Town of Panton Chartered 1761

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Second Charter Amendment Hearing

Wednesday, April 16th, 2025

In attendance: Clerk/Treasurer Kyle Rowe, Town Moderator Marth DeGraaf, Chip Mather, Kathy Kennett, Charlie Kennett, Robert Moulton, Janice Moulton, Sharon Ashcraft

Via Zoom: Selectboard Chairperson Zach Weaver

1. Martha called the meeting to order at 5:30 p.m.
2. Martha recognized Town Clerk Kyle Rowe
    a. The C/T began discussion on the charter, noting that the full Selectboard couldn't be present at the hearing.
    b. The C/T noted that there are 16 towns in Vermont with Town or City Charters that allow them to recall an elected official. Of those 16 towns, only 1 official has ever been recalled, a Selectboard member of the Town of Underhill.
    c. The reason the Selectboard felt strongly about including a provision in this particular charter amendment that asked votes to recall to be equal too or greater than votes that elected them in the first place was to prevent the voters who originally elected that official from feeling disenfranchised in the process.
    d. The C/T noted that there are a number of scenarios where a small group of voters could petition for a special election to override the will of the people, on issues ranging from budgets to elected officials.
    e. The C/T had discussed this issue with the Town Clerk of Underhill, the only Town Clerk to have participated in this process, and while she was initially resistant to the idea, she came around to it after realizing the implications of a determined, but very small number of voters overruling the will of a much larger number of voters at a regular town meeting.
    f. The C/T noted that many of the towns that don't require election based determinates for recalling officials have much larger petition signatures requirements for recall petitions, providing another check on a minority acting to recall.

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g. The C/T noted that it should be difficult to recall an elected official, that there should be a high bar, it's a serious action, and one that requires the approval of the broadest possible contingent of voters in the town.

3. The Moderator then opened the floor to public comment and participation
    a. Sharon Ashcraft noted that this was stated by a SB member to be a compromise, but was not. She noted that they submitted a petition, but didn't meet the deadline requirements, and that this wouldn't happening at all if the petitioners hasn't submitted a petition in the first place. It was never discussed with the original petitions that the SB would propose their own. There was no discussion and no input.
    b. She further noted that the ability to recall should be difficult, but not impossible, and the SB's proposal makes it very nearly impossible.
    c. She noted that the relevant section, (d), was confusing and unnecessary. The petitioners liked the simpler format of not including it, and felt that the higher signature requirement of their petition was sufficient.
    d. She noted that the language of that section wasn't clear as to the total number of notes needed, stating that the language could be construed to say they would need the total number of voters in the overall election the officer won/participated in to be removed, not just the ones that voted in favor of that officer.
    e. Kathy Kennett stated that she didn't remember any explanation of this amendment occurring at an open meeting, and that they haven't provided any of the important information needed.
    f. Sharon Ashcraft reiterated that this was another instance of the SB not listening to what some people were saying.
    g. The C/T responded to several of the statements, saying that the SB read a letter into the minutes at the next meeting following the original petition having failed to meet the timeline. This letter detailed the SB's plan to propose a charter amendment that would allow officials to be recalled, but included the protections that they would only be recalled if the votes to recall equaled the vote the officer originally received. The C/T added that this piece of administrative business was prepared prior to the meeting, but then read into the minutes at an open meeting, and discussed.
    h. The C/T added that the compromise was the fact that the Selectboard didn't have to propose any charter amendment at all, and that the timeline for the special election of the additional Selectboard members was made 70 days to accommodate any additional charter amendments or other petitions that any voter wanted to submit.
    i. The C/T noted that the original petitioners could have resubmitted their petition to the town, and that on the advice of a VLCT lawyer, the T/C could have held the

original petition in good faith for inclusion at the next town meeting, but the lead petitioner asked for the petition back.

j. Sharon Ashcraft stated that the petition wasn't valid if that had happened, and wouldn't have been legal, the T/C disagreed. She added that this was not the question the petitioners asked for, and why the town was even bothering with this. She added that there was no compromise, and she won't be voting for it.
k. Chip Mather stated he supported the petition, and that it strike a balance between the ability for the voters to remove Selectboard members, but protects them against the tyranny of the minority.
l. Zach Weaver spoke, thanking for Martha for chairing this hearing. He stated that he is not wedded to this idea, and that voters are absolutely free to vote against this. He added that this was not done by the SB to confrontation, but more as an olive branch to the petitioners who missed their deadline. He added that recalling an official should be a big deal, and really a significant amount of citizens should ideally be on board for something like that. The town sought legal advice and counsel on this, for the purpose of offering some goodwill to the original petitioners.
m. Sharon Ashcraft asked for clarity on the language of section (d), whether it was the total number of voters in the election, or the total number of voters who voted in favor of a particular candidate.
n. The C/T stated it was election by election, meaning that it would be the votes needed in each individual election of candidates.
o. Kathy Kennett added similar concerns, and advised that this needs to be clear.
p. Sharon Ashcraft stated that she liked the original petition better, and that simpler is better, and it would be better to get any issues worked out before hand.
q. Zach added that the SB will make sure it means exactly what the SB wants it to mean, and the SB will be able to explain the issue fully.
r. Sharon Ashcraft added that this wouldn't be used a frivolous thing, but that posterity means that this need to be clear, and that the charter should be a document that lasts the test of time.

4. **Seeing no further comment, Martha closed the hearing at 6:03 p.m.**