

CHARTER REVISION COMMISSION

Tuesday November 24, 2020

Via teleconference

7:00 P.M.

Phone: 1-929-205-6099

Meeting ID: 895 7718 5202

The November 24, 2020 special meeting of the Charter Revision Commission was called to order at 7:08

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 NOVEMBER 12, 2020 REGULAR MEETING

MOTION MADE by J. Brudz, seconded by A. Teller, to ratify the minutes of the November 12, 2020 meeting minutes.

DISCUSSION: G. Marrion noted that due to E. Georges' late arrival at the meeting, she was listed as being absent in the roll call, and requested that she be added back in.

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

VOTING AGAINST: R. Hayes

ABSTENTIONS: None

4. DISCUSSION AND POSSIBLE VOTE ON ADDING NEW SECTION 10.2(G), EXCEPTION FROM INCOMPATIBLE OFFICES FOR SERVICE ON EMERGENCY SERVICES BODY

It was noted that the commission did in fact that a vote on this topic at the previous meeting, and that it would be thus be prudent to move on to the next item on the agenda.

5. DISCUSSION AND POSSIBLE VOTE ON REVISING SECTION 10.3 TO INCLUDE LANGUAGE PERTAINING TO ETHICS PROVISIONS AND RELATED LANGUAGE

G. Marrion requested that the commission come to a conclusion regarding the topic of section 10.3 that was discussed at the previous meeting. J. Aldrich suggested that a brief few sentences be inserted at the beginning of section 10.3 that would explicitly reference existence of the Ethics Ordinance and point individuals to the ordinance to understand what specific violations of ethics are. G. Marrion noted that A. Teller's draft had left open the question of whether to grant power to remove individuals who had violated the ethics ordinance to the Board of Selectmen (BoS), or to group said power with other removals in the as yet undiscussed Section 12 of the charter. A. Teller noted that he would prefer all removal provisions to go under Section 12, and J. Brudz agreed.

MOTION MADE by J. Toomey, seconded by A. Teller, to accept section 10.3 in concept and move it to the drafting bin.

DISCUSSION: None

VOTING IN FAVOR: G. Marrion, A. Teller, J. Brudz, J. Toomey, J. Aldrich, R. Hayes, E. Georges
VOTING AGAINST: None
ABSTENTIONS: None

DISCUSSION AND POSSIBLE VOTE ON REVISING SECTION 8.2 (A), AUDITS

Discussion moved on to the Chapter 8 memo that was prepared by J. Brudz, J. Toomey, and J. Aldrich. J. Aldrich began the discussion by speaking to the point that the current Auditor is signed for 5 years – but since the term for the board of selectmen (BoS) is intended to be shifted to 4 years, it would be prudent to shift the term for the Auditor to no more than 4 years as well.

MOTION MADE by J. Brudz, seconded by A. Teller, to move J. Aldrich's proposed language for 8.2(A) to the drafting bin.

DISCUSSION: None

VOTING IN FAVOR: G. Marrion, A. Teller, J. Brudz, J. Toomey, J. Aldrich, R. Hayes, E. Georges
VOTING AGAINST: None
ABSTENTIONS: None

7. DISCUSSION AND POSSIBLE VOTE ON REVISING SECTION 8.3, TREASURER

J. Aldrich presented his proposed language to the commission, stating that the treasurer would serve for a period of time not exceeding 4 years, with permission given to the BoS to allow the Director of Finance to serve as the treasurer. This language clarifies how the Treasurer will be appointed, which has previously not been found in the town charter.

A. Teller noted that the specific role of the Town Treasurer is to receive all money addressed to the town, and to keep a record of all money paid out, in quantity and to whom. As long as the Director of Finance could fulfill that position without any conflicts of office, there should be no issue in allowing the Director of Finance to also serve as the Treasurer.

J. Brudz asked for clarification about whether the Treasurer serves at the pleasure of the board, or if they are appointed for a specific duration. G. Marrion noted that according to ordinance all town employees serve at the pleasure of the BoS unless the terms of employment are dictated by contract or if there is a different statute governing that specific position. A. Teller noted that there is a statute that governs removal of treasurers, but that it is less specific than this language and should not conflict.

MOTION MADE by J. Brudz, seconded by J. Toomey, to move J. Aldrich's proposed language for 8.3 to the drafting bin.

DISCUSSION: None

VOTING IN FAVOR: G. Marrion, A. Teller, J. Brudz, J. Toomey, J. Aldrich, R. Hayes, E. Georges
VOTING AGAINST: None
ABSTENTIONS: None

DISCUSSION AND POSSIBLE VOTE ON REVISING BUDGET ADOPTION PROCEDURES (SECTION 8.5)

J. Aldrich recommended that a simplified financial statement with a brief explanatory narrative be made available at the budget referendum for the public each year. Doing so would allow individuals to understand any major changes in the budget from last year and would help to inform their vote. J. Brudz noted that this summary would be prepared by the Finance Commission (FC), and thus would not have to be approved by the BoS or Board of Education (BoE). J. Brudz offered some minor

concerns that material that was assumed to be “plain language” by the FC might not be considered that way by members of the public, and as such could lead to complaints – even though providing the voters with information is ostensibly a good thing.

A. Teller stated that he had a major issue with this idea. Particularly, the distribution of material to the public immediately before the referendum would result in that material being the last information about the budget that the public would receive. This has the potential to change the votes of individuals at the last minute – and if that is the case, a narrative that may not be 100% pure unbiased, un-editorialized data is functionally propaganda. A. Teller argued that the use of taxpayer funds to distribute this information is fraught with problems and liabilities to the town. While it would be acceptable to distribute this information as a justification behind why the FC crafted the budget that they did, it should not be thrust upon the public at the last minute and should instead be made available as soon as the budget passes the FC.

J. Aldrich noted A. Teller’s concerns and stated that he had been inspired by income statements distributed once a year to the congregation of his local church. A. Teller and J. Aldrich discussed the best way to ensure that the public receive the simplified economic information without potentially poisoning the well of public opinion immediately before the referendum. A. Teller noted that if the narrative material could be distributed prior to the referendum and not distributed as individuals arrived, it would be far less problematic.

R. Hayes asked for clarification as to how the information being discussed is different from the distribution of a simple financial statement. J. Brudz pointed out that as long as the narrative is removed, there isn’t a difference and thus it should be fine to distribute. E. Georges echoed A. Teller’s concerns about handing voters material at the referendum itself, but was strongly in favor of having the financial statement and narrative summary available to the public in the weeks leading up to the referendum.

While the commissioners agreed that the raw financial information should be made available to the public several days before the referendum, there was still some disagreement about whether or not there should be a descriptive narrative to accompany the data. A. Teller noted that there are state election laws that explicitly explain what can and cannot be published by the government in relation to the election and that such laws exist to ensure that there are no biases in presented data paid for by taxpayer dollars that could sway opinions or alter representation of viewpoints.

MOTION MADE by J. Brudz, seconded by A. Teller, to move J. Aldrich’s proposed language for Section 8.5 (B4) to the drafting bin, with the modifications that the financial information will be made available several days before the referendum and no narrative will accompany the data.

DISCUSSION: None

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

VOTING AGAINST: None

ABSTENTIONS: None

Next, J. Brudz discussed a change for Section 8.5 (C), where the language currently only allows for a budget that fails at referendum to be reduced, instead of being reduced or increased. In J. Brudz’s research, Bolton is one of only very few communities that explicitly states that the budget can only be reduced after a failed referendum. Restricting the flexibility of the FC to change the budget after a failed referendum is unhelpful for the complex process of redrafting the budget, and while revising a budget upwards seems unlikely to happen it is still wise to allow the FC the freedom to do so.

MOTION MADE by R. Hayes, seconded by J. Brudz, to adopt J. Brudz’s proposed language for

section 8.5 (C1), changing the words “reduce” and “reducing” to “revise” and “revising”.

DISCUSSION: J. Aldrich offered concerns that allowing the budget to increase after a failed referendum takes a very orderly system of incremental decreases and introduces a great deal of chaos to it. The current language is very beneficial to those who are sensitive to the town overspending taxpayer money, and changing this language could potentially cause the charter revision to fail at referendum. J. Brudz agreed that this might be a hot-button topic for discussion when the charter revision recommendations come before the public, but argued that it would be fairer to change the language to be impartial than to mandate that the budget must decrease each time. While it seems unlikely that a large faction that demands that the town spend more in its yearly budget should vote down the budget and referendum, it is possible that such an event could occur, and the charter should not automatically prevent such a thing from being possible.

E. Georges noted that in order to properly consider this topic, it is also necessary to resolve the issue of multiple referenda. If a budget is voted down repeatedly by the public because it is too large, but the budget increases after each vote, is there a point at which the town can create a budget without public input? Could this be abused?

R. Hayes noted that he had been operating under the assumption that this language would come into existence alongside a system for dealing with multiple failed referenda that he had proposed several times in the past. In this system, after the second failed referendum, the budget for this year would revert to the budget of the previous year, with a small elevator clause that keeps that amount of money collected consistent with any increases in the value of the grand list. G. Marrion noted that while R. Hayes had brought up this point several times, the commission had never formally decided to adopt such language.

A. Teller noted that he had proposed language similar to that which is proposed by R. Hayes, but with several notable differences: That if a budget failed at referendum multiple times, the power to set the budget for the year would be given to the FC, with the new budget being set with a small percentage above or below the budget of the previous year. While A. Teller agreed with R. Hayes that there should be a circuit breaker in the case of multiple failed referenda, having that circuit breaker only move in one direction instead of allowing a body of individuals to determine the exact movement of the budget from the previous year is less desirable.

The commission spent some time discussing the merits and potential problems related to R. Hayes’ proposed system for setting a budget in the aftermath of multiple failed referenda. A. Teller raised the concern setting the budget based on the previous year’s mill rate would not take into account fluctuating debt service levels or changes in the need for the town, and so only allowing more money to be collected via grand list growth could lead to budget shortfalls.

G. Marrion noted the disagreements between the commission members concerning the implementation of a system to set the budget after multiple failed referenda, and suggested that it might not be necessary to create such a system. If not, the current system of hypothetically endless referenda until the passage of a budget would continue.

J. Aldrich reiterated his concerns that the system currently works as it stands, and that changing the wording of “reduce” to “revise” would increase the uncertainty in the system and make it harder for voters to understand and plan around the referendum process, particularly as it pertains to layoffs of educators. A. Teller noted the lack of consensus about how to reduce the number of referenda, and that it might be best to leave the current referenda process as it is.

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

VOTING AGAINST: J. Aldrich, R. Hayes, E. Georges

ABSTENTIONS: None

MOTION MADE by R. Hayes, seconded by E. Georges, that in the case of two failed referendums the budget for the fiscal year reverts to the budget of the previous year, setting a mill rate no higher than the mill rate for the previous year, such that any increase is less than or equal to the amount that the grand list increased in the previous year.

DISCUSSION: None

VOTING IN FAVOR: J. Aldrich, R. Hayes, E. Georges,

VOTING AGAINST: G. Marrion, A. Teller, J. Brudz, J. Toomey

ABSTENTIONS: None

9. DISCUSSION AND POSSIBLE VOTE ON REVISING SECTION 8.6 (B) RE TIMING OF NOTICE OF UNEXPENDED BALANCE TRANSFERS

J. Aldrich suggested that references to a minimum number of 4 days in this section be changed to be “before the next scheduled meeting” in order to give staff more time to receive and act on unexpended balance transfers.

MOTION MADE by J. Brudz, seconded by J. Toomey, to change the language in 8.6(B) from “within 4 business days” to “before the next meeting”.

DISCUSSION: None

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

VOTING AGAINST: None

ABSTENTIONS: None

10. DISCUSSION AND POSSIBLE VOTE ON REVISING LANGUAGE OF SECTION 8.7 PERTAINING TO RESERVE FUND FOR CAPITAL AND NONRECURRING EXPENDITURES AND OTHER PROVISIONS

Discussion on this point was set aside until the next meeting.

11. DISCUSSION AND POSSIBLE VOTE ON REVISING SECTION 8.9 (E) RE TIMING OF THE ANNUAL REPORT

Based on requests from town staff, J. Aldrich suggested changing the submission date for the annual report from the 1st of February until the 15th of March so that more time for prepping the report could be taken.

MOTION MADE by J. Brudz, seconded by E. Georges, to change the language in 8.9(E) from the 1st of February to the 15th of March.

DISCUSSION: None

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

VOTING AGAINST: None

ABSTENTIONS: None

12. DISCUSSION AND POSSIBLE VOTE ON REVISING SECTION 8.11 RE PUBLIC RECORDS

MOTION MADE by J. Brudz, seconded by E. Georges, to adopt the proposed language in Section 8.11 to make additional document types available to the public as a matter of public record.

DISCUSSION: None

VOTING IN FAVOR: G. Marrion, A. Teller, J. Brudz, J. Toomey, J. Aldrich, R. Hayes, E. Georges
VOTING AGAINST: None
ABSTENTIONS: None

13. DISCUSSION AND POSSIBLE VOTE ON TITLE OF PROPOSED RECONFIGURED BOARD OF FINANCE

Discussion on this point was set aside until the next meeting.

G. Marrion adjourned the meeting at 9:06.

Respectfully submitted,

A handwritten signature in black ink that reads "Michael Stankov". The signature is written in a cursive style with a large initial "M" and a stylized "S".

Michael Stankov, Charter Revision Commission Board Clerk

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

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