

CHARTER REVISION COMMISSION

Thursday, July 17, 2020

Via teleconference

7:00 P.M.

Phone: 1-929-205-6099

Meeting ID: 820 6617 1275

The July 16th, 2020 meeting of the Charter Revision Commission was called to order at 7:02 PM.

1. ROLL CALL

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

MEMBERS ABSENT: None

OTHERS PRESENT: Board Clerk Michael Stankov

2. PUBLIC COMMENT

G. Marrion called for Public Comment, but there was none.

3. ACT ON MINUTES OF JUNE 1 SPECIAL MEETING, JUNE 11 REGULAR MEETING

MOTION MADE by J. Brudz, seconded by G. Marrion, to approve the minutes of the June 1 special meeting.

VOTING IN FAVOR: G. Marrion, A. Teller, J. Brudz, J. Aldrich, and J. Toomey.

VOTING AGAINST: R. Hayes

ABSTENTIONS: E. Georges

MOTION MADE BY J. Brudz, seconded by A. Teller, to approve the minutes of the June 11 meeting.

DISCUSSION: G. Marrion proposed two small tweaks to words in the minutes – changing the word “consciousness” to “conscience” in the public comment, and changing the word “completed” to “completely” on Page 7, paragraph 3.

VOTING IN FAVOR: G. Marrion, A. Teller, E. Georges, J. Brudz, J. Aldrich, and J. Toomey.

VOTING AGAINST: R. Hayes

ABSTENTIONS: NONE

Due to technology issues preventing J. Aldrich from presenting his data, the presentation by J. Aldrich on Bolton economic information, originally Agenda Item 4, was moved later in the meeting, after Continuing Business: Review of Town Charter.

4. CONTINUING BUSINESS: REVIEW TOWN CHARTER

A. Teller requested that a motion be taken regarding support for a Town Manager form of government, such that the temperature of the commission regarding that form of government might be taken. G. Marrion stated that she would look favorably on such a motion.

MOTION MADE by A. Teller, seconded by J. Brudz, to support the movement of the town from a Town Administrator form of government to the Town Manager form of government.

DISCUSSION: E. Georges stated that she felt that taking votes early would make it difficult to have a discussion regarding the issue but A. Teller stated that his intention with putting the motion on the table is to focus the discussion on this particular form of government so that it can be supported or discarded quickly – which A. Teller imagines it would be, given the past comments of the commissioners.

A. Teller stated that in his view, there exists a large pool of individuals at a national level who are professional public administrators. This large pool is invaluable for a town of ~5000 individuals, a size that cannot guarantee a capable administrator from among its citizens. The town would be well served in many ways by having a professional administrator who can be in the office full time – much better served than with an elected official who does not necessarily need to have any qualifications. In the circumstances that the town manager did not do their job well, they can be fired easily – especially compared to the fixed terms of an elected first selectman.

A. Teller also spoke to his issue with some of the arguments against the town manager form of government that had been levied in past weeks. First, against the argument that Bolton is a “stepping stone”, A. Teller noted that many very qualified people are at the start or end of their careers, and should not be dismissed as potential administrators simply because of where they are in their lives. Second, regarding the “lack of stake” of a Town Manager compared to someone who lives in the community, A. Teller noted that no hired official wants to do a bad job and ruin their reputation – which means that they would be motivated and strive very hard, regardless of where they live. Third, regarding the idea that a town manager would be unresponsive to citizen concerns, A. Teller pointed to the many elected officials who are not responsive to public concern to indicate that responsiveness of an administrator is not bound to elected status.

J. Brudz agreed with the overwhelming majority of A. Teller's comments, but noted the lack of public outcry for a change to the Town Manager form of government as being a good reason to not seek drastic changes to governmental structure.

J. Aldrich noted that the actual charge to the commission from the Board of Selectmen was, first and foremost, about the elimination of the Board of Finance. He does not see the issue of CEO as being anywhere near as important as the status of the BoF, and that that particular issue needs to stand alone from any other charter decisions being proposed. He is not in form of a town manager form of government.

G. Marrison agreed with J. Aldrich's concern about the priority of the BoF question, but noted that whether or not such an issue could be asked independently of the rest of the charter revisions has not been made clear by legal counsel yet.

J. Toomey stated that he agreed with almost all of A. Teller's points, and was in favor of the Town Manager form of government. He also urged the commission to act, such that changes were actually made and not just discussed.

R. Hayes asked A. Teller how he viewed the Town Manager being hired. A. Teller stated that he saw the hiring process as being controlled by the Board of Selectmen, likely with a search committee. The process would likely be synonymous to the process employed by the Board of Education to hire a superintendent of schools. R. Hayes then asked what the percentage of the vote on the BoS would be required to hire a Town Manager. A. Teller stated that the number was unclear until this body decided the specifics, but would likely require a simple majority – though the commission is also considering expanding the size of the BoS, so such matters cannot be certainly stated at this time.

R. Hayes asked about whether or not this topic could be reconsidered in the future after the given vote, and it was determined that anyone on the winning side of the vote could ask to reconsider the matter at a later point. R. Hayes refrained from commenting on his viewpoint on the Town Manager form of government.

E. Georges spoke in response to several of the arguments made by A. Teller. She argued that the prevalence of the Town Manager form of government does not necessarily make it a good one, and that Bolton should not necessarily follow suit on this form of government just because surrounding communities are. Second, she argued that the members of this commission were a strong counterpoint to the idea that Bolton cannot find competent individuals from within the town, as the many talented professionals on this body and currently in town government speak to the contrary. Third, she argued that while a Town Manager may be competent and have a stake in the town due to their desire to have to do their job well, that does not necessarily preclude a First Selectman form of government from attracting individuals with the same desires.

G. Marrison asserted that the Town Manager and Town Administrator forms of government are not particularly different in her view. G. Marrison stated that the main reasons that the town would move to the Town Manager form of government revolve

around ensuring that the town's chief administrator can do their job easily and without undue checks on their ability to execute the duties of office. G. Marrion also noted that clarifying language that already exists in the charter would greatly strengthen the existing Administrative Officer position without drastically altering the form of government. G. Marrion believes that small changes made to the existing job description, such as changing the official name of the position from Administrative Officer to Town Administrator, would greatly reinforce the power of the position.

E. Georges asked A. Teller if he would like to argue against the points that she had raised against his initial argument. A. Teller noted that while there are certainly many qualified people in Bolton, it is one thing to be qualified to serve part time on a board and quite another to give up an enormous amount of their time and potentially their career to do the job. The availability of people who are willing to do the job is massively expanded by seeking professionals from across the country, and ensures that there will always be someone who wants to do the job, as opposed to risking the tiny pool of Bolton's population not wanting to rise to the challenge of being the First Selectman. Additionally, as Bolton is very socioeconomically homogeneous, A. Teller feels that limiting the office of CEO of Bolton to an individual living in the town unduly limits the viewpoint of the individuals running the community.

VOTING IN FAVOR: A. Teller and J. Toomey.

VOTING AGAINST: Chair G. Marrion, Vice Chair E. Georges, R. Hayes, J. Brudz, J. Aldrich.

ABSTENTIONS: None

The commission next addressed the issue of the elimination of the Board of Finance at the request of J. Aldrich.

J. Brudz noted that he is deeply uncertain regarding the elimination of the BoF, and is uncertain exactly what would convince him either way.

A. Teller stated that he used to be very in favor of the elimination of the BoF, but has recently wavered in his opinion – in no small part due to the fact that almost none of the testimony from members of the other Boards in the Town was in favor of the elimination of the BoF.

J. Toomey noted that in his 50 years of experience in the town, he has mostly seen the BoF trip over itself and be not particularly informed about the particular issues and needs of the public. He also doesn't see exactly how the BoF actually creates a series of checks and balances in the budgeting process, and is in favor of the elimination of the body.

E. Georges supported the elimination of the BoF, and applauded J. Toomey for his consistency and intensity of opinion on the matter.

R. Hayes stated his support for the elimination of the BoF.

J. Aldrich supported the elimination of the BoF, citing his experience on that body as informing his opinion.

G. Marrion stated that she was uncertain about the elimination of the BoF, largely because she views such a change as being unpalatable to the electorate. If such a change were to be introduced, there would need to be a plan in place to ensure that the important roles of the BoF could be rolled into a new body.

R. Hayes proposed that the education and town budgets could be bifurcated and voted on by the public separately, and asked if such a change would convince G. Marrion or J. Brudz that the elimination of the BoF was a good idea. G. Marrion argued that splitting the budget would likely divide the town further between those who support the BoE and those that support the BoS. E. Georges argued that members of the BoE had previously supported going directly to the Town with the education budget, and that such an action might be quite palatable to the BoE.

G. Marrion then brought the conversation back around to the topic of Form of Government. J. Brudz noted that the two remaining ideas on the table were 1) a new Strong First Selectman/Mayoral form of government, and 2) tweaks and clarifications to the current Town Administrator/ Weak First Selectman form government.

R. Hayes stated that if the Board of Finance was to be eliminated, he would support a Strong First Selectman form of government. If the Board of Finance was to remain, he is uncertain how he would vote.

J. Aldrich stated that he was uncertain and did not feel strongly about either form of government, but noted that First Selectman S. Pierog was in favor of the current system, while Selectman R. Mora would likely support the Strong First selectman form of government.

A. Teller noted that of the remaining options, he would be in favor of the Town Administrator/Weak First Selectman form of government.

E. Georges spoke strongly in favor of the Strong First Selectman form of government.

J. Brudz spoke vehemently against the Strong First Selectman form of government, favoring the existing Town Administrator/Weak First Selectman form of government.

G. Marrion spoke in favor of the Town Administrator/Weak First Selectman form of government, and did not feel that she needed to take a stance on the Board of Finance at this time in order to argue for this form of government. G. Marrion stated that the current form of government, with some moderate changes to enhance Town Administrator authority and clarification of the duties and responsibilities of all parties, would be her preferred form of government.

J. Brudz and J. Toomey agreed with this system of incremental change, but R. Hayes questioned whether this could really be considered change to the current system at all. G. Marrion argued that real changes in the Town Administrator position would occur, such as adding language

pertaining to the role of the Town Administrator as Personnel director, such as the authority to sign contracts and broader ability to hire and fire non-appointed officials, and changing the number of votes required to fire the Town Administrator from 4 to 3.

R. Hayes asked why the charter is currently written to require 4 votes to remove the Administrative Officer. G. Marrion noted that such language is common in other towns with similar systems, and that during the previous charter revision that took place 10 years ago, nearly all of the language concerning the Administrative Officer was written into the charter in the first place, and as a result much of the language was pulled directly from the charter of Canton, CT. R. Hayes noted that such a number was a supermajority, and wondered why. G. Marrion pondered that such a position likely existed to defend against hiring and firing of individuals based on shifting political party dominance in a given community. The commission spent some time discussing the intricacies of hiring and firing a Town Administrator, terms of contracts for such a position, and how differences in language in such contracts could affect the performance and ease of dismissing a given Town Administrator.

J. Brudz proposed that a vote on moving this form of government to the drafting table take place. J. Toomey argued that he supports the proposed changes to the existing Town Administrator/Weak First Selectman form of government, and that G. Marrion is likely the ideal individual to write the language for such a form of government since she wrote much of the language for the position on the previous charter.

MOTION MADE BY A. Teller, seconded by J. Toomey, to support a system of government that relies on both a Town Administrator and a First Selectman, and that the powers and functions of the Chief Executive Officer and Chief Operating Officer of the Town of Bolton shall be divided between those two positions, with the specifics being determined at a later date.

DISCUSSION: J. Aldrich stated that he finds the position hard to consider, since it does not discuss the Board of Finance. A. Teller argued that while paying mind to the BoF is important, it is not possible to discuss how to replace the BoF without considering the top-down structure of the government first.

VOTING IN FAVOR: Chair G. Marrion, J. Brudz, A. Teller, and J. Toomey.

VOTING AGAINST: Vice Chair E. Georges, J. Aldrich, and R. Hayes.

ABSTENTIONS: None

5. PRESENTATION BY J. ALDRICH ON BOLTON ECONOMIC INFORMATION.

MOTION MADE BY J. Aldrich, seconded by A. Teller, to table the matter until a subsequent meeting, due to the lateness of the hour.

VOTING IN FAVOR: G. Marrion, A. Teller, E. Georges, J. Brudz, J. Aldrich and J. Toomey.

VOTING AGAINST: NONE

ABSTENTIONS: R. Hayes

6. CORRESPONDENCE - NONE

7. OTHER

The Commission discussed their ability to meet again before the next regularly scheduled meeting, in order to review 1) A draft of Form of Government provisions, predominantly changes to Chapter 5 and 6, prepared by G. Marrion, 2) A presentation of Economic Data presented by J. Aldrich, and 3) The potential elimination of the Board of Finance from the charter. The commission determined that they would hold a special meeting on August 17, 2020 to discuss the above stated topic.

MOTION MADE BY E. Georges, seconded by A. Teller, to set the proposed special meeting for Monday, August 17th, 2020.

VOTING IN FAVOR: Chair G. Marrion, J. Brudz, A. Teller, and J. Toomey.

VOTING AGAINST: Vice Chair E. Georges, J. Aldrich, and R. Hayes.

ABSTENTIONS: NONE

G. Marrion adjourned the meeting at 9:14 P.M.