

CHARTER REVISION COMMISSION

Tuesday September 22, 2020

Via teleconference

7:00 P.M.

Phone: 1-929-205-6099

Meeting ID: 810 3706 8917

The September 10, 2020 meeting of the Charter Revision Commission was called to order at 7:03 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. CONTINUING REVIEW OF TOWN CHARTER

G. Marrion began by stating that her hope for the meeting was to resolve the last of the issues from the previous meeting pertaining to the structure of the Board of Finance (BoF), hereafter referred to as the Finance Commission (FC), such that the commission could begin a more general review of the charter.

To recap the issues that the commission had not yet been able to resolve by the end of the previous meeting:

- 1) Should the First Selectman automatically be a member of the BoF?
- 2) Should the First Selectman automatically be the chair of the BoF, or should the BoF choose their own chair?
- 3) How should the Board of Selectmen (BoS) and the Board of Education (BoE) choose which of their members will serve on the BoF?

E. Georges inquired about why the BoF is being presented as being an elected board in the draft language, noting that the body is not wholly elected – there are two appointed members, one of whom might become the chair of the body. A. Teller noted that he wrote the language in such a way primarily from the viewpoint of organizational structure, as the majority of this hypothetical BoF is elected. This would lead to turnover in the membership of the body every two years at the organizational meeting that would occur after the election, potentially changing out both the elected and appointed individuals, as well as potentially changing the chair of the commission.

This turnover in membership following the elections in November is consistent with how most elected boards function, so A. Teller chose to frame the new conceptualization of the BoF as an elected board for consistency with other bodies – even though the board is not technically 100% elected. Either way, this phrasing should not have any effect on the function of the FC.

R. Hayes suggested that the language pertaining to the continuance of a budget from a previous year should contain an elevator clause that would keep the budget for the year on pace with increases in the grand list should the budget fail to pass at referendum. Doing so would ensure that the collected funds from the previous year would allow the government to continue to function commensurate with its function the previous year, even if the new budget could not be approved.

J. Aldrich had notes regarding several disparate parts of the draft. First, he supported the language of the Charter only permitting the elected members of the FC being allowed to be the chair of the body. Second, the minority members of the FC should be chosen by the minority members of the BoS or the BoE, as opposed to a collective vote of that board. On the issue of audits, J. Aldrich suggested that the FC not be forced to renew an auditor each year, but instead extend a contract for the auditor for up to 4 years. On the issue of the adoption of the budget, J. Aldrich suggested that a budget that fails at referendum should not have to be decreased, but could be either increased or decreased.

R. Hayes asked about how a member of the FC might be removed from the body. A. Teller noted that an elected official can't readily be removed from the board as the language is currently written. However, as all of the elected officials will hypothetically need to be reappointed to the FC after an election, an ineffective member of the FC that was reelected could be passed over by the BoF for appointment back to the FC. R. Hayes and A. Teller discussed the merits of whether or not it would be good to create a mechanism by which the BoS or BoE might remove one of their members from the FC, noting that the Ethics commission should be able to remove an unethical member of the FC and that regular elections should provide an option to remove ineffective members from the FC every year or two. Related to this previous point, A. Teller and R. Hayes also discussed whether it would be better to have the term for the members of the FC last for one year or two.

After this point, the commission agreed to move the language for the FC to the drafting bin and moved on to a discussion of other points.

E. Georges began the discussion by speaking about the language in section 2.3 of the Charter – in particular, can non-U.S citizens serve as elected officials in the town? Based on her research, the CT general statutes state that in order to hold elected office one must be a U.S. citizen, at least 18 years of age, who lives in the municipality in which they are holding office. J. Brudz asked if a non-citizen could hold an appointed position in town despite their inability to be elected, but the language as currently written states that one can only hold office in town if they are an elector of the town – and one can only be an elector if they are a citizen.

J. Brudz and A. Teller spoke in favor of allowing non-citizens to serve on appointed boards to gather the talent of such individuals who do wish to serve. E. Georges noted the issue of having

non-citizens potentially serving on a board that could determine spending, noting the suggested language for the FC that had just been placed into the drafting bin. J. Aldrich and J. Toomey both spoke against allowing such individuals to serve on boards in town for similar reasons as those noted by E. Georges. G. Marrion noted the lack of support on the CRC for allowing non-citizens to serve appointments in the town, and suggested that the commission move on from this point and leave the language as it current exists.

E. Georges next spoke about section 2.5, regarding vacancies in public offices. Traditionally, when an elected official resigns and their office is vacated, the vacancy is filled by an individual recommended by the leaving official's political party. E. Georges noted several different ways in which the language might be changed – that preference might be given to the next runner up in the election, or that the alternates of the board might be elevated automatically. The board spent a great deal of time discussing the benefits and problems with changes to the language; in particular, would giving any group of people preference to fill a position that was vacated for any reason be creating a politically privileged class? The Board ultimately determined that the current language was largely sufficient, but that alternate members of a body with a vacancy would not automatically be offered the open position at the end of 60 days of the position not being filled. This provision was included as a clarification to existing language, such that alternate members that are not necessarily qualified to be full members of a body would not automatically assume important seats due to inaction by the apparatus of government.

The CRC next discussed a request from the Town Clerk about whether or not appointments to fill empty elected positions should be for the duration of that office's term, or until the next upcoming election. Creating such clarifying language would allow voters a chance to fill, for example, a four-year seat that became open in its first year, with a midterm election in year two. A. Teller argued in favor of filling these longer-term openings at midterm elections, noting the importance of letting people have their say of office holders while also mentioning that appointees who wanted to continue holding a position could run for it in the midterm elections. R. Hayes pointed out that, due to several changes that he and A. Teller were planning on proposing, much of this issue could be made moot anyway. Because of this, G. Marrion volunteered to clean up the language for the section of the charter related to filling vacancies, and would get back to the commission with a clean draft at an upcoming meeting.

A. Teller and R. Hayes next spoke to several issues in Chapter 3, the first of which was whether there are boards in town that are currently elected that should be filled by appointment, and vice versa. R. Hayes spoke to the benefits of appointing individuals to boards instead of filling seats by election – namely, the large number of competent but politically unaffiliated individuals in town who could serve competently on non-political bodies. A. Teller spoke to this latter point, noting that boards such as Planning and Zoning have very little political bent to them - It is very difficult to run for one of these offices on any sort of platform that isn't based in statute that all commissioners would be obligated to follow. There is no major difference between a qualified "Republican" and "Democrat" candidate for such a board, and no land use decision should ever be based on party affiliation.

G. Marrion noted her agreement with the points put forth by A. Teller and R. Hayes, noting that her only apprehension was that not electing important positions like the Planning and Zoning Commissioners would mean that residents of the town wouldn't be able to learn about or hold accountable said commissioners. E. Georges pointed out that while appointed individuals cannot be held directly accountable by voters, the BoS that appoints such individuals can be voted out if they make inopportune appointments.

Conversation turned to which bodies should be appointed and which should be elected. Of the remaining positions listed in Chapter 3, the commissioners tended to agree that the Planning and Zoning Commission (PnZ) and Zoning Board of Appeals (ZBA) would do well to be appointed (such that individuals knowledgeable about these complex topics could hold such positions), while any board dealing with taxation or political representation, namely the Board of Assessment Appeals (BoAA) and the Town Meeting Moderator, should be elected.

A. Teller and R. Hayes next proposed that the inland wetlands commission (IWC) should be merged with the PnZ for the town. A. Teller, R. Hayes, and J. Aldrich all spoke in favor of merging these two boards, as many of the tasks that the two bodies have to do are very similar and having two different meetings that all building applications go through is not efficient. By presenting both the Zoning and Wetland regulation information in one meeting, it is easier for the applicant, the supervisory board, and the public to understand all of the issues related to a particular project at once while costing all involved parties less time and money.

G. Marrion disagreed, arguing that the boards have significantly different roles. First, the techniques and knowledge that are needed to deal with wetlands have a great deal of overlap with PnZ, but there is also other information that is specifically related to wetlands that is not planning related. Additionally, PnZ already has a large amount of work coming before it – and having to review all minor wetlands infractions, violations, and activities in addition to all of their previous tasks could be too much.

J. Aldrich noted that if staff were doing a larger share of the work to deal with the architects and wetland scientists for each given project and only brought major points before the PnZ, the burden on that body wouldn't increase much. R. Hayes argued that this community does not have enough activities occurring in any given time to really overwhelm a combined PnZ/ IWC, and that many other communities have combined those bodies successfully. Further, R. Hayes stated that combining those bodies and creating a more efficient application process could help to spur economic growth in town through new building projects attracted to the ease of development.

A. Teller noted that part time staff in town might not be sufficient to fulfill the role that would be needed by an expanded and combined PnZ/IWC, but hiring full time employees to cover those roles might solve that issue. Additionally, A. Teller disagreed with R. Hayes and J. Aldrich's desire to see the PnZ and IWC merged for efficiency to encourage more applications for development in town, stating that erring too far towards trying to encourage efficiency for efficiency's sake fails to take into account the primary economic drivers of local development.

The commission agreed to place the topic of combining the PnZ and IWC onto the agenda for the upcoming meeting on October 8, 2020 for further discussion.

G. Marrion adjourned the meeting at 9:00 P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Michael Stambaugh", with a horizontal line extending to the right.

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