to ask questions or make comments about the situation. If a previously unknown conflict is discovered during a meeting or hearing conducted by a public body of the municipality, the public body may take evidence pertaining to the conflict and, if appropriate, adjourn to an executive session to address the conflict.

- 1 Such request shall not be considered an order for the officer to recuse him or herself.
- 2 In any case where the Town is receiving funding through federal sources a public officer shall recuse themselves from any selection, award or administration of any contract if their is a conflict of interest, real or apparent, as defined in Article 4 of this policy or 2 CFR 200.

Article 8. Recusal.

- *Recusal of Elected Officers.* After taking the actions listed in Articles 6 and 7, an elected public officer should declare whether he or she will recuse him or herself and explain the basis for that decision. If the public officer has an actual or perceived conflict of interest but believes that he or she is able to act fairly, objectively, and in the public interest, in spite of the conflict, he or she shall state why he or she believes that he or she is able to act in the matter fairly, objectively, and in the public interest.
- *Recusal of Appointed Officers.* The failure of an appointed public officer to recuse himself or herself in spite of a conflict of interest may be grounds for discipline or removal from office.
- *Recusal of employees.* The failure of an employee to recuse himself or herself in spite of a conflict of interest may be grounds for discipline up to and including termination in

TOWN OF WEATHERSFIELD, VERMONT
CONFLICT OF INTEREST POLICY
ADOPTED 9/6/2016

accordance with the Weathersfield Personnel Policy and State Laws.

Article 9. Post-Recusal Procedure.

A public officer who has recused himself or herself from serving on a public body in a particular proceeding shall not sit with the public body, deliberate with the public body, or participate in that proceeding as a member of the public body in any capacity, though such member may still participate as a member of the public.

The public body may adjourn the proceedings to a time certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the total membership of the public body. The public body may then resume the proceeding with sufficient members present.

Article 10. Enforcement.

- A. Enforcement Against Elected Officers; Progressive Consequences for Failure to Follow the Conflict of Interest Procedures.* In cases where an elected public officer has engaged in any of the prohibited conduct listed in Article 5, or has not followed the conflict of interest procedures in Articles 6 through 9, the Weathersfield Select Board may take progressive action to discipline such elected officer as follows:

The chair of the Selectboard of the Town of Weathersfield and Town Manager (or Vice Chair if the officer is the Town Manager) may meet with the public officer to discuss the possible conflict of interest violation. This shall not take place in situations where the chair and the public officer together constitute a quorum of a public body. The Selectboard of the Town of Weathersfield may meet to discuss the conduct of the public officer. Executive session may be used for such discussion in accordance with 1 V.S.A. § 313(a)(4). The public officer may request that this meeting occur in public. If appropriate, the Town of Weathersfield may admonish the offending public officer in private.

Each member of an elected public body is independently elected and answers only to the voters. Therefore, unless there is a local ordinance or charter provision that states otherwise, the remaining members of the body may not force recusal. They may only express their opinion about the subject and/or privately or publicly admonish a fellow member who fails to handle conflicts appropriately. Certain appointed officials such as a Zoning Administrator and a Town Manager may only be removed for cause and after being afforded with procedural due process protections including notice and a reasonable opportunity to be heard.

If the Selectboard of the Town of Weathersfield decides that further action is warranted, the Selectboard of the Town of Weathersfield may admonish the offending public officer at an open meeting and reflect this action in the minutes of the meeting. The public

TOWN OF WEATHERSFIELD, VERMONT
CONFLICT OF INTEREST POLICY
ADOPTED 9/6/2016

officer shall be given the opportunity to respond to the admonishment. Upon majority vote in an open meeting, the Selectboard of the Town of Weathersfield may request (but not order) that the offending public officer resign from his or her office.

- B. Enforcement Against Appointed Officers.* The Selectboard of the Town of Weathersfield may choose to follow any of the steps articulated in Article 10A. In addition to or in lieu of any of those steps, the Selectboard of the Town of Weathersfield may choose to remove an appointed officer from office, subject to state law.
- C. Enforcement Against Employees.* The Selectboard of the Town of Weathersfield may choose to follow any of the steps articulated in Article 10A. In addition to or in lieu of any of those steps, the Selectboard of the Town of Weathersfield may choose to discipline employees up to and including termination in accordance with the Weathersfield Personnel Policy and State Laws.

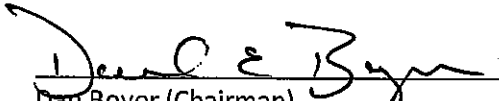
Article 11. Exception.

The recusal provisions of Article 8 shall not apply if the Selectboard of the Town of Weathersfield determines that an emergency exists and that actions of the public body otherwise could not take place. In such a case, a public officer who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Article 6.


Article 12. Effective Date.

This policy shall become effective immediately upon its adoption by the Selectboard of the Town of Weathersfield.

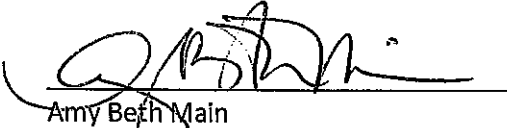
Adopted this the 6 day of SEPT, 2016.


Dan Boyer (Chairman)


Lynn Esty (Vice-Chair)


Kelly Murphy (Board Clerk)


Peter Cole


Amy Beth Main

BLANK

TOWN OF WEATHERSFIELD, VERMONT
POLICY FOR CONDUCT OF MEETINGS AND HEARINGS

I. PURPOSE:

The Select Board of the Town of Weathersfield, Vermont, pursuant to Title 24, Chapter 59, of the Vermont Statutes Annotated, and such other general and special enactments as may be material, hereby promulgate the following Policy, being mindful of the Town's obligation to ensure fair and impartial conduct of public hearings relating to the public interest and of public meetings in general:

II. Conduct of Regular or Special Meetings

- (A) Meetings shall be chaired by the Chairperson of the Board/Commission, duly elected at its organizational meeting or, in his/her absence, by the Vice-Chairperson. In the absence of both the Chairperson and the Vice-Chairperson, the meeting shall be chaired by the Board/Commission Clerk as Chairperson *pro tempore*.
- (B) A majority of the Board/Commission shall constitute a quorum for the conduct of business. If a quorum is not present, the only action or business which may be considered is a motion for a recess or adjournment.
- (C) For the Board/Commission to take a binding vote or action, there must be a concurrence of a majority of the total number of Board/Commission members. For example, if four members of the five-member Board are present, the vote must be 3-1 to be binding. If three members are present, the vote must be unanimous.
- (D) All business shall be noted in an agenda, which shall be posted outside the Town Clerk's Office, as well as posted in all areas required by Title 1, Section 312 (c), of the Vermont Statutes Annotated, and published at a sufficient time in advance of the meeting to enable the public to be informed. No matters shall be considered by the Board/Commission other than as they may appear on the agenda, with the exception of emergency business.
- (E) All business shall be conducted in the same order as it may appear on the agenda except that, by majority consent, the Chairperson may alter the order of items to be considered. The Chairperson shall rule on all questions of order or privilege, and his/her decision shall be final, provided that an appeal may be made by a majority of the Board/Commission to the decision of the Chairperson as to any rule of order.

TOWN OF WEATHERSFIELD, VERMONT
POLICY FOR CONDUCT OF MEETINGS AND HEARINGS

- (F) No person other than a member of the Board/Commission may be heard to speak first as a matter of right upon any question appearing on the agenda. However, the Chairperson shall invite questions from the audience and shall permit remarks of any person speaking from the audience pursuant to Title 1, Section 312 (h), of the Vermont Statutes Annotated. However, the duration and frequency of participation by members of the audience may be limited by the Chairperson pursuant to Robert's Rules of Order.
- (G) There shall be reserved a period during each regular meeting for public comment on any issue. This time and comment may be limited subject to reasonable rules of the Chairperson.
- (H) Meetings may be recessed, provided they are recessed to a time and place certain.
- (I) Any rules of procedure not set forth herein shall be as provided in Robert's Rules of Order.

III. Conduct of Quasi-Judicial Public Hearings

- (A) If more than one (1) item is noticed for hearing at any given time, such items shall be taken up in the order noticed for hearing.
- (B) The presiding officer for any public hearing shall be the Chairperson of the Board/Commission. The presiding officer shall decide all questions of procedure or points of order not otherwise specifically set forth in this Policy, and his/her decision shall be final, unless it is overruled, on appeal, by a majority of the Board/Commission.
- (C) First to be heard in any public hearing will be the proponents of the matter noticed for hearing, followed by the opponents, if any. Following the hearing of all opponents, further reasonable time may be given to the proponents for rebuttal, at the discretion of the Board/Commission.
- (D) Parties who are appearing before the Board/Commission at any hearing may do so in person, or be a representative of their own choice, or be legal counsel. The first person appearing for any party, or its personal representative or legal representative, shall be responsible for the conduct of all persons appearing at the hearing for purposes of giving testimony, but shall not be responsible for members of the general public who may be heard.

TOWN OF WEATHERSFIELD, VERMONT
POLICY FOR CONDUCT OF MEETINGS AND HEARINGS

- (E) The Board/Commission may limit the time for consideration of the hearing in advance, may limit the time or cut off discussion of any subject at any time in its sole discretion, or may limit the time of any speaker or witness.
- (F) No person may speak more than one (1) time on each matter noticed for hearing without first obtaining the permission of the presiding officer, and they may not be permitted to speak on any subject to the exclusion of a person who has not yet spoken on the same question, and who desires to be recognized.
- (G) No party, representative of a party, witness or speaker shall be permitted to make personal attacks on another speaker, a member of the Board/Commission, or any person whatsoever. No person shall be permitted to interrogate another speaker or any person present at the hearing without the permission of the Board given in advance of any such questions.
- (H) No person or party represented at any hearing may be heard both personally and by counsel, except at the discretion of the presiding officer.
- (I) The presiding officer at any hearing may make such rulings or orders, or give such instructions as may be necessary to preserve the order, decorum and dignity of the proceedings. This authority shall include the power to exclude from the meeting or expel any person or group of persons who is or are attempting to disrupt the proceedings, or who refuse to abide by and carry out the lawful instructions of the presiding officer, or who are otherwise behaving in an unruly or riotous manner.
- (J) Minutes of all public meetings must be taken and made available within 5 days as per 1 V.S.A. § 312(b)(2). Minutes must include a list of all the public body present at the meeting and all other active participants. The minutes must also include all motions, proposals, and resolutions that are made along with their dispositions and results of any votes taken.
- (K) Such minutes or record shall not be considered official unless approved in their entirety by the Board/Commission.
- (L) Members of the media and/or the public have the right to attend and record meetings so long as it is not done in a manner that disrupts the meeting.
- (M) Any rules of procedure not set forth herein shall be as provided in Robert's Rules of Order.

TOWN OF WEATHERSFIELD, VERMONT
POLICY FOR CONDUCT OF MEETINGS AND HEARINGS

IV. Other public hearings

- (A) The provisions of Section II of this Policy for the Conduct of Meetings and Hearings shall apply to other public meetings and hearings of a non-judicial nature unless clearly inapplicable
- (B) In the event that any hearing or meeting is required by law to be held in executive session, the provisions of Title I, Chapter 5, of the Vermont Statutes Annotated, shall apply, and such other general or special enactment as may be material hereto.

V. Requests of Town Manager

The Chairperson of the Board/Commission, and in their absence the duly identified representative, shall authorize or otherwise direct the appropriate staff member representing their board to investigate, prepare, sign, represent and conduct such work as requested by a majority of the Board/Commission. Individual board members with special or individual requests will direct all such requests to the Chairperson for conveyance to the representing staff member. This shall in no way prohibit contact with town staff as may be necessary to collect and discuss information regarding Town business.

VI. Procedure for Appointing Citizens to Town Boards to Fill Vacancies

- (A) When a vacancy occurs on a Town board, the Select Board shall forthwith fill such vacancy by appointment.
- (B) The vacancy shall be publicly announced at the Select Board's meeting immediately following the initial occurrence of the vacancy. The candidates shall submit a letter of interest to the Town Manager's Office by the deadline established by the Select Board.
- (C) In the event of multiple applications, the Select Board may conduct interviews of the candidates. The Select Board shall determine the format for the interviews. The interviews shall be open to the public and the time and date of the interviews shall be publicly announced. The public shall have the opportunity to make comments on the candidates following their interviews.
- (D) In the event there is only one (1) candidate, the Select Board may re-announce the vacancy and establish a new deadline by when candidates must submit a letter of interest.

TOWN OF WEATHERSFIELD, VERMONT
POLICY FOR CONDUCT OF MEETINGS AND HEARINGS

- (E) Upon conclusion of the interview(s), the Select Board, at the scheduled Select Board meeting, shall consider all candidates who have submitted letters of intent, by open nomination. Each Selectperson may nominate more than one (1) candidate, but only after each Selectperson has had the opportunity to make a nomination. The Chairperson of the Select Board shall put the question on each candidate to the Select Board, in the order the candidate was nominated, one candidate at a time. The Select Board shall vote in public with their individual votes announced by voice and their individual votes shall be recorded by the secretary in the minutes. The Chairperson of the Select Board continues this procedure until the required number of board members are elected. In the event there is a tie between candidates, this procedure is repeated between the tied candidates, until the candidate with the most votes is appointed.

VII. Procedure for Consideration of Agenda Items

- (A) Consideration of items to be reviewed by the Chairperson for inclusion in the regularly-scheduled meeting shall be done in the following manner:
- (1) By prior agreement of a majority of three (3) Board/Commission members at a previously-scheduled meeting;
 - (2) By written request of a Board/Commission member by 12:00 P.M. 4 days prior to a scheduled meeting.
 - (3) By written request of a Weathersfield resident, property owner, or group, by 12:00 P.M. 4 days prior to the next scheduled meeting;
 - (4) At the request of the Town Manager in writing to be considered by the Chairperson; or
 - (5) By any State or Federal government entity, for items requiring Board/Commission authorization.
- (B) In order for a request to be placed on the Agenda, the Chairperson decides on placement of a proposed Agenda item.
- (C) Should the Chairperson decide that an item should not be on the Agenda, the item shall not be placed on the regular warned Agenda and other Board/Commission members shall be notified.
- (D) In the event that the Chairperson decides against placement of an item on the Agenda,

TOWN OF WEATHERSFIELD, VERMONT
POLICY FOR CONDUCT OF MEETINGS AND HEARINGS

the item shall be forwarded to the Board/Commission for a vote as to placement on the Agenda.

- (E) If a majority of the members vote to place an item on the Agenda, the item will be placed on the next regularly-scheduled meeting for consideration. The item will not be discussed or considered at the meeting it is submitted for a vote.
- (F) As with any item proposed by a member, a proposal must have the affirmative vote of a quorum to constitute a positive vote.
- (G) In the event of defeat of the item by a majority of the members, the Board/Commission will not consider the agenda item.
- (H) Prior to a vote on placing an item on the Agenda, the Board/Commission may decide whether citizen input will be allowed. If allowed, citizen input will be limited to comments on placement of an item on the Agenda. Specific discussions of the issue or item are not allowed until the warned agenda issue or item is discussed at a future meeting.

VIII: RECORDS

- (A) The Board/Commission shall appoint a Recording Secretary, who shall be responsible for maintaining the Minutes of all open meetings.
- (B) Minutes shall be maintained for all open meetings. A majority of the Board/Commission must sign the Minutes after they are prepared by the Recording Secretary and approved by the Board/Commission.
- (C) Minutes are a public record of the Town, and shall be recorded with the Town Clerk after approval and signature by the Board.

IX: REPEAL OF INCONSISTENT PROVISIONS

Any provisions of any Policy of the Town of Weathersfield in effect at the time of enactment and of this Policy governing, and in opposition to, any activity included in this Policy is hereby revoked.

TOWN OF WEATHERSFIELD, VERMONT
POLICY FOR CONDUCT OF MEETINGS AND HEARINGS

X: SEVERABILITY

The Select Board hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or ineffective.

XI: EFFECTIVE DATE

No section of this Policy shall be construed to supersede or replace any Vermont statute.

This Policy shall be entered in the minutes of the Select Board's meeting, recorded with the Town Clerk, and posted at the regular meeting site of the Select Board.

The foregoing Policy is hereby adopted by the Select Board of the Town of Weathersfield, Vermont, this 24th day of August 2017.

Dan Boyer

Lynnette A Esty
Lynnette Esty

Amy Beth Main
Amy Beth Main

Kelly Murphy
Kelly Murphy, Chair

C. Peter Cole
C. Peter Cole

