

**CHARTER REVISION COMMISSION**  
**Special Meeting**  
**Thursday, December 17, 2020**  
**Via teleconference**  
**7:00 P.M.**  
**AGENDA**

Phone: 1-929-205-6099  
Meeting ID: 859 2942 2942

The December 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, Jay Brudz, Jim Aldrich, Richard Hayes, 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 DECEMBER 10, 2020 REGULAR MEETING**

As many commissioners had not had the chance to read them, discussion of the December 10, 2020 minutes was put aside until the next meeting.

**4. DISCUSSION AND POSSIBLE VOTE ON REVISING SECTION 12.1 (A), SUSPENSION AND REMOVAL, RE VOTE REQUIRED**

G. Marrion broached the first topic of the night, which would be redefining the terms “majority” and “supermajority” for terms of removal. As the recommendation of the CRC is to increase the number of selectmen from 5 to 7, any numerical references to “3” or “4” that exist in the charter at present need to be adjected to reference the new numerical majority and supermajority of the board, respectively.

In particular, on the topic of suspensions and removals, A. Teller argued that suspending an individual from a board should require a majority of 4, but actual removal from the body would require a supermajority of 5 individuals. There was minimal discussion disputing this point, and most commissioners expressed their approval for the language defining a supermajority as a “majority + 1 individual”, as this would “futureproof” any future changes to the number of selectmen in Bolton in subsequent revisions of the charter.

Conversation next turned to whether or not the commission needed to define the term “cause” for the purposes of suspension or removal from a board. A. Teller noted that he was most comfortable having a single definition of cause in the charter, though it would also be possible to leave the task of defining cause to the selectmen. G. Marrion and A. Teller discussed potential definitions of the term “cause”.

In discussing the language related to cause, a new topic arose – namely, what should be the conditions by which an individual who has missed multiple meetings in a row is removed from whatever body they are serving on? Currently, an individual is considered to have resigned from a body that they are serving on if they miss 6 consecutive meetings of that body, and this resignation occurs automatically without any vote from the Board of Selectmen (BoS). A. Teller and J. Brudz both argued in favor of doing away with this automatic removal, noting that some individuals miss multiple meetings due to protracted illness even though they do want to serve, and that many boards have alternates to deal with such situations. If an individual is going to be removed due to protracted absence, there should at least be a vote where any circumstances can be considered.

Discussion next turned to whether or not felonies or crimes of moral turpitude should be disclosed to the BoS before appointment to a board or commission. While J. Brudz expressed concern that individuals that have committed crimes and later paid their debt to society might be kept from volunteering for public office if they do not want to dredge up their pasts, A. Teller noted that there should be a vetting process that prevents those that have embezzled from joining financial boards in the town. J. Brudz, E. Georges, and A. Teller spent some time discussing the balance between public disclosure of information and the privacy rights, and whether or not there should be a time limit before which crimes committed should not need to be disclosed.

MOTION MADE by A. Teller, seconded by E. Georges, that the commission revise section 12.1 (A) by adding a definition of cause consistent with the definition contained in the memorandum written by A. Teller on April 3, 2020, using a time period of 90 days as the time period for determining if an individual is unable to carry out their duties.

DISCUSSION: None

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

VOTING AGAINST: None

ABSTENTIONS: None

## 5. DISCUSSION AND POSSIBLE VOTE ON REVISING SECTION 12.1 (B) RE PROCESS OF REMOVAL

Discussion moved on to the actual process by which an individual would be removed from a body. In particular: 1) What would be the process by which a formal accusation or complaint that would lead to removal is filed, and 2) How would the credibility of such a claim be verified? Currently, there is no requirement for suspending an individual from a board, which means that

someone could be suspended for no reason or because they have political rivals on the BoS. Requiring credible accusations before suspension would prevent this.

E. Georges raised concerns about protecting individuals from baseless accusations that could ruin their reputation or livelihoods even if they were completely false. A. Teller noted that the onus of proof is still on the accuser, but any information submitted to the town is public record as a result of the Freedom of Information Act and would thus be available to the public. There was some discussion about whether or not the credible report would have to be in writing or verbal, and whether or not accusations could be anonymous.

R. Hayes arrived at 7:54.

MOTION MADE by J. Aldrich, seconded by J. Brudz, to place the proposed language for section 12.1 (B) contained in the memorandum written by A. Teller on April 3, 2020 into the charter, with the clarification that the initiation of any removal process shall be based on a credible allegation of facts that would constitute cause, based on accusations made by any town official, member of a board, or member of the public.

DISCUSSION: None

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

VOTING AGAINST: None

ABSTENTIONS: R. Hayes

G. Marrion noted that the commission had chosen to move some of the provisions that were previously in chapter 7 to this section of chapter 12, but had not yet resolved to remove the language that preferentially offers a vacant seat to an alternate commission member for appointed positions. While such language had already been discussed and changed for elected positions, a similar change would have to be made here under this section of the charter. A. Teller once again argued against allowing any individual a “first choice” or “preference” for a seat in government, as that would create a protected class of citizens and be undemocratic.

MOTION MADE by J. Brudz, seconded by J. Aldrich, to move section 7.3 (D) to Section 12, and to remove the provision which automatically and preferentially offers a vacant seat to an alternate commission member.

DISCUSSION: None

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

VOTING AGAINST: J. Toomey

ABSTENTIONS: None

Moving on, G. Marrion noted that the actual title of chapter 12 featured the word “recall”, which has a very specific legal definition and is not actually possible in Bolton. As a result, she proposed eliminating that word from the title, and J. Brudz suggested putting “vacancies” in its place. The commission unanimously consented to these changes.

Next, the commissioners discussed a question made by First Selectman S. Pierog, which asked for clarification regarding whether language in Section 7.3 (A) conflicted with 7.3 (D). The Commission determined that the language does not conflict but did note that 7.3 (E) and (F) also needed to be moved the Chapter 12 for the purposes of drafting the language related to vacancies.

## 6. DISCUSSION AND POSSIBLE VOTE ON SECTION 11.1 (A) RE TIMING OF ELECTION OF BOARD AND COMMISSION CHAIRMEN AND POSSIBLE CONFLICT WITH C.G.S SECTION 10-218

G. Marrion began the discussion of item 6 by noting an existing conflict concerning the election of board and commission chairmen. In comments made by members of the Planning and Zoning Commission (PZC), it was noted that special meetings often had to be scheduled to reappoint officers that had not been changed after the elections due to the mandate in the charter about when officers for boards and commissions must be appointed by in relation to elections. The commission noted that a bit more time could be given to boards for appointing of officers, and that boards that are not changing in composition should not necessarily have to reappoint the same officers – so the appointment of said officers should only have to be done again after municipal elections.

MOTION MADE by J. Brudz, seconded by J. Toomey, to send to drafting a change to section 11.1 (A) in which the time period would be changed to 2 months and the clarifying word “municipal” would be added before the word “elections”.

DISCUSSION: None

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

VOTING AGAINST: None

ABSTENTIONS: A. Teller

G. Marrion and J. Brudz next noted that the appointment of Board of Education (BoE) officers is governed by a separate statute from the appointment of other municipal officers under CT law, and that this should be reflected in the charter. A. Teller suggested that the easiest way to fix this would be to insert the wording “Except as otherwise provided by statute” at the beginning of section 11.1 (A), and to strike the reference to “each year” where it pertains to municipal elections in order to deal with the aforementioned issue.

## 7. DISCUSSION AND POSSIBLE VOTE ON SECTION 11.2 (E) RE WHETHER CHARTER SHOULD REQUIRE BOS, BOF AND BOE MEETINGS BE RECORDED FOR BROADCAST AND PRESERVATION

J. Brudz and R. Hayes began by expressing their support for this initiative, but J. Brudz also noted that he was hesitant to make this a charter mandate. A. Teller supported the idea in theory, but questioned the practicality and expense of actually being able to record and store every one of these meetings – G. Marrion remarked on how this would likely require a dedicated line item in the budget, which A. Teller noted would cost at least \$10,000 dollars for labor each year, and could reach \$50,000/yr due to equipment and data costs.

R. Hayes noted that technological innovations that have come out of the COVID-19 pandemic has made it easier than ever to record meetings – such as this one, which was recorded via Zoom and YouTube. A. Teller agreed that it has become easier than ever before and that he supported the idea, but was hesitant to lock the town into an expense if it was unfeasible to do so. J. Brudz noted that recording virtual meetings is much easier than recording in person meetings, but J. Toomey noted that BoS and BoE meetings are already recorded, so this wouldn't be much of a major increase in burden. The commission resolved to add language to section 11.2 (E) that would require the recording of all aforementioned meetings whenever practical or feasible.

## 8. DISCUSSION AND POSSIBLE VOTE ON SECTION 11.2 (E) RE WHETHER CHARTER SHOULD REQUIRE ALL MEETING MATERIALS OF BOS, BOF AND BOE MEETINGS BE POSTED ONLINE IN SEARCHABLE MANNER

All commissioners were in support of all materials being online in an easily searchable manner, but it was noted that some materials (such as maps) are inherently not easily searchable online. The commission resolved to add language to section 11.2 (E) to require all meeting materials for the aforementioned boards to be online and easily searchable where it is practical or feasible.

## 9. DISCUSSION AND POSSIBLE VOTE ON ADDING PROVISIONS TO CHARTER REGARDING SECURITY

G. Marrion noted that this was an item raised under public comment, but that there had been no specific items in the charters of other towns that had been pointed to by the commenter. R. Hayes suggested reaching out to the individual who originally broached this topic in order to see if they could clarify their comments.

## 10. DISCUSSION AND POSSIBLE VOTE ON SECTION 13.7, EFFECTIVE DATE

It was noted that the effective date of the charter will have to be changed at the end of the revision process.


## 11. DISCUSS NEXT STEPS IN CHARTER REVISION PROCESS

The board discussed the timetable for completing the report and for holding the two public hearings that they are mandated to hold. It was determined that the CRC would request an

extension on their due date for submission of their findings until March 1, 2021 so that the final language could be drafted before presenting information at a public hearing.

G. Marrion adjourned the meeting at 9:12.

Respectfully submitted,

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

Michael Stankov, Charter Revision Commission Board Clerk

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