

Minutes of East Lyme Charter Revision Commission - 02/07/23

Date and time: 02/07/23 7:00 PM to: 02/07/23 8:15 PM

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

Location: East Lyme Town Hall, Upper Conf. Room, 108 Pennsylvania Avenue, Niantic, CT

Link: <https://app.meetingking.com/meetings/391565>

Topics

1. Call to Order & Pledge

Note Chairman Salerno called the Regular Meeting of the East Lyme Charter Revision Commission to order at 7:01 p.m. and led the Pledge of Allegiance.

Note Mr. Salerno called for a moment of silence for Beth Hogan, a valuable member of the Commission, and public servant in many capacities; Ms. Hogan passed away on the 28th of January.

Note The Commission discussed how Ms. Hogan contributed a great deal of work to the Town Structure Subcommittee and decided it would be best to utilize that work, and not add an additional person to both the Subcommittee, and Charter Revision Commission.

2. Approval of Meeting Minutes

Note The Commission agreed that each subcommittee will approve their own set of meeting minutes.

2-1. January 17th, 2023, Charter Revision Meeting Minutes

Note see attached minutes.

 [Charter-Revision-Commission-January-17-2023-Meeting-Minutes.pdf](#)

FILED IN EAST LYME
CONNECTICUT
Feb 14 2023 AT 10:43 AM/PM
Brooke Stevens
EAST LYME TOWN CLERK

Note MOTION (1)

Mr. McNamara moved to approve the Regular Meeting Minutes of January 17th, 2023, as presented.
Ms. Johnson seconded the motion.

Note Mr. Sheckley said, the minutes say, "Ms. Stevens discussed how Mr. Sheckley brought up the idea of a budget presentation which would include the objective of the Department for each line item."

Mr. Sheckley said he'd like to make a clarification regarding this, and had some of the following comments: When they discussed this, he had a much broader sense of that, it wasn't for each line item.

He thinks the simplest way to deal with that, is to take his name out of that and say, "there was a discussion of whether budget presentation would include an objective for each line item, and this was determined to be a policy matter, not a Charter matter."

What he was talking about, which they can discuss later on, is a much broader issue and involves the purpose of what we're doing in the Charter, in terms of the rationale.

Note The Commission briefly discussed how past minutes aren't changed but that any corrections or clarifications will be in the meeting minutes for this evening.

Decision MOTION (2)

Mr. McNamara moved to approve the Charter Revision Commission Regular Minutes of January 17th, 2023, as clarified.

Ms. Johnson seconded the motion.

Motion carried, 7-0-0.

2-2. January 3rd, 2023, and January 17th, 2023, Budget Subcommittee Meeting Minutes

Note see attached minutes.

 [Charter-Revision-January-17-2023-Town-Budget-Subcommittee-Meeting-Minutes.pdf](#)

Note Ms. Johnson noted that the only Budget Subcommittee members in attendance are herself and Mr. Sheckley, who did not attend the January 17th, 2023, meeting. She added that it's acceptable for Mr. Sheckley to vote if he so chooses, as long as he states for the record that he's read the minutes and comfortable with their contents.

Note Mr. Scheckley stated that he has familiarized himself with the meeting minutes and is comfortable voting.

Decision MOTION (3)

Ms. Johnson moved to approve the Charter Revision Budget Subcommittee Meeting Minutes of January 17th, 2023, as presented.

Mr. Scheckley seconded the motion.

Motion carried, 2-0-0.

Budget Subcommittee Members in attendance: Anna Johnson & Barry Sheckley.

2-3. January 3rd, 2023, and January 17th, 2023, Town Commissions Subcommittee Meeting Minutes

Note see attached minutes.

 [Charter-Revision-January-17-2023-Town-Commissions-Subcommittee-Meeting-Minutes.pdf](#)

Decision MOTION (4)

Mr. Ginsberg moved to approve the Charter Revision Town Commissions Subcommittee Meeting Minutes of January 17th, 2023, as presented.

Mr. Salerno seconded the motion.

Motion carried, 2-0-0.

Town Commissions Subcommittee Members in attendance: Jay Ginsberg & Marc Salerno.

2-4. January 3rd, 2023, and January 17th, 2023, Town Structure Subcommittee Meeting Minutes

Note see attached minutes.

 [Charter-Revision-January-17-2023-Town-Structure-Subcommittee-Meeting-Minutes.pdf](#)

Decision MOTION (5)

Mr. McNamara moved to approve the Charter Revision Town Structure Subcommittee Meeting Minutes of January 17th, 2023, as presented.

Mr. Hagen seconded the motion.

Motion carried, 3-0-0.

Town Structure Subcommittee Members in attendance: Larry Fitzgerald, Tim Hagen, & Jeff McNamara.

3. Ex-Officio Comments

Note An Ex-Officio was not in attendance.

4. New Business

4-1. Open Discussion on Charter Topics Not Covered by Subcommittees

Note Mr. Salerno read correspondence from Diane Vitagliano, Town Assessor, into the record.

 [Assessor Correspondence.pdf](#)

Note Mr. Salerno said they can discuss this the next time they meet and that he will add this item; after tonight's meeting, he's going to email everyone a spreadsheet he has created, which has all the subcommittees, lists who the chairs are, where we are in terms of status, as well as some notes.

Note He cautioned the Commission members not to reply to the email, so they can ensure that all conversation takes place within the confines of a meeting.

Note Mr. Salerno explained that the correspondence is in regard to the previous request made by the Town Attorney- "To institute, prosecute, defend, compromise any legal action or proceeding by or against the Town, providing the Assessor is authorized to defend or compromise any tax assessment appeal resulting in payment to the taxpayer of \$40,000 or less."

Note Mr. McNamara said looking at this very briefly, he believes this change actually gives the Assessor more authority. Ms. Johnson concurred.

Note Mr. McNamara said he thinks she has it backwards; right now, she doesn't have the right, but with this change, she will have the authority on the smallest appeal.

Note Mr. Salerno said he believes Attorney O'Connell requested the change in order to make the process less cumbersome.

Item Mr. Salerno suggested they invite Diane Vitagliano, Town Assessor, to this next meeting so they can discuss this item.

due 02/21/23

Note Mr. McNamara said he is in the Town Hall on an almost daily basis, and he's happy to speak with her as well, in case she's unable to attend the next meeting.

Note Mr. Salerno told Mr. McNamara to feel free to do both; he can relay the invite and speak to her on this matter as well.

Note Mr. Salerno called for any other new business and Mr. Sheckley offered some of the following remarks:

They talked briefly the last time he was in attendance, about the overall purpose of the Charter in terms of the efficiency of government.

He did some reading on that and found that in most cases where efficiency is talked about, there's a companion term of "effectiveness."

Things can be efficient but not be effective and efficient.

He thinks this is an overall consideration they could have for the Charter, a dual charge, how can we strive for effectiveness and efficiency in government?

Basically, that would mean when we're considering these changes to the Charter, they would be wrapped within a discussion of how effective these changes will be.

Note: Mr. Salerno said he's not talking about adding that to the Charter, but to base our decisions and rationale on all the items, in terms of efficiency and effectiveness, which Mr. Sheckley confirmed.

Note: Mr. Sheckley said if someone were to ask what their purpose was, they could reply that the purpose of the Charter was to retain effectiveness and efficiency in town governance.

Note: Mr. Sheckley said the other item he wanted to mention pertains other town charters and how they handle the Board of Education budget. He's curious about how many towns package them together and how many towns separate them; it's possible for the rest of the town budget to be okay, and if the school budget is still of concern, it could hold up the approval process entirely.

Note: Mr. Sheckley asked if Mr. Geary could bring them back information on what the common practice is on the conjoining or the separation of a school budget from the town budget.

Note: Ms. Johnson said it's referred to as bifurcation of the budget, so they can find out if any nearby towns do that.

Note: Mr. McNamara discussed how he knows of towns outside of Connecticut that have an education tax and a municipal tax, so you get two tax bills, one for education, and one for general government. He said otherwise, he doesn't know how it would be handled from a mill rate point of view, if two tax bills weren't generated.

Note: Mr. Salerno said he will ask Mr. Geary to research bifurcation of the budget and to forward that information to the Budget Subcommittee.

Owned by Sam Geary, Charter Revision Research Assistant doc 02/20/23

Note: Mr. Salerno said this topic has definitely been debated in the past.

5. Old Business

Note: Subcommittee Report and Discussions

Note: Mr. Salerno reminded everyone that this meeting is for general discussions, and they will break into their Subcommittee working groups immediately following the next meeting.

5-1. Town Structure

Note: The Town Structure Subcommittee will focus on items #4, #5, & #10- Consider possible removal of Town Clerk and Tax Collector from elective offices and add said offices to administrative offices.

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.

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. This group will also look into the concept of a town manager government system, and the cleanup of appointed Board(s) language.

Note Mr. McNamara gave a brief report of the Town Commission Subcommittee meeting and shared some of the following:

He thinks they're making progress.

He likes the spreadsheet, it's a useful tool.

He thinks at our next meeting, they will likely be able to come to consensus on two of the other charges.

They already made the determination that an "Operations Officer" to assist the First Selectman is an HR matter, that shouldn't be addressed by the Charter.

Note Mr. Fitzgerald and Mr. McNamara discussed how if staff is needed, that can be delegated by the Town.

Note Mr. McNamara said they're still considering appointed and elected positions, and whether the Tax Collector and Town Clerk should be administrative, hired positions.

Note Mr. Salerno said he suggested they consider whether the work week of full-time elected officials be structured as same as other town officials; for example, should the First Selectman have paid time off?

Task Mr. Fitzgerald observed that there is no short-term accountability for elected officials, and Mr. Salerno gave the example of how an elected official could literally go away for a year. Mr. McNamara said their subcommittee will discuss this at the next meeting.

Owned by Town Structure Subcommittee due 02/21/23

Task Mr. Salerno said he will ask Mr. Geary to research how other towns handle elected officials in terms of time off and attendance.

Owned by Sam Geary, Charter Revision Research Assistant due 02/21/23

Note Mr. Salerno said if they get done with all their actions earlier than anticipated, they can start writing the report early; once each subcommittee makes a recommendation, they can debate it as a whole group, or they can wait until all the business of the subsidies are over before they start the general discussion. He asked everyone to give it some thought and said they can talk about it further at the next meeting.

5-2. Town Commissions

Note The Town Commissions Subcommittee will focus on items #2, #3, #12 & #13-

Consider possible merger of the Planning Commission and Zoning Commission.

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

Consider the possible amendment of Section 2.5.41 to provide that an appointee to a vacancy in an elective office shall serve the remainder of the term that was filled.

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 Mr. Ginsberg deferred to Mr. Salerno and asked him to provide their report.

Note Mr. Salerno gave a brief report of the Town Commissions Subcommittee and shared some of the following:

In terms of the merging of Planning and Zoning, they've pretty much made the decision that it's not recommended.

Both Commissions are too busy, and they think if they're combined, they're lose sight of the POCD.

In terms of considering the possible amendment of Section 2.7 to provide four-year terms of Selectmen and two- or four-year terms of First Selectman, they're still waiting on research from Mr. Geary.

He and Mr. Blair are leaning towards it, but need to determine if it would work.

Note Mr. Ginsberg discussed the charge of considering the possible amendment of Section 2.5.41 to provide that an appointee to a vacancy in an elective office shall serve the remainder of the term that was filled, and said some of the following:

It's his understanding that this came up, because in many towns, they do fill the position, and if there's not an election scheduled, then they fill it till the next scheduled election, rather than have a special election.

If someone is going to take over a position, it makes sense to give them sufficient time in that position, so they can truly learn it.

Note Mr. Hagen said he was asked to raise the concern that it could be premeditated, someone could quit the position on day one, so that a chosen person could fill it.

Note Mr. Salerno said that is a danger, but is also a danger that could currently happen, but for two years instead of four.

Note Mr. Ginsberg said just because it can happen, doesn't mean it will; it's cumbersome to run for an elected office, and it's hard to imagine going through all of that, just to turn it over to someone else.

Note Mr. Salerno noted that it's the town commission itself that lost the member, who makes the decision.

Note The Recording Secretary mentioned that the Secretary of State's Office has advised the County Clerk Association to adopt this change when doing Charter Revision. She advised that the Commission speak to the Town Clerk, Karen Miller Galbo, who can elaborate further on this matter.

Note Mr. Salerno said in terms of considering the reinstating the Conservation Commission, which would consist of members of the Wetlands Commission and Conservation of Natural Resources, they're also waiting on information on this as well.

Note Mr. Salerno said they have some material that mentions the separation and Mr. Ginsberg said they're having difficulty determining exactly what the charge of the Natural Resources Commission was.

Note The Charter Commission discussed how it may have been intended for the Natural Resources Commission to consult, but there is no teeth to what they do; a referral from them for an application is not required.

Note Mr. Salerno said it's also odd, because neither of these Commissions are even mentioned in the Charter. This led to a brief discussion about doing some housekeeping in terms of the Charter; some Commissions mentioned no longer exist or are no longer relevant, while others aren't mentioned at all.

Note Mr. Ginsberg said any Board required by the State should be in the Charter.

Note Mr. Ginsberg said he thinks the Charter should be treated like the POCD; it should be required that they review it every 10 years.

Note: Mr. Salerno said this wouldn't necessarily necessitate any changes are made; the material could merely be reviewed.

5-3. Town Budget

Note: The focus of the Town Budget Subcommittee are items #1, #7, #8, & #9- Consider possible elimination of automatic budget referendum provision in Section 7.3 of the Charter. 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. 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 at a Town Meeting. 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: Ms. Johnson gave a brief report of the Budget Subcommittee meeting and shared some of the following: They sent some clarification requests and additional requests for Mr. Geary to review, and they will make determinations once this information is obtained. In terms of the automatic budget referendum provision, they're looking for research information before making a decision on that item, because you really need to have substantiation before making that change. In terms of considering 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," they're thinking of adding some kind of language in there saying that they should act without any delay, which would mean that they should act at the meeting following when the item was forwarded to them. They don't think it would be appropriate for them to put a time limit on it.

Task Mr. Salerno said he will ask Mr. Geary to attend the next meeting so he can sit down with each Subcommittee.

Owned by Marc Salerno due 02/21/23

Note: The Commission further discussed the work of the Town Budget Subcommittee.

Note: Ms. Johnson said they're in support of "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 at a Town Meeting." She added that they're thinking of adding language "along as all provisions of the grant have been met, and any operating grants- grants that involve future budgets, would still need to be overseen.

Note: The Commission discussed some examples of operating grants such as the Covid money supplied by the State, which the Board of Education was able to utilize for temporary positions; it needs to be clear that such positions are temporary and don't actually constitute a budget "cut" once the funds for those positions have been depleted.

Note: Ms. Johnson said in terms of considering the possible amendment of Section 6.3,1 "to provide that the current dollar threshold of \$10,000 for special town meetings be raised," they're discussing stating a percentage of the budget as opposed to specific dollar amount, so it stands the test of time.

Note The Commission discussed how 5% might be a good threshold and Mr. Fitzgerald discussed how it also could be tied to the inflation level. Mr. Salerno observed that there's usually a lag with the inflation level, so a percentage might work better.

Note Mr. Salerno said he wants to briefly go back to the Town Structure Subcommittee and asked them if they have any thoughts on the residency requirement.

Note Mr. Fitzgerald said they haven't revisited it since Ms. Hardy made her comments. Mr. McNamara said they we're all in favor of eliminating it originally but will revisit it so that they give it comprehensive consideration.

Note Ms. Johnson said she has another housekeeping item in regard to the Charter; the Charter reads that a copy of the annual proposed budget can be viewed in the First Selectmen's Office, and the Town stopped doing this once the budget became available to view online.

Note Mr. McNamara mentioned the high cost of newspaper publications and the Commission discussed substituting "electronic and website notice" for newspaper publication.

Note Mr. Ginsberg said they could all clean up the Charter so that it's more gender neutral.

6. Public Delegations

Note No members of the Public were in attendance.

7. Adjournment

Decision MOTION (6)

Mr. McNamara moved to adjourn the February 7th, 2023, Regular Meeting of the Charter Revision Commission at 8:11 p.m.

Ms. Johnson seconded the motion.

Motion carried, 7-0-0.

Note A meeting of the Charter Revision Commission will occur prior to the Commission Members breaking off into respective Subcommittee work on February 21st, 2023, at the East Lyme Town Hall.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary

Task Summary

New Tasks

Task Mr. Salerno suggested they invite Diane Vitagliano, Town Assessor, to this next meeting so they can discuss this item.

due 02/21/23

Task Mr. Salerno said he will ask Mr. Geary to research bifurcation of the budget and to forward that information to the Budget Subcommittee.

Owned by Sam Geary, Charter Revision Research Assistant due 02/20/23

Task Mr. Fitzgerald observed that there is no short-term accountability for elected officials, and Mr. Salerno gave the example of how an elected official could literally go away for a year. Mr. McNamara said their subcommittee will discuss this at the next meeting.

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Owned by Sam Geary, Charter Revision Research Assistant due 02/21/23

Task Mr. Salerno said he will ask Mr. Geary to attend the next meeting so he can sit down with each Subcommittee.

Owned by Marc Salerno due 02/21/23

Dear Marc Salerno,

Regarding the proposed Charter revision from Attorney Ed O'Connell, it is my impression that the Charter is in place to provide guidance for future governing. I have the following concerns regarding the proposed Charter revision.

1. The numbers are extremely limiting and would likely result in a correction after every revaluation.
2. The proposed calculation does not account for increasing mill rates , land values or large commercial properties. For example

A combined commercial property selling at \$125,000,00 (we have had higher sales to date)

\$125,000,000 Sale Price

70%

\$87,500,000 Assessment

A 2-million-dollar reduction, which would represent only 1.6% reduction in value, would have to go to the Board of Selectman for approval.

3. Many of the commercial real estate appeals are a result of contingency fee-based companies soliciting work. Having a decision and vote on public record, would greatly impact the number of appeals and the negotiating process for the appeals.
4. The negotiations on tax appeals are not taken lightly and involve the expertise of the Assessor, Appraiser, Town Attorney and often a judge. Adding the approval of the Board of Selectman will make an already cumbersome procedure more cumbersome and take the fate of the negotiation away from the experts in the field.
5. Pretrial hearings with the Town Attorney and Judge would have to be put on hold in the middle of a proceeding for the Board of Selectmen to meet and vote on a dollar figure before accepting or proposing a figure to settle.

6. Most towns operate with a charter like ours and amongst my colleagues, I have not heard of it causing any problems. In other words, if it isn't broken don't fix it.

Sincerely,


Diane Vitagliano,

Assessor, CCMA II, MBA