



Town of Bolton

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CHARTER REVISION COMMISSION THURSDAY, FEBRUARY 20, 2020 7:00 P.M. – SENIOR CENTER SPECIAL MEETING MINUTES

The February 20, 2020 meeting of the Charter Revision Commission was called to order at 7:01 PM.

ROLL CALL

MEMBERS PRESENT: Gwen Marrion, Adam Teller, Richard Hayes, Jay Brudz, Jim Aldrich, and John Toomey.

OTHERS PRESENT: Coventry Town Manager John Elsesser, Columbia Town Administrator Mark Walter, Bolton Administrator Joshua Steele Kelly, and one member of the public.

CONSENSUS was reached among the full Commission to reorder the agenda to allow for public comment and discussion with guests to precede action on the minutes of previous meetings.

PUBLIC COMMENT

Milton Hathaway: Reviewed charter and other legal documents from other towns pertaining to security and the school system. He came today to deliver this information to the Commission to help them in their review of the Bolton charter.

AGENDA ITEM 4 – Discussion with guests John Elsesser, Coventry Town Manager, and Mark Walter, Columbia Town Administrator.

DISCUSSION: John Elsesser spoke first, initially speaking to the intricacies of a Council/Manager form of government. Stated that the model Council/Manager plan allows for the Council members elect the head of said council, though some towns across the state have the head of the council chosen by who is the highest vote-getter in a given election. He next spoke to the differences in authority between Town Managers and Town Administrators. Explained that Town Managers are responsible for hiring and managing all personnel, whereas Administrators sometimes have less authority to do so. Each charter has a different set of positions that require council approval in order to make a hire. There is a lot of flexibility for towns interested in striking a balance between these two extreme ends. Responsibilities for Town Managers can include, such as they do in Coventry, creating and presenting the annual capital improvement plan, the initial budget request, and more. He spoke to the fact that the Town Manager is generally the Chief Executive Officer of the town, whereas Town Administrators usually are not. That responsibility includes an ability to sign all contracts, whereas usually in Selectmen/Administrator governments the First Selectmen is required to sign many contracts. Elsesser noted that, in Coventry, the Town Attorney is specifically chosen by the hired Manager to avoid a politicization of that position and to lower costs associated with the use of the attorney. He explained the intricacies of the town's security team and the

way those issues are addressed by Coventry. Marrion asked Walter if Columbia has anything in their charter about security, to which he answered that they do not.

Aldrich asked if there was an authority by the Town Manager in Coventry to sign contracts on behalf of the school; his answer was no, but there are some charters that allow a town manager to cut the school's budget during the budget process. Elsesser stated that he prefers Coventry's approach, as being able to cut the school budget would strain his relationship with the school superintendent. Teller asked how much of Elsesser's job is defined by the charter as opposed to an employment agreement. The Coventry charter does not specify term or renewal periods, meaning the Manager serves at the pleasure of the Council.

Conversation turned to the size of the Town Council in Coventry, at which time Elsesser stated that his preference is to have a council of seven individuals. Hayes asked him to elaborate, and Elsesser stated that he felt a lesser amount was potentially open to quorum issues. Elsesser went on to further describe the way in which the Coventry form of government works, specifically the Council and its committees. He described there as being several committees, one of which is the Finance Committee, which essentially acts as a smaller version of what Bolton would call a Board of Finance. Marrion asked how those committees were established, to which Elsesser stated that they are enacted by Council policy rather than by charter or ordinance. Hayes asked about quorum issues, and Elsesser explained that their Council's quorum is five, as defined by the charter, even though a simple majority would be four. It was asked of Elsesser how engaged and passionate his Council members are, to which he answered that the number of initiatives coming forward waxes and wanes, but they generally have very competitive elections.

Hayes asked if Elsesser lived in Coventry and was required to do so; he stated that he is, but by contract rather than by charter. Hayes asked where model charters could be found, to which Elsesser said that he would send samples to Gwen. Elsesser explained that Manchester uses different terminology because they made the change to Council/Manager so long ago, but that terminology is not strictly important.

Hayes asked about the Coventry Capital Improvement Plan and how much control Elsesser has over the plan. Elsesser explained that he has full purview over what projects are funded and when, but he does collect input from various departments, including the Board of Education, as he creates the plan. Elsesser further explained that he runs LOCIP money through the capital improvement plan, so those dollars are explicitly allocated through that document. Hayes asked if the budget goes to referendum, and Elsesser explained that it has gone to referendum since 1991, which was the last time the charter was amended. Hayes asked questions about the law firm used by Coventry and what restrictions are placed on the Manager as he selects a firm to employ. Elsesser explained that he chose Coventry's firm based on who is both least expensive while providing the experience and the knowledge needed to effectively run the town. Elsesser went on to describe past crises that have arisen in Coventry due to a lack of procedural information, and suggested that Bolton should examine its charter to ensure that there are procedures in place to avoid such crises.

Hayes asked if Elsesser receives an annual review or not. Elsesser explained that he is not rehired at that point, but an annual review is provided as a means of giving him feedback for improvement and determining whether or not he will receive a raise of any kind.

Marrion asked, of both guests, how they would respond to an inquiry from the public about a tree down over the road and conversely if an issue arises with a knocked-down mailbox. Both guests explained that the complaint, in both cases, would be collected and acted on immediately. In both cases, either they or their administrative assistants would call the public

works department to resolve the issue. Marrion further asked if Elsesser had an opinion on the quality of professional skills found in town managers versus first selectpeople. Elsesser explained that the difference was wider in the past than it is now, though a difference still exists. Generally, Managers have specifically studied to fit the role they are taking on while First Selectpeople are not required to have the same kind of training, but there is no “universal line” that can fit each scenario. Teller asked how towns with Managers versus towns without Managers create economic development plans. Elsesser stated that he believes those types of plans are much more easily executed under the purview of a long-term Manager, as similar projects in Coventry have taken as long as 25 years to execute. As an example, Elsesser noted that Coventry currently has a grant to create a microgrid that has a number of moving, complex pieces at work to make it happen, and he believes it would be more difficult to act on those opportunities as an elected leader who is not necessarily in office for a long or stable period of time than it is for a Manager who is likely to be in office much longer, given positive reviews.

Aldrich noted that the state budget is no longer allowing for much town aid monies, and further asked whose responsibility it would be to advocate, on behalf of the town, for a reinstatement or expansion of said funds. Elsesser stated that there is a general understanding that the State is, more or less, broke, and thus it is an uphill battle to acquire any more funds than we are already given. He noted that a large part of the state budget growth is simply debt payments. He elaborated to say that he is responsible for lobbying on behalf of the Town in many areas, and he often goes to Hartford to argue in favor of town-benefitting policy. He stated that there are also times when the Council chair will come testify alongside him.

Brudz asked how important the technical difference is between the title of “Manager” and “Administrator,” and what is different structurally. Elsesser noted that “Manager” generally attracts more candidates to apply, opening up the search more nationally rather than just locally. Brudz followed up to ask if there is a substantive difference between the term “Board of Selectmen” and “Council,” to which the answer was more or less no. Teller asked if being deemed the Chief Executive Officer matters, to which Elsesser agrees. Brudz lastly asked what Elsesser would change in the charter if he could. Elsesser replied by stating that he would change some structural dates that do not line up to his preferred schedule. He further stated that the Coventry Charter is fairly thin, but it allows for a decent amount of flexibility, including an ability to withdraw up to \$100,000 for fund balance.

Elsesser expressed torn feelings on the budget referendum process, as there are so few folks who generally show up to use their vote, with turnout as low as 12%. Walter noted that he sees an average of 100 attendees at annual town meetings in Columbia.

Walter went on to describe his background in East Haddam and then, following that, Columbia. He was both the elected Chief of Police and First Selectmen in East Haddam. He stated that social media can greatly skew a referendum’s results whereas Town Meeting generally can help combat misinformation a bit more effectively. Columbia has Town Meetings to decide the final budget, though the residents can petition to have it go to referendum. Teller asked if a budget can be increased after failure at Town Meeting or referendum in both towns, to which they both answered that it was technically possible, though not likely.

Marrion asked why Walter eventually decided to go find a professional job when he was First Selectmen elsewhere. He replied by saying that the position got too political for him, as he was primaryed by his own party multiple times during his time in East Haddam, and he decided that it was time for him to pursue more stable employment. He said he had a great transition, and he feels that the Columbia government is much more effective than a Strong First Selectman form of government. In Columbia’s government, the First Selectman is still the Chief

Executive Officer and is responsible for signing all contracts. He works with the First Selectman to set Board agenda. Walter has to seek Board approval for all hiring of full-time employees, firing of employees, and the editing of all job descriptions.

Walter stated that he enjoys his administrative role without having to worry about the politics behind some decisions. He noted that there is no residency requirement in Columbia. Elsesser added that he does not feel that a residency requirement is a good thing anymore, as such a requirement forces spouses and children to leave their roles, lives, and schools to move with the newly-hired Manager or Administrator, which is not fair and limits the number of people who may be interested in the job.

Marrion asked Walter if there are any specific actions he feels he cannot take as an Administrator that he could take if he were a Manager. Walter reiterated Elsesser's point that the term "Manager" attracts a much wider pool of applicants than "Administrator" or other variations. He went on to state that he does not feel that his hands are tied by the fact that he is not the Chief Executive Officer.

Toomey asked if the Economic Development Commission in town is a subsection of the Board of Selectmen, to which Walter stated that it is not, though they have a Selectman who volunteers for the EDC. Teller asked if he is responsible for creating the town's annual budget, to which Walter explained that he is responsible for creating the first draft. Hayes asked if he conducts a self-evaluation each year, to which Walter states that he does, and then further evaluation is done by the First Selectman. Elsesser stated that he does a kind of self-evaluation, and then the full Council gives him an evaluation based on goals established early on in the year. Elsesser noted that he is a credentialed ICMA Manager, while Walter is not.

Aldrich asked how each individual is able to deal with employee reprimands. Elsesser stated that he is permitted to both hire and fire, and anyone who wishes to appeal a decision has to go to the State. That process is outlined in the Coventry charter. Walter noted that his town does not have unions; he is responsible for progressive discipline, but he cannot hire or fire directly without approval from the Board of Selectmen. Teller asked if he found it cumbersome to not be able to fire without Board approval, to which Walter said that he feels any decision of that nature should have full approval and mutual agreement anyways. Elsesser noted that it really depends on the situation at hand.

Hayes asked both guests if they could identify a town in which a Strong First Selectman system has worked effectively. Walter offered Old Saybrook as a possible suitable example. Both offered up Portland, Durham, and Ridgefield as other examples. Elsesser and Walter described how various regions around the state tend to go to one form of government or another. Elsesser noted that Clinton just switched to a Manager form of government. Marrion thanked both guests for their time.

AGENDA ITEM 2 – Act on minutes of January 30 meeting, February 11 public hearing, and February 11 meeting.

MOTION by Hayes, seconded by Brudz, to approve the January 30th meeting minutes.

DISCUSSION: None.

VOTING IN FAVOR: Unanimous.

MOTION by Toomey, seconded by Teller, to approve the February 11th meeting and public hearing minutes.

DISCUSSION: Teller noted that the second page, second paragraph, starting with “Brudz” should rather read “Teller”. It was generally noted that the minutes are too messy to understand or vote on. Kelly suggested that they be redone by a member of the Selectmen’s Office before the March meeting. Hayes asked that all written correspondence be attached to meeting minutes. Toomey suggested that a “Correspondence” section be added to the agenda. Toomey withdrew the motion to approve.

MOTION by Teller, seconded by Toomey, to table action on these minutes.

VOTING IN FAVOR: Unanimous.

AGENDA ITEM 6 – Discuss requesting clarification of Board of Selectmen review items.

DISCUSSION: Marrion stated that she feels that a number of items sent by the Board are rather vague, including “evaluate the referendum process,” “evaluate the effectiveness of the current town meeting requirements,” and more.

MOTION by Hayes, seconded by Brudz, that the Chair be authorized to make an inquiry to the Board of Selectmen to clarify the intent of the review items sent to the Commission.

DISCUSSION: Teller stated that he feels the Chair should be authorized to ask anything of anyone. Hayes stated that he did not intend for it to be a limiting motion or to limit Marrion in any way. Teller articulated that he does not feel that the Commission should have to hunt down each and every intention, and he hopes that the Board would articulate their wishes going forward. Aldrich stated that he hopes to speak with Bob Morra and Sandra Pierog about their experience with Bolton’s current form of government and how they perceive the town’s successes and failures with it. He asked if there was approval from the Commission for him to approach those individuals privately. Brudz stated that he does not feel that the Commission should have purview to decide who can and cannot have private conversations with others.

VOTING IN FAVOR: Unanimous.

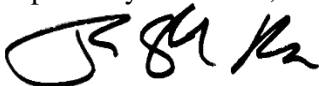
AGENDA ITEM 7 – Establish subcommittees.

DISCUSSION: Marrion stated that Eleanor Georges wished to be on the Procedural Committee. Brudz and Aldrich stated an interest in being on the Budget & Taxation Committee. Hayes and Teller expressed an interest in being on Structural. Hayes noted that Teller may have a conflict of interest in serving on that committee given that he is the current chair of the Planning & Zoning Commission. Teller disagreed. The Commission was polled, and there was a general consensus that it was acceptable for Teller to serve on that subcommittee. Toomey expressed an interest in Budget & Taxation, making it a committee of three. Marrion added that she will serve on the Procedural Committee with Georges.

Brudz brought up the question of whether the rules of order should be amended for this Commission to eliminate the need to call for a second on each motion. No consensus was reached on that question.

The meeting was adjourned at 9:06 PM.

Respectfully submitted,



Joshua Steele Kelly, Administrator

See minutes of subsequent meetings for approval of these minutes and any corrections hereto.