

Final Report to the Bolton Board of Selectmen from  
the Bolton Charter Review Commission  
June 28, 2021

**Overview of the Charter Review Process**

On October 1, 2019 the Bolton Board of Selectmen (the “BOS”) adopted a Draft Resolution Defining the Charge of the Bolton Charter Revision Commission, (the “Charge”) which is attached to this report. On November 12, 2019 the BOS appointed James Aldrich, Richard P. Hayes, Jr., John B. Toomey, Jr., Adam Teller, Jay Brudz, Eleanor Georges and Gwen Marrion to serve on the Charter Revision Commission (the “Commission.”)

At its first meeting on January 30, 2020, the Commission received the BOS’s Charge and elected Gwen Marrion to serve as Chairman and Eleanor Georges to serve as Vice Chairman. The Commission held a public hearing on February 11, 2020 and began reviewing the charter. During the following 13 months the Commission reviewed all items on the Charge in addition to issues raised by the public, town staff, and Commission members.

The Commission divided the charter into four categories: Form of Government, Structural, Procedural, and Budget and Taxation, and formed subcommittees to review the sections and present recommendations to the full Commission.

The Commission gathered information and opinions on charter issues through extensive outreach and research which included in-person meetings, conference phone calls and Zoom meetings. Attending in-person meetings were John Elsesser, Coventry Town Manager, and Mark Walter, Administrative Officer, Town of Columbia. After the coronavirus prevented in-person meetings, the Commission met with Bolton First Selectman Sandra Pierog, former Bolton First Selectman Robert Morra and Bolton Administrative Officer Josh Kelly via teleconference. Subcommittees met with Board of Finance Chairman Emily Bradley and members Kristen Gourley, Bob Munroe, Bob DePietro and Ross Lally, Board of Education members Chris Davey, Susan Pike, Andrew Broneill, Town Clerk Elizabeth Waters and Election Moderator Monita Hebert. Phone conversations were held with Superintendent of Schools Kristin Heckt, Public Schools Director of Business and Finance Kusal Huynh, former Bolton Board of Education Chairman Elizabeth Kreuger, Bolton Finance Director Jill Collins, former Town Treasurer Kay Peterson, Town Auditor Stephen Hopkins, Economic Development Commission Chairman Bill Anderson and Fire Chief Bruce Dixon. Phone conversations were also held with Portland First Selectman Susan Bransfield, Portland Town Clerk Ryan Curley and Naugatuck Mayor N. Warren "Pete" Hess III.

Written comments were received from Eric Anderson, Andover Town Administrator, Michael Rosen, Tolland Town Manager, Patrice Carson, Bolton Director of Community Development, Liz Waters, Bolton Town Clerk and other members of the public.

Beginning April 16, 2020, all meetings were held using Zoom technology due to the coronavirus. Audio recordings were made of the meetings and were posted on the Town of Bolton website with the agendas and minutes.

In August 2020, the Commission began meeting twice each month. In December, the Commission requested an extension of the February 1, 2021 deadline for submitting the Commission's report to the BOS to March 1 and that request was granted. The Commission held its final public hearing on February 4, 2021 and met on February 18, 2021 to discuss the comments received at that hearing. The BOS discussed the proposed changes on April 12, 2021 and the BOS and the Commission held a joint meeting on May 19, 2021. This report incorporates changes made by the Commission resulting from public comments and comments from the BOS.

### **Recommendations of the Charter Review Commission**

Below are the sections of the charter which were reviewed by the Commission, recommendations, the Commission's reasoning, and the votes.

#### **Chapter 1 – Incorporation, General Powers and Definitions**

##### **Section 1.4 Definitions**

(C) Through discussion with the BOS it was decided that a definition of "Total Expenditure Amount" should be added.

(D) Gender neutrality: A member of the public requested the Commission consider making all charter language gender neutral. The BOS agreed.

Commission's recommendation: charter language should be gender neutral throughout the charter to the extent reasonably practical. The Commission initially voted to leave the terms "selectman" and "selectmen" (5-2 vote) but after receiving public comment and comments from the BOS the Commission recommends changing those terms to Select Board, Select Board Member and First Selectperson. The Commission considered different options including "Town Council" and "Councilors," "Board of Selectors" and "Selectors." Research of state statutes shows that "Town Council" is identified with a form of government not contemplated under Bolton's charter, and the other options are not suitable grammatically or aesthetically.

##### **Section 2.3 Eligibility**

A member of the public requested this section be changed to allow non-U.S. citizens to hold elected office in Bolton.

Commission's recommendation: No change. The Connecticut Constitution states that to be eligible for elected office a person must be an "elector" which means a citizen of the

United States. The Commission believes the charter cannot alter this provision. (By consensus)

### **Section 2.4 Breaking a Tie**

Public comment and the BOS requested this provision be reviewed. The current charter's default mechanism to break a tie is to hold a special election, with a coin toss to be used if the tied candidates agree to that in writing.

Commission's recommendation: The Commission voted unanimously to recommend reversing the order of the provisions so that the coin toss will be the default mechanism and a special election will be held upon written request of either of the tied candidates. A tie for the office of First Selectman will still be determined by special election unless both candidates agree to a coin toss. The Commission feels this encourages the candidates to use a coin toss, promotes good will, and saves the expense of a special election. One public comment stated that the coin toss should not become the default method of breaking a tie because the voters should have the ability to determine the winning candidate. The Commission did not change its recommendation because under the proposed change a special election can be held if one of the tied candidates requests a special election. (Consensus).

### **Section 2.5 Vacancies in Elected Offices**

Issue 1: Whether to change the current provision under which a vacancy in an elected office is automatically offered to the alternate.

Commission's recommendation: by consensus the Commission recommends removing this provision because alternates may not be the best individuals for the position. Alternates may still be considered for the position but will not automatically be offered the full position.

Issue 2: Under the current provision appointees who fill vacancies in elected offices serve until a successor is elected. The issue raised is whether this should be changed so that the successor serves until the expiration of the term the candidate is filling. This was raised by a staff member.

Commission's recommendation: leave as is. The Commission feels the person who filled the vacancy should run for that office at the next municipal election. (By consensus)

## **Chapter 3 - Elected Commissions, Boards, Agencies and Officers**

It was agreed to recommend that all references to Judge of Probate be removed because that is no longer a municipal office in Bolton. (7-0 vote)

### **Section 3.1 (B) Town Elections**

Issue 1 - Raised by the BOS and public comment, the Commission discussed whether to change any of the listed boards and commissions from being elected to appointed.

Commission's recommendations: The Commission agreed by consensus to recommend leaving the Board of Assessment Appeals and Town Meeting Moderator as elected positions because they deal with issues of residents' taxation and because the Moderator is highly visible to the public. The Commission voted 7-0 to recommend changing the Planning and Zoning Commission and the Zoning Board of Appeals to appointed positions because land use decisions should not be influenced by members' political affiliation. In addition, unaffiliated voters, who are usually not endorsed by town committees, will be a new pool of potential members to serve on the appointed boards and commissions, and the number of people willing to serve might be larger because they don't have to run for office. Public comments suggested that changing P&Z and ZBA from being elected to being appointed takes away voter choice and places too much control of Town affairs in the BOS. The Commission believes that there is always a need for people willing to serve on boards and commissions and if they are willing to commit to doing the work, it is irrelevant if they are elected or appointed. (Consensus)

Issue 2 - The issue of whether to eliminate or reconfigure the Board of Finance and its roles, which was raised by the BOS and public comment, was one of the most challenging and time-consuming issues for the Commission. The Commission gained helpful insight from interviews with current and past members of the Board of Finance, Board of Education, school officials and the Bolton Finance Department. There was concern that eliminating the Board of Finance would remove what is perceived by some residents as the "financial conscience" of the town, that the town would lose the benefit of the BOF's "holistic" view of the town's needs and the objectivity of the BOF's perspective that comes from not having a vested interest in either the town or the education budget. On the other side of the issue there was a feeling that the current budget process is unnecessarily time consuming and redundant because many workshops are held by the BOE and BOS to prepare the budget, followed by more workshops to convey that same information to the BOF. Having the budget prepared by the new Finance Committee would bring together BOS and BOE perspectives early in the budget process, allow for easy sharing of information about town and education needs, encourage collaboration and provide objectivity from the perspective of the two non-BOS and BOE members. Another reason for considering this change is the difficulty of recruiting candidates to run for public office.

Commission's recommendation: The Commission by consensus initially agreed to recommend reconfiguring the Board of Finance from an elected board to a committee composed of three members of the BOS, including the First Selectman (or his designee), two members of the BOE and two at large members, one each of whom to be appointed by the BOS and BOE. The Finance Committee would assume all of the roles currently performed by the Board of Finance including holding a public hearing on the budget. The budget would continue to be voted on at referendum. The new Finance Committee would be created only if voters agree to increase the size of the BOS to seven members. The FC would also take over the role of the CAPA Committee (7-0 vote)

Based on a number of comments at the public hearing the Commission changed its recommendation so that the new FC would be composed of two voting members of the BOS including the FS or his/her designee, two voting members of the BOE and three at large members to be elected. The members from the BOS and BOE would not be from the same political party which would maintain minority representation. (4-3 vote.) The recommended terms are for four years and staggered. (6-1 vote.) The Commission then added the following language to section 3.5 (C): “No member of the Select Board or Board of Education may serve as an at-large member of the Finance Committee”. This was added to clarify that only two members of the Select Board and two members of the Board of Education may serve on the Finance Committee.

### **Section 3.5 Town Elections, Terms of Commissions and Boards**

Issue 1 – Should the term of the members of the Board of Selectmen be changed?

Commission’s recommendation: The term of the Board of Selectmen should be changed from two to four years. This will enable the Board to conduct better long-term planning, see their initiatives through to completion, possibly encourage more people to run for the Board because campaigning is only required every four years, and staggering the terms allows more experienced members to pass on knowledge to newer members. (7-0 vote)

Issue 2 – Should the number of members of the Board of Selectmen be increased?

Commission’s recommendation: the number of members of the BOS should be increased from five to seven. The reconfiguration of the Board of Finance into a seven-member Finance Committee will mean a greater time commitment for the two members of the BOS who serve on the new Finance Committee. A seven-person board reflects a wider range of opinions and requires more compromise and cooperation to arrive at decisions. Also, changing PZC and ZBA to appointed boards means the BOS will have control over the composition of those boards so four votes of the seven-member BOS as opposed to three votes under a five-person board will be required for appointments, thereby bringing greater perspective to the appointment process. (7-0 vote)

Issue 3 – Should section 3.5 (B) be changed to eliminate the provision that votes cast for the unsuccessful candidate for First Selectman are counted as votes cast for that candidate to serve on the BOS?

Commission’s recommendation: by a 4-3 vote the Commission initially recommended eliminating this provision. The majority felt that the role of first selectman is distinct from the role of other selectmen so a vote cast for a first selectman candidate is not the same as a vote cast for that person to serve on the board if that candidate loses the first selectman’s race. Public comment on this issue was evenly divided. The BOS disagreed with the Commission’s recommendation and the Commission decided to leave the charter provision as it currently reads and add a prohibition against any person serving simultaneously on the Select Board and holding any other elected Town office. (5-2 vote).

## **Chapter 5 – Board of Selectmen**

Section 5.1 (B) – In conjunction with the Commission’s recommendation to increase the size of the BOS to seven members, references in the charter to a “majority (3)” of the BOS will be replaced by “majority” if the new majority will be four. Where a higher vote is required the term “supermajority” will be substituted.

### **Section 5.1 (D) – Administrative Officer**

The question of whether to change Bolton’s form of government was the Commission’s most challenging and time-consuming issue. Three forms of government were discussed: town manager, strong First Selectman, and a modified version of the existing first selectman/administrative officer structure. Opinions on these forms of government were obtained from Coventry Town Manager John Elsesser, Columbia Administrative Officer Mark Walter, Bolton First Selectman Sandra Pierog, former Bolton First Selectman Robert Morra, Bolton Administrative Officer Joshua Kelly, Portland First Selectman Susan Bransfield, Portland Town Clerk Ryan Curley. Written opinions were submitted by Eric Anderson, Andover Town Administrator and Michael Rosen, Tolland Town Manager.

There was support on the Commission for each of the forms of government but after lengthy discussions, the Commission decided by a 4-3 vote to recommend keeping but modifying and clarifying the first selectman/town administrator structure. The structure retains the first selectman as the Chief Executive Officer of Bolton and the ability of residents to vote for the person in charge of the Town. The new charter provisions define the role of the Town Administrator so that the individual will have enough autonomy over day-to-day operations, but with enough oversight by the BOS to prevent overreaching of the Administrator’s authority. The new provisions clarify the lines of responsibility and authority among the Town Administrator, First Selectman and the BOS. The current provision which requires a vote of four members of the BOS to hire or discharge the Town Administrator is eliminated. Termination of the Town Administrator will be handled according to the terms of his or her employment contract, which is the current practice. The title of the position will change from Administrative Officer to Town Administrator (the former is not a widely understood or used term). The current Administrative Officer’s job description, adopted by the BOS on August 4, 2016, and employment contract provided the foundations for the Commission’s proposed charter changes.

The BOS requested clarifying language to some of the provisions in new section 5.2, and that language was added.

### **Section 6.1 First Selectman – General**

The issue discussed was whether the words “non-voting” should be added to the sentence, “The First Selectman . . . shall be an ex-officio member of all other Town commissions, boards, agencies and committees”.

Commission's recommendation: the Commission decided by a 5-2 vote to recommend adding the words "non-voting" before "ex officio". According to Robert's Rules of Order an ex officio member of a board has the right to vote on matters before that board. The Commission does not believe it was the intent of previous charter commissions to give the first selectman the right to vote on all town boards and commissions, and Commission members acknowledged that they are not aware of a first selectman voting on a town board or commission (other than the BOS) but the majority felt that it should be clearly stated that the first selectman is not entitled to do so.

## **Section 6.2 Power and Duties**

Commission's recommendation: add language permitting a member of the Select Board to place a matter on an agenda of a meeting of the Select Board with the concurrence of at least two other members of the Board.

## **Chapter 7 – Appointed Commissions, Boards and Agencies**

**Section 7.1 (A)** – The BOS raised the issue of whether any of the listed boards and commissions should be eliminated and/or governed by ordinance.

Commission's recommendations: 1) The Economic Development Commission should be removed as a permanent appointed commission. One member of the Commission learned through discussion with a member of the EDC that the EDC is considering joining a regional EDC and Bolton's EDC membership has dwindled. The BOS will continue to have the authority to appoint an EDC in the future. (7-0 vote)

2) The Commission voted 5-2 to recommend combining the Inland Wetlands Commission and Planning and Zoning Commission. The majority felt this would help applications move through the Bolton land use process faster and more efficiently.

3) The Commission recommends adding the Planning and Zoning Commission and its alternates and the Zoning Board of Appeals and its alternates to the list of appointed boards and commissions in this section.

**Section 7.3 (A) – Membership** – A member of the public requested that this provision be changed to allow individuals who are not "electors" of the town to serve on town boards and commissions.

Commission's recommendation: The Commission voted to recommend leaving the language as is. An "elector" is a voter, and the Commission believes that applying for citizenship could be an option for an individual who wants to serve on an appointed board. (6-1 vote) Two public comments stated that non-electors should be able to serve on appointed boards and commission. The Commission reviewed this provision after public comment and stands behind its original reasoning and decision. (Consensus.)

**Section 7.3 (C) – "Deemed" Resignation**

Commission's recommendations: The Commission recommends eliminating the provision which deems a member or alternate of an appointed board or commission to have resigned if the member fails to attend one-half of the board's meetings in a fiscal year. The Commission believes that an affirmative act of removal is more appropriate than passive removal through inaction. (6-0 vote). A question was raised as to whether this provision conflicts with section 7.1 (C) and it was determined that it does not. Provisions regarding removal will be moved from Chapter 7 to Chapter 12 so that all provisions which address removal or resignation will be in the same chapter.

### **Section 7.3 (D) – Vacancies in appointed boards and commissions**

Commission's recommendation: The Commission recommends removing the provision by which an alternate on an appointed board or commission will automatically receive an invitation to fill a vacancy. This mirrors the Commission's action on Section 2.5 (vacancies in elected offices) and the language will be moved to Chapter 12, so that all provisions regarding removal and vacancies will be in the same chapter. (7-0 vote)

### **Sections 7.3 (E) and (F) – Term of appointment to vacancies and reporting**

Commission's recommendation: these provisions should be moved to Chapter 12 so that all provisions regarding removal and vacancies will be in the same chapter. (7-0 vote)

### **Section 7.4 (B) – Board of Fire Commissioners**

Fire Chief Bruce Dixon raised the issue of changing the term of the members of the Board of Fire Commissioners from five to four years because it is getting difficult to find people to serve for a five year term.

Commission's recommendation: the term of members of the Board of Fire Commissioners should be changed from five years to four years, with appointments to be made with at least one new commissioner selected each year. (7-0 vote).

### **Section 7.4 (D) - Temporary Public Building Commission**

Raised by public comment the issue was whether the TPBC should be made permanent or in the alternative remain in effect until the completion of a public building project. Under the current charter the TPBC remains in effect until the completion of the building project or eighteen months, whichever occurs sooner.

Commission's recommendations: The charter language should be changed to keep the TPBC in effect "until the project is completed as determined by the Board of Selectmen." This will ensure that members who are knowledgeable about the project will remain on the Commission until bonds are released and all information the BOS needs to determine the final close-out of the project is available. Also, the TPBC should remain a temporary



commission because that format is more likely to attract individuals with an interest in and knowledge of a specific project.

## **Chapter 8 – Finance and Taxation**

Finance Director Jill Collins provided helpful information for the Commission’s discussion of this chapter.

### **Section 8.2 – Audits**

Existing charter language requires the Board of Finance to annually designate an accountant or firm to conduct the audit. The Town’s current auditor works under a five-year contract so the Commission recommends amending this provision to allow the Finance Committee to hire an auditor annually or for a period not to exceed four years and the term shall not extend more than one year beyond the next regularly scheduled election for the office of First Selectperson This four-year term mirrors the proposed new four-year term of the BOS. (7-0 vote)

### **Section 8.3 – Treasurer**

Commission’s recommendation: Because the treasurer is an Appointed Officer under a town ordinance, language should be added stating that the BOS shall appoint the Treasurer and that the Finance Director may act as Town Treasurer, which is the current practice. (7-0 vote) At the request of the BOS a provision was added permitting the Town Administrator to act as the Deputy Treasurer.

### **Section 8.4 Preparation of the Budget and Capital Improvement Report**

Commission’s recommendations: A number of references to the Board of Finance should be changed to “Finance Committee” and in section 8.4 (D) (3)(a)(i) and (b)(i) the word “audited” should be inserted. The BOS suggested that language be added to require notices of public hearings of the proposed budget be published on the Town’s website, and that language was added to section 8.4 (D)(2).

### **Section 8.5 (B) Annual Budget Referendum Action**

The Commission discussed whether a provision should be added to the charter which requires a plain-language description of the budget and simplified financial statement to be made available to the public before the referendum on the budget. It was noted that this was done in prior years but has not been done recently. The Commission agreed that this would be helpful to the public and acknowledged that the language must be neutral in tone and without intent to influence voters.

Commission’s recommendation: include a new provision in Section 8.5 requiring a plain language explanation of the budget and a simplified financial statement be posted on the Town’s website prior to the budget referendum. (7-0 vote)

## **Section 8.5 (C) (1) Failure to Adopt the Budget**

Issue 1 - The Commission discussed the provision which requires the BOF to reduce the total budget each time the budget is rejected at referendum.

Commission's recommendation: By a 4-3 vote the Commission voted to recommend changing the word "reduce" to "revise" thereby allowing the BOF, or new Finance Committee, to revise the total budget up or down after it is rejected at referendum. The majority felt that charter language should be neutral and only allowing the budget to be reduced is weighted toward those who want a lower budget, encourages voters to continue to vote against the budget and does not promote compromise. A number of comments were received at the public hearing on this provision. The Commission did not change its recommendation but recommends that this question be a stand-alone question on the ballot. (6-1 vote.)

Issue 2 – The Commission discussed whether the current system of limitless referenda after budgets are rejected should be changed. The primary option discussed was that in the case of two failed referenda the budget would revert to the budget of the previous year with no increase in the mil rate and any budget increase would be less than or equal to the increase in the grand list.

Commission's recommendation: the option was not supported and the vote to modify the language as suggested failed 3-4.

## **Section 8.5 (E) Levy and Collection of Taxes**

Public comment requested the Commission to consider changing the Town's current procedure of sending tax bills annually to sending them semiannually.

Commission's recommendation: No change. Through conversations with town staff it was determined that sending annual tax bills benefits the Town in terms of interest earned and workload for town staff. Also, there is nothing in the current charter or statutes that prevents the BOS from adopting a semi-annual taxing schedule. (By consensus)

## **Section 8.6 (B) Transfers of Appropriations – Town Boards, Commissions, Agencies and Officers**

Through conversations with Director of Finance Jill Collins it was suggested that notice of transfers of unexpended balances from one account to another should be given to the BOF (or the new Finance Committee) prior to the next scheduled meeting of that board, instead of within four business days. (7-0 vote)

Commission's recommendation: Change so that written notice of transfers of unexpended balances will be provided to the Finance Committee prior to its next scheduled meeting. This is in keeping with current practice.

## **Section 8.6 (C) (3) and (5) Supplemental Appropriations – Board of Finance Action**

This Commission discussed whether the current \$20,000 maximum on BOF approval of supplemental appropriations and the \$20,000 level at which supplemental appropriations must be passed on to Special Town Meeting for action should be changed.

Commission's recommendation: The Commission's initial recommendation was to replace \$20,000 in both sections with 0.2% of the most recently adopted Town budget which is about \$46,000 under the current budget. This provides flexibility to reflect changes in the Town's financial condition and is similar to recommended changes to thresholds for referenda on supplemental appropriations and borrowing. (7-0 vote) The BOS suggested that "recently adopted Town budget" should be clarified and that language was replaced with "Total Expenditure Amount", a term defined in section 1.4(C).

### **Section 8.6 (D)(1) Supplemental Appropriations – Town Meeting Action**

Commission's recommendation: Change threshold as explained under Section 9.7(A)(1). See discussion of public comment under Section 9.7(A)(1).

### **Section 8.7 (A) Reserve Fund for Capital and Nonrecurring Expenditures**

A member of the public requested review of the language in this section which restricts the use of the Reserve Fund for Capital and Nonrecurring Expenditures for items including "...any specific item of equipment...." It was noted that when computer equipment is purchased in individual units it does not meet the Town's threshold for using the fund, yet computer equipment needs to be replaced on a regular basis.

Commission's recommendation: The Commission recommends leaving the language as is. Accounting treatment of computer purchases is decided by the CAPA Committee, not by the charter, and the charter language is flexible enough to accommodate such purchases. Technology equipment is not considered by the current Bolton CAPA Committee to be a non-recurring expenditure and should be funded under current operations budgets. Future CAPA Committees have the ability to change this policy. (By consensus)

### **Section 8.7 (C) (3) Operation of the Reserve Fund for Capital and Nonrecurring Expenditures**

This section currently requires project appropriations included in the Reserve Fund for Capital and Nonrecurring Expenditures be at least \$10,000. Public comment requested that this minimum be reviewed.

Commission's recommendation: change the \$10,000 minimum to .05% of the most recently adopted Town budget which is about \$11,500 under the current budget. This provides flexibility that reflects growth of the Town's budget and financial condition and is consistent with other recommended threshold changes. (6-1 vote)

### **Section 8.8 (B)(3) – Borrowing**

Commission’s recommendation: Change threshold as explained under Section 9.7(A)(2).

### **Section 8.9 (E) Expenditures and Accounting**

Through discussion with Director of Finance Jill Collins the issue of the timing of the publication of the town’s annual report was raised.

Commission’s recommendation: The Commission recommends changing the date to March 15 based on the fact that the Town’s audit is usually not completed by February 1. (7-0 vote)

### **Section 8.11 Public Records**

To aid in the public’s understanding and awareness of the budget process the Commission recommends that a new section should be added to the charter which requires that copies of the budget, capital program, independent audits and appropriation and revenue ordinances be available on the Town’s website. (7-0 vote)

## **Chapter 9 – Town Meeting**

### **Section 9.1 (B) Voter Eligibility**

A member of the public requested the Commission to consider changing this section to prohibit non-residents who own property with an assessed value of at least \$1,000 from voting at town meetings and referenda.

Commission’s recommendation: The Commission recommends leaving the language as is. The Commission’s original reason for keeping the right of non-resident owners of property with an assessed value of at least \$1,000 to vote at referenda was based on an understanding that the provision cannot be changed under state law (CGS Section 7-6.) A member of the public provided examples of other towns’ charters that do eliminate this provision. The Commission reconsidered the issue and concerns about the administrative difficulties of verifying such voters on Election Day, but the Commission believes it is important to preserve the right of the voters in question, which number five or six at this time, to vote. (Consensus.)

### **Section 9.7 Actions that Require Referendum**

The focus of the discussion about this section and related provisions in Chapter 8 was whether the thresholds for approving certain items at referendum (as opposed to at a special town meeting) should be lowered. The thresholds for borrowing, approving supplemental appropriations and applying for grants that require a town match were reviewed. The

Commission discussed that voter turnout at town meetings is often low because people have a conflict with the meeting date or do not want to attend a meeting. Also, town meetings are usually attended primarily by those interested in approving the items on the agenda. Referenda provide the opportunity for more voters to get to the polls and therefore the results reflect a wider range of residents' opinions. The Commission feels that high-cost items should be voted on by more voters than those who attend a town meeting.

The current charter allows borrowing of around \$2.2 million, supplemental appropriations of about \$1.1 million and matching grants of about \$111,000 to be decided at a special town meeting. The first two are based on a percentage of the town's grand list and the third is based on a percentage of the town's annual budget.

Commission's recommendations: A majority of the Commission believes that town meeting votes are appropriate to decide borrowing and supplemental appropriations of about \$300,000 to \$500,000 and that amounts over that should be submitted to the voters at referendum. Also, the thresholds should be based on a percentage of the town's Total Expenditure Amount, a defined term suggested by the BOS, not the grand list which fluctuates during re-evaluation years. The Commission initially voted to recommend changing the thresholds as follows:

The threshold at which a supplemental appropriation is submitted to referendum will change from greater than 0.25% of the last approved grand list to greater than 1.5% of the total annual budget. Sections 9.7 (A)(1) and 8.6(D)(1) This change lowers the threshold from about \$1.1 million to about \$345,000. (6-1 vote) Public comment suggested this threshold is too low and would result in the Town having to hold numerous referenda to fund necessary items. The Commission researched the availability of other sources of funds for emergency situations After discussing with the BOS the Commission changed its recommendation from 1.5% to 2% of the Total Expenditure Amount.

The threshold at which borrowing is submitted to referendum will change from greater than 0.5% of the last approved grand list to greater than 2% of the Total Expenditure Amount. This lowers the threshold from about \$2.2 million to about \$460,000. Sections 9.7(A)(2) and 8.8(B)(3). (6-1 vote)

Matching Grants: no change.

## **Section 9.9 Procedure**

The issue is whether a request to vote by paper ballot at a town meeting should automatically be granted when a voter so requests. The Commission acknowledged that it can be intimidating to vote by voice or hand at town meetings where the majority of attendees are often on one side of an issue. A paper ballot vote provides anonymity and eliminates the intimidation factor. The logistics of using paper ballots will be the responsibility of the town clerk and the town meeting moderator.

Commission's recommendation: add to this section a provision that if at least three attendees at a town meeting request a vote to be taken by secure anonymous ballot that request will be granted. The BOS may be authorized by ordinance to provide for voting by ballot in the case of online or remote meetings. (7-0 vote) The BOS disagreed with this proposal and the Commission rescinded its recommendation.

## **Chapter 10 Qualifications and Limitation re Service on All Boards/Commissions/Offices**

### **Section 10.2 Incompatible Offices**

The Commission acknowledged that many members of elected town boards and commissions and some town employees serve or have served in the Bolton Volunteer Fire Department and this valuable service to the town should be encouraged.

Commission's recommendation: to add a provision clarifying that serving in a volunteer fire department or emergency service organization is not incompatible with holding a town office, other than the Town Administrator position, and holding a compensated position in such groups is also not incompatible but should be disclosed to and approved by the BOS. (7-0 vote) The BOS disagrees with prohibiting the Town Administrator from being an active member of the fire department because it is difficult to find volunteers who are in Bolton during the day to respond to calls. The Commission's position is that the Town Administrator should remain attentive to their responsibilities during office hours and not leave during emergency calls. Also, because the TA is involved in preparing the budget, it might be difficult to remain objective about fire department budget requests. The Commission stands behind its original proposed language.

### **Section 10.3 Conflicts of Interest**

The Commission devoted considerable time to discussing possible amendments to this section. There was general agreement that because the BOS adopted an ethics ordinance in 2015 and established a Board of Ethics in 2017, the charter provision concerning conflicts of interest should be expanded.

Commission's recommendation: new charter language should include specific authorization for the BOS to adopt a Code of Ethics and create a Board of Ethics, a provision describing the consequences if individuals violate the ethics provisions, and clarification that decisions made by a town board or commission in which someone in violation of the ethics provisions participated will be voidable. (7-0 vote)

## **Chapter 11 Organization of the Boards, Meetings and Records**

### **Section 11. 1 (A) Organization Meeting (Elected Commissions)**

Issue 1: Raised by a Bolton staff member, the issue is whether the timing of the election of board and commission chairmen should be changed because in some situations the meetings of boards and commissions do not fall within the time frame specified in the charter.

Commission's recommendations: The time frame within which chairmen of elected boards and commissions must be elected (after the second Monday following the election but within 45 days of the election) should be changed to within two months of the election. The Commission also decided to change the words "each year" to "each municipal election" to clarify which elections trigger the board or commission organizational meeting and vote. (6-0-1 vote)

Issue 2: Raised by public comment, the issue is whether this section conflicts with C.G.S. Section 10-218 regarding the election of Board of Education chairmen.

Commission's recommendation: This section conflicts with the state statute so the phrase "except as otherwise provided by statute" should be added. (Consensus)

Issue 3: Raised by public comment, the issues are whether the charter should require BOS, Finance Committee and BOE meetings to be recorded by audio or video for broadcast and preservation and whether all meeting materials of the BOS, BOE and Finance Committee should be required to be posted online in a searchable manner.

Commission's recommendation: Yes. The Commission feels these requirements will allow for greater public access to the boards' decisions and discussions. (Consensus)  
The BOS stated that the storage capacity of the Town's website cannot accommodate storing all audio and video recordings of the BOS, BOE and FC meetings. The Commission and BOS agreed to language that requires those meetings to be broadcast and published on the Town's website, remain on the website for a reasonable time then permanently archived as required by law.

## **Chapter 12 Removal/Recall**

It was agreed that all charter provisions relating to resignation, removal and vacancies in appointed offices should be moved to this chapter. It was also agreed that the title of the chapter should be changed to "Removal/Vacancies" because the term "recall" pertains to removal of elected officials which is not contemplated by this charter.

### **Section 12.1 (A) Suspension and Removal**

Issue 1: How many votes of the BOS are needed to suspend and remove an appointed town officer or a member of an appointed town commission, board or agency?

Commission's recommendation: the vote needed to suspend an individual should be a majority of the BOS and the vote to remove an individual should be a supermajority of the BOS.

Issue 2: Should the term "cause" for suspension or removal be defined?

Commission's recommendation: the Commission believes it is important to define "cause" to provide parameters for the BOS's suspension or removal action and clarity to the individual involved. The Commission's proposed definition includes repeated absences from meetings, failing to carry out the duties of the position for a period of 90 days, violations of the conflicts of interest provisions in the charter and Ethics Ordinance and willful misconduct. The "deemed resignation" provision in section 7.3 (C) is eliminated. (6-0 vote)

### **Section 12.1 (B) Suspension Process**

As written, the current charter allows suspensions to occur without substantiation. The Commission considered the ability of the BOS to suspend an individual without a written allegation and the right of the accused individual to keep the allegation private.

Commission's recommendation: The Commission voted to recommend adding language that clarifies that the BOS can initiate a suspension process based on a credible allegation of facts by a town official, member of a board, or member of the public. (6-0-1 vote)

## **Chapter 13 Transition and Miscellaneous Provisions**

### **Section 13.7 Effective Date**

The dates in this provision will be changed.

### **Section 13.9 Transitional Provisions**

This new section contains provisions pertaining to one-time changes that will occur when the Select Board is expanded to seven members with four year terms, the Finance Committee is established, Planning and Zoning and Inland Wetlands are merged and becomes an appointed commission, ZBA becomes an appointed commission, and the term of the auditor changes.

## **Conclusion**

The Commission's proposed changes are the result of 18 months of thorough discussion by members who contributed different political ideologies and philosophies to the process. The Commission believes the proposed changes will improve the governance of Bolton and thanks the BOS for giving the Commission the opportunity to serve the Town of Bolton in this important role.

## **Acknowledgement**

The Commission would like to express its gratitude to Michael J. Stankov for his outstanding work as Clerk of the Charter Revision Commission. Michael hosted Zoom meetings, made sure the Record button was on and took detailed, thorough minutes of the meetings. Commission meetings were long, involved references to state statutes, town ordinances and charter sections,



motions were stated quickly and discussions took many turns. Michael captured everything clearly, thoroughly, and added spice to the minutes with light-hearted adverbs.