

Select Board, June 17th, 2013

**Town of Castleton  
Select Board  
Special Meeting of June 17th, 2013  
Castleton Town Offices**

**MEMBERS PRESENT:** Thomas Etori, Cristine Smith, John Hale, Wenger Rehlen, Ed O'Shea

**MEMBERS NOT PRESENT:** None

**OTHERS PRESENT:** Charles Jacien; see attached list

Meeting called to order at 7:00 by Chairman T. Etori.

**Zoning Administrator Position Discussion**

Town Manager Jacien stated that he did not want to act as Acting Administrative Officer due to discussion at the Planning Commission meeting indicating feelings that the action taken by the Select Board was illegal. He stated that J. Barlow, Senior Staff Attorney for VLCT, gave an opinion that it was legal. He stated that he will continue to do the job so long as the legality of his appointment is not in question.

Chairman T. Etori stated that the Planning Commission recommended D. Skidmore as the interim Zoning Administrator until a permanent Zoning Administrator is found.

J. Hale stated that the appointment of the Acting Administrative Officer is a different position than the Zoning Administrator, so it is a different topic of discussion and does not involve the original failed motion.

E. O'Shea asked if there is any evidence of illegality. Town Manager Jacien stated that the VLCT opinion is that it was legal. He also stated J. Barlow indicated that the language in the Castleton Zoning Ordinance regarding this issue is antiquated and not in line with state law.

C. Smith stated that Town Manager Jacien was already appointed as Acting Zoning Administrator, and the Board was within its rights to do so.

E. O'Shea pointed out that the vote to appoint Town Manager Jacien was unanimous. J. Hale stated that he voted in ignorance, and feels that the Board must comply with the town ordinance. He stated that D. Skidmore as the Acting Administrative Officer would allow continuity.

B. Day asked why no one seconded the motion to re-appoint D. Skidmore. He expressed support for D. Skidmore, stating that he felt D. Skidmore followed the rules. Chairman T. Etori stated that the position is appointed at the will of the Board.

B. Steele stated that the decision was surprising to him. H. Steele stated she felt it was unfair to everyone to have no reason that D. Skidmore was not re-appointed.

Chairman T. Etori stated that he had received complaints regarding D. Skidmore's mannerism.

C. Smith clarified that D. Skidmore was not fired, he was just not re-appointed.

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B. Day asked if any Board members talked to one another about the issue before voting on it. All board members indicated that they did not.

B. Day stated that D. Skidmore should have been made aware of complaints. He also suggested that many people complaining were likely unhappy because they were denied permits.

F. Giannini expressed support for D. Skidmore, stating that he often comes to Planning Commission meetings for clarification of the ordinance. He stated that he feels D. Skidmore has been reasonable and has done the job well.

B. Day stated that D. Skidmore has always been civil at Development Review Board meetings. T. Molnar agreed.

E. O'Shea indicated he had also heard complaints regarding D. Skidmore.

W. Rehlen stated that prior to the vote, he heard more negative comments than positive. He stated that his thought was that D. Skidmore could reapply and interview along with other candidates to ensure the best person for the job.

H. Steele stated she has never heard anything negative about D. Skidmore.

#### MOTION

J. Hale made a motion to confirm D. Skidmore as Acting Administrative Officer for Zoning while other candidates are interviewed for the Zoning Administrator position. C. Smith seconded.

C. Smith stated she feels this is a manipulation of the process, and that the Board was within legal rights to appoint Town Manager Jacien.

J. Hale disagreed, stating he feels it was illegal.

Chairman T. Ettori stated he feels it was legal. E. O'Shea agreed, stating that state law supersedes local law.

J. Hale voted in favor. W. Rehlen, Chairman T. Ettori, E. O'Shea, and C. Smith voted against. Motion fails.

#### MOTION

C. Smith made a motion to appoint Town Manager Jacien as the Acting Administrative Officer of zoning. E. O'Shea seconded.

W. Rehlen, Chairman T. Ettori, E. O'Shea, and C. Smith voted in favor. J. Hale voted against. Motion carries.

#### **Adjournment:**

#### MOTION

Motion to adjourn by C. Smith. Seconded by E. O'Shea. All in favor. So voted. The meeting was adjourned at 7:32 P.M.

Submitted by Brittany Gilman

Date of Approval \_\_\_\_\_