

CHARTER REVISION COMMISSION

Monday August 17, 2020

Via teleconference

7:00 P.M.

Phone: 1-929-205-6099

Meeting ID: 820 6617 1275

The August 17, 2020 special meeting of the Charter Revision Commission was called to order at 7:01 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: Administrative Officer Joshua Kelly

2. PUBLIC COMMENT

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

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

J. Aldrich began his presentation by highlighting the major discrepancy across the last 10 years between the growth of the budget for the State of Connecticut and the amount of money that the state has been contributing to school budgets in Bolton – notably, that while the state budget has grown by over 30% in this 10 year period, Connecticut is now paying slightly less to Bolton schools than it was in 2008. Had the state continued to allocate funds to Bolton’s school district in proportion to the budget growth, Bolton would be receiving over a million more dollars each year for its schools.

G. Marrion asked what J. Aldrich believed should be done about this lack of funding reaching the schools, and how the language of the charter could be written to address the issue. J. Aldrich responded that he believes someone in the town government must be actively in pursuit of state funding and that no one is currently doing that, but disagreed with an idea proposed by G. Marrion that a new position needs to be created to pursue fiduciary policy. In his view, this should be one of the foremost responsibilities of the first selectman, and he would like to ensure that language is written into the charter that ensures a strong fiduciary advocate for the town in coming years.

E. Georges asked if this trend in underfunding of town services will get worse in the future, and J. Aldrich stated that he believed that it would – and that the lack of state funds

reaching the town is likely more severe than he reported, as he only analyzed lost funding for education and not state spending on roads and other shared services.

A. Teller and J. Toomey discussed some ways to improve the precision of the financial data gathered by J. Aldrich, with all three noting that it would be ideal to gather information about the growth of wealth in the town, but such information can be hard to come by.

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

G. Marrion, who authored the draft, introduced the piece by pointing out the most significant changes that she had made. These were:

- 1) The addition of the language “The Town Administrator serves at the pleasure of the board of selectmen and can be appointed or removed by a vote of majority by the entire board.” – This change reduced the needed votes to remove the Town Administrator from 80% to 60% (from a supermajority down to a simple majority), making it much easier to remove a problem Administrator from their position should the need arise.
- 2) “The Town Administrator shall be considered the Chief Administrative Officer of the Town.” – This change was made to bring the current title of this position, Administrative Officer, more in line with industry standards in order to improve communication and make it easier for the Town Administrator to do their job.
- 3) Language was changed to clarify that the Town Administrator will confer with the Board of Selectmen (BoS) and First Selectman when dealing with the Town Attorney for all issues that fall within the purview of their job, but will not confer with the Town Attorney for other purposes.
- 4) Significant changes were made to the power of the position to hire and fire. Currently, the Administrative Officer recommends hiring and firing of employees to the Board of Selectmen, but does not have power to remove an employee from a position without the BoS’s approval. While this process has been preserved and the BoS still has to approve of hiring or firing, the Town Administrator shall be granted the power to suspend employees
- 5) The BoS may now appoint the Town Administrator as representative to any number of regional agencies that they see fit.
- 6) The Town Administrator shall now keep the entirety of the BoS, and not just the First Selectman, fully apprised of communication related to town staff, residents, and third parties.
- 7) The maximum amount of time that a contract can be granted to a Town Administrator is three years, such that the BoS may review the performance of the Town Administrator and choose to renew, adjust, or end the contract every few years.

J. Brudz first raised the point that it may not be necessary that all 17 items that define the role of Town Administrator are written into the Charter, but instead some of these responsibilities could

be phrased to be duties that can be varied by ordinance. Doing so would provide more flexibility in assigning responsibilities to individuals other than the Town Administrator if necessary.

J. Brudz next proposed the idea that the Town Administrator should not hold any other offices in town, such that there is no conflict of interest between political interests and the professional managerial aspect of the office. J. Brudz also suggested small changes to the proposed language on hiring and firing, wondering whether or not it was truly necessary to have every single incident come before the BoS for approval. The language could be changed such that the Town Administrator could fire any position below the Department Head level by default unless the BoS explicitly intervenes – this would streamline the process but ensure the BoS retains ultimate power if they choose to exercise it.

Lastly, J. Brudz also spoke to some minor concerns regarding the three year contract for the Town Administrator, and wants to ensure that the town does not wind up having to pay three years' worth of salary if the individual who holds the contract was removed from their position after two months. G. Marrion pointed out that the current language of Administrative Officer J. Kelly's contract states that if the town removes him, it will provide 60 days' notice and pay him for that time and no longer. J. Brudz stated that such a protection as currently written is exactly what he is looking for, but thinks that said language should be written into the Charter to ensure that no future contract is ever without these protective provisions.

E. Georges stated that she vehemently opposed all of the new language that has been proposed, as it increases the power of the Town Administrator, an unelected position that now wields tremendous political power. Increasing the reach of this position, E. Georges argued, is ceding a democratic process to a bureaucratic one, and she cannot support that.

A. Teller noted the tension between E. Georges' and J. Brudz's points: Should more or less power be vested in this position? Regarding the power to hire and fire, A. Teller pointed out that the proposed language ensures that the elected officials of the BoS still have ultimate firing power, but giving the Town Administrator the ability to suspend an employee until the next meeting of the BoS can approve their firing is important for dealing with individuals who have become problematic or could become violent.

A. Teller then expounded on J. Brudz's point that some of the 17 items that define the role of the Town Administrator did not necessarily need to be written explicitly into the charter. In his view, A. Teller felt that at the very least, the duties of Personnel Officer, Risk Manager, Budget Preparation, Managing Day to Day Operations, and Performing Labor Relations should all be explicitly vested in the Full Time Administrator for the town.

R. Hayes asked G. Marrion and A. Teller about the difference between the powers of the Town Administrator position currently being proposed and the powers that exist in a Town Manager. A. Teller stated that two major differences that exist are that the Town Administrator cannot hire or fire without the approval of the BoS, nor can they contact the Town Attorney without approval from the same body. G. Marrion also noted that Town Managers usually have the power to sign contracts, but the Town Administrator cannot do so. Additionally, a Town Manager is designated as the CEO of the town, while in a Town Administrator/First Selectman

form of government the First Selectman is the Chief Executive. R. Hayes stated that in his opinion, this language is giving too much power to the Town Administrator and making them a *de facto* Town Manager, which was a form of government that this commission voted against in a previous meeting.

G. Marrion and A. Teller responded to R. Hayes' concerns by noting that most of the language that has been added to the Charter was already in the job description of the Administrative Officer. Additionally, the new language in the Charter makes it much easier to remove the Town Administrator from power, clarifies when the Town Administrator is allowed to represent the town outside of the town, and ensures that the performance of the Town Administrator will be reviewed every three years with the potential to remove that individual from office by not renewing their contract at that time. These changes mean that a Town Administrator that is doing a bad job can be removed much more easily and that their responsibilities are much clearer, which is a major improvement for oversight of the position by an elected body.

R. Hayes stated that he finds it difficult to make decisions on the final form of the Town Administrator's powers when so many things have not been decided about the structure of the Board of Finance (BoF) and the BoS. Without knowing how many members will be on the BoS and for how many years, and whether or not the BoF will exist in the final form of the charter revision, R. Hayes argued that it is difficult to really embrace these changes as proposed.

J. Aldrich voiced several concerns that echoed those of E. Georges – namely, that the changes as proposed are pushing the balance of power too much in favor of the Town Administrator at the expense of the First Selectman. It would be good to define the powers of the First Selectman and ensure that sufficient checks exist on the power of the Town Administrator. Because of this, in his view, it would be good for one of the individuals in the “Stronger First Selectman” camp to write the job description alongside an individual in the “Stronger Town Administrator” camp.

G. Marrion noted the division in the commission, and asked if anyone else would like to attempt a rewrite of the Town Administrator position. E. Georges stated that she would be in favor of putting aside the language changes for the Town Administrator position and moving on to discussion of the structure of the BoF and BoS. J. Brudz agreed with E. Georges, arguing that making one preliminary round of edits to the proposed language and then putting aside this language would be good for the momentum of the commission. A. Teller agreed, requesting that each commission member be provided with the source material from which this draft's language was drawn, and then submit a list of their explicit problems with the proposed language so that these problems can be addressed adequately. J. Aldrich stated that after A. Teller's proposed review process, he would be in favor of sending the language to the BoS and potentially creating a subcommittee to work with that body and others to generate feedback and potential concerns from others in town government.

J. Toomey asked R. Hayes about what his explicit desires and problems were with the current language, and stated that he would be interested in reading them. R. Hayes stated that he needed clarification on several points:

First, who else, other than the Town Administrator, is involved in negotiating collective bargaining agreements for the town? – A. Teller stated that the First Selectman is involved in the process, but the commission did not know every individual who would be involved in such a process.

Second, what would be some past examples of the Town Administrator drafting ordinances and proposing them to the Board of Selectman for their consideration? – J. Brudz proposed a piece of hypothetical legislation regarding Noise Ordinances that could be written by the Town Administrator, while G. Marrion spoke to occasions where ordinances had been drafted by the Administrative Officer in the past.

Third, when the Town Administrator suspends an individual, what role does the BoS play? – G. Marrion clarified that the intention of the language is to allow the Town Administrator to suspend a problematic employee such that they are no longer actively working for the town, and then allow the BoS time to review their case for potential dismissal.

Fourth, does the Town Administrator have the authority to speak to the media about any number of issues without first speaking to the BoS? – G. Marrion noted that as it currently stands, such power has been delegated to the Administrative Officer by the BoS, and that the inclusion of said language in the charter simply reflects the distribution of powers as it currently stands. G. Marrion also noted that J. Brudz's idea of separating the Town Administrator's powers into those fundamentally vested in the position via the charter and those that can be delegated or rescinded by the BoS could come into play here with this power, if the Commission thought it was a good idea to do so.

Five, what does it mean to “keep the board of selectmen fully apprised of the goings on in town?” How informed does the BoS need to be, and how would that be done? – G. Marrion noted that the language specifically calls out any communication that comes from town staff, residents, and third parties that goes through the Town Administrator's office could be the subject of such updates, but that exactly what kinds of communication they would like to be informed of could be left to the decision of the BoS.

Sixth, how often would the Town Administrator's performance be reviewed, and would the contract with the Town Administrator be a rolling contract? – Currently there is a yearly performance review, but there are currently no provisions in the charter regarding a great number of things, particularly concerning the specifics of a contract.

A. Teller noted that he would not be opposed to potentially allocating some of the powers currently vested in the Town Administrator to the office of the First Selectman if that was the opinion of the body, as well as creating even more oversight for that body, if R. Hayes was to propose the specifics.

G. Marrion echoed J. Toomey's initial request from the commission for specific comments and changes, and directed them to be sent to J. Brudz for integrating into a single piece for further consideration by the commission.

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

J. Aldrich began the conversation by recapping many of the conversations that this commission and he individually have had over the course of the past several months regarding the feelings and ideas of individuals throughout the town's government regarding what should be done about the BoF. Many individuals have expressed their apprehension regarding the potential elimination of the BoF, and so putting the question of the elimination of the BoF to the public will have to be done very carefully.

J. Aldrich then laid out the pathways forward regarding the restructuring of the BoF – First, to eliminate the BoF entirely and increase the size of the BoS while moving most of the responsibilities of the eliminated BoF to the BoS. Second, to reduce the size of the BoF and give it a narrower set of responsibilities. Beyond these two ideas, J. Aldrich also spoke to several ways that financial reporting and budgeting could be streamlined to ease the budgeting process and reduce the administrative burden currently placed on each department in town come budget time.

J. Brudz first raised the question of whether or not the commission would be interested in placing an advisory question on the November ballot regarding whether or not there was popular support for the elimination of the BoF. He carried on by asking whether or not it was possible to replace the existing elected BoF with an appointed body that is made mostly of members of other boards and bodies in town, as doing so would create a body that contains representatives of all involved parties.

A. Teller spoke in favor of J. Brudz's second point, mentioning his support of replacing the current elected BoF with an appointed body with members drawn from the BoS and Board of Education (BoE), along with other appointed individuals. Doing so would continue to provide a neutral forum for discussion of budgeting that ensures that all parties have their voices heard while also giving one place for residents to go to voice their concerns about the budget. A. Teller also mentioned that a decision would have to be made about whether this hypothetical future BoF should be one that has an advisory role or a decision making role in the final budgeting process.

J. Toomey spoke in favor of eliminating the BoF, noting that the body isn't really doing anything that a budget committee on the BoS couldn't do, except that it makes the budget process take longer. Additionally, in his view, the body isn't actually very neutral in its opinions regarding how the budget is allocated, and he certainly cannot believe that a body made up of people who are part of the BoS or BoF are going to be any more neutral in the budgeting process than an independent body.

R. Hayes asked why many of the individuals that the Commission has spoken to were afraid of eliminating the BoF. J. Brudz stated that he is reticent to eliminate the body primarily because many of the individuals on the BoF and the BoE spoke against the idea, and it does not appear to

him to be that there is a major upwelling of public support for the elimination of the body. R. Hayes asked if J. Brudz knew why there was so little public support, but J. Brudz stated that he did not have any good ideas as to why. R. Hayes stated that he doesn't see a very good reason to preserve the BoF at the moment, and is struggling to come up with arguments in favor of keeping it, despite the opinions of many of the people interviewed.

E. Georges spoke in favor of the elimination of the BoF, arguing that the major roadblock in getting rid of the body is nostalgia, which is not a valid reason to keep the BoF. In her view, the elimination of the BoF should increase transparency, but A. Teller voiced his concern that eliminating the body would make it harder for individuals in the town to feel as if there is one place that they can go to state their concerns and get explanations about the budget for the coming year.

J. Aldrich stated that if the BoF is to be eliminated, it is very important to continue to have a public hearing and provide even more financial information to the voters so that transparency is maintained during the budgeting process. Eliminating the BoF would also require an expansion of the size of the BoS, and the creation of a subcommittee regarding budgeting on the BoS.

G. Marrion requested that J. Aldrich and J. Toomey create a list of alternatives to the BoF so that the commission can quickly determine the path that it wants to go down. J. Toomey noted that in the years that he served on the BoF, the majority of the members of the BoF never went to the budget meetings for the BoS or BoE, despite the value of going to those meetings to understand how budgeting was proceeding. It would be beneficial to ensure that whatever body replaces the BoF is involved and informed about the budgeting process from the standpoint of the BoE and the BoS.

6. OTHER – NONE

G. Marrion adjourned the meeting at 9:18 P.M.

Respectfully submitted,

A handwritten signature in black ink that reads "Michael Standley". The signature is written in a cursive, slightly slanted style.