

**TOWN OF Chester**  
**PLANNING COMMISSION**  
**January 18, 2021 Minutes**

**Commission Members Present:** Naomi Johnson, Cheryl Joy Lipton, Tim Roper, and Barre Pinsky all via Zoom Teleconference.

**Staff Present:** Cathy Hasbrouck, Recording Secretary, Jill Barger Zoning Administrator.

**Citizens Present:** Arne Jonynas.

**Call to Order**

Naomi Johnson called the meeting to order shortly after 6:30 PM. She said that, if there was time at the end of the meeting, Cathy Hasbrouck would be asked for a progress report on the updates to the proposed bylaws. This item was not on the agenda as published before the meeting

**Agenda Item 1 Review minutes from December 21, 2020.**

Cathy Hasbrouck said the minutes for December 21, 2020 were started and not complete.

**Agenda Item 2, Citizen Comments**

Arne Jonynas, the only citizen present, had no comments.

**Agenda Item 3, Discuss concept of a rotating chairperson**

Naomi Johnson said this agenda item was a suggestion from Peter Hudkins because he was not always able to make the meetings due to seasonal events on his farm. Naomi said the suggestion was in the interest of making progress on the to-do list items.

Naomi recapped the current situation. Peter Hudkins is the Chair and Naomi Johnson fills in for him if he is not able to attend. She noted that this corresponds to the proposal for Rules of Procedure the Commission would address next. Naomi asked the Commission members for their thoughts on this.

Tim Roper said he understood that Peter was having difficulty balancing the demands on his time with the work of being Chair of the Commission. Tim did not see how rotating the position of chair among the five commissioners would be effective. He thought rotating the position would further disrupt the process of moving things forward. He said the Commission had elected Naomi as vice-chair to fill in for the Chair if Peter was not available. He noted that in the past when Peter was bringing in hay and not able to attend the meeting, the meeting was cancelled, instead of being turned over to Naomi to run. Tim said he felt frustrated by the lack of progress the Commission is making.

Cheryl Joy Lipton said she felt that it would help to have a list of items to be accomplished, even if it was a long list that would take years to get through. It would be easier to hand off running the meeting to another person if the list were kept up to date and the Commission members knew what was to be considered at the next meeting. She said it was true no one on the Commission had discussed having the meeting anyway, even if Peter wasn't available. She said she thought the Commissioners not knowing what is going on is a problem separate from the Chair not being available for a meeting. Tim Roper agreed with that point.

Cheryl Joy said she would be available to chair a meeting, if she knew what was coming up and what she had to prepare for, but not if she had to do a lot of work in the week or two before the meeting. Tim Roper asked Cheryl Joy what she thought of the idea of each member taking a turn chairing a meeting. Cheryl Joy said she thought Peter had suggested each person taking a few meetings, at a time. Cheryl Joy said if the members had all the documents and were up to date on where the Commission was in the process it would be easier to rotate the chair duties. She thought it would be easier if each person took a block of meetings instead of just one. She said she thought it might work if two people alternated instead of all five.

Naomi asked Barre Pinske for his thoughts. Barre said he thought the tasks of the Planning Commission required direction and leadership. The leadership would come from the chair and vice-chair and then down to the members. He felt it would be nice to have a reliable chair who would be backed up by a vice chair.

Naomi Johnson said she agreed with the others. She didn't think a rotating chair would work very well. She pointed to the model rules of procedure to be considered, which called for a chair and a vice chair to be elected, with the vice chair filling in for the chair when necessary. If the both the chair and the vice-chair are absent, the procedure suggested that a member selected by the body would act as chair. She liked that concept. It allowed the work to go on if someone was absent. She acknowledged that the packets must be complete, and that information be available to review for the agenda. She concluded that no one wanted to rotate the chair position and the group would proceed with the model rules of procedure from VLCT. Cheryl Joy Lipton agreed.

#### **Agenda Item 4 Review and discuss VLCT Model Rules of Procedure for Municipal Bodies**

Naomi Johnson pointed out the date at the bottom of the procedures, June 2016, and said there are probably previous versions of this document. She noted that the Commission already uses many of the procedures listed, some of them being required by statute. She asked if anyone had any specific comments. Cheryl Joy Lipton said the document had several places where a choice was required and she thought the Commission should make those choices as a body.

Tim Roper suggested that the Commission go through the choices point by point, discuss them, make decisions and come back to issues they were not able to decide initially. Naomi Johnson agreed. She said she didn't see a need to discuss Section A. Purpose. She suggested the Commission start with Section C. Organization. Tim Roper asked whether the Commission should discuss each point and vote on each point individually or take one vote at the end. Naomi Johnson agreed to take the document point by point, ask for comments, and note the decision or consensus.

Naomi Johnson said the first item in Section C. Organization had to do with the position of chair and had already been discussed and summarized (see Agenda item 3). Tim Roper suggested that the Commission discuss each point individually and come up with any changes they would like and vote to accept any changes or strike the item. Naomi Johnson agreed that each item would be voted on separately as it was read and discussed.

No one had any comment on Item C2, preserving order in the meeting, Item C3, a quorum, or Item C4, who has authority to speak for the body.

Item C5 offered a choice about requiring a second for a motion and requiring a majority of the total membership to agree in order to pass a motion. The Committee agreed that a second would

be necessary for a motion. The second issue, how many votes were required to pass a motion was discussed in further detail. It appeared that the votes required to pass a motion was not the majority of members attending the meeting, but the majority of the members of the Commission. For instance, if three Commission members show up for a meeting, all three would have to agree to pass it, since the Commission is made of five members, and a motion would require the majority of five to pass. Arne Jonynas confirmed that this was so. Cheryl Joy Lipton asked if a motion would have to be tabled if all members were not present. Naomi Johnson said a motion could be tabled if the members agreed to do so, but they were not obliged to table a motion if it failed to pass with three votes.

Item C.6 discussed whether a member may speak at any time or only after being recognized by the chair. Cheryl Joy Lipton said she thought recognition from the chair was a good idea. She thought that procedure would stop interruptions. Naomi Johnson verified that Cheryl Joy was proposing that no one could speak until the chair recognized them. Cheryl Joy said it would mean someone wanting to speak would have to raise their hand or use a Zoom signal to let the chair know they had something to say. Barre Pinske thought a light flow of conversation was necessary for the Planning Commission which only meets once every two weeks for 90 minutes. He suggested that the chair would be allowed to initiate a recognition requirement if the discussion got heated or the discussion needed to be more succinct. Tim Roper agreed, citing Item C2 which said the chair was responsible for keeping order. If the conversation devolved the chair would have the ability to take control of the meeting. Tim felt a member should be able to speak without being recognized. Naomi Johnson agreed that a member should be able to speak without being recognized. Cheryl Joy said she had had difficulty in the past being heard in a discussion because the discussion moved so quickly. She suggested that the commission try it and see how the without recognition option works. The commission thereby agreed that a member could speak without being recognized by the chair.

The last sentence of Item C6 addressed whether debate could be limited. Initially Naomi Johnson was in favor of being able to limit debate. She said the word entertained meant that the motion will be considered but proposing the motion will not automatically shut down debate. Tim Roper felt no limit was necessary because Item C7, which allowed any member to request a roll call vote, which has in the past, always stopped debate. Tim Roper did not want to allow a motion to also stop debate. Cheryl Joy Lipton said asking for a roll call vote has limited debate in the past. She thought the roll call vote worked to stop debate and stopping debate in Item C6 was not necessary. Barre Pinske liked being able to limit debate because he wanted to see the Planning Commission be more efficient. Tim Roper said he has seen debate go on long enough to shift opinion among a majority of Planning Commission members.

Arne Jonynas said asking for a roll call vote was only a request and the chair was not obligated to hold a vote. He said a roll call vote only meant that each member was polled individually so that everyone knew how each member voted. Roll call votes were helpful on Zoom meetings where it is difficult sometimes to know how each person voted. Naomi Johnson agreed that Arne's explanation of a roll call vote was correct. She said in a roll call vote, the clerk recorded votes with the name of each individual who cast it.

Cheryl Joy Lipton asked whether a vote ends the discussion. Arne Jonynas said the vote ended the discussion. Tim Roper said he thought a discussion could be re-opened at any time. Barre Pinske said he felt the point of doing these things is to set policy and make decisions. He wanted decisions to be made and the members to move forward.

Naomi Johnson said it appeared the vote on this issue appeared to currently be split. She changed her vote to not allowing debate to be cut off, knowing that the chair could take control of the meeting and cut off debate if he or she felt the discussion was not productive. With that action, the will not option in the last sentence of Item C6 was chosen.

No one had comments on Item C7, requesting a roll call vote during Zoom meetings or C8, recessing meetings.

Item C9, offered a choice for the type of vote required to amend the rules and required an annual review of the rules. Barre Pinske didn't like having to confirm the rules each year. Naomi Johnson and Barre Pinske wanted to approve rules with a majority of votes (3 members). Cheryl Joy Lipton didn't want to argue an opinion. Tim Roper preferred requiring a super majority, four of five members. He felt that requirement would prevent three people from hijacking the Commission. He cited the U.S. Congress rules about impeachment as an example. After hearing Tim's points, Cheryl Joy Lipton said she preferred requiring a vote of 4 of 5 members. Noting that the Commission was then evenly split on the issue, Naomi Johnson said she agreed to requiring a vote of 4 of 5 members, which ended the split.

Section D of the rules of procedure addressed Agendas. Naomi Johnson read the first item, which stated each meeting must have an agenda listing the topics to be discussed and allocating time to each topic. It stated that the chair determines the final content of the agenda. The first choice the Commission had to make was whom should be contacted to put an item on the meetings agenda. Naomi Johnson suggested that the chair should be contacted. Cheryl Joy Lipton asked Cathy Hasbrouck how the process works now. She said that the Zoning Administrator and the Recording Secretary would call the chair to discuss the agenda on the Tuesday before the meeting, which was the only day the Zoning Administrator was at the Town Hall. Cathy Hasbrouck asked Naomi Johnson to elaborate on why she felt the chair should be contacted. Naomi said the chair is ultimately responsible and the chair must be notified via an e-mail or a phone call. The Recording Secretary could also be notified, but the notifying the chair made the process more formal.

Barre Pinske asked if the Commission could be allowed to request items to be added to the agenda of the next meeting at the end of a meeting. The Commission discussed the concept of how an item can be put on the agenda and whether a chair could simply not allow an item to be put on the agenda no matter how many times it was requested. It was decided that the chair and the recording secretary be notified of proposed agenda items.

The second item under Section D Agendas was a discussion of where the Agenda is posted. Cathy Hasbrouck said it was posted on bulletin boards inside and outside the Town Hall. She did not know of any other places with which the town had any kind of formal agreement for posting notices. Arne Jonynas confirmed that. He said the agenda is also posted online.

Arne said that the Selectboard agenda always includes an item for discussing future agenda items. He felt this helped the conversation about new agenda items along. Barre Pinske agreed with that idea and said he had been trying to suggest something like that. Naomi Johnson pointed out that future agenda items had been included on the Planning Commission agendas for the last couple of months. Cathy Hasbrouck said that, given the short notice needed for some meetings, alerting the Recording Secretary about agenda items gives her time to compose, print, hang the agenda and send it to the assistant Town Clerk to be put up on the internet.

Cheryl Joy Lipton said she had long thought there should be a place in town away from the town hall where notices should be posted. She suggested Smitty's Market, Erskine's or the hardware store were good possibilities. Those places would reach citizens who don't generally have business at the town hall. Cathy Hasbrouck said some official permission would be needed from businesses the before notices could be posted. Tim Roper suggested this should be taken up by the Selectboard. Naomi Johnson said the Commission could re-address the issue if the Selectboard took some action, and in the meantime the agendas would be posted on the town hall bulletin boards.

The Item 3 in Section D addressed the order in which agenda items are considered and other changes to the agenda that may be wanted during the meeting. The choice to be made was whether a unanimous, two-thirds, or majority vote was required to change the order of the agenda, or table or postpone actions after a meeting has begun. The Commission agree that a majority would be chosen.

The Commission then addressed Section E Meetings. The first item to be considered was the date, time and location of meetings which was agreed to be the first and third Mondays of the month at 6:30 PM. The Commission decided that the rules should say the meetings will take place at the Town Hall and/or electronically, to address the issue of the pandemic. Special meetings like the one held in August 2020 at the Pinnacle could still be held if the requirements in Item 2 were met. The Commission agreed that the places special meeting notices would be posted are the two bulletin boards at the Town Hall and the town website.

The Commission did not change anything in items 3 and 4. They moved on to Item 2 of Section F, Public Participation which addressed when the public could speak and for how long about any given agenda item. There were a couple of choices to make. Tim Roper said the Commission does not currently have formal rules about public participation and does not limit the time the public may speak. He reminded the Commission that they were not obliged to adopt every item.

Cheryl Joy Lipton suggested that the Commission be allowed to speak first and the public then be allowed to speak at the conclusion of their discussion, having heard the information the Commission had to share. Tim asked her if she was in favor of adopting item 2 in Section F and to allow public input after the Commission members have spoken. Naomi Johnson said she preferred the "end of" option over the "conclusion of" option because she wanted the citizen comments to be heard before a conclusion is reached. Naomi also noted that the time constraints could be changed by the Commission.

Tim Roper said he knew of no other body in Chester that limited the time of citizen participation. He asked Arne Jonynas about the Selectboard's approach to public comments. Arne said the Selectboard allows public comments while an item is being discussed, in addition to the formal agenda item called Citizen Comments. The Selectboard only limits the amount of time allowed for comments if the issue has excited a lot of citizen involvement and many people wished to speak. He said the board usually discusses the issue first and then allows citizen comments, but the board has been flexible and encourages participation.

Tim Roper asked if the Selectboard solicits public comment at the end of each agenda item. Arne Jonynas said the Selectboard does not always solicit comments at the end of each item. He reminded the Commission of the words at the beginning of the Public Participation section of the document they are considering: that the meetings are held in public but they are not meetings of

the public. The Commission is not obliged to allow comments at all. Tim Roper verified that the Selectboard allows comments but does not regularly solicit comments.

Naomi Johnson acknowledged the Commission was not obliged to have this rule about citizen participation at all, but she felt it would be helpful to have it in case participation became an issue and a rule is needed. Tim Roper agreed. Naomi Johnson said the Commission had agreed that citizen comment should come at the end of the Commission's discussion. She asked if the rule should state there may be time for citizen comment. Cheryl Joy Lipton said the rule was proposing a time limit on citizen comment if a limit was needed. Arne Jonynas said imposing a time limit was at the discretion of the chair. Tim Roper suggested wording that said "There may be a specific time allotted for public comments to be determined by the chair. "

Those words were agreed to by the members of the Commission. Naomi Johnson asked if the majority vote should be required to increase the time allocated to public comment. The Commission agreed to that wording as well.

### **Agenda Item 5 Discuss adoption of an adjusted version of the VLCT Model Rules of Procedure, adjusted to meet our requirements**

The Commission asked that a copy of these rules as amended be sent in the next meeting's packet and the amended rules be discussed and considered for adoption at the next meeting.

#### **6. Discuss agenda and set date for next meeting.**

Naomi Johnson then gave a status report on the updates to the proposed bylaws. She explained that there had been a number of changes proposed, such as the addition of the Stone Village zoning district, to the bylaws since June of 2019. Naomi had taken a compilation of the meeting minutes and marked all the changes resolved on by a motion of the Commission that had not yet been included in the document. Naomi gave the copy of the marked minutes to Cathy Hasbrouck, who was working on adding those changes. Editing the document had posed several technical difficulties. Some issues, such as using change control, have required work-arounds. Cathy reported that the changes marked in the minutes have mostly been completed. Naomi stated there were concerns about making the document clear enough that a citizen could find a path through the document for specific activity such as a subdivision. That issue has not been fully resolved. A number of cross-references remain to be entered or corrected. Cathy Hasbrouck said the document would be ready for distribution during the upcoming weekend.

The Commission will meet next on February 1, 2021 at 6:30. Tim Roper asked that the first item on the agenda be a vote on adopting the proposed rules of procedure. Cheryl Joy Lipton asked for an organized list of items to complete with a target schedule. Barre Pinske asked if it was possible to adopt parts of the bylaws that have already been discussed and finalized. He suggested adopting some changes to dimensional standards that have been approved. Naomi Johnson said the Stone Village uses are complete and in the document. The actual boundaries of the Stone Village have not been settled. That could another topic for the next week's agenda.

Naomi said one of the goals of the revision of the bylaws was to align the bylaws with the goals set forth in the town plan. A second goal was to make it easier for citizens to obtain permits for conditional uses, and to modify those permits. The goal was to have a friendlier process for business people. The third goal is to adopt the bylaws without extreme controversy.

Barre Pinske said he had spoken to Jason Rasmussen about breaking the adoption process into smaller parts. Jason had told him the adoption process took time and it wouldn't serve to have too many small pieces.

Naomi Johnson urged the members to consider agenda items and send them into Peter. With that, the meeting was adjourned.