

Minutes of Charter Revision Commission - 05/23/23

Date and time: 05/23/23 07:00 pm to: 05/23/23 09:18 pm

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

CC: Tracy Collins, Town Attorney

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


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 Meeting Minutes

Note May 2nd, 2023, Regular Meeting Minutes

 [Charter-Revision-May-2-2023-Minutes.pdf](#)

Decision MOTION (1)

Mr. McNamara moved to approve the meeting minutes of May 2nd, 2023, as submitted.

Mr. Hagen seconded the motion.

Motion carried, 8-0-0.

3. Ex-Officio Comments

Note Mr. Seery was not in attendance.

4. Old Business

Note The Commission discussed how their public hearing will take place on June 6th, 2023, at the East Lyme Middle School, at 7:00 p.m.

4-1. Discussion: Recommendations based on inputs from Town Attorney

Courtney M. Purohit
TOWN CLERK

2023 MAY 31 A 10:22

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Note Ms. Collins shared the following:

The Charter really needed a whole overhaul of who's an appointed officer, an administrative officer, and hired.

She did the best she could, and she believes it works.

In 10 years, when Charter Revision is done again, that Commission can work on reclassifying everyone.

She reclassified without changing the names of everything, because she believes the public may be a little confused by this, as it is.

There are all these positions that just don't exist anymore, which they had to address.

The Charter Revision Commission has to hold another public hearing prior to sending their report to the Board of Selectmen for consideration.

They can have a meeting immediately following the Public Hearing and if it's determined that it will be their final meeting, they can make any changes they choose to that night, she will incorporate them, then they would vote to send it in that current form to the Town Clerk, who then sends it on to the Board of Selectmen, who then have their own public hearing.

Note Mr. Salerno noted that if they determine more work is needed after the public hearing, they will meet the following week, but cancel that meeting if they're able to complete their work the night of the public hearing.

Note Ms. Collins clarified that the Statute provides that the Selectmen can reject certain portions of it and accept others; it's not all or nothing. She added that when revisions are forwarded to the public for voting, ballot questions are only needed for substantive changes.

Note: Ms. Collins reviewed the draft report, and the charter revision changes, and she and the Commission offered some of the following remarks:

She has a few small typo items she wants to fix on page one, but they don't need to go over those.

In regard to the elimination of the automatic budget referendum, she can also add an explanation that even if it goes to a town meeting, the public still has the right to petition to hold a referendum.

Ms. Stevens suggested they insert "adopted budget" so it's clear that the 5% or more threshold needed to put the automatic budget referendum into action is in relation to the adopted budget.

The rest of the Commission agreed with this suggestion.

Ms. Collins said it would be helpful to know the total cost of a budget referendum so they can provide that information as part of their rationale for the change. The Recording Secretary reported that the total cost allocated for the budget referendum this year is \$8,625.

Ms. Collins said changing the terms of the Board of Selectmen and First Selectman is tricky given the uneven number of positions, and the only way she could see doing it, is by staggering the terms.

At the next regular municipal election in November of 2025 the First selectman and two Selectmen shall be elected, and each will serve a term of four years, while the three other Selectmen will serve terms of two years for the initial kickoff term.

That's the only way to stagger it with an uneven number.

Right now, Section 2.8.1 has elected positions, so she has removed the Town Clerk and Tax Collector from this section.

She put these positions with other administrative offices, so it's clear that they're hired positions.

Other administrative offices include but aren't limited to the Tax Collector, Town Clerk, Fire Marshal, and Assessor.

She added that the current Town Clerk and Tax Collector will continue to serve the balance of their terms, before these positions become administrative hired positions.

Mr. McNamara said changing these positions to administrative hired positions is consistent with the other employees, removes the term limit, allows for accountability, and for filling the position with the most qualified person- complete with certification requirements.

Ms. Collins said statutorily, the Building Official has to be appointed.

When discussing Charge 5, and Section 5.3-5.7, Mr. Sheckley suggested inserting the language "of the current or old Charter," and Mr. Hagen said the charges are specific to the current Charter.

Ms. Collins and Mr. Ginsberg suggested having "excluding the Town Moderator, in the removing the remaining residency requirements section.

Mr. Hagen suggested inserting "they may consider residency as a factor."

Ms. Stevens said residency could be utilized for potential employee evaluation scoring.

Mr. Blair said that would be an HR matter and not Charter related, and Mr. Salerno said this point could be utilized in the rationale for this change.

Note: Mr. Blair asked if they should insert that the Board of Selectmen is the approval authority in regard to grants, and Ms. Stevens said by nature of the grants, the First Selectman has to sign off on it for acceptance. Ms. Collins said the grant item would still appear on an agenda; it just wouldn't require a town meeting for an appropriation.

Note: Mr. Ginsberg said he noticed she specifies the State of Connecticut in regard to grants, and Ms. Stevens said she wanted to comment that it should refer to both federal and state grants. The Commission decided it would be best to say "state, federal, and private grants."

Note: The Commission discussed the language they want to use to for grants that may affect operational budgets. Ms. Stevens said that "special appropriations for federal and state grants do not need a special town meeting approval other than in situations in which the acceptance of such grant has a future impact on the operating budget."

Note: The Commission further discussed grants.

Note For Charge 9, Mr. Sheckley recommended that they mirror "not to exceed an aggregate amount of \$100,000 per town department," with "not to exceed an aggregate amount of \$100,000 per town department in each fiscal year, so that the two are set.

Note The Commission discussed Charge 9, and whether raising the appropriation from \$10,000 to \$100,000 for real estate is a substantive change.

Note Ms. Collins said she thinks Charge 11 is self-explanatory and seems to make sense.

Note The Commission briefly discussed the requirements for publishing legal ads and ordinances in newspaper publications.

Note Mr. Scheckley suggested the word "onerous" in regard to newspaper publications be taken out.

Note Ms. Collins said rather than keep "hard copies of the budget will be available in the First Selectman's Office," they could say "hard copies of the budget will be made available in town hall."

Note Ms. Collins said by having the verbiage "according to law," in regard to legal ad publications, they're covered if the State changes publication requirements in the future, and the Charter wouldn't have to be changed if the State does alter this.

Mr. Salerno said for the rationale, he thinks there should be a sentence explaining how this could save the town money, and Ms. Collins said they could state that "for example, a multi-page ordinance could cost up to \$20,000."

Note Ms. Collins discussed how previous Charter Commissions did not delete Section 8 because it provides a historical context and are transitional. Mr. Salerno agreed that the obsolete positions could be deleted.

Note Ms. Stevens said Ms. Johnson sent her a communication inquiring if in Section 7.4, special appropriations, if there should be a sentence referring to the new 6.35 Section.

Note The Commission discussed the possibility of including an amendment summary of changes with date notations and Ms. Collins explained that American Legal notates changes and new ordinances as they're established and are incorporated later into the body of the document.

Mr. Salerno agreed that a revision record would be helpful and suggested they recommend that Board of Selectmen generate one in the future and Ms. Collins said she will ascertain if this is something American Legal can address.

5. New Business

5-1. Discussion: Last Minute Recommendations

Note Mr. Salerno asked if there were any last-minute recommendations and Mr. Sheckley said he brought up limiting Board of Education term limits on several occasions. Mr. Salerno replied that the Commission discussed this item, but that Mr. Sheckley could certainly make a motion if he would like to.

Note Mr. Sheckley led a discussion about the importance of making the Charter fully gender neutral, and the Commission discussed whether the name "Board of Selectmen" should be changed to "Select Board," or the like.

Note Ms. Collins said she could do a word search for "chairman" and substitute "chairperson," and they can see what the feedback is at the public hearing. She explained that further changes would require that the context of each and every sentence be looked at.

Note Mr. Sheckley emphasized how he believes gender neutral edits should be made prior to the public hearing. He noted that they're in a leadership position and should be advocating for diversity, equity and inclusion.

Note The Commission further discussed gender neutral language.

Decision MOTION (2)

Ms. Stevens moved to edit the wording of the Charter to be as gender neutral as possible.
Mr. Sheckley seconded the motion.
Motion carried, 8-0-0.

Note Mr. McNamara pointed out that further changes can be made after the public hearing if they deem them necessary.

Note Mr. Sheckley said he thinks they should include a sentence stating that "the purpose of the Charter is to enhance efficiency and effectiveness of town governance."

Note Mr. Blair said Section 1.4 might be a good place for this sentence.

Decision MOTION (3)

Mr. Sheckley moved to insert that "the purpose of the Charter is to enhance efficiency and effectiveness of town governance" into Section 1.4.
Mr. Blair seconded the motion.
Ms. Collins suggested it be the first sentence of that section.
Motion carried, 8-0-0.

5-2. Vote on Recommendations to be presented at Public Hearing

Note The Commission briefly discussed the public hearing process and finalizing their report after community feedback.

Decision MOTION (4)

Ms. Stevens moved that notice is hereby given that the East Lyme Charter Revision Commission will hold a public hearing at 7pm on Tuesday June 6th, 2023, at the East Lyme Middle School, 31 Society Road, Niantic, CT, to receive comments concerning the May 2023 Draft Report of the East Lyme Charter Revision Commission regarding draft amendments to the Town Charter. Copies of the Charter Revision Draft report may be obtained at the office of the East Lyme Town Clerk, or online at www.eltownhall.com. Interested parties are invited to attend and be heard.
Mr. Ginsberg seconded the motion.
Motion carried, 8-0-0.

6. Public Delegations

Note There were none.

7. Adjournment

Decision MOTION (5)

Mr. McNamara moved to adjourn the Charter Revision Commission meeting at 9:18 p.m.
Mr. Blair seconded the motion.
Motion carried, 8-0-0.

Note Respectfully Submitted,
Brooke Stevens, Recording Secretary