

CHARTER REVISION COMMISSION

Thursday August 20, 2020

Via teleconference

7:00 P.M.

Phone: 1-929-205-6099

Meeting ID: 820 6617 1275

The August 20, 2020 meeting of the Charter Revision Commission was called to order at 7:05 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: None

G. Marrion started the meeting by stating that she would look favorably on a motion to add the disbanding of subcommittees as an item on the evening's agenda.

MOTION MADE by A. Teller, seconded by J. Brudz, to add an item to the agenda regarding the potential disbanding of subcommittees.

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

VOTING AGAINST: None

ABSTENTIONS: R. Hayes

2. PUBLIC COMMENT

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

3. ACT ON MINUTES OF JULY 16, 2020 MEETING

MOTION MADE by A. Teller, seconded by J. Toomey, to approve the July 16th minutes with corrections.

DISCUSSION: A. Teller first pointed out that the minutes were incorrectly headed Thursday July 17, but should read Thursday July 16 (the 17th being a Friday).

E. Georges noted that on Page 2, Paragraph 4, her comments were introduced with the word "felt", but it would be more accurate to phrase them as "thought".

G. Marrion noted that the final line of Page 3, Paragraph 2, should read “he is not in favor”, but incorrectly reads “he is not in form”. She also noted that Selectman B. Morra’s name was incorrectly spelled (with only one r) on Page 5, Paragraph 6.

The commission next discussed that there was an error in record keeping related to the final vote of the night, regarding the time and date of the special meeting which had been set on Monday the 17th of August. While the minutes reflected a split 4/3 vote, R. Hayes had left the meeting at the point that the vote was taken, and the other two commissioners believed they had voted in favor of setting the special meeting but were uncertain if they had voted against for some reason. The commission resolved to mark the vote as 4-0-0 and to note that R. Hayes had left the meeting at 9 PM in order to ensure that no individual’s vote was misrepresented.

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

VOTING AGAINST: R. Hayes

ABSTENTIONS: None

R. Hayes requested that the commission move the discussion of setting additional meetings up in the agenda.

4. SETTING ADDITIONAL SPECIAL MEETINGS FOR THE TOPIC OF CONTINUING THE DISCUSSION OF THE REVIEW OF THE TOWN CHARTER

MOTION MADE by R. Hayes, seconded by A. Teller, to set a special meeting of the CRC for Tuesday, September 22, 2020, at 7 PM.

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

VOTING AGAINST: None

ABSTENTIONS: None

MOTION MADE by R. Hayes, seconded by A. Teller, to set a special meeting of the CRC for Thursday, October 29, 2020, at 7 PM.

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

VOTING AGAINST: None

ABSTENTIONS: None

MOTION MADE by R. Hayes, seconded by A. Teller, to set a special meeting of the CRC for Thursday, November 24th, 2020, at 7 PM.

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

VOTING AGAINST: None

ABSTENTIONS: None

MOTION MADE by R. Hayes, seconded by A. Teller, to set a special meeting of the CRC for Thursday December 17, 2020, at 7 PM.

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

VOTING AGAINST: None

ABSTENTIONS: None

The Commission spent some time discussing the possibility of holding meetings in person again, as opposed to over zoom. G. Marrion noted that the official policy of the Town of Bolton, as related to her by Administrative Officer J. Kelly, was that meetings could not be held in person until CT Governor N. Lamont increased the numerical limit on individuals at public gatherings to 50 persons, and it is currently 25 individuals. Commissioners had differing levels of comfort related to meeting again in person during the ongoing global pandemic, but agreed that they would revisit the issue if any changes to state or town policy occurred.

5. TO REVIEW AND POSSIBLY COME TO A DECISION ON A DRAFT REGARDING THE TOWN ADMINISTRATOR POSITION.

G. Marrion noted that her hope for the night was to get the current draft regarding the position of Town Administrator in a good enough position that it could be put aside for the time and other topics could become the focus of the commission.

J. Toomey began the discussion with a question regarding the draft language that explicitly excludes the Town Administrator from being involved in many community organizations, voicing his concern that articles that exclude an individual from participating in their community can be seen as un-American. J. Brudz responded by claiming that said language was his idea, and sprang from the intention of ensuring that the Town Administrator is a completely impartial position. As the Town Administrator is very politically powerful in its managerial capacity, J. Brudz argued that it would be sensible to ensure that said position is not biased towards any community organizations that have political interests in the town. J. Toomey was unpersuaded, however, noting that while such intentions are good, limiting someone's involvements because of their employment is stepping on their fundamental rights.

A. Teller noted that while he acknowledged J. Toomey's argument and that he also wasn't the biggest fan of this section of the proposed language, it may be enough to remind the Town Administrator that they may be subject to the ethics clause in any decisions that they make that involves an organization that they are a part of, which could require them to recuse themselves and turn responsibility to the Board of Selectmen (BoS).

A. Teller next stated that while he did have several small things about the language in the document that he would like to change, he felt confident enough in J. Brudz's work to place this document into the commission's working drafts and move on to another topic. G. Marrion thanked A. Teller for his endorsement of the document, and asked if any other commissioners would be willing to vote to move the document into the working drafts at this time.

J. Aldrich and R. Hayes both expressed their consent to moving the draft to the working draft bin, though R. Hayes, J. Aldrich, and G. Marrion all mentioned some small concerns regarding the language as written.

The commission spent some time briefly discussing several topics, including: whether or not powers should be able to be delegated to the First Selectman or the Town Administrator by ordinance or by BoS resolution; where precisely the language regarding delegation of power belongs in the charter; potential issues with interlocal agreements that could arise by forbidding the Town Administrator from serving on bodies in the community; and about potential issues in the language regarding differentiating members of the public and the media, and how such differentiation could inadvertently cause legal trouble in the future.

E. Georges praised J. Brudz's work on this draft, and also voiced her support for moving the current document into the working draft bin.

Noting the many small comments that the commissioners had for the document, A. Teller suggested that the commission should keep a running list of comments with the working draft upon its approval, such that the commissioners could continue to work on refining the document on their own time without continuing to take up more time during meetings.

MOTION MADE by A. Teller, seconded by J. Brudz, to place the current draft of the revised charter pertaining to the Town Administrator into the working draft bin.

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

VOTING AGAINST: None

ABSTENTIONS: None

6. TO REVIEW AND POSSIBLY COME TO DECISION ON PROVISIONS REGARDING THE BOARD OF FINANCE

G. Marrion next moved the commission to the topic of the Board of Finance (BoF), and asked J. Aldrich to introduce the different possible changes to the BoF that the commission might consider at this time.

J. Aldrich noted first that the language of the charge given to the commission by the BoS was to consider the elimination of the BoF, though the commission has also consider changes to the structure of the BoF instead of completely eliminating it.

If the BoF were to be eliminated, J. Aldrich proposed several possibilities: An expansion of the BoS from five to seven individuals, and the creation of an education subcommittee that would coordinate with the Board of Education (BoE) regarding budgeting; making the First Selectman a member of the BoE, as is the case in other communities such as Naugatuck, to improve communication between the BoS and BoE; and/or keeping the BoS a five-person body but making the First Selectman a full-time position with the responsibility of attending all BoE meetings.

Conversely, if the BoF were to be modified, J. Aldrich propped some or all of the following: Reducing the size of the BoF; refining and narrowing the role of the body via the charter; expanding the role of the BoF beyond budgeting to being the primary body for tracking revenue and communicating with the public about the town's finances; and/or moving from an elected BoF to a partially or fully appointed one, with the appointments potentially being composed of members of the BoE or BoS.

Conversation turned to the topic of concerns regarding the elimination of the BoF. While R. Hayes and J. Toomey both voiced their support of consolidating the power of the BoF into the BoS (as the BoS and BoE already do their own budget work), others were uncertain. A. Teller noted that his biggest concern with eliminating the BoF and consolidating its powers into the BoS would be that doing so gives the BoS the power to cut the education budget, something that it has never been able to do before. G. Marrion also noted this concern, stating that any decisions that this body came to regarding the elimination of the BoF would need to have strong arguments in favor and ensure that the BoE budget is protected.

R. Hayes spoke first in favor of eliminating the BoF, stating that the elimination of the BoF isn't really going to change – there will still be a public hearing with many individuals voicing their concerns, the actual process of building the budget remains the same, and the BoS won't actually be able to cannibalize the BoE budget because the education spending budget is protected at the state level, such that it cannot drop below a certain level. R. Hayes also suggested contacting First Selectman S. Pierog and Selectman B. Morra for their views on the pros and cons of getting rid of the BoF.

G. Marrion noted that the commission has already spoken to S. Pierog and B. Morra and heard their opinions, which are primarily that the BoF is deeply inefficient in its review of the budget, essentially going through all of the steps that the BoS and BoE do in building their budgets in the first place. G. Marrion also noted that despite the inefficiency, S. Pierog and B. Morra were the only individuals who the commission had interviewed about the elimination of the BoF who were in favor of such an action.

J. Aldrich spoke to his experience on the BoF, and how the extreme redundancy in the process needs to be streamlined to save everyone time. J. Aldrich also noted the likelihood that no matter what this commission decided, the voters may prevent the removal of the BoF on the ballot. Much of this comes from the public bias towards education spending over general government spending, and the perception that the BoF protects the BoE from the BoS. Because of this, it is important to phrase the changes to the BoF as a standalone vote that is unrelated to the rest of the Charter Revision changes, as it would not do to lose all of the commission's work on other matters just for the BoF.

G. Marrion noted that it might be possible and a good idea to phrase the two questions separately, but that the commission might have to write two whole charters (one with a BoF and one without) in order to actually present the choice to the voters, as the point of giving the charter revision changes to the community is for them to approve the exact language, which they cannot do if said changes are not written.

J. Brudz suggested placing an advisory question regarding public support for elimination of the BoF on the November ballot, but noted that it might be too late in the CRC's term for the results of such a ballot to be useful to the commission. A. Teller noted that such an advisory question wouldn't necessarily be helpful, since the major issue facing the commission is not IF to eliminate the BoF, but what to do afterwards, and such an advisory question wouldn't capture the complexities of that problem.

A. Teller noted that as it currently stands, he hasn't heard a good argument for eliminating the BoF right now except that the budgeting process needs to be streamlined – but streamlining is not necessarily synonymous with elimination. A. Teller feels that the BoF should be exclusively advisory, holding a public hearing and then recommending whether or not there should be cuts to the BoE or BoS budgets. The budgets would then return to those boards to make the cuts that were recommended, and if the BoE or BoS chose not to make those cuts they would have to go on record as going against the advice of the BoF when it came time for the budget referendum. Ultimately, this format of BoF would leave the actual budgeting in the hands of the boards who have expertise in what they need, while also maintaining the BoF as a singular public forum through which the community can voice their concerns about the budget and recommend cuts. By ensuring that the Board featured individuals from the BoS, BoE, and at large members of the public, this advisory body would be impartial, streamlined, and ensure that concerns about the budget could be heard.

Conversation returned to the idea of placing an advisory question on the ballot. J. Toomey offered to do research to find out exactly what would be involved in putting such a question on the ballot if the commission chose to, but also spoke to his hesitancy to place a new question on the ballot at this time due to the potential complexities of adding questions to absentee ballots at this point. R. Hayes noted both the low general participation in such questions in the past and the validity of A. Teller's points regarding the difficulty of phrasing such a question. J. Brudz agreed with the potential problems that could result from such an advisory question, and wondered who was going to argue in favor of the elimination of the BoF to the public.

E. Georges argued that the role of this body is to sell the elimination of the BoF to the public if it chooses to do so, and that there are good reasons to do so. There are individuals on the BoS and who have served on the BoF in the past, from both political parties, who all argue that the BoF is unnecessary redundancy – should not their agreement about the elimination of the BoF from these experienced individuals count for something? Additional, E. Georges argued if a member of the BoS were to permanently serve on the BoE, the two bodies would be brought into closer cooperation and the perceived adversarial nature between them should evaporate – and if it didn't, the citizens of the town could vote out the problematic members of both boards.

R. Hayes asked G. Marrion if, in her conversation with the First Selectman of Naugatuck, it had been made clear if only the First Selectman can serve as an appointee to the BoE, or if the First selectman can designate an individual to fulfill that obligation for them. G. Marrion consulted her notes, and stated that in the Naugatuck system, the First Selectman is the only individual who can fulfill that position, and that while it had been previously considered to allow the First Selectman to appoint a representative to the BoE, it was ultimately decided against.

The commissioners spent some time discussing the merits of A. Teller's idea of an advisory BoF, and considered how many of the individuals in such a body should be elected vs appointed, how many seats might be filled by members of the BoS and BoE, who the BoF would make its final recommendations to, and whether or not the BoS would have the final decision on the budget that goes to referendum, or if the BoE and BoS would each send their separate budgets to referendum, and if such a process would require two referendum votes.

J. Aldrich proposed an alternative to A. Teller's advisory BoF, which was the elimination of the BoF and the enlargement of the BoS to seven individuals. In this enlarged BoS, there would be a budgeting subcommittee that would be responsible for running the public hearing currently held by the BoF. In such a meeting, the BoS and BoE would both present their budgets to the public for debate and feedback. At the end of the public hearing, two individuals from the BoE, the finance sub-commissioners from the BoS, and the first selectman would take the feedback that they heard and hash out the details of the final budget for the town and the schools that would go to referendum that year.

MOTION MADE J. Toomey, seconded by R. Hayes, to support the creation of a draft of a revision to the charter in which:

- the Board of Finance is eliminated;
- the Board of Selectmen is expanded to seven members;
- there is created a subcommittee of the Board of Selectmen dedicated to budgeting and coordinating with the Board of Education throughout the budgeting process, and;
- there is created a five member finance committee, comprised of two members of the Board of Selectmen, two members of the Board of Education, and the First Selectman, with the First Selectman serving as the committee's chair. This committee shall hold the public hearing regarding the budget, and will have ultimate power to determine what

DISCUSSION: J. Brudz noted that the new proposed five member finance committee could be called the Board of Finance, and doing so could decrease resistance to this

change. Several commissioners noted that this change was functionally not eliminating the Board of Finance, but simply changing its composition and manner of election. J. Brudz called some of the problems regarding minority representation on this new body into question, but J. Toomey noted that the language that currently exists regarding the BoF deals with this issue.

J. Toomey withdrew his motion due to the need to organize the ideas that had been proposed and the amendments that had been suggested by many other commissioners in the process.

MOTION MADE by E. Georges, seconded by J. Aldrich, to support the creation of a draft revision to the charter in which: the composition of the Board of Finance is changed to a five person finance committee being made up of two individuals from the Board of Selectmen, two individuals from the Board of Education, and the First Selectman. These five individuals would be responsible for attending all budget meetings, presenting the budget at the referendum, and subsequent budget revisions going through this committee until the budget is adopted.

DISCUSSION: A. Teller noted that the drafter of this concept should be authorized to consider other sections of the charter outside of those directly pertinent to the BoF that might need to be changed in order to realize this concept. R. Hayes enthusiastically supported A. Teller's recommendation, and nominated him to draft the language for this motion. G. Marrion asked if A. Teller would agree to draft the language, and he agreed to do so if that was the commission's pleasure.

VOTING IN FAVOR: G. Marrion, E. Georges, J. Brudz, J. Aldrich, J. Toomey, and R. Hayes.

VOTING AGAINST: None

ABSTENTIONS: A. Teller

7. ELIMINATION OF SUBCOMMITTEES

J. Brudz noted that due to the accelerated pace that the commission has been working in recent weeks, it is no longer necessary to keep the subcommittees as previously established.

MOTION MADE by J. Brudz, seconded by E. Georges, to terminate the subcommittees due to the fulfillment of their purpose at this point.

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

VOTING AGAINST: None

ABSTENTIONS: None

8. CONTINUING REVIEW OF TOWN CHARTER – NONE

8. OTHER – NONE

9. CORRESPONDANCE - NONE

G. Marrion adjourned the meeting at 9:05 P.M.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Stender". The signature is written in a cursive style with a large initial "M" and a distinct "S".

Please see future minutes for revisions and corrections to these minutes.