

CHARTER REVISION COMMISSION

Special Meeting Wednesday May 20, 2020

Via teleconference

7:00 P.M.

Phone: 1-929-205-6099

Meeting ID: 820 6617 1275

The May 20, 2020 special meeting of the Charter Revision Commission was called to order at 7:05 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: First Selectman Sandy Pierog, Administrative Officer Josh Kelly, Board Clerk Michael Stankov

2 – DISCUSSION WITH SANDY PIEROG, FIRST SELECTMAN, TOWN OF BOLTON

In response to a question from G. Marrion, S. Pierog discussed her weekly workload, and where she spends her time, claiming that in its current form she spends, on average, between 2-4 hours each week dealing with the responsibilities vested in the first selectman. However, due to the complexities of the current health crisis she has been spending significantly more time on official business in the previous few months.

M. Stankov arrived at 7:04 to take minutes.

G. Marrion asked how much of the day to day work of the town was delegated to the Town Administrative Officer, to which S. Pierog stated that she delegated fewer issues than her predecessor because of beliefs regarding the role of the CEO. She attends multiple meetings . S. Pierog states that she speaks to the administrative officer in a normal time of year between 2 and 3 times a week, and in person 1-2 times a week in town hall – though more often if complex or emergency situations arise.

G. Marrion next inquired what S. Pierog thought the most important role of the First Selectman was. S. Pierog saw the role of the First Selectman as being the Chief Administrative Officer and guiding the overall plan of the town, and the role of the Town Administrator to be the eyes and ears of the First Selectman to handle on the ground issues.

G Marrion asked whether or not S. Pierog felt that there were roles that the Board of Selectmen (BoS) were performing that should be one by Administrative Officer, but were not for some reason. S. Pierog stated that she felt that between the language of the charter allowing the BoS to delegate and the competence of the current Administrative Officer, there were no roles that the BoS needed the Administrative Officer to do that could not be done at this time.

G. Marrion next turned the topic to the strength of the Administrative Officer. The CRC has done a great deal of research into the powers of a Town Manager or Town Administrator and was considering the powers that should be granted to the Town Administrator. When asked whether or not S. Pierog would be comfortable with the power to Remove or Appoint a variety of officers in the town falling to the Town Administrator, she stated that she would not without at least some checks on that power – in order to future-proof the town government, it is always good to have checks on all powers.

S. Pierog also noted that many supervisory positions in the town, other than the Tax Collector, Town Clerk and Confidential Administrative Assistant in the Selectman's office, are all union officials, such that the firing power being discussed would be governed by contracts with the union regardless of such powers being delegated to the Administrative Officer.

G. Marrion asked how S. Pierog would feel about the Administrative Officer having the power to create the budget for the town. S. Pierog stated that in actuality this is what already happens – the Admin Officer preps the budget and gives it to the Board of Selectmen to review. The current Admin Officer is new to the position and has had to consult the current Board of Selectmen to understand everything that needed to go into the budget this previous year, but is expected to be able to handle this responsibility in the future.

G. Marrion noted that there is a provision in the charter to require a 4 person vote requirement to hire or fire the Town Administrator. S. Pierog stated that she does not like the requirement of a supermajority on any BoS votes, and prefers a simple majority.

A. Teller asked what S. Pierog felt about term limits for the elected officials, and S. Pierog spoke against term limits, arguing in favor of the value of longevity in many positions.

Several members of the CRC asked S. Pierog about the specific wording of the Town Administrator's contract, terms of firing and hiring, and how quickly the individual in that position could be removed should the need arise. Pierog noted that she did not remember all of the language in the contract, but that the position could be eliminated with some notice after a vote by the BoS, and that in some municipalities (but not Bolton), termination of a contract would require the "buyout" of the contract holder in the amount of the agreed-upon salary for the remainder of the contract – a very expensive proposition, and something to avoid if at all possible.

G. Marrion next asked S. Pierog what she thought the ultimate fate of Bolton's government should be. S. Pierog stated that she has historically thought that Bolton needed a town manager, but has changed her view due to the great success of the Administrator/Selectmen model of government here in Bolton for the last two years. The Budgeting process, however, is

problematic – it takes an enormous amount of time and manpower to get to come to fruition. A staggered election cycle on a larger board of Selectmen should, in the view of S. Pierog, enable the town to have a robust round of revisions and review to the budget, presented to the town meeting, without a board of finance that lengthens how long it takes to work through the budget.

J. Brudz asked whether or not S. Pierog was asserting that the town did not need a Town Manager form of government. S. Pierog stated that she did not believe that the town needed major changes away from the current form of government, and that a Town Manager would be a big unnecessary change at this time.

J. Brudz next voiced the fear that Bolton would be a training ground for Town Managers in other communities if it remained a Town Administrator position. S. Pierog stated that the size of Bolton inherently makes the town a training ground for those with greater ambition, and that she does not expect the current town administrator to remain in Bolton for 30 years.

J. Aldrich stated that there is a concern in the Board of Ed (BoE) that the elimination of the Board of Finance would lead to the BoS becoming overly powerful, and favoring the budget of the Town over that of the school system. S. Pierog understands the concern of the BoE, and stated that she would like to address this concern by increasing the number of individuals on the BoS to create a body that more broadly represents the community. In her view, S. Pierog views that the BoF has historically oscillated between being supportive of education or not, and this has more directly impacted the BoE budget than the elimination of the BoF would. However, if the BoF were to be eliminated, the size of the BoS should be increased in order to ensure sufficient expertise and participation in the budgeting process – the current 5 man BoS is not enough, in her view, to meet all of the goals if the BoF ceased to be.

E. Georges asked how many individuals should sit on the BoS if the BoF were eliminated. S. Pierog feels that 7 or 9 individuals would likely be sufficient, bringing the BoS into line in size with the BoE or BoF.

E. Georges next inquired as to how the needs of the town have changed since she first became the First Selectman. S. Pierog noted that demographically, many younger people have less time to spend being involved in their local governments.

E. Georges asked whether or not the BoS is properly equipped to deal with crises like the current COVID-19 pandemic. S. Pierog feels that this crisis is likely to go on for some time, but the emergency operations committee and the various interlocal and statewide agreements that Bolton is party to have enabled the BoS to deal with this crisis to the best of its ability.

J. Aldrich asked whether or not there was anything that needed to be changed regarding the role of the Town Administrator, but S. Pierog said that the only thing she felt needed to be eliminated was the supermajority requirement to terminate the position.

A. Teller asked whether or not there should be a limitation of how long the budgeting process could take, or whether or not there should be a circuit breaker to adopt some sort of budget after a number of failed referendums. S. Pierog noted that this situation is one that emerged this year, due to an executive order which suspended referendums. As it currently stands, the charter states

that the BoF cannot add to the budget or revenues after the referendum has taken place – this is problematic due to the speed at which the apparatus of the State of Connecticut works to get grant information to the town.

A. Teller inquired whether or not the elimination of the Town Administrator should require a cause of discharge, or should it permit firing for entirely political reasons – losing the confidence of the majority of the board, for example. S. Pierog felt that a contract is always necessary for this position, in response to another prompt from A. Teller, but A. Teller then stated his concerns that if an individual was terminated not for cause it would be difficult to attract quality candidates for the position of Town Administrator. S. Pierog noted that there is currently language in the contract that requires the individual to be paid for the remainder of the contract if they are terminated without cause, and that this language does help to deal with some of those concerns, but that the BoS has not deeply considered whether that type of language belongs in the charter.

J. Aldrich mentioned that he had spoken to several individuals who wanted to consolidate several finance positions into single positions, to bring the Assessor and Tax Collector into one united finance department under one director of finance, and to merge some financial duties between the town and the school. S. Pierog noted that such a change would likely be good for the town, but very difficult to accomplish because of the various responsibilities of these different roles. For example, an Assessor and a Tax Collector have similar jobs in some ways but very different roles in others, and requiring both the report to one director of Finance would not necessarily improve outcomes or enable better tutoring and oversight of those roles.

G. Marrion brought the conversation back to the idea of the Administrative Officer, and the role of a Town Manager, asking whether or not the current Admin Officer was not already performing many of the roles that a Town Manager would due to his aforementioned competence. S. Pierog noted that one of the roles that the current Admin Officer has not been fulfilling is going to interlocal policy meetings – as she has taken the role of a stronger First Selectman, she has filled that role and has not performed the primarily ceremonial role that Town Manager/Weak Selectmen forms of government often have. In Town Manager/Weak Selectmen forms of government, the Manager often fills these rolls, but that is not true in Bolton at present.

A. Teller noted his concern regarding this issue of which individual represents the town in interlocal agreements, and stated that he wants this issue to be clarified in the charter such that there is accountability. If someone other than a selectman is representing Bolton, such as the Town Administrator, then when, where, and why that person is representing the town should be in writing.

3 – DISCUSSION WITH JOSH KELLY, ADMINISTRATIVE OFFICER, TOWN OF BOLTON

J. Kelly arrived at 7:58.

G. Marrion asked how the First Selectman and the Town Administrator divide the roles of executive administration between them. J. Kelly mentioned that most of this division is done via a constant dialogue and a

G. Marrion asked what the most important role of the Town Admin was. J. Kelly stated that he is the eyes and ears of the Board of Selectmen to keep the BoS appraised of important issues while ironing out the kinks of various town services to keep things running smoothly without having to constantly involve the BoS. J. Kelly also spoke to his expertise in municipal government, having formally studied the topic, and the importance of having someone with that theoretical background to guide the selectmen, who may not and should not be expected to know all of the ins and outs of local government.

G. Marrion next thanked J. Kelly for his letter concerning his letter concerning the different forms of local government and his wisdom on that behalf. She inquired into the difficulties of the position as it currently exists, and how changes in the charter might be able to alleviate some of those issues. J. Kelly mentioned that the division between Chief Executive Officer and Chief Administrative Officer has some important legal distinctions that means that the First Selectman has to take on responsibilities, such as those in a health crisis like COVID-19, that could be better delegated to a full time, professional Administrative Officer. Though Bolton is currently in a good position to deal with these situations because of the competence of the first selectman, not all subsequent first selectmen would necessarily be able to effectively delegate roles . In more general terms, the role of the Administrative Officer is extremely vague as it is written in the charter, and largely comes down to operating at the behest of the Board of Selectmen – this makes it difficult to know what powers actually exist for the Administrative Officer to deal with issues, what responsibilities they have to take care of, and how to prioritize those responsibilities.

G. Marrion asked whether or not J. Kelly would favor moving to a Town Manager form of government to Bolton. J. Kelly stated that he would favor making the Town Manager the formal Chief Executive Officer of the town, partially for the aforementioned reasons regarding emergency powers, but also for the sake of separating powers between the legislature (the BoS) and the Executive (currently the First Selectman, but potentially the Town Manager). This separation of powers is good for a series of checks and balances but also for the sake of eliminating a problematic Chief Executive – it is much easier to fire a contract employee than an elected official.

J. Kelly also mentioned that the actual title of the office currently named “Administrative Officer” is potentially problematic. The title “Administrative Officer” is almost never used, and has caused problems for him in the past as some companies fail to recognize him as the Chief Administrative Officer for the town due to his formal title. As a result of this, regardless of whether or not the town chooses to move to a Town Manager form of government, a change in the title of the position that he currently holds to either “Town Administrator” or “Town Manager” is important for improving the ability of whatever individual holds this position to do their job.

J. Kelly next spoke to the fact that in the field of municipal governance, the terms “Town Administrator” and “Town Manager” imply slightly different things – a Town Administrator position is less commonly the Chief Executive Officer of the town, and is often seen as a role that would be good for slightly less experienced administrators who are not yet ready to take on the full responsibility implied by the “Town Manager” position.

G. Marrion asked how involved J. Kelly has been in hiring and firing staff up to this point. J. Kelly stated that he has been effectively hiring individuals below the director level already, having been empowered by the BoS to handle those positions. He has not yet had to hire directors or fire anyone in his role so far, but notes that in his reading of the charter the language implies that all hiring and firing should involve the Board of Selectmen.

J. Brudz asked what minor, point changes J. Kelly would make in the charter that would be the easiest to implement but would be the most helpful. J. Kelly noted that this was a difficult question to answer, but thinks that:

- The CEO position should be held by the Town Administrator/Admin Officer.
- The removal of the Admin Officer could require only a simple majority, not a supermajority.
- Hiring and firing powers should be ultimately vested in the Admin Officer – due to their much greater interaction with personnel on a daily basis, the Admin Officer is better equipped to understand what steps need to be taken towards discipline and potential termination of personnel, and it would be good to codify that.
- Providing more detail for the responsibilities of the Administrative Officer in the charter – in order to let all involved parties understand what the Admin Officer actually does on a day to day basis.

J Brudz followed up on J. Kelly’s point regarding his belief that a simple majority should be required to terminate the Administrative Officer, and asked whether or not the Administrative Officer should expect to be “bought out” if their contract is terminated early or whether they serve at the pleasure of the board. J. Kelly espoused his view that a public servant fundamentally serves at the pleasure of the public and its chosen representatives, and that given sufficient notice (currently 2 months in his contract), there is no reason that a contract should need to be bought out.

J. Aldrich questioned J. Kelly about his experience with the Board of Finance in several towns, and their importance in different municipalities. J. Kelly noted that he has seen BoF’s fill an important role in multiple towns, but that a similar important role was filled via subcommittees of large BoS’s or Town Councils, such as is the case in Windsor. While it is important to ensure that the financially minded have the opportunity to scrutinize the budget, the current BoF is cumbersome and slows down the budgeting process far more than a subcommittee of a Town Council would. J. Kelly also stated that he believes that a larger legislative body with more financial supervisory power would also have the benefit of making elections for town council more competitive.

G. Marrion requested Josh to go over the listed current responsibilities of the Administrative Officer position. J. Kelly stated that, as listed, his responsibilities are to:

- Perform research
- Perform the role of Personnel Officer
- Conduct Assigned Administrative duties as assigned
- Craft meeting agendas as assigned
- Recommend employment and discharge of employees
- Conduct annual review of department heads

In general, a more specific listing of duties and making the Administrative Officer the CEO of the town would deal with most of the issues that J. Kelly feels restricts his position on a daily basis.

A. Teller inquired further regarding how the role of hiring and firing of town staff actually works, and what powers the Administrative Officer actually holds in regards to this. J. Kelly explained that below the level of department directors, he has been hiring individuals for the past few months without consulting the BoS, but he is not exactly certain where the language exists in the charter to provide him this power – it appears that this is a standing convention that has been in place since before J. Kelly entered into the office. It would be good to codify precisely how hiring and firing works in the charter, and J. Kelly suggested that hiring and firing below the director level should be left to the Town Administrator, while hiring and firing at the director level should be left to the Board of Selectmen.

AGENDA ITEM 4 – Continuing Business: Review of Town Charter

DISCUSSION: None

G. Marrion closed the special meeting at 8:44, with the topics of discussion to be resumed at the next meeting scheduled on 5/21/2020.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Stankov", with a horizontal line extending from the end of the signature.

Michael Stankov, Charter Revision Commission Board Clerk

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