

Minutes of the East Lyme Charter Revision Commission - 10/18/22

Date and time: 10/18/22 07:00 pm to: 10/18/22 08:00 pm

Present: Brooke Stevens, Recording Secretary, Charter Revision Commission Members Present:, Jeffrey McNamara, Marc Salerno, Timothy Hagen , Larry Fitzgerald, Beth Hogan, Jay Ginsberg, Vivek Puohit, Wayne Blair , Maryanna Stevens , Anna Johnson, Absent:, Barry Sheckley

CC: Also Present: , Kevin Seery, First Selectman, Ed O'Connell, Town Attorney, Tracy Collins, Town Attorney

Location: East Lyme Town Hall Upper Meeting Room, 108 Pennsylvania Avenue, Niantic, CT 06357

Link: <http://app.meetingking.com/meetings/387064>

Topics

1. Call to Order & Pledge of Allegiance

Note Mr. Seery called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

2. Welcoming Remarks by First Selectman

Note Mr. Seery welcomed the Charter Revision Commission Members and said some of the following:
The Board of Selectmen are very happy with the composition of this Commission.
Every meeting will have a Member of the Board of Selectmen in attendance, to help out, or to answer any questions they might have.
They've made some funding allocations for Sam Gary and Allie Christiansen, interns who have been working in the Planning Department, to help out with any research the Charter Revision Commission may need.
And as ever, our attorneys will be here to help out as often as possible.
A Public Hearing will provide an opportunity for public input.

Note Mr. Seery swore the Members of the Charter Revision Commission in for service.

3. Election of Charter Revision Commission Chair & Vice-Chair

Note Mr. Seery called for nominations for Charter Revision Commission Chair.

Note MOTION (1)

Ms. Hogan nominated Mr. McNamara as Charter Revision Commission Chair.
Ms. Stevens seconded the nomination.

Note MOTION (2)

Mr. Hagen nominated Mr. Salerno as Charter Revision Commission Chair.
Mr. McNamara seconded the nomination.

Note Mr. McNamara said he will defer to Mr. Salerno as Chair and withdrew himself from consideration.

Note There were no further nominations.

FILED

OCT. 24, 2022 AT 2:21 AM/PM
Brooke Stevens
EAST LYME TOWN CLERK

Decision MOTION (2) Vote:

Motion carried, 10-0-0, Mr. Salerno is the Charter Revision Commission Chair.

Note Mr. Salerno called for nominations for Charter Revision Commission Vice-Chair.

Note MOTION (3)

Mr. Hagen nominated Mr. McNamara as Charter Revision Commission Vice-Chair.

Ms. Johnson seconded the nomination.

Note There were no further nominations.

Decision MOTION (3) Vote:

Motion carried, 9-0-1.

Mr. McNamara abstained from the vote.

Mr. McNamara is the Charter Revision Commission Vice-Chair.

4. Review of Charter Revision Commission Charge

Note Mr. Seery said the 13 items for consideration by the Commission were agreed upon by the Board of Selectmen with the assistance of the Town Attorney but is by no means the extent of the charge; a public hearing will be held before they begin any substantive work. He added that the Commission can also consider other items related to the Charter as it deems desirable and necessary.

Note Mr. Seery emphasized that the Commission has to have their draft report to the Town Clerk for transmittal to the Board of Selectmen on or before August 1st of 2023; the intention is to have the final revisions go before the voters in the municipal election of next year, and the Town has to provide the Secretary of State with the ballot for approval in early September.

Note Mr. Seery briefly discussed the charge of the Charter Revision Commission which includes the following:

4-1. Consider possible elimination of automatic budget referendum provision in Section 7.3 of the Charter.

Note This was approved in the last Charter Revision that was done in 2009.

Public attendance at Town Meetings has dwindled drastically over the years.

There is always the opportunity to send a budget to a ballot referendum by petition.

Some towns have set up a threshold if it's above a certain percentage, it goes to a ballot referendum.

4-2. Consider possible merger of the Planning Commission and Zoning Commission.

Note This was at the request of the Planning and Zoning Office, as well as Ms. Hardy, who has observed other towns taking this action.

This is not a recommendation by the Board of Selectmen, merely an item for investigation and consideration.

4-3. Consider possible amendment of Section 2.7 to provide four-year terms of Selectmen and two- or four-year terms of First Selectman.

Note This was reviewed during both of the previous two charter revisions and was rejected, but it was felt that it was important to revisit again.

4-4. Consider possible removal of Town Clerk and Tax Collector from elective offices and add said offices to administrative offices.

Note Right now, if there's a vacancy or someone chooses to run, you don't have to have certification or qualifications to hold the job.

This will not affect anyone already holding office and administrative offices prevents a political battle from occurring if someone is performing the job well.

4-5. Consider the possible exemption from the residency requirement set forth in Section 4.1.2 certain appointive offices, such as Director of Emergency Management, Dog Warden, etc., and the offices described in Sections 5.3- 5.7.

Note Right now, the Director of Emergency Management, Tree Warden, Dog Warden, as well as some other offices have to be Town residents.

This change would permit the hiring of the best possible person, regardless of residence.

The Dog Warden language in and of itself, needs to be removed since we utilize an Animal Control Officer who we share with the Town of Waterford, and who resides in neither town.

4-6. Eliminate references to constables and special constables in the existing Charter.

Note This Charter item is outdated given that we no longer utilize constables and have our own Police Force.

4-7. Consider the possible amendment of Section 6.3.4 to provide that if the Board of Finance does not act on requests for special appropriations or transfers of funds within specified time, the result is an automatic approval.

Note Currently the Board of Finance has to act within 30 days of the Board of Selectmen approving an item that then needs to go before them.

If the Board of Finance takes no action, it doesn't specify what happens, so this change would add specificity to those situations.

4-8. Consider the possible amendment of Section 6.3 to provide that projects funded entirely by grants from the State of Connecticut which do not require an appropriation of town funds need not be approved by the Board of Finance or a Town Meeting.

Note Recently Julie Wilson, the Deputy Emergency Management Director, came forward with a request for an allocation of \$25,000 from the Nuclear Safety Grant we receive every year; this is grant money and not part of the Town budget but since it's over \$10,000, it has to go before the Board of Selectmen for approval, before the Board of Finance for approval, be advertised in the newspaper, and approved through a town meeting.

This process slows the request down for about a month and results in a \$600 legal ad fee to the newspaper.

Gene Cushman, our Town Meeting Moderator, has kindly donated his services for many years when a future Town Meeting Moderator can choose to charge \$500 per meeting.

Because of this current rule, we have around 11 or 12 town meetings per year.

4-9. Consider the possible amendment of Section 6.3,1 to provide that the current dollar threshold of \$10,000 for special town meetings be raised.

Note Giving the rising costs, \$10,000 is not a sufficient dollar threshold for operating Town business in a timely as well as cost preventive manner.

The Board of Selectmen feel the threshold amount should be determined by the Charter Revision Commission once their research is completed.

4-10. Consider the possible addition of an appointive officer named the "Operations Officer" to assist the First Selectman in the performance of his or her administrative duties.

Note He averages 51 emails a day and his day is consumed by numerous issues. This addition would allow him to dedicate more time towards the enhancement and betterment of the Town.

4-11. Consider the possible amendment of Section 3.4.3 to eliminate newspaper publication when allowed by law and substitute electronic and website notice.

Note This change would save us some money since nearly everything has to be noticed in the newspaper.

4-12. Consider the possible amendment of Section 2.5.4 to provide that an appointee to a vacancy in an elective office shall serve the remainder of the term that was filled.

Note This item was brought forward by Karen Miller Galbo, the Town Clerk. The Secretary of State's Office has strongly recommended this change since it helps avoid term mistakes that occur within the State frequently. This change also makes it easier to achieve minority representation.

4-13. Consider reinstating the Conservation Commission which will be comprised of members from both the Inland Wetlands Agency and the Commission for the Conservation of Natural Resources.

Note Ms. Hardy brought this item forward since it promotes more involvement. These two agencies are concerned with the oversight of open space, natural resources, water and so forth, and this would allow them to work more closely together.

5. Presentation by Town Attorney

Note Mr. O'Connell provided the Commission with an outline of steps for charter revision, that was determined by the Connecticut Council of Municipalities (CCM), which he reviewed. The outline details some of the following:

A minimum of two public hearings must be held.

A report must be given on the charges they were given but additional items may be added.

The first public hearing should be held prior to the beginning of substantive work.

The hearings need to be noticed and although there is no requirement here, generally they try to follow the other General Statutes providing the number of days' notice and publication.

He and the other Town Attorneys will be able to provide advice to the Commission regarding this.

Their final report is given to the Board of Selectmen, and the report must include the 13 charges they were given, whether they agree, disagree, or would like to modify them.

The report can also include other charges that come up through their discussions or public hearings.

After they hold an additional public hearing and complete their draft report, it's presented to the Board of Selectmen.

The report has to be in a particular format, and he has three or four versions of draft reports and can assist the Commission in preparing it for the Board of Selectmen's review.

The report is submitted to the Town Clerk but is immediately transmitted to the Board of Selectmen.

The Board of Selectmen has to hold their own public hearing within 45 days of receiving the report.

The Board of Selectmen may recommend changes or edits for the Charter Revision Commission to make, and the Charter Revision Commission can decide whether or not to comply with these recommendations.

If there are no recommended changes the draft report becomes the final report, and the Board of Selectmen have to act on it.

The Board of Selectmen can approve or reject the entire proposal or parts of it.

If it's approved, or part of it is approved, the approved content goes before the voters.

It's imperative to get the report to the Board of Selectmen by August 1st, 2023, that way it can go on the November ballot if they approve it.

It's important to have it on the ballot because only a majority of votes are needed to approve it; if they present the material at a separate referendum, approval is needed by 15% of the electors and it's extremely difficult to get enough electors to come out to vote.

The Secretary of State needs to have the ballot question(s) in September, so they have enough time to review it before the ballots are printed.

Note Mr. O'Connell and the Commission further discussed the revision process.

Note Mr. O'Connell suggested including an effective date if it does go before the voters. He discussed how the Statute was recently amended due to a huge problem with New Haven, who did revisions but did not include an effective date; it's considered to be effective 30 days after the vote if no date is included.

Ask Mr. Seery noted that he provided the Commission with meeting minutes of previous charter revision commissions for reference, and that he will gather the final reports as well.

Owned by Kevin Seery, First Selectman due 10/21/22

Note Mr. O'Connell suggested consulting charter revisions done by nearby towns as part of their research, which the interns can help with.

Note Mr. O'Connell discussed how the agendas and minutes are FOI-able and how emails to each other should not establish a quorum or contain substantive matters.

Note Mr. O'Connell said the Commission should also decide if they would like delegations at the beginning or end of their meetings and advised the Commission to set up subcommittees to divide the body of work. He observed that the Charter was created in 1965, and the basic bones of it are still there. Mr. O'Connell asked that the Commission keep the Town Attorney's office informed via their Chair and said they're available to offer advice as they go, and that they will attend every couple of meetings.

Note The Commission briefly discussed the importance of inviting interested parties to attend their meetings and speak.

Note Mr. Salerno asked how the ballot language is handled and Mr. O'Connell replied that technical amendments can be summarized, and the portions being amended are listed.

5-1. Formation of Subcommittees

Note Mr. Salerno suggested that subcommittees be formed after the first public hearing in case new items are added, and the rest of the Commission agreed.

6. Set Calendar of Meetings

Note The Commission discussed setting the calendar of meetings and decided that after the first public hearing they should meet the first Tuesday of each month, and that the subcommittees can meet the third Tuesday of each month.

Mr. Salerno suggested they schedule meetings through July and Mr. Seery noted they can simply cancel any meetings that are not needed. Mr. Salerno added that it makes more sense to meet the second and fourth Tuesdays for the month of July only.

Note The Commission discussed the public hearing and scheduled it for November 1st, 2022, at 7:00 p.m., at the East Lyme Middle School; a short Commission meeting will follow to allow for the creation of the subcommittees.

Note Mr. O'Connell said he will work on the legal notice so that it can be published in Friday's newspaper.

Owned by Ed O'Connell, Town Attorney due 10/19/22

Note The Calendar of meetings is as follows:

November 1st, 2022, first Public Hearing at 7:00 p.m., at the East Lyme Middle School, with a Regular Meeting to immediately follow.

November 15th, 2022, Subcommittee Meetings

December 6th, 2022, Charter Revision Commission Meeting

December 20th, 2022, Subcommittee Meetings

January 3rd, 2023, Charter Revision Commission Meeting

January 17th, 2023, Subcommittee Meetings

February 7th, 2023, Charter Revision Commission Meeting

February 21st, 2023, Subcommittee Meetings

March 7th, 2023, Charter Revision Commission Meeting

March 21st, 2023, Subcommittee Meetings

April 4th, 2023, Charter Revision Commission Meeting

April 18th, 2023, Subcommittee Meetings

May 2nd, 2023, Charter Revision Commission Meeting

May 16th, 2023, Subcommittee Meetings

June 6th, 2023, Charter Revision Commission Meeting

June 20th, 2023, Subcommittee Meetings

July 11th, 2023, Charter Revision Commission Meeting

July 25th, 2023, Charter Revision Commission Meeting

Note Mr. Salerno said he would like to follow Robert's Rules of Order for the meeting proceedings and the rest of the Commission agreed.

Note After some discussion the Commission decided that public delegations should take place at the end of each meeting.

7. Commission Member Comments

Note The Commission discussed the first public hearing and determined that it unfortunately cannot be hybrid, due to the poor reception in the middle school cafeteria.

Note Mr. Salerno encouraged the Members to consider any items that they themselves might want to bring up for revision consideration and thanked everyone for volunteering, and for electing him as Chair. He added that he's excited to work with everyone and thinks they have a good group of diverse backgrounds and expertise from all over.

8. Adjournment

Decision MOTION (4)

Mr. McNamara moved to adjourn the October 18th, 2022, Charter Revision Commission meeting at 8:03 p.m.

Mr. Fitzgerald seconded the motion.

Motion carried, 10-0-0.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary

Task Summary

New Tasks

Task Mr. Seery noted that he provided the Commission with meeting minutes of previous charter revision commissions for reference, and that he will gather the final reports as well.

Owned by Kevin Seery, First Selectman due 10/21/22

Task Mr. O'Connell said he will work on the legal notice so that it can be published in Friday's newspaper.

Owned by Ed O'Connell, Town Attorney due 10/19/22