

Minutes of East Lyme Charter Revision Commission - 05/02/23

Date and time: 05/02/23 7:00 PM to: 05/02/23 8:20 PM

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

CC: Tracy Collins, Town Attorney, Kevin Seery, First Selectman

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

Link: <https://app.meetingking.com/meetings/396680>

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.

2. Approval of Minutes

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

2-1. March 21st, 2023, Town Commissions Subcommittee Meeting Minutes

Note Tabled from previous meeting.

Decision MOTION (1)

Mr. Blair moved to approve the March 21st, 2023, Meeting Minutes of the Town Commissions Subcommittee.


Mr. Salerno seconded the motion.

Motion carried, 3-0-0.

Town Commissions Subcommittee Members: Jay Ginsberg, Marc Salerno, and Wayne Blair.

2-2. April 4th, 2023, Regular Meeting Minutes

Note see attached minutes.

 [Charter-Revision-April-4-2023-Minutes.pdf](#)

Decision MOTION (2)

Mr. McNamara moved to approve the Meeting Minutes of April 4th, 2023, as submitted.

Mr. Hagen seconded the motion.

Motion carried, 8-0-0.

Maryanna Stevens abstained from the vote due to her absence from the April 4th, 2023, meeting.

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EAST LYME, CT
2023 MAY -5 A 8:20
Caulley M. M...
TOWN CLERK

3. Ex-Officio Comments

Task Mr. Seery asked Mr. Salerno what the remaining item he would like researched is, and Mr. Salerno replied that they're looking for feedback in regard to how other towns handle elected officials and benefits. He added that they will table this item until the next meeting and Mr. Seery asked that he send him an email as a reminder.

Owned by **Marc Salerno** due 05/04/23

4. New Business

Note Mr. Salerno noted they've commenced the Subcommittee work and that information has been forwarded to Ms. Collins, the Town Attorney. Ms. Collins said she has a note about the Town Structure Subcommittee report, and Mr. McNamara said their report and findings have now been finalized.

Note Ms. Stevens noted she didn't add any language for the budget referendum because she wasn't sure statutorily what needs to be included. She reminded everyone that the Commission as a whole is not recommending an automatic referendum.

Decision The Commission discussed how an automatic budget referendum will only incur if the increase is more than 5% of the previous year's budget. Mr. McNamara pointed out that as always, people have the ability to petition for one if they so choose.

Note Ms. Collins asked if a referendum is required, will there be sufficient time for the Town Clerk's Office to get the ballot done. The Recording Secretary replied that it would be similar to how it's done now, which is why absentee ballots issued less than 3 weeks before the vote must be done in person and not through the mail. Mr. Seery concurred that the process will mirror the one in place now.

Note Mr. Sheckley said he wasn't at the previous meeting and asked about the change in the automatic budget referendum process.

Mr. Salerno replied that after the Budget Subcommittee gave their report, the Commission as a whole discussed how this approach could be middle ground; if it's above a certain threshold, then it goes to referendum, if it's below that threshold, then the town could save the money spent on the automatic referendum since the percentage of people who vote on it has dwindled considerably.

Note The Commission discussed setting a Public Hearing date for the proposed changes and Ms. Collins reported that they have 15 days after their final meeting to submit their recommendations to the Town Clerk, then the Board of Selectmen, and they can choose to have their final meeting immediately following the Public Hearing, or schedule it for another date.

Task After some discussion Mr. Salerno scheduled the Public Hearing date for June 6th, 2023, to be followed by a Regular Meeting. He asked the Recording Secretary to schedule a meeting for June 13th, 2023, just in case, which they will likely cancel if everything is finalized after the Public Hearing.

Owned by **Brooke Stevens, Recording Secretary** due 05/05/23

Task Ms. Stevens said she would see about booking the Middle School for the Public Hearing.

Owned by **Maryanna Stevens** due 05/05/23

Decision The Commission opted to cancel the next regularly scheduled meeting on May 16th, 2023, to allow Ms. Collins additional review time. The next meeting will take place on May 23rd, 2023.

Note Mr. Salerno said once Ms. Collins incorporates all of their changes for the proposed draft, he will email it to everyone. He reminded the Commission Members not to make any comments via email, and to save them for their next meeting.

Note Mr. Ginsberg said he was approached about the idea that if someone loses the race for First Selectman, those votes could go towards being on the Board of Selectmen.

Note Mr. Salerno observed that this used to be the case, but was changed during the Charter Revision completed in 2004.

Note Mr. Ginsberg said he understands the point but thinks it may cause greater complications for staggering terms.

Note Mr. Sheckley said he would need to consider it more, that there are definitely both pros and cons associated with it.

Note The Commission briefly discussed the difficulty some Selectmen and First Selectman(s) had working together as a result of this rule.

Decision Mr. Ginsberg wondered if it's better to leave it as it is now, and Mr. Purohit said it's working the way it is right now, they can't predict human behavior, and it's best to leave well enough alone. Mr. Salerno concurred.

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

Note The Commission briefly discussed how the Budget Subcommittee mentioned changing Section 6.1.5 and having an electronic version of the budget to put online, instead of having paper copies, and how everyone was agreeable to it.

Decision Mr. Hagen suggested it might be preferable to say, "the budget will be made available" and not specify how, and the rest of the Commission agreed.

Note Mr. Salerno said the idea of requiring the Charter be reviewed every 10 years was also previously mentioned and asked for the Commission Members thoughts.

Decision After a brief discussion the Commission opted that the Charter should state that every 10 years the Board of Selectmen will determine whether a review is warranted.

Decision Mr. Salerno discussed removing the mention of outdated boards from the Charter, which include the following:

- Flood & Erosion Control Board
- Economic Development Commission
- Redevelopment Agency

The Commission agreed these three entities should be removed from the Charter.

Note Mr. McNamara pointed out that any board deemed necessary can be created by ordinance, which allows for more flexibility; having a board in the Charter requires that the board exist, even if no longer relevant.

Note Mr. Salerno inquired whether board required by Statute should be removed as well and Mr. McNamara said language could be inserted stating "as required by CT General Statutes.

Note Mr. Seery said State Statute always trumps a Town Charter.

Note The Board discussed how having a general statement of "as required by CT General Statutes" aids in keeping the Charter current and no changes will need to be made if the specificity of a State required board changes.

Note Mr. Salerno said the Committee for the Care Cemeteries is also listed and Mr. Seery said there is the Cemetery Association, but that is not an agency the town appoints members to.

Note Mr. Salerno said language could be added to state "should appoint members to boards, as required by the State."

Decision Mr. Hagen asked why the Town Building Committee is not listed under Section 4.5.2., when those positions are appointed by the Board of Selectmen? The Commission agreed that the Town Building Committee (consisting of 7 Members) should be moved to Section 4.5.2.

Decision Mr. Blair discussed whether there is actually a need for this section since these boards are required by the State, and Mr. Salerno agreed that they could actually strike this entire section. Mr. Seery clarified that it should remain as is, since no ordinances have been created to establish the boards listed here; going forward all future boards should be created by ordinance, and the Commission agreed.

Decision The Commission discussed Section 4.5.1., how it's completely outdated, and no longer relevant. The Commission agreed to strike the entirety of Section 4.5.1.

Note Mr. Salerno said they really don't need to say anything about the State, since the State is going to dictate what the town has to do anyways.

Decision The Commission decided to remove "Constables, Special Constables and Dog Warden" from Section 4.6.1., since they no longer exist.

Note The Commission reviewed Section 5, and Mr. Seery pointed out that the Building Official is not appointed for a term of four years, it's a hired position, as is the Building Inspector, and the Fire Marshal.

Decision Mr. Blair and Mr. Salerno discussed eliminating Section 5.3 thru 5.7. since all of these positions are now hired positions, that are required by the State. Mr. Fitzgerald said he likes simplification and the rest of the Commission agreed with the changes.

Note Mr. Salerno observed that obviously some renumbering of the Charter will need to be done.

Note Ms. Stevens said in terms of Chapter 6, Finance and Taxation, Ms. Johnson may have some additional tweaks to present at the next meeting, but she's not comfortable doing it herself since her finance experience is not on the town side of things.

Note Mr. Seery and the Commission discussed how a much more efficient process for the budget needs to be determined by the Board of Selectmen, Board of Finance, and Board of Education. Mr. Seery said perhaps this will involve joint meetings and presentations in the future, and added that this really isn't a Charter issue, just a topic on his mind since they're coming out of 3+ months spent on the budget for the next year.

Note Mr. Sheckley said early on in this process one of the research assistants was going to get some information about the bifurcation of the budget, which the Commission discussed. Mr. Seery and Mr. Salerno discussed how separating the two can be very problematic and cited a local town that have had to present a Board of Ed budget 3 times for voter consideration, to have it still not pass.

Note Mr. Seery shared the difficulties the town of Colchester has faced, the town budget typically passes, while the Board of Ed budget takes two more months to pass; this convolutes the budgetary process and the cost of having the budget referendum increases by having to hold it multiple times in one year.

Note Mr. Sheckley offered some of the following comments:

Looking at the Board of Ed budget, one of their primary issues is that they make their budget recommendation based upon a state test called the performance index.

There's another assessment called the growth index, which is a much better indicator of what the Board of Ed is actually doing with students, with the funds they get.

It's embarrassing to see that they're using the performance index, because they're basically saying our students are performing to Level C or C+.

What is the accountability and what is the outcome?

What are we getting in terms of continuing growth in the town, for a \$50 billion investment?

That issue never gets to the table when it gets wrapped into the town budget.

It's an issue of effectiveness and efficiency.

There are so many ways that it could be much better given the level of investment we're making.

He doesn't know how that issue never gets raised and presented under the current format.

Note Mr. Salerno and Mr. Fitzgerald agreed that what he's talking about is more of a leadership issue, and the purview of the Superintendent of Schools.

Note Mr. Scheckley said he previously mentioned term limits for the Board of Education, since members seem to occupy their seats for a very long time and tend to operate status quo, since "that's the way they've always done it."

Note Mr. Hagen said if he looks at the current makeup of the Board of Education, he'll see that the turnover rate is actually pretty good.

Note Mr. Salerno said if the voters are concerned about the makeup of the Board of Education, they can vote to change it.

Note Mr. Hagen discussed how the Board of Ed and Town Budget although voted on as a whole, the specifics and details are presented separately and broken down for the voter.

Note Mr. Salerno said he likes the idea of one vote, and that many people don't have children in the school system and wouldn't necessarily care to vote or focus on Board of Ed details if voted on separately.

Note Mr. Scheckley detailed town grants and said at some place in the Charter, he would like to include language that says when a new grant comes in, there's some process to document the effectiveness and efficiency and contributions of that grant, so that when it comes to the end, there might be information available for an informed discussion and decisions about keeping this practice because it's really working well, and find something that is not working as well, and do some kind of shifting.

He added that when a grant comes to an end, they should sustain the program if it's performing better than something that's already in place, as opposed to ending it because the funds have run out.

Note Mr. Hagen said aren't grants made available to help stimulate change and improvements in the municipality, and when they end that municipality makes determinations about their effectiveness and whether the programs should continue?

Note Mr. McNamara said he doesn't disagree with Mr. Sheckley's sentiments, but how is that a Charter issue?

Note Ms. Collins discussed how there is already a mechanism to continue a grant program and asked Mr. Sheckley if he's saying it should be more formalized, and he replied in the affirmative.

Note Ms. Collins noted that inserting language regarding grants into the Charter, could actually end up interfering with getting them.

Note Mr. Sheckley said he would like to simply improve the grant receiving process, and Mr. Salerno replied that a policy could be done by the Board of Selectmen and Board of Ed, for this.

Note The Commission further discussed the grant process.

Note Mr. Salerno said the last item he has on his list is gender neutral language.

Decision Mr. Ginsberg suggested using "Chairperson" instead of "Chairman" and the Commission determined that "First Selectman" and "Selectmen" should remain as is, since it's just an official title, which would otherwise, be very confusing.

Decision The Commission discussed how Section 8 is completely outdated and can be removed from the Charter.

Task Ms. Collins said she will look everything over, edit it, and see if they like it.

Owned by Tracy Collins, Town Attorney

Task Mr. Sheckley reiterated his previous request for a statement of purpose at the beginning of the Charter, that speaks to efficiency and effectiveness in town governance. Mr. Salerno asked Mr. Sheckley if he could try crafting some language for them to review at the next meeting.

Owned by Barry Sheckley due 05/23/23

5. Public Delegations

Note There was none.

6. Adjournment

Decision MOTION (3)

Mr. Ginsberg moved to adjourn the May 2nd, 2023, Charter Revision Commission at 8:20 p.m.

Mr. McNamara seconded the motion.

Motion carried, 9-0-0.

Note The next Charter Revision Commission Meeting is scheduled for May 23rd, 2023.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary

Task Summary

New Tasks

Task Mr. Seery asked Mr. Salerno what the remaining item he would like researched is, and Mr. Salerno replied that they're looking for feedback in regard to how other towns handle elected officials and benefits. He added that they will table this item until the next meeting and Mr. Seery asked that he send him an email as a reminder.

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