

BOLTON CHARTER REVISION COMMISSION
Regular Meeting
Thursday, February 18, 2021
Via teleconference
7:00 P.M.

Phone: 1-929-205-6099

Meeting ID: 871 0429 9881

The February 18, 2021 meeting of the Charter Revision Commission was called to order at 7:04 PM.

1. 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, CV channel representative Skylar Frasier

2. PUBLIC COMMENT

G. Marrion called for public comment, but there was none.

3. ACT ON MINUTES OF FEBRUARY 4, 2020 REGULAR MEETING AND PUBLIC HEARING

MOTION MADE by J. Brudz, seconded A. Teller, to approve the February 4 public hearing and regular meeting minutes.

DISCUSSION: The commissioners noted misspellings and misnumbering in the names and addresses of several individuals in town who spoke at the public hearing, which were corrected. G. Marrion also requested the addition of a sentence indicating that she had opened the public hearing with an explanation of the various changes to the charter being proposed and the logic behind these changes.

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

VOTING AGAINST: None

ABSTENTIONS: R. Hayes

4. DISCUSSION AND POSSIBLE VOTE ON REVISING SECTION 3.1 (B) RE CONFIGURING THE BOARD OF FINANCE

J. Aldrich noted the necessity of making this question separate on the ballot so as not to sink the rest of the charter revision, and also recommended that the two individuals that the commission previously recommended appointing to the body could likely be elected to increase community input.

R. Hayes asked if the new model Finance Committee (FC) would become the CAPA committee, as he had not realized that such a change was occurring. A. Teller noted that the FC would satisfy all of the qualifications of being the CAPA committee and already would be performing all of the same responsibilities, so it made sense to roll it into the FC.

A. Teller noted that the sentiment at the public hearing was strongly in favor of individuals wanting direct election to the FC, and as a result it would be wise to allow direct election to this body. A. Teller also agreed with J. Aldrich that this issue would need to be its own ballot question.

G. Marrion raised the question of whether the board should be 9 members as opposed to 7, as was suggested at the public hearing, with a composition of 3 members of the BoS, 3 from the BoE, and 3 elected and non-aligned. R. Hayes, J. Brudz, and A. Teller all disagreed with increasing the size of the FC too significantly, as it would make the process less streamlined. J. Brudz and A. Teller noted that much of the concern of the public seemed to be rooted in the imbalance between the BoS and the BoE, and as a result changing the balance of the board to have equal numbers of the BoE and BoS would likely be an improvement. Proposed models for this would feature a 3-3-1 split or a 2-2-3 split of BoE/BoS/Elected individuals. J. Aldrich disagreed, noting that the First Selectman should serve on the FC by default because of their role as the CEO of the town and the inherent fiduciary responsibility of the position.

MOTION MADE by J. Aldrich, seconded by E. Georges, to change the model of the FC such that the two appointed individuals would be elected, on a 2 year or 4 year cycle to be decided at the time of drafting.

AMENDMENT MADE by J. Brudz, seconded by A. Teller, to change the structure of the FC to be a 2-2-3 split of BoE/BoS/Elected individuals.

DISCUSSION: R. Hayes noted that the pending departure of the current Town Administrator provided further evidence towards the transience of appointed executives and the need for the First Selectman to have stronger and more consistent powers. As a result, the BoS should maintain the majority on the FC.

J. Toomey noted that allowing for the direct election of three individuals would give the public the largest direct voice, which would make this change easier to pass at ballot.

J. Aldrich noted that he preferred the current model, as the First Selectman should continue to hold a permanent place on the FC so that they are personally involved in the financial affairs of the town.

J. Brudz reiterated that much of the concern he has heard about the new model was the lack of direct election of members of the FC as well as the over-weighting of the FC in favor of the BoS instead of the BoE. This change would address both of those concerns.

E. Georges noted that the BoS represents the town, and that the town should have the majority of the control over the budget for the town as opposed to the school district holding that control. J. Brudz pointed out that despite this, the majority of the town's budget is used for the school system, and that the school system should not necessarily have less say in the matter.

A. Teller noted that the most even-handed approach is to ensure that the fulcrum of the FC is the members that are elected at-large, who would be without any predispositions or inherent biases in favor of one of the boards. Regardless of how combative or cooperative the members of the BoS and BoE are towards each other's budgets, they will have inherent biases towards the needs that they think about and see for their portion of the budget. As a result, the process could be made fairer by letting the directly elected members of the FC be the tie-breakers in any deadlock between the BoS and BoE.

R. Hayes noted that very few individuals spoke out against the proposed changes to the FC in terms of the balance between the BoS and BoE, with most people staying quiet on the matter. J. Brudz noted that no one spoke out in favor for this point either, and did not agree that the silence of the other attendees at the public hearing was synonymous with their approval.

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

VOTING AGAINST: R. Hayes, J. Aldrich and E. Georges

DISCUSSION: None

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

VOTING AGAINST: R. Hayes, J. Aldrich and E. Georges

ABSTENTIONS: None

MOTION MADE by J. Aldrich, seconded by J. Brudz, that one of the two BoS members that sits on the FC shall be the First Selectman or their designee, while the second member shall be elected by the BoS.

DISCUSSION: R. Hayes raised the issue of minority representation and whether this configuration would violate those constraints. The commission agreed to decide on said issue after this vote.

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

VOTING AGAINST: R. Hayes and E. Georges

ABSTENTIONS: None

R. Hayes's question of minority representation was raised next. A. Teller noted that minority representation in the State of Connecticut guarantees that on a 7-member board, there shall be no more than 5 members from the same party. If the two members of the BoE and BoS being appointed are from different parties, there can inherently not be more than 2 people from the same party from the BoS and BoE seats. As a result, even if all three of the at-large, elected FC members are from the same party, minority representation is preserved.

G. Marrion next raised the question of term length and potential staggering of terms. J. Brudz noted that he wasn't opposed to having 2 year, unstaggered terms. J. Aldrich noted that there is a significant learning curve to the matters of municipal finance, and that a longer 4-year term would ensure that individuals have the chance to learn how to do the job required on the FC. J. Toomey and A. Teller noted their general agreement with staggered 4 year terms, though J. Toomey also noted some potential difficulties that could arise in having a constant rotation of new members in and out of the body.

MOTION MADE by A. Teller, seconded by J. Toomey, that the terms of the at-large members of the Finance Commission be 4-years, staggered, with a transition group such that one of the first three elected individuals will be elected for two years.

DISCUSSION: None

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

VOTING AGAINST: None

ABSTENTIONS: None

5. DISCUSSION AND POSSIBLE VOTE ON REVISING SECTION 8.5 (C)(1) RE CHANGING "REDUCE" TO "REVISE"

J. Brudz noted that at the public hearing, many people spoke about this issue and there was no middle ground on this motion, with individuals either strongly in favor or against this idea. As a result, it would be good to let this question stand by itself.

MOTION MADE by J. Brudz, seconded by J. Aldrich, to move this issue to a second question on the ballot.

DISCUSSION: J. Brudz and R. Hayes discussed the level of support for both of these ideas for some time.

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

VOTING AGAINST: R. Hayes

ABSTENTIONS: None

6. DISCUSSION AND POSSIBLE VOTE ON REVISING SECTIONS 8.6 (C)(3) AND 8.6(C)(5) RE THRESHOLDS

J. Aldrich gave a brief explanation of the amount of money readily available to the town via contingency, rainy-day funds, and bonds. While this reduction would prevent the town from purchasing expensive materials such as fire trucks, it would still leave many things under the threshold. J. Brudz noted that it could be possible to add language to the charter that would allow the BoS to dip into certain emergency funds to enable important spending projects outside of times of State-declared emergencies. J. Aldrich noted that there exists a fund in Bolton with over 1.5 million dollars that can be used for emergencies, but dipping into such a fund could have an adverse effect on the town's bond rating. A. Teller noted that the BoS will be reviewing the changes suggested by the CRC anyways, and are free to strike this change if they truly feel it too restrictive.

7. DISCUSSION AND POSSIBLE VOTE ON REVISING SECTIONS 7.3 (A) RE NON-ELECTORS SERVING ON APPOINTED BOARDS AND COMMISSIONS

The commission noted that no one's minds had been particularly changed on this issue after the public hearing, and that there was no point in discussing it again to rehash points that had already been made.

8. DISCUSSION AND POSSIBLE VOTE ON REVISING SECTION 3.1 (B) RE WHETHER CERTAIN ELECTED BOARDS SHOULD BECOME APPOINTED BOARDS

A. Teller noted that despite public sentiment largely being against moving too many elected positions to be appointed, the primary reason that the commission chose to do so in the first place was that it has historically been difficult to find enough individuals to run for every position in town. While public unease is understandable, no valid counterargument was raised during the public hearing to dismiss the validity of this problem. The other commissioners largely agreed with this point, also noting that the proposed changes to the FC would ensure direct representation instead of appointment on that body, which would be a good compromise to sate public concern while continuing to find sufficient individuals to hold important board positions.

9. DISCUSSION AND POSSIBLE VOTE ON REVISING SECTION 1.4 (B) RE ELIMINATING TERMS "SELECTMAN" AND "SELECTMEN" WITH OTHER GENDER-NEUTRAL LANGUAGE CHANGES

J. Toomey noted that the term "Selector" could be used as the gender-neutral alternative to "Selectman" if the commission was averse to using the term "Town Council" and "Councilor". J. Brudz noted that a Town Council and a Mayor have very specific meanings in the Connecticut State Statutes, and as a result it isn't readily possible to use the wording for "Town Council" while retaining what is essentially still a Board of Selectman form of government. The commission spent some time discussing various ideas for the terminology that could replace

“selectman” but ran into multiple grammatical stumbling blocks as they proposed various ideas. The foremost idea was “Selector”, but this wording was inaccurate to the role of office: That is, the selectmen are not “selectors”, but are rather “selected” by the community. After struggling to find a term that sounded natural in English, was grammatically correct, legally accurate, and was not terribly archaic, the commission chose to leave the term “Selectman” as is for the time being.

10. DISCUSSION AND POSSIBLE VOTE ON REVISING SECTION 3.5 (B) RE LOSER OF FIRST SELECTMAN RACE

The commissioners noted that this topic had an equal number of public comments for and against it and agreed to not raise the point further.

11. DISCUSSION AND POSSIBLE VOTE ON REVISING SECTION 2.4 (B) RE COIN TOSS

The commission did not take this point up again, as leaving the default condition for elections other than First Selectman as defaulting to the coin toss costs the town nothing, because if either party challenges the coin toss it will go to special election and give the vote to the people, while not requiring a special election for non-competitive elected positions.

12. DISCUSSION AND POSSIBLE VOTE ON REVISING SECTION 9.1 (B) RE ELIGIBILITY OF OWNERS OF PROPERTY ASSESSED AT \$1,000 OR MORE TO VOTE AT TOWN MEETING.

The commission discussed whether or not it would be proper to distinguish between resident voters and non-resident voters in the charter and only allow resident voters to vote in referenda. The commission ultimately determined not to change its original decision on the matter, and to allow individuals who hold property in town of a value exceeding \$1000 to vote in referenda, noting that such individuals are taxpayers and are thus entitled to a voice in the spending of public money.

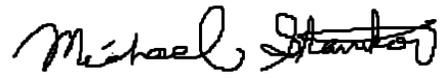
13. DISCUSSION AND POSSIBLE VOTE ON REVISING SECTION 10.2 (B) TO MAKE COMPATIBLE WITH NEW SECTION 10.3 (G)

G. Marrion noted that First Selectman S. Pierog raised concerns that there was a conflict in the charter changes currently proposed. Section 10.2 (B) explicitly forbids the First Selectman from holding any other elected or appointed position in town, while the recent changes to section 10.2 (G) would allow the first selectman to be involved in the Fire Department. While the commission noted that the Fire Department itself is neither elected nor appointed, and that involvement with the Fire Department is thus not explicitly forbidden. The positions of Fire Chief, Fire Marshall, and their deputies are appointed, and as such the language currently forbids the First Selectman from serving in these roles, but the intent of the CRC was to permit the First Selectman to serve in these roles if they first received the approval of the BoS. A. Teller noted that he would redraft the language to better match the intent of the commission.

14. Discuss next steps in charter revision process and set next meeting date if necessary.

G. Marrion adjourned the meeting at 9:03.

Respectfully submitted,

A handwritten signature in black ink that reads "Michael Stankov". The signature is written in a cursive style with a large initial 'M' and a stylized 'S'.

Michael Stankov, Charter Revision Commission Board Clerk

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