

# **CHARTER REVISION COMMISSION**

## **Special Meeting**

**Thursday, April 15, 2021 7:00 P.M.**

**Via Zoom teleconference**

Phone: 1-929-205-6099

Meeting ID: 864 8079 3331

The April 15, 2021 meeting of the Charter Revision Commission was called to order at 7:05 PM.

### **1. ROLL CALL**

**MEMBERS PRESENT:** Chair Gwen Marrion, Vice Chair Eleanor Georges, Adam Teller, Jay Brudz (arrived 7:17), Jim Aldrich, R. Hayes (arrived 7:21) and John Toomey.

**MEMBERS ABSENT:** Richard Hayes

**OTHERS PRESENT:** Board Clerk Michael Stankov

### **2. PUBLIC COMMENT**

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

G. Marrion next noted that J. Brudz would be able to join the meeting at 7:30, and would like to be here for several important points early in the agenda. He requested that the commission move later items of less importance up in the agenda – specifically items 11 through 14.

**MOTION MADE** by J. Aldrich, seconded by A. Teller, to move agenda items 11 through 14 up to discussion immediately after acting on the minutes of the March 4, 2021 minutes.

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

**VOTING AGAINST:** None

**ABSTENTIONS:** None

### **3. ACT ON MINUTES OF MARCH 4, 2021 REGULAR MEETING**

**MOTION MADE** by J. Toomey, seconded by A. Teller, to approve the minutes for the March 4, 2021 meeting.

**DISCUSSION:** It was noted that the word “were” in item 6 line 1 should be “would”, and that a period was missing at the end of item 5 sentence 1.

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

**VOTING AGAINST:** None

ABSTENTIONS: None

#### 11. REVIEW AND POSSIBLE VOTE PERTAINING TO BOARD OF SELECTMEN REJECTION OF PROPOSED CHANGES TO SECTION 10.3 CONFLICTS OF INTEREST

G. Marrion noted that the Board of Selectmen had rejected the changes for section 10.3 outright – the content of these changes was largely concerned with the establishment of an ethics commission, definition of what constitutes a conflict of interest, and the consequences for violation of ethics ordinances. A. Teller noted that the establishment of definitions and consequences for ethics violations is extremely important for holding elected officials accountable for violations, and the BoS should not have the authority to wave away conflicts of interest that are inconvenient for them.

J. Aldrich noted that no cases had gone to the ethics commission in the last 10 years of its existence, and that this point was raised by First Selectman S. Pierog at the last BoS meeting, but E. Georges stated that a lack of violations is no justification to do away with the rules, which A. Teller agreed with.

J. Brudz arrived at 7:17, and R. Hayes arrived at 7:21.

MOTION MADE by E. Georges, seconded by A. Teller, to let the recommendation of the CRC stand in relation to section 10.3 Conflicts of Interest.

DISCUSSION: J. Aldrich noted that he did not feel knowledgeable enough regarding the matter to vote for or against this motion and would abstain. G. Marrion noted that the CRC currently has 30 days to return their comments to the BoS, accepting or rejecting the recommendations of the BoS, and that any votes must be resolved by that time. The BoS will then either approve or reject the work of the CRC within 15 days. E. Georges noted that language would need to be drafted for 10.3, but A. Teller confirmed that he had finished drafting the majority of this language earlier in the week.

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

VOTING AGAINST: J. Aldrich and R. Hayes

ABSTENTIONS: None

#### 12. REVIEW AND POSSIBLE VOTE PERTAINING TO BOARD OF SELECTMEN REJECTION OF PROPOSED CHANGES TO SECTION 11.1 (A) ORGANIZATION MEETING

It was noted that the BoS had rejected the CRC's recommendation regarding Section 11.1(A), which dealt with the recording of all public meetings in Bolton. G. Marrion and R. Hayes noted that the rejection of 11.1(A) by the BoS was rejected because of the economic burden of having to record these meetings - paying for equipment, an individual to record and archive the recordings, and storage to archive the recordings. J. Toomey spoke against the idea that it is an undue burden to record meetings since many meetings are already recorded, wondering how much more it could really cost to record the remainder of the meetings. A. Teller broke down the

many potential costs of recording all meetings, but agreed with J. Toomey that this would be an excellent program for promoting civic engagement and that it would be well worth the cost. R. Hayes noted that the specifics of finding the money for this project could be left to the Finance Committee.

MOTION MADE by J. Aldrich, seconded by A. Teller, to state that the CRC believes that the wording “where practical and feasible” in Section 11.1(A) is a reasonable accommodation to the concerns of the BoS and this matter should be discussed at the upcoming joint meeting.

DISCUSSION: None

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

VOTING AGAINST: None

ABSTENTIONS: None

### 13. REVIEW AND POSSIBLE VOTE PERTAINING TO BOARD OF SELECTMEN REQUEST TO ADD LANGUAGE TO SECTION 12.1 (A) SUSPENSION AND REMOVAL

A. Teller noted that this language would only pertain to appointed individuals, not elected positions.

MOTION MADE by J. Brudz, seconded by A. Teller, to accept the requested language from the BoS in section 12.1(A) pertaining the suspension and removal related to felony arrest.

DISCUSSION: None

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

VOTING AGAINST: None

ABSTENTIONS: None

### 14. REVIEW AND POSSIBLE VOTE PERTAINING TO BOARD OF SELECTMEN REQUEST TO ADD LANGUAGE TO SECTION 12.1 (B) SUSPENSION PROCESS

MOTION MADE by A. Teller seconded by J. Brudz, to accept the requested language from the BoS in section 12.1(B) allowing the credible allegation leading to a suspension to originate from a Law Enforcement Agency.

DISCUSSION: None

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

VOTING AGAINST: None

ABSTENTIONS: None

#### 4. DISCUSSION AND POSSIBLE VOTE ON DRAFT LANGUAGE SECTION 5.1 (D) ADMINISTRATIVE OFFICER

G. Marrion explained that the recently appointed interim for the office of Administrative Officer for the town of Bolton does not meet the minimal educational requirements for the permanent position – that of holding a master’s degree or a baccalaureate degree with more than 6 years of supervisory experience in public administration. The BoS has requested that the CRC remove the strict educational requirement for hiring and instead establish other criteria that do not strictly require a minimal educational level.

The commission spent some time discussing whether or not this matter was being proposed specifically for the sake of the individual filling the interim role. The commission then proceeded to a discussion of draft language written by J. Brudz that would define the responsibilities of the Town Administrator position and require that any candidate be able to carry out said responsibilities, but not require a minimal educational level. Instead, such requirements of educational level could be left to the discretion of town ordinance and the job description written by the BoS.

G. Marrion noted that as the charter currently stands, the BoS has the authority to grant the Town Administrator the power to hire or fire by ordinance, but ordinances are very difficult to change on a regular basis. As a result, it might be beneficial to be able to grant this power via written resolution. J. Brudz pointed out that there is no central repository for written resolutions and as such any grant of power via written resolution would be difficult to track down and could easily get lost.

Next, G. Marrion asked whether or not the Town Administrator should be able to serve on any other boards or commissions in town, as the BoS felt strongly that the Town Administrator should be able to serve in the fire department. A. Teller noted that this issue should likely be resolved in the conflicts of interest section and taken out of 5.2 specifically. J. Brudz voiced his uncertainty with allowing the Town Administrator to be a part of the fire commission, as doing so could lead to entangled priorities for the Town Administrator. R. Hayes asked if ethics ordinance would cover this issue under the clause for conflicts of interest, but J. Brudz stated that in his legal opinion a Town Administrator who was involved with the fire department and thus making decisions that favored them would not technically be violating the ethics ordinance if there was no personal or financial malfeasance.

A. Teller agreed with J. Brudz’s interpretation, noting that the real concern with the Town Administrator being involved in the fire service is that they would be seen, rightly or not, as having their decision making be influenced by the needs of the fire service. Being involved in an organization makes one inherently more sensitive to the needs of that organization, and any Town Administrator that also served as a member of the fire service would be intimately aware of what was needed to make themselves and their fellow fire fighters safer when responding to an emergency call. While there is nothing wrong with being aware of the needs of one’s departments, the deep personal involvement with the fire department as an organization could

lead, even subconsciously, to decision making that favored the fire services. Even if the Town Administrator were to be able to be completely impartial, there could be accusations that their decision making was unduly influenced by their involvement, and it would be better to avoid such accusations that could undermine public trust in the Town Administrator in the first place.

J. Aldrich noted that a compromise position would be to allow the Town Administrator to serve in the fire department but not hold any officer positions in the organization. A. Teller noted that such an arrangement would steal lead to the appearance of partiality and also mean that the Town Administrator would have the conflicting responsibilities of responding to a fire crisis as both a first responder and town administrator, as well as potentially having to leave their responsibilities as Town Administrator to attend a fire call.

R. Hayes asked how this is really different from selectmen being involved with organizations like the fire department or the last trust. A. Teller noted that elected officials are expected to have distinct viewpoints and such things can be discussed at the time of election and decided on by the voters, but the same is not true for a Town Administrator. J. Brudz agreed, noting that a paid employee should be as impartial as possible and work exclusively to manage the town, and thus should avoid all semblance of partiality. G. Marrion noted that in addition to all of this, the power of the Town Administrator to prepare the budget makes their involvement with any other town organization even more problematic because it could lead to unequal allocation of funds.

MOTION MADE by J. Brudz, seconded by A. Teller, to “throw the draft of section 5.1(D) at the Board of Selectmen and see what sticks”.

DISCUSSION: None

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

VOTING AGAINST: None

ABSTENTIONS: None

## 5. DISCUSSION AND POSSIBLE VOTE ON GENDER-NEUTRAL TERMS

The commission discussed the exact gender-neutral terminology that would be used in the draft of the charter, with A. Teller mentioning several options such as “Board of Select” or “Select Board” for the body and “Select member” or “board member” for individuals. The commission made several attempts to find a set of less clunky terms but continued to struggle with finding terminology that felt natural and easy to say.

MOTION MADE by A. Teller, seconded by , to recommend gender neutral language consisting of “Select board”, “Select board member”, “First Select Person”, and “they” in the place of gender specific words.

DISCUSSION: None

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

VOTING AGAINST: R. Hayes

ABSTENTIONS: J. Aldrich and E. Georges.

**6. REVIEW AND POSSIBLE VOTE PERTAINING TO BOARD OF SELECTMEN  
REJECTION OF PROPOSAL TO CHANGE SECTION 3.5. (B) UNSUCCESSFUL  
CANDIDATE FOR FIRST SELECTMAN**

Section 3.5(B) pertains to whether or not an individual that runs for First Selectman but is defeated can immediately take a seat on the BoS if they have more votes than another individual that would have won a seat on the BoS. J. Brudz voiced concern that under this current system it is possible for a political party to run a popular individual for the office of First Selectman and some other office simultaneously in order to create a “designated hitter” situation, wherein the popular individual would lose the race for First Selectman but guarantee a seat for their party that could be filled by a hand chosen individual at a later date. That individual would not have to run for office but could thus still sit on the BoS, and the unsuccessful first selectman candidate could then take whatever other office they ran for if they won, essentially costing themselves nothing but gaining seats for their party dishonestly.

R. Hayes agreed with J. Brudz’s notion but for none of the same reasons, noting that he did not think someone who loses a run for political office should receive a consolation prize of another office. A. Teller noted, however, that those individuals that run for First Selectman have the confidence of their party town committees that they could run the town if given the chance, and such people have a level of skill that is an asset to the town regardless of their victory in the election for First Selectmen. As a result, allowing them onto the BoS would strengthen the town.

MOTION MADE by A. Teller, seconded by J. Brudz, to accept the BoS’ request to change section 3.5(B) such that an individual that runs for First Selectperson but loses can still serve on the BoS if they have sufficient votes, with the addendum that no individual serving on the BoS can simultaneously be elected to serve on any other body in town.

DISCUSSION: R. Hayes noted that he was wary about adding new language to the next round of revisions with the BoS.

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

VOTING AGAINST: R. Hayes and E. Georges.

ABSTENTIONS:

**7. REVIEW AND POSSIBLE VOTE PERTAINING TO BOARD OF SELECTMEN  
REQUEST TO CONSIDER ADDING PROVISION RE ADVISORY QUESTIONS BALLOT  
TO SECTION 8.5 (C)(1)**

It was noted at the most recent BoS meeting that changing the language pertaining to budget revisions from “reduce” to “revise” meant there was no longer a guaranteed direction that subsequent rounds of budget revisions would result in. Because of this, it would be very helpful

to gauge public opinion on the reason that a given budget fails by adding advisory questions to the ballot such as “do you think the budget is too high or too low”. There was some discussion about who would write these advisory questions, but the CRC eventually made the determination that there is currently no prohibition against having such questions on the ballot in the charter and that no determination was necessary at this time.

**8. REVIEW AND POSSIBLE VOTE PERTAINING TO BOARD OF SELECTMEN  
REQUEST TO CHANGE PROPOSED LANGUAGE OF SECTION 8.6 (C) (3) AND (5)  
SUPPLEMENTAL APPROPRIATIONS THRESHOLDS**

R. Hayes left the meeting at 9:00.

J. Aldrich voiced the opinion that the issue with these sections as written is the ambiguity in the word “budget” and recommended that a definition of budget be added at the top of these sections and be defined as “total town expenditures approved by the voters”, which the commission agreed with.

**9. REVIEW AND POSSIBLE VOTE PERTAINING TO BOARD OF SELECTMEN  
REQUEST TO DISCUSS SECTION 9.7 (A)(1) AND (2) THRESHOLDS FOR REFERENDA**

G. Marrion noted that there was significant disagreement between the CRC and the BoS relating to the thresholds for supplemental appropriations, and that this discrepancy would have to be discussed at the next joint meeting between the two bodies.

**10. Review and possible vote pertaining to Board of Selectmen request to remove Town  
Administrator from proposed Section 10.2 Incompatible Offices**

The commission noted that this issue had already been discussed at length during their conversation about whether or not the Town Administrator could hold a post in the fire department.

**15. Discuss next steps**

The commission spent some time determining when they would set their meeting to meet with the BoS.

G. Marrion adjourned the meeting at 9:12.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Stankov". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Stankov, Charter Revision Commission Board Clerk

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