

CHARTER REVISION COMMISSION

Thursday October 29, 2020

Via teleconference

7:00 P.M.

Phone: 1-929-205-6099

Meeting ID: 810 3706 8917

The October 29, 2020 special meeting of the Charter Revision Commission was called to order at 7:04 PM.

1. ROLL CALL

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

MEMBERS ABSENT: Vice Chair Eleanor Georges

OTHERS PRESENT: Board Clerk Michael Stankov

2. PUBLIC COMMENT

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

3. ACT ON MINUTES OF THE SEPTEMBER 10, 2020 REGULAR MEETING AND THE OCTOBER 8, 2020 REGULAR MEETING

MOTION MADE by J. Toomey, seconded by J. Brudz, to accept the September 10, 2020 minutes as revised.

DISCUSSION: G. Marrion noted that the corrected minutes for September 10, as discussed, had not been posted. M. Stankov noted that he had made the corrections as requested, but would check with the Town Clerk about their posting status. The Commission agreed to wait to approve these minutes until the corrected language was in front of them.

VOTING IN FAVOR: None

VOTING AGAINST: Chair Gwen Marrion, Adam Teller, Jay Brudz, Jim Aldrich, John Toomey, R. Hayes

ABSTENTIONS: NONE

MOTION MADE by J. Brudz, seconded by A. Teller, to approve the October 8, 2020 Meeting Minutes.

DISCUSSION: R. Hayes noted that his name had been accidentally repeated and was listed twice in many of the notes for which he voted yes. He also noted that he had erroneously been marked as voting both yes and abstaining for one of the votes, but had abstained from that vote.

R. Hayes asked if the comments of Bob Munroe had been left out of the public comment, as the minutes were listed as having no public comment. A. Teller noted that Bob Munroe had arrived late, and had not spoken during the public comment. G. Marrion requested that B. Munroe's comments be added into the minutes at the point of the meeting when he spoke, instead of leaving them out.

G. Marrion noted that J. Toomey's name was spelled erroneously as K. Toomey on page 6 of the minutes in the final vote of the night.

G. Marrion noted that the abbreviation of PNZ on two points of page 5 should be PZC for the planning and zoning committee.

J. Toomey noted that one of the evening's votes was missing the words "seconded by" before his name.

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

VOTING AGAINST: R. Hayes

ABSTENTIONS: None

4. CONTINUING REVIEW OF TOWN CHARTER

Discussion returned to a general review of the functions of the town charter. The commission recommended that in all instances in which the charter currently requires a vote of three selectmen, the language should be changed to simply say "a majority", and instances which previously required a supermajority vote could simply be phrased as "a majority plus one".

On the topic of supermajority votes, G. Marrion next asked the commission if there were any new votes that would require a supermajority vote that do not already ask for one. G. Marrion was reticent to add more supermajority vote requirements, and to make too many more changes to the charter in general, in fear of the public becoming spooked by a long list of changes and voting the charter down at referendum as a result. R. Hayes asked if there were any current instances that require a supermajority in the charter right now that G. Marrion thinks still needs one. G. Marrion noted that as it currently stands, the adoption of ordinances requires a

supermajority vote and should retain one. However, she was not in favor of changing many instances where the vote currently requires a majority into one requiring a supermajority.

A. Teller spoke in general agreement with G. Marrion, noting in particular that in his opinion, a 7-person board is less in need of supermajority vote requirements than a 5-person board. A. Teller noted that although he had previously suggested a supermajority vote requirement for the sale of real property and assets, the Board of Selectmen (BoS) still needs to hold a Town Meeting before selling that property and so likely does not require a supermajority as a safeguard.

R. Hayes asked what kind of vote would be required to remove an individual from the Finance Committee (FC), and whether it would be suitable to have that require a supermajority. G. Marrion noted that language currently exists in Chapter 12 stating that the BoS can suspend any town appointee with a simple majority and remove them with a supermajority, which would cover this problem. Discussion on this question was delayed until the review of Chapter 12.

The next topic of conversation was whether or not to eliminate the Economic Development Commission (EDC) and hand those powers to an individual in Town Hall. J. Aldrich noted that it would be a good idea to make that body a regional commission, since cooperation between municipalities would be very beneficial for the region. Moves are currently being made towards making this body regional, and thus the commission discussing the EDC. However, J. Toomey noted that it might be premature to eliminate the Bolton EDC now if a greater regional EDC has not yet gotten off the ground.

A. Teller suggested that this issue could be circumvented if the power to create and join commissions and boards could be granted to the BoS and the requirement for the EDC be removed from the charter. In this way, it would be possible to keep the Bolton EDC functioning by BoS mandate until such time as a regional EDC got off the ground, at which point the BoS could opt to have Bolton join that body. G. Marrion and J. Brudz noted that similar language to A. Teller's suggestion already exists in the Charter – two bodies in the town that had already been created by this rule were the Ethics Commission and the Energy Commission. J. Brudz and A. Teller suggested that a brief line be added to the Charter that clarify that the BoS have a authority to create commissions, and that those bodies are all subject to the same rules as the commissions enumerated in Chapter 7.

R. Hayes noted that among the necessary changes related to commissions in this Chapter, the language pertaining to the Inland Wetlands Commission (IWC) needs to be merged with the language of the Planning and Zoning Commission (PZC). A. Teller noted that the language pertaining to the duties of the IWC could be moved wholly into the responsibilities of the PNZ, and the power to break those boards up into two could be granted to the BoS as previously discussed.

G. Marrion noted that it would be good to begin drafting the language for some of the discussed suggested changes in both chapter 5 and 7, and J. Brudz volunteered to do so.

A. Teller recommended that Chapter 7 section c, pertaining to the requirements to remove members of the bodies listed in the chapter, be moved entirely to Chapter 12 so that all language relating to removing individuals could be in one place in the charter. The board agreed to move the language and save any changes to it until Chapter 12 was discussed.

J. Aldrich spoke about the size and term duration of the fire commission. Speaking from his experience as a member of the fire corporation, J. Aldrich noted conversations that he had had with the current fire commission, and their opinions pertaining to the most effective size and terms for their board members. In particular, it was the opinion of the Fire commission that a 5 member body as currently existed was ideal, but that the current 5 year terms could be reduced to 4 year terms and still be sufficient for the proper function of the body. G. Marrion noted that a vote would be taken on this matter at the next regular meeting.

G. Marrion turned discussion to the language currently pertaining to the inland wetlands commission (IWC) and asked for final clarification on what should be done with this language. A. Teller pointed out that the language likely needed to be maintained and rolled into the language for the Planning and Zoning Commission (PZC) if the two boards were merged as had been previously voted by the CRC.

Discussion turned from what would occur to the language of the IWC in the charter to what would happen when the IWC was rolled into the PZC – in particular, how would the seats of such a commission be filled? Because the recommendation of the CRC is to combine the PZC and IWC into one body, but the new combined commission is intended to have fewer seats in total than the two separate bodies do separately, some individuals will have to lose their seats after the merger. The commission discussed the difficulties related to the transition between these two models of the PZC and IWC, noting foremost that as it currently stands the PZC is an elected body and the IWC is not. As such, members of the PZC should preferentially take the seats over members of the IWC so that individuals elected to fill a seat by the people are not displaced by unelected appointees. Functionally, the IWC would cease to exist, and the existing PZC would be granted all of the statutory responsibilities of the IWC. All of the current members of the PZC would keep their seats, but when their terms ended they would be replaced by appointment instead of by election.

The next topic of discussion was whether or not non-citizens could serve on appointed commissions in the town. This was a similar question to one that the commission had discussed on the 22 of September regarding the ability of non-citizens to hold elected municipal office. While it was conclusively decided that non-electors could not hold an elected position in the community, G. Marrion noted that the commission had not made a definitive decision on such a matter with a vote. Several commission members noted that there was a general lack of support

in the commission for this idea when it was previously discussed, but G. Marrison stated that she had been explicitly asked to consider this issue by a member of the community. As such, she intended to bring this topic up for a formal vote at a future meeting for the sake of the record.

Following the discussion of these points, the focus of the commission shifted to Chapter 10 of the charter. The first point of discussion was about conflicts of interest in government – specifically, a recommendation that no selectman or member of the PZC hold any contract from the town. J. Aldrich spoke in favor of an exception to this rule for volunteer fire department members receiving a stipend from the town, and then discussion turned to several other small exceptions regarding compensation from the town – would BoS members be forbidden from plowing snow for the town and being compensated for that, for example? G. Marrison asked if these issues were covered by the Town’s ethics policy, and R. Hayes noted that they are, and the CRC spent some time discussing the particulars of the Ethics policy and whether it covered this particular situation sufficiently, or if language needed to be explicitly written into the charter regarding this topic.

Among topic related to ethics, the conversation next turned to a discussion of how the Ethics Commission is not explicitly mentioned in any of the literature related to conflicts of interest, and that there is no language that allows for the Ethics commission to remove an individual from a body when they are found to have violated clauses related to conflicts of interest. While the first issue would be remedied by adding the Ethics commission to the list of enumerated bodies listed in Chapter 7, and there is an ethics code for the Town, A. Teller pointed out that the Ethics code does not explicitly mention the Board of Ethics, which seems to be an oversight, and that such explicit language should be written into the charter.

G. Marrison adjourned the meeting at 8:58 PM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Michael Stanton". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

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