

Minutes of East Lyme Charter Revision Commission - 03/07/23

Date and time: 03/07/23 7:00 PM to: 03/07/23 8:00 PM

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

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

Link: <https://app.meetingking.com/meetings/393645>

Topics

1. Call to Order & Pledge

Note Jeffrey McNamara called the Regular Meeting of the East Lyme Charter Revision Commission to order, at 7:06 p.m. and led the Pledge of Allegiance.

2. Approval of Meeting Minutes

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

Note The Commission decided to table the approval of each Subcommittee until the next meeting, when more members for each Subcommittee are in attendance.

2-1. February 21st, 2023, Charter Revision Meeting Minutes

Decision MOTION (1)

Ms. Johnson moved to approve the Charter Revision Regular Meeting Minutes of February 21st, 2023, as presented.

Mr. Blair seconded the motion.

Motion carried, 6-0-0.

2-2. February 21st, 2023, Budget Subcommittee Meeting Minutes

Note This item has been tabled until the March 21st, 2023, meeting.

2-3. February 21st, 2023, Town Commissions Subcommittee Meeting Minutes

Note This item has been tabled until the March 21st, 2023, meeting.

2-4. February 21st, 2023, Town Structure Subcommittee Meeting Minutes

Note This item has been tabled until the March 21st, 2023, meeting.

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EAST LYME, CT
2023 MAR 14 A 7:16
COURTNEY M. HENNING
TOWN CLERK

3. Ex-Officio Comments

Note Mr. Seery offered the following comments:

He's just here to listen.

The budget has been approved by the Board of Selectmen and sent to the Board of Finance for review.

The Board of Ed is up 4.8 million and the Town is up 1.1 million.

Having no debt services is causing a big hit this year.

All the Board of Finance meetings have been scheduled.

4. New Business

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

Note Mr. McNamara said he did not have the opportunity to speak to Diane Vitagliano, the Town Assessor, regarding her previous communication; her comments seem to contradict what Attorney O'Connell was trying to accomplish.

 [Town Assessor Communication.pdf](#)

Note Mr. McNamara said he doesn't know if Mr. Geary provided the research regarding the bifurcation of the budget, so they will ask Mr. Salerno when he arrives.

Note Mr. Seery said Mr. Geary left last week and is now working in Boston. He noted that Ally Christensen is also in the Boston area but has been doing work remotely for Planning and Inland Wetlands; she is willing to do research if it's needed.

5. Old Business

Note Subcommittee reports & discussions- this meeting is for general discussions, and the Commission 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 Structure Subcommittee meeting and shared some of the following:

They're leaning towards removing Town Clerk and Tax Collector from elective offices.

At the next meeting they will communicate their logic and the entire Board can make a decision.

They're also recommending the exemption from the residency requirement set forth in Section 4.1.2.

Despite Ms. Hardy's previous comments, they feel precluding people exclusively on residency is an unnecessary restriction of a candidate pool for talent.

If there are two equal candidates and one is a resident, and one is not a resident, the resident could be given preference.

Town Counsel wasn't referred to with the parties mentioned, such as Director of Emergency Management and the Dog Warden, so they thought they would include Town Counsel in this as well.

They're not recommending an Operations Officer; this is a position definitely warranted, but it doesn't necessarily belong in the Charter.

All of this will be discussed in more detail at the next meeting.

Note Mr. Seery said they've found out over the last several rounds of hires that the best candidate did not necessarily come from Town, and in some cases, they didn't receive applications from residents at all.

Note Ms. Johnson said when she was Finance Director, some people who attended meetings said if you didn't live in town, you wouldn't frequent town businesses, but that's not necessarily true; before she moved to town, every place she frequented was in East Lyme or Niantic.

Note The Board further discussed eliminating the residency requirement.

Note Mr. Salerno arrived at 7:08 p.m.

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. Blair gave a brief report of the Town Commissions Subcommittee meeting and reminded the Commission how they previously mentioned their discussion regarding the combination of the Planning and Zoning Commissions, and how they're not recommending it.

Note Mr. Blair said the Subcommittee is in agreement that someone who is appointed to fill a vacancy should do so for the remainder of the term. He added they've had a preliminary discussion on combining Inland Wetlands and the Conservation Commission, but much more discussion is needed.

Note Mr. Blair said the Subcommittee is in agreement that the terms of the Selectmen should be increased to four years.

Note Mr. Salerno offered some of the following:

They think the Board of Selectmen terms should be increased to four years.

They looked at other towns and only found 2 or 3 that have the four-year terms, but that doesn't mean East Lyme shouldn't make this change.

They think it's better for government continuity.

He himself has been on a Board with a two-year term you're constantly running for re-election, it's hard to gain traction, and it takes two years to really get up to speed.

Minority representation still applies, which compensates for any public concern about not changing the position every two years.

Currently, every two years 3 four-year Board of Selectmen terms become available.

Because one of those 6 positions is First Selectman, it gets a bit complicated, so they would also recommend a four-year term for the First Selectman.

It just has to be managed, but it's doable.

Note Mr. Salerno noted that Mr. Fitzgerald has been on the odd end of that twice with minority representation work; despite having higher votes he did not win the position because of minority representation, so clearly this is something that can happen again.

Note Mr. Salerno said this change offers continuity and allows the elected officials to actually govern instead of run.

Note Mr. Blair said for the first three months the First Selectmen comes in, he's learning the ropes, and then the last three months of term, he or she is running for reelection; that leaves around a full year to do the full job.

Note The Commission further discussed the Subcommittee recommendations, and Mr. Salerno emphasized that these are only recommendations; every item can be debated and discussed by the entire Commission as early as the next meeting.

Note Mr. Salerno and Mr. Blair discussed how new information was given to them about the suggestion that the Aquifer Protection Agency be part of the Conservation Commission.

Note Mr. Blair said they're not in total agreement with making the Aquifer Protection Agency part of the Charter.

Mr. Salerno said the Subcommittee discussed putting items required by the State into the Charter, and how if a Commission is listed in the Charter, it must be staffed.

Note Mr. Salerno said two Commissions listed in the Charter are now defunct and at a minimum, they need to clean this up.

Note Mr. Salerno noted that just because something is taken out of the Charter, it doesn't mean it can't happen, and in a sense, they're currently in violation by not having an Economic Development Commission.

Note Mr. Salerno said in their discussions they got feedback that they don't necessarily have to combine members from the Inland Wetlands Agency and Conservation of Natural Resources; the Conservation Commission feels that they're not being heard which is more of an issue of roles and responsibilities. He gave the example of how State law requires the Zoning Commission to get a referral from the Planning Commission, which is not in the Charter.

Mr. Salerno said the Conservation Commission would love to be part of the referral process, but putting this into the Charter is a bit too detail orientated.

Note Mr. Seery observed that a regulation is like an ordinance, which could be done for this, but if you put a law required by the State into the Charter and the State changes it, the Charter no longer matches the law.

Note Mr. Blair asked what the criteria is for something to be placed in the Charter and Mr. Seery discussed how if it's something they can regulate by an ordinance they should do so, so it can be changed if needed. Mr. Seery added that the Board of Finance and Board of Selectmen are always going to have responsibilities not only by Town Charter, but by State Statute too. He thinks those are the ones they want to make sure are in there and Town Counsel will review their recommendations as well.

Note Mr. Seery said he's always consulting the Ordinances and Rules, but not so much the Charter; the Charter is the document that sets up what everything else flows from.

Note Mr. Salerno and Mr. Seery discussed the commissions listed in the Charter.

Note Mr. Salerno said he would like to clean up the commissions listed in the Charter and add the ones they think should be listed in there.

Mr. Salerno said he thinks the Police Board should remain in there; this isn't going to change anything, but he thinks it's become part of the fabric of our town now.

Note The Commission and Mr. Seery discussed how the Police Board is the only body to have term limits, which was done by design via ordinance given the nature of those positions.

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 Mr. Sheckley shared that the Budget Subcommittee discussed having an electronic version of the budget and put it online, instead of having paper copies.

Note Mr. Sheckley said they're in favor of keeping the budget referendum in there and Ms. Johnson added that all area towns have the automatic budget referendum, and if you don't have one, and get petitioned to have a referendum, it throws the budget cycle out of whack, and you're no longer in control of it.

Note Mr. Salerno said their charge to "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," is the reverse of what happens now with automatic denial.

Note Mr. Sheckley and Ms. Johnson discussed how they added language to tighten up the process so that it isn't as open ended, as it is now.

Note Mr. Purohit said they haven't agreed on the language yet, but they do agree on the concept.

Note: Ms. Johnson said they discussed the idea of acting within thirty days.

Note: Mr. Salerno said that for their charge to "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," it looks like they added a limit of .5%.

Note: Ms. Johnson said they support this amendment, and they came up with a percent option so that it's reflective of the times; as time goes on, and things change, they won't have to worry about changing a specific number like the \$10,000, which at this point, is very antiquated.

Note: Mr. Seery discussed how with this change, many of the Town Meetings they're currently required to do, would no longer be necessary, and the Town would save the large fee required for the legal ad as well.

Note: Ms. Johnson and Mr. Salerno discussed how with the current budget the percent option would translate to around \$350,000.

Note: Ms. Johnson said the Subcommittee is in support of the charge to "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," but they have not crafted language for this item yet.

Note: Mr. Salerno and Ms. Johnson discussed the concerns that were raised about this item at the previous meeting. Ms. Johnson said they want to incorporate language that address grants that would impact future budget operations; if some grants become available to fund additional police officers, and you hire the police officers under the grant, what happens when the grant runs out?

Note: Ms. Johnson said this is something that would impact the future operational budget, so this is something that should be considered, and a long-term plan should be determined prior to approval.

Note: Mr. Salerno noted the Budget Subcommittee also introduced the idea of publishing the annual budget on the website and eliminating hard copies.

Note: Ms. Johnson said this change is just cleaning up the language since this they have not provided paper copies, for quite some time.

Note: The Commission briefly reviewed what was discussed as it relates to the Town Structure Subcommittee, since Mr. Salerno had not yet arrived at the meeting.

Note: Ms. Johnson said it doesn't seem like the Assessor and Town Attorney are talking about the same thing in regard to the housekeeping item- relegation of Tax Appeals to the Town Assessor.

Note: Mr. Seery said he will sit down with the Town Attorney and Assessor to discuss this, and Mr. Salerno said they will table this item for now.

Note: Mr. Salerno said his hope is that the Subcommittee work is tightened up at the next meeting, and by the following meeting, they can truly begin their discussions as a whole commission.

Note: Mr. Salerno said after that, they can determine writing assignments and adding value.

Note: The Commission and Mr. Seery discussed when the next Public Hearing might be and how it would be ideal if the revision report was submitted to the Board of Selectmen by June.

Note Ms. Johnson said once they complete their draft report, and prior to giving their report to the Board of Selectmen, they have to hold a second public hearing.

Note Mr. Salerno said they should aim for late May and the rest of the Commission agreed.

Note Mr. Salerno said they previously discussed making the language slightly more gender neutral and asked the Commission Members to go through the Charter again, to see if they spot additional inconsistencies or needed cleanup.

Note Mr. Sheckley said they previously had discussions about some purpose for the role of Charter to champion effectiveness and efficiency in government, and it's not on the spreadsheet.

Note Mr. Salerno said the last time they talked, they discussed how with any change they made, they could address that, whether it added value or efficiency, but not necessarily include language. He added that they can discuss it again if the Commission would like to.

Note Mr. Sheckley said they also previously discussed term limits and Mr. Salerno replied that the Subcommittee isn't recommending it, but they could discuss it again.

Note Mr. Salerno pointed out that just because a Subcommittee is recommending something it doesn't necessarily mean that the entire board is going to, and they can continue to have dialogue.

Note Mr. Salerno said by April it won't be appropriate to have a major change or add something new.

Note Mr. Sheckley said the term limits for the Police Board have good reasoning behind it, and he thinks that term limits for the Board of Education should be up for discussion. He explained that there are people on there for life, things get really calcified, and the idea that they're going to do something simply because they've done it that way for years is rampant.

Note Mr. Salerno said they can definitely discuss this.

6. Public Delegations

Note No members of the Public were in attendance.

7. Adjournment

Note The next Regular Meeting of the Charter Revision Commission is scheduled for March 21st, 2023.

Note A Town Commissions Subcommittee meeting, Town Structure Subcommittee meeting, and Town Budget Subcommittee meeting will immediately follow.

Note MOTION (2)

Mr. McNamara moved to adjourn the March 7th, 2023, Regular Meeting of the Charter Revision Commission at 7:50 p.m.

Mr. Blair seconded the motion.

Motion carried, 7-0-0.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary