

Chapter 3

Actors in the Administration of this Bylaw

This chapter lists the actors in the administration of this bylaw and explains their roles. It also addresses conflicts of interest and ex parte contacts.

3.1 Administrator. The Administrator is the town employee or contractor charged with the administration of this bylaw. As required by 24 V.S.A. App. § 156-16h(3)(J) (Section 16h(3)(J) of the Williston Town Charter), he or she is appointed by the Town Manager based on merit and fitness without a definite term. He or she may be removed for cause by the Town Manager, at any time. The Town Manager may also appoint Deputy Administrators.

3.2 Conservation Commission. The Conservation Commission is created by § 15(b)(2)(C) of the *Town Charter*, which describes its composition and the appointment of its members, and in accord with 24 V.S.A. § 4501, et seq. Its role in the administration of this bylaw is to review developments for which a discretionary permit is required and advise the DRB regarding their compliance with this bylaw. The Conservation Commission reviews all developments that implement open space, including all neighborhood parks and watershed protection buffers, and/or recreation paths or trails. The Administrator may also refer other developments to the Conservation Commission.

Town Charter? Williston's charter may be found at the Town's website or in Title 24, Appendix Chapter 156 of the Vermont Statutes Annotated.

3.3 Development Review Board. The Development Review Board (DRB) is created by § 15(b)(2)(B) of the *Town Charter*, which describes its composition and the appointment of its members, and in accord with 24 V.S.A. § 4460 and 4461 (in Williston, the DRB is the AMP, appropriate municipal panel referred to in those statutes). The powers of the DRB are established by this bylaw. The DRB hears appeals from decisions of the Administrator, as provided by WDB 5.4 and reviews and acts on applications for discretionary permits, as described in Chapter 6 of this bylaw. The DRB's rules of procedure are generally established in this bylaw. See WDB 3.10 and 3.11, below, and Chapters 4-12. Rules for the organization of the DRB, including the election of officers, are established in Appendix A of this bylaw.

3.4 Director of Public Works. The Director of Public Works (DPW) is the town employee or contractor charged with the overall supervision of the town's infrastructure. The DPW promulgates the *Public Works Standards* that are referred to in many places in this bylaw and assists the Administrator and DRB in the review of proposed developments.

3.5 Historic and Design Advisory Committee (HDAC). The Historic and Design Advisory Committee is a five-member advisory committee, appointed by the Selectboard under the authority of 24 V.S.A § 4433. Its role in the administration of this bylaw is:

3.5.1 ... to review proposed developments, including major additions, in the design review districts established in Chapter 22 of this bylaw and advise the DRB regarding their compliance with the design review standards adopted in that and other chapters of this bylaw;

3.5.2 ... to review proposed development for which a discretionary permit is required by this bylaw in the VZD and advise the DRB regarding its compliance with the standards established in Chapter 42 of this bylaw, including the standards of the *Williston Village Historic District Design Review Guide*; and

3.5.3 ... review applications for administrative permits on referral from the Administrator, as provided by WDB 42.2.2.

3.6 Planning Commission. The Planning Commission is created by § 15(b)(2)(A) of the Town Charter, which describes its composition and the appointment of its members, and in accord with 24 V.S.A. § 4321, et seq. It prepared this bylaw, as provided by 24 V.S.A. 4441, and is responsible for the preparation of any amendments. The Planning Commission may also be asked to advise the Administrator and/or the DRB on the interpretation of this bylaw.

3.7 Project Review Committee. The Project Review Committee (PRC) is established to provide a coordinated and centralized technical review process to advise the Zoning Administrator and to ensure conformity with the requirements of the Taft Corners Form-Based Code Zoning District (TCFBC). The PRC is comprised of the Zoning Administrator, the Director of Public Works, and the Fire Chief. See TCFBC Section 8 for the PRC powers, duties, and operational procedures.

3.8 Selectboard. The five Selectboard members are Williston's chief elected officials. The Selectboard adopted this bylaw, as provided by 24 V.S.A § 4442 and must make any amendments. The Selectboard also appoints the Administrator and the members of the other bodies described in this chapter.

3.9 Town Clerk. This bylaw, as adopted, and some documents produced in its administration must be filed with the Town Clerk.

3.10 Town Manager. The Town Manager is the chief executive officer retained by the Selectboard. The Town Manager signs contracts on behalf of the town, including the development agreements required by Chapter 7 of this bylaw.

3.11 Conflicts of Interest

3.11.1 What is a conflict of interest? Conflicts of interest are defined by Williston's *Conflict of Interest Ordinance*, which is appended to this bylaw as Appendix B.

3.11.2 What is the proper response to a conflict of interest? Any actor in the administration of this bylaw, including staff or any member of the town boards listed in this chapter, who has a conflict of interest in the review of any application for a permit, or in any other proceeding authorized by this bylaw, shall declare that conflict and refrain from any participation in the proceedings.

3.12 Ex Parte Contacts

3.12.1 What is an ex parte contact? An ex parte contact occurs when a member of the DRB or either of the advisory boards (Conservation Commission, HDAC) discusses an application for a permit with the applicant, the applicant's representative, or any of the potentially affected neighbors outside a public meeting or their representatives. Ex parte contacts are defined in the town's *Conflict of Interest Ordinance*: see Appendix B.

3.12.2 What is the proper response to an ex parte contact? Members should avoid ex parte contacts whenever possible. When such a contact is unavoidable, members must disclose ex parte contacts for the record of the hearing.