

VERMONT  
COMMISSION  
ON  
NATIVE AMERICAN  
AFFAIRS



VCNAA Meeting Minutes  
Tuesday, September 18, 2012



[vcnaa.vermont.gov](http://vcnaa.vermont.gov)

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**COMMISSION**  
Luke Willard, Chairman  
Carlton Bertrand Jr, Vice-Chair  
Charlene McManis, Secretary  
Andrew Beaupre  
Jeffrey Benay  
Lucy Cannon-Neel  
Dave Van Deusen  
Shirly Hook  
Trudy Ann Parker

Members Present: Luke Willard, Chair; Carlton Bertrand Jr., Vice-Chair; Charlene McManis, Secretary; Andrew Beaupre, Jeffrey Benay, Lucy Cannon-Neel, Dave Van Deusen, Shirly Hook, Trudy Ann Parker.

Guests: Koasek Chief Bernie Mortz, Havenhill, N. H.; Carol Irons, Albany; Billie Lemay, Derby; John Moody, St. Albans; Duncan Mathewson, Middlebury; Julie Kelliher, DEHCD, Montpelier; Nulhegan Don Stevens, Shelburne, VT

The meeting was brought to order by Chairman Luke Willard at 1:06pm in Room 10 of the Vermont Statehouse in Montpelier.

**1. Welcome and introductions.**

The Commission welcomed the four new members and the returning members. Introductions were made by each commission member along with Giovanna Peebles, Sarah London and Julie Kelliher.

**2. Welcome from the Governor's Office.**

Luke turned the meeting over to Sarah London, Governor's General Counsel. She formally welcomed all the appointees by Governor Shumlin. Sarah also stated that the Governor's office will not instruct this commission on how to do their work. The Governor is so proud of VCNAA and their achievements and thanked us for our service.

**3. Commissioners' Briefing.**

**Open Meeting Law**

Luke turned the meeting to Julie Kelliher, General Counsel for the Department of Economic Development, Housing, & Community Development. Handouts on Open Meeting Law, Public Records and the recognition statues were passed out. Regular meeting dates are posted at the beginning of the year. Special meetings need 24 hour notice. Minutes have to be posted within five working days. Committees must post their meetings and take minutes from that meeting. Clarification of going into Executive session was 1) discussion of records that are not public 2) disciplinary action and 3) negotiating or appointments. Discussion was held regarding open meetings. A commissioner member can share information with other members without posting a meeting to do so. There is not statute on posting the agenda.

### **Public Records Law**

Sarah gave an overview of the Open Records law. The minutes and the voice recording will be sent to Vermont Historic Preservation. Discussion was held regarding commission members being issued email addresses by the state. Discussion was held regarding redaction of genealogy and archeological sites.

Luke moved to have a 3 minute recess. No objection. Meeting was brought back to order at 2:10pm.

### **Communication/Rules of Procedures**

Sarah gave an overview of Open Communications. She asked how communication is done between commission members. Discussion was held regarding the VCNAA secretary practices and having a staff member from DHP record meeting minutes. Giovanna stated she will readdress someone else taking the minutes and asked if Charlene would continue for this and next month.

Sarah asked how our rules of procedures were conducted. Luke read the VCNAA Rules of Order. Discussion was held regarding how consensus is used in meetings. “The commission will operate by General Consent. If general consent cannot be reached, the chair may call for a simple majority vote.” Jeff asked if this procedure work has worked. David and Andy agreed the method worked last year. Chief Stevens stated that while he was chair of the former Commission, it operated under “Majority Rule”. The commission strives for consensus but when it cannot be reached, majority rules. Regarding the recommendation of recognition applications for recognition, the commission conducts a roll-call vote.

### **4. Overview of 1 VSA Chapter 23.**

Sarah gave an overview of 1 VSA Chapter 23. Chief Stevens asked about the position of legal counsel for the VCNAA, citing a particular incident where a commission member had been forced to resign from the commission by her employer (the State of Vermont) and was immediately after terminated from her job. Julie stated she is legal counsel for DHP. Much discussion was held with no definitive answer as to who the commission legal counsel actually is.

### **5. Process for Selecting Chair**

Julie gave an overview on selection of chair. It was brought to attention that maybe the new members would like to hold off selection until next month. David asked the new commission members how they feel about it. Trudy stated she wished to sit and listen. Jeff inquired what the role of the chair was in this commission. Julie gave a broad answer regarding chairmanship in general. The rules of order also provide some greater detail. Luke gave a brief history about his time as Chair. Luke mentioned his favorite quote from Martin Luther King, Jr., “A genuine leader is not a searcher of consensus, but a molder of consensus.”

Lucy stated the necessity of having a chair to properly function. Joe would like to wait. Jeff inquired about an incident regarding complaints about ASHAI’s Dept of Labor program from the commission. Luke explained that after receiving a number of complaints about the program, he used a contact furnished to him by Jeff to pass the complaints along and express that it was not within the authority of the commission or himself to field complaints regarding a federal

program. It was asked how many people are willing to serve as chair. After much discussion, by consensus the only member willing to serve as chair was Luke. Andy moved to have Luke Willard continue as chair. Lucy seconded. Motion passed.

Discussion was held regarding the taking of the minutes for the VCNAA. It would free the current secretary to participate in the dialogue with the commission. There was no objection to have Charlene take minutes pending the outcome of the October meeting. The commission also praised Charlene for her service as secretary and thanked her.

David moved to elect Carlton as Vice-Chair. Andy seconded. Motion passed.

## **OLD BUSINESS**

### **1. Redaction of the Koasek Tradition Band Application submitted by Nathan Pero**

The Koasek application submitted by Nathan Pero was received on December 13<sup>th</sup> 2011.

Andy and Scott Dillon performed the redaction earlier today. Giovanna will shred all the old applications and mail 9 new copies of the application to commission members.

### **2. Koasek Tradename/Trademark Issue**

Luke asked if the commission wished to address the name issue. Dave gave an overview regarding a debate between Nathan Pero's group and the state-recognized Koasek. After some advisement from Julie, it was decided that the commission will move forward to review the application, noting that the name will likely cause confusion further in the process. More discussion was held. The statute states if the recommendation is not issued within the year, the commission will send a written explanation to the applicant and the legislature stating the reasons for the delay. Luke states that the commission owes it to the applicant to conduct the review in a timely manner. Chief Bernie Mortz, acting on behalf of his council, read a letter from the state-recognized Koasek Traditional Band of the Koas Abenaki Nation. The letter detailed the tribe's position regarding the review and possible recognition of the Koasek group led by Nathan Pero.

### **3. Approval of the New Scholar List and scholars for the application.**

For the benefit of the new commission members, Luke gave a summary spanning the last two years of this topic citing incidents where scholars who served in this capacity suffered career-wise due to politics originating from the Bureau of Indian Affairs. This has made it very difficult to maintain a list of qualified and willing independent scholars. Andy offered three new scholars for the review and approval for the commission. Luke asked Andy to voice the bios and qualification to the commission, which he did. Andy moved to approve the scholars. Lucy seconded. Motion passed. Andy then moved to assign Angela Labrador, Neils Rinehart and Lisa Neumann to review the Koasek application submitted by Nathan Pero. Dave seconded. Motion passed. Luke requested that DHP please forward the original application and supporting genealogical data to the appointed scholars. We will discuss an appropriate date and time to hold the mandatory public hearing regarding this application next month.

### **4. Approval of the April and June minutes**

Due to time restraints, this item was tabled until the next meeting.

**NEW BUSINESS**

**1. Next meeting**

The next meeting will be Monday, October 15 at 1pm – 3:30pm in Room 10 at the Vermont State House.

The meeting was adjourned at 4:15pm.

Respectfully Submitted,

Charlene McManis  
Secretary