

## CHARTER REVISION COMMISSION

Thursday May 21, 2020

Via teleconference

7:00 P.M. AGENDA

Phone: 1-929-205-6099

Meeting ID: 898 5604 7629

The May 21, 2020 meeting of the Charter Revision Commission was called to order at 7:02 PM.

### 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. ACT ON MINUTES OF APRIL 16 REGULAR MEETING

MOTION by R. Hayes, seconded by E. Georges, to approve the minutes of the 4/16/20 meeting.

DISCUSSION: R. Hayes voiced concern that minutes were being posted to the website and were being made available to the public while they had not been approved by the commission yet. The board discussed this issue for some time, debating whether or not to post minutes as a draft before their approval at the subsequent meeting.

Recording of the meeting began at 7:09.

J. Toomey pointed out that there was a motion on the table to approve the minutes, and that the discussion of whether or not draft minutes should be written would be better discussed under Other Business.

R. Hayes then pointed out that Agenda item 4, Paragraph 2, Lines 2 – 6 had swapped the language of the two speakers, and that R. Hayes and J. Toomey had stated what the other was credited with in the minutes.

R. Hayes asked A. Teller if Agenda item 5, Paragraph 1, Lines 3-5 accurately represented his viewpoint. A. Teller stated that it did.

R. Hayes pointed out that Agenda item 5, paragraph 4, line 7 currently read “stating that Hebron has an identical model”, but should read “stating that Hebron, Ellington, and Sommers had an identical model”. J. Brudz stated that he remembered differently and

believed that the line should read “Stating that Hebron and Vernon had an identical model”.

M Stankov offered to listen to the tape of the previous meeting to clarify this dispute, which was supported by G. Marrion. Discussion turned to the fact that the motion on the table would need to be voted down in order to table the minutes, but J. Brudz stated that in parliamentary procedure, once a motion is in discussion it cannot be withdrawn without universal agreement. The commission agreed unanimously, and the motion was withdrawn pending the language check by M. Stankov.

MOTION: Motion made by J. Toomey, seconded by J. Brudz, to table approval of the April 16 Meeting Minutes until the June 11 meeting.

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

VOTING AGAINST: None

ABSTAINING: None.

### 3. CONTINUING BUSINESS: REVIEW OF TOWN CHARTER

G. Marrion began the discussion by speaking highly of the special meeting of the CRC the previous night on 5/20/20, including the discussions and expertise of First Selectman S. Pierog and Administrative Officer J. Kelly. G. Marrion spoke to her satisfaction that following the input from these individuals, she felt that Bolton’s current form of government may not need to be changed entirely, but mostly tweaked. These tweaks would include, but were not necessarily limited to, delegating some additional powers to the Administrative Officer and more formally codifying what those powers were.

A. Teller stated that he agreed generally with G. Marrion’s comments regarding changing the form of government – he feels that changing the form of government is likely good for the town in the long term, but that it would be very difficult to accomplish given the level of support in the public and administration for that degree of change. A Teller spoke next regarding to the changes that he thought should be made, including giving the Administrative Officer the ability to have hiring and firing power over non-director level positions and to rename the position to Town Administrator. He was uncertain as to whether this individual should be the Chief Executive Officer (CEO) of the town.

E. Georges spoke to her discomfort concerning the fact that many decisions in town are being made by non-stakeholders and hired individuals who are not, in her view, invested in the town directly. E. Georges next stated that she was very much in support of expanding the Board of Selectmen (BoS), as it increases the number of stakeholders directly involved in town governance. She also felt that expanding the size of the BoS and strengthening it by eliminating the Board of Finance would be a level of change that would be acceptable for the voters – a position with which A. Teller agreed. He stated that, in his view, clarifying that the First

Selectman is not just a “first among equals” but really a powerful executive should be acceptable to the populace to the town.

J. Aldrich spoke next, raising several points that had been heard from several different parties in the town over the previous several meetings, particularly highlighting the following.

- First, that almost everyone wants a great deal of transparency in town government.
- Second, that there should remain robust checks and balances within the town government, such that if the Board of Finance was to be eliminated there would need to remain a board or subcommittee dedicated to finances of the town and the education community.
- Third, the fact that finding candidates for public office has been difficult in recent years, and that this should weigh heavily into the decisions this body made.
- Fourth, the idea that the budgeting process is currently too complicated, in some ways prompted by the many revisions and boards involved.
- Fifth, that the town administrator and the first selectmen will work together differently depending on the talents and personalities of both individuals.
- Sixth, that there may be potential to combine the financial offices of the town and the education system (an idea that J. Aldrich personally disagrees with).

J. Aldrich noted that the only individual who had directly supported the Town Manager style government for Bolton in their previous discussions with current and past town leadership was Administrative Officer J. Kelly, and that while the Administrative Officer likely needed to become stronger in some ways, it did not need to become a full Town Manager.

J. Toomey next expressed that his opinion on changes to the town government are very similar to the opinions expressed at the 5/20/20 special meeting by S. Pierog – specifically that the Board of Finance’s responsibilities could be rolled into the BoS if sufficient checks and balances were in place. He also spoke to his agreement with several ideas proposed by J. Kelly at the 5/20/20 special meeting – namely that the title could easily be changed to Town Administrator and several more small powers could be granted to the Administrative Officer such that they could effectively respond to day to day situations and crises of various sizes as they arise.

J. Brudz stated that he also believed that the title of the Administrative Officer could be changed to Town Administrator and more executive power could be vested in that position to ensure that the town runs smoothly. J. Brudz was of the opinion that it could also be a good thing to have a powerful executive agent come from outside the community, as running the town is a difficult profession and a professional should thus be in charge. He then went on to say, however, that paying a full time first-selectman and a full-time town manager would be paying the high salaries for two executives when the town should really only require one, and that one of the offices would need to be compensated at a lower level.

J. Brudz then turned his thoughts from the executive branch to the role of the BoF – he felt that many individuals will be deeply upset by the removal of this neutral body, and would expect significant pushback were the Charter Revision Commission to recommend its removal. He then

proposed several different ideas regarding the potential elimination of the BoF and ways to promote checks and balances between the BoS and the Board of Education (BoE), including a question gauging public support for the elimination of the BoF on the November ballot and the appointment of a neutral budget commission body to act as the official go-between for these two boards, potentially made up on members of both boards and members of the public.

G. Marrion asked R. Hayes about his thoughts concerning the meeting the previous night. R. Hayes stated that he viewed the current changes being proposed as being less extreme than he would like. R. Hayes next asked A. Teller about the latter's thoughts on balancing power within a Strong First Selectman form of government. Specifically, R. Hayes asked whether or not A. Teller thought that a Strong First Selectman on a four year term that was not performing to the satisfaction of voters could be effectively checked by staggering selectman elections such that the minority party could take power half way through an unsatisfactory first selectman's term. A. Teller said that might be possible, but if the office of First Selectman was created with sufficient powers independent of the Board of Selectmen, as would be the case in the Strong First Selectman form of government, staggered elections of Selectmen would not be enough to overcome an incompetent First Selectman's lack of fit for the job.

E. Georges stated that she felt that the creation of a strong first selectman was in fact a major departure from the previous form of government, but that it would be an easier sell to the voting populace.

G. Marrion stated that she was not in support of the Strong First Selectman form of government, as it would be difficult to ensure capable candidates over long periods of time, and that paying the salary required for a strong first selectman would not permit the town to employ a Town Administrator to help with the day to day operations of the town. E. Georges agreed.

G. Marion asked R. Hayes what larger changes to the Town Government he would like to see. R. Hayes stated that he was not in support of a Town Manager form of government, but that he would like to use the resources available via the Connecticut Council of Municipalities (CCM) to understand how much money is currently being spent by various municipalities of similar size to Bolton on different Chief Executives. R. Hayes stated that he views Bolton as either a stepping stone for many individuals looking to enter into public administration or as a place for older administrators to settle at the end of their careers. Because of this, he doubted that Bolton would be able to find a large pool of capable administrators who would remain in the community for long periods of time, and that as a result of this a Strong First Selectman form of government would be better for the community.

J. Brudz stated that he once obtained the statistics that R. Hayes referred to from CCM, and would send them to the Commissioners in the coming days once he had located them. G. Marrion mentioned that she believed the first selectman of Portland made \$80,000 each year, but A. Teller pointed out that that position only had an executive assistant, not a full-time administrator. A. Teller stated that regardless of the form of government the town takes, there must be a high-level executive officer in the town hall full time, at least 40 hours a week, to make decisions as the need arises.

R. Hayes next pointed to comments in his notes made by one Art Walters at the February 20 meeting of the CRC, where that individual served as a Strong First Selectman making ~\$76,000 each year in the Town of East Haddam. R. Hayes expressed a lack of belief that the operating executive of the town needed quite as many qualifications and degrees as a professional Town Manager or Administrator has.

G. Marrion noted the split in the Commission between those who supported a Strong First Selectman and those who favored strengthening the current Administrative Officer, and asked R. Hayes and E. Georges about what weaknesses they saw in the latter model of government.

E. Georges stated that the demographics between elected and hired individuals are different, and that those who already lived in town and would run for the position are likely experienced with town government and the local community already, and would thus be a good fit for the position.

R. Hayes stated that he feels that a strong first selectman is better known to the town community and is more accountable to the voters due to their position as being elected. R. Hayes turned the conversation next to the number of hours that the first selectman currently works, and how a strong first selectman with the skills of S. Pierog would be able to be in the office at least 40 hours a week. They would be able to effectively fulfill the role of administrator without the need for a full-time administrator that needs to be fired by a board of many individuals, which he views as a process that could potentially become political.

J. Brudz stated that it is much harder to remove a First Selectman than a manager – other than committing a felony, there is nothing that can be done to remove a First Selectman from office. Meanwhile, a Town Administrator can be removed within 60 days currently, and that makes that individual's behavior more accountable to the voters, albeit indirectly. R. Hayes asked J. Brudz if a shorter term, and thus more rapid accountability to the voters, for the First Selectman would be more acceptable to him, to which J. Brudz agreed.

A. Teller pointed out that the school system has had a full time manager for many years, and that the vast majority of those have been deeply competent, regardless of where they were in their career at the time they worked in Bolton. He next stated that having a short term for the first selectman in a Strong First Selectman form of government could be a double edged sword – because the term is so short, it might be difficult to attract strong candidates, though it would make the office more accountable to voters.

A. Teller stated that the current form of government can be the best of both worlds when there are two competent individuals in the roles of Administrative Officer and First Selectman, but can be very problematic when the individuals who hold those positions are not as strong. Because of this, A. Teller felt that the exact roles of these two offices need to be better defined, and that more power should be given to the hired Administrator, to make the current form of government stronger. R. Hayes stated that he agreed with A. Teller that a short term for the First Selectman would be problematic.

G. Marrion stated that she agreed with A. Teller regarding the issue of personality and interaction between the First Selectman and Administrative Officer – that power currently flows

between the two aforementioned offices depending on the personalities of the individuals who hold those offices, and that the roles of these positions need to be solidified.

G. Marrion stated that her concern regarding a strong first selectman is that whoever holds that office is not necessarily judged on their competence, but on their ability to run a campaign and persuade the electorate. Although the current First Selectman is very competent as an administrator, this is not always the case, and it is possible that strengthening this position and removing the full time administrator could be problematic for the town in the future, should the individual elected to this position be primarily skilled in running a campaign and not in governing.

G. Marrion next spoke to the diversity of the roles that Town Administrators in nearby towns hold, and which should be held by Bolton. By increasing the duties of this individual, spelling out the description of the job clearly, and potentially making the Administrator the CEO such that they can make decisions rapidly, the town would not need to change its form of government drastically.

R. Hayes fundamentally disagreed that government can be speedy or efficient, and that the concerns Administrative Officer J. Kelly voiced regarding efficiency of town government should not be the focus of this commission. He also argued that the idea that the first selectman would not be competent and effectively vetted by the community is erroneous, and that it is exceedingly unlikely to happen.

E. Georges followed up on R. Hayes' statements by saying that finding the correct person to run the town should not be done by a resume, but by vetting from people in town, and that this process is effectively done already by the local political parties.

J. Brudz countered this statement by saying that there is nothing to keep an individual who would run for First Selectman from applying to be Town Administrator. R. Hayes said that these two positions are drastically different in who would apply for them, and J. Brudz agreed – and that the role of running a town would be better done by a professional administrator than by a politician.

J. Aldrich turned the topic to the idea of the town's finances over the last several years and how it should affect any decision this body makes regarding the question of Form of Government. Regardless of the decision on the roles of the First Selectman and Town Administrator that is eventually taken by this body, J. Aldrich believes that the executive needs to be a strong advocate for the community during this time in which the state has less and less money for towns. He stated that he was not ready to decide tonight as to what Bolton's Form of Government should be, but that topic should be discussed at the next meeting in June.

J. Brudz suggested that while the commission may not be ready to determine form of government, there are forms of government that can be effectively discarded as non-viable or not being actively considered by this body. He also stated that he would like to see some of the potential language that would be used for each of these forms of government before voting on this issue.

A. Teller echoed J. Brudz's statements and agreed that he would like to see the exact proposals for the different forms of government that the commission is considering before voting on them – and that as a result, it would be good to crystalize the exact ideas the commission is considering so that they can be considered effectively side by side.

G. Marrion asked whether anyone was willing to write those concepts out, and E. Georges stated that she had several ideas on this issue. J. Aldrich informally nominated G. Marrion and E. Georges to work on this project and offered to contribute ideas himself. J. Brudz noted that this would constitute a subcommittee meeting and would have to be noted as such if those committees were still standing by the time of any such meeting.

R. Hayes asked about voting procedure going forward, and wanted to know if the board would be willing to move forward on the issue of form of government if they were split 4/3 between two options. G. Marrion stated that while those are the current voting rules for this commission, she would feel uncomfortable moving forward on such an important topic with the commission so divided, and that she would like to reach a greater level of consensus first.

G. Marrion moved the topic of discussion to Charter Section 2.4: The issue of breaking a tie in the case of elected offices other than the First Selectman or a Referendum Question. G. Marrion and E. Georges had done some work on this issue, and the latter stated that she would like to propose that the default form of resolving ties for these positions would be a coin toss by default, and only go to a special election in cases where one of the candidates does not want to accept the results of a coinflip.

The reason for making this change is that currently, a tie in a municipal or primary election held in Bolton is, by default, to be decided by a special election – but special elections can cost thousands of dollars of town money for relatively minor positions. It was reasoned that, if both candidates are willing to accept the result of a coinflip in the case of a tie for a municipal position, it would save both money and manhours for all involved parties involved – and if they were not, a special election could still be held. The only exceptions to this rule would be ties for the position of First Selectman or a Referendum Question, which were deemed too important to leave to the whim of fate, such as a coinflip.

**MOTION:** Motion made by G. Marrion, seconded by R. Hayes, to recommend an amendment to Section 2.4 of the Charter such that the order of priority for resolving ties with regard to municipal elected offices other than the First Selectman or Referendum Questions would by default be a coin toss, rather than a special election.

**DISCUSSION:** J. Toomey was concerned that it would be possible for individuals to challenge the coin toss with a special election afterwards, but it was clarified that this would not be possible if both individuals involved in a tie consented to break the tie with a coin toss.

J. Brudz stated that he was a bit concerned about voting on this issue without currently having the exact language in front of him, but that for a minor issue such as this he would be willing to overlook it. A. Teller concurred with J. Brudz concerning the lack of

language, but also raised the question of whether or not this body would have to write the language, to which G. Marrion said that it was the purview of this body to create the language that it recommends.

G. Marrion accepted that it would be good to have the precise language in front of them, and J. Brudz recommended that the motion be amended to move this idea to the drafting list such that the actual language could be in front of the commission for approval. J. Aldrich agreed with this idea and stated that he would like to be able to demonstrate to the community that this commission was making progress on some of the issues they had been tasked with resolving.

MOTION: Motion made by G. Marrion, seconded by J. Brudz, to amend the initial motion to add the words "To move the following concept to this commission's drafting list:" before the words "to recommend an amendment:

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

VOTING AGAINST: None

ABSTAINING: None.

VOTING IN FAVOR OF THE MOTION AS AMMENDED: A. Teller, E. Georges, G. Marrion, J. Brudz, J. Aldrich, R. Hayes, J. Toomey.

VOTING AGAINST: None

ABSTAINING: None.

#### 4. CORRESPONDENCE

G. Marrion stated that she had received no new correspondence.

#### 5. OTHER

J. Brudz returned to the idea proposed earlier in the meeting concerning whether minutes should be posted as a draft, and noted that according to his research, Under the Freedom of Information Act (FOIA), some form of minutes needed to be posted with 7 days of the meeting. As a result, the minutes had to go up regardless of approval by the body. G. Marrion requested that M. Stankov label all subsequent minutes as Draft until their approval by the body at subsequent meetings and post them within a week of the meeting.

G. Marrion adjourned the meeting at 9:04.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Stankov', with a long horizontal stroke extending to the right.

Michael Stankov, Charter Revision Commission Board Clerk

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

