

TOWN OF GROTON
 CHARTER REVISION COMMISSION
 REGULAR MEETING MINUTES
 July 10, 2017
 TOWN HALL ANNEX – COMMUNITY ROOM 2

Chair Pro Tem Aument called the meeting to order at 6:31 p.m.

I. ROLL CALL:

Members Present: Chair Dee Hauber, Chair Pro Tem Scott Aument, Commissioners Kathy Chase, Jane Dauphinais, Robert Frink, Patrice Granatosky, Rosanne Kotowski, Brandon Marley, Daniel Mello, and Jennifer White.

Members Absent: Commissioner Darcy Peruzzotti.

II. APPROVAL OF MINUTES:

- a. A motion was made by Commissioner Chase, seconded Chair Hauber, to approve the minutes of the June 19, 2017 meeting.

Commissioner Frink amended the minutes, seconded by Chair Hauber. Approved motion 44 was amended to include the word “including.”

Vote on the motion to approve the amended minutes: PASSES

In favor: 8 (Hauber, Chase, Dauphinais, Frink, Granatosky, Kotowski, Mello, White)

Opposed: 0

Abstained: 2 (Aument and Marley)

III. CITIZENS’ PETITIONS

None.

IV. COMMUNICATIONS:

- a. Chair Hauber: None.

- b. Secretary: None

- c. Members:

Commissioner Frink noted that he met with Mayor Flax and Councilor Diane Barber separately and updated them on the Commission’s progress. He stated that he distributed the preamble to Guilford’s Town Charter.

Commissioner Granatosky stated that people are interested in what the Commission is doing. She noted that there are concerns about the Commission meeting the deadline.

V. NEW BUSINESS:

- a. Charter Revision Commission Recommendations and Suggestions
- b. Consolidation of Boards and Commissions
- c. Charter Revision Commission Timeline
- d. Chapter Nine

Commissioner Mello made a motion, seconded by Commissioner Kotowski, to reconsider the following motion: "That the Town Clerk shall be appointed." He stated that most towns in CT have elected Clerks. He noted that having a Clerk who is not influenced by the Town Manager may be important.

Commissioner Dauphinais stated that there were citizens and Councilors who suggested this issue be looked at; they supported having an appointed Town Clerk. She stated that local government is complicated and this is a job that requires training and experience. She stated there is value in having the Town Clerk accountable to the Town Manager. She noted that there have been Town Clerks that have acted in a partisan manner and did not get along with the Town Manager and deliberately undermined the relationship between the Town Manager and the RTM and the RTM and the Council; there is no way to assert corrective action. She noted that the time for elected Town Clerks and Tax Collectors is gone; it is a professional job.

Commissioner Marley stated that if the Town Clerk is appointed, then he or she will stop responding to constituents and will respond to the authority that keeps him or her in the position.

Vote on the motion to reconsider: PASSES

In favor: 9 (Hauber, Aument, Chase, Frink, Granatosky, Kotowski, Marley, Mello, White)

Opposed: 1 (Dauphinais)

Abstained: 0

Commissioner Granatosky noted that at the public hearing, one person was in favor of appointing the Town Clerk, and four people were in favor of electing the Town Clerk. She stated that voting a Town Clerk out of office is a way to assert corrective behavior. She stated that she likes the independence of an elected Town Clerk; this is not a problem that needs fixing.

Commissioner Mello noted that the Board of Finance is elected regardless of experience in the field of finance; there is no difference with the Town Clerk.

Commissioner Frink moved the question, seconded by Commissioner Mello: Passes unanimously.

Vote on the motion: FAILS

In favor: 1 (Dauphinais)

Opposed: 9 (Hauber, Aument, Chase, Frink, Granatosky, Kotowski, Marley, Mello, White)

Abstained: 0

The Commissioners discussed the timeline for the Charter Revision Commission. Commissioner Frink questioned if there should be an extension to the September second deadline; he questioned if a draft report needs to be sent to an attorney.

Commissioner Granatosky questioned if the Commission can go to the Town Council with a document that has not been reviewed by an attorney.

Commissioner Dauphinais suggested going to the Town Council with a summary list of the proposed changes and having a discussion about them before sending the language to the Attorney.

The Commissioners discussed the format and timeline of the draft report.

Town Clerk Moukawsher clarified that the Secretary of the State's office needs to review the proposed changes. She noted that there can be multiple public hearings. She stated that the changes the Commission is proposing needs vetting from the public. In response to Commissioner Kotowski, Town Clerk Moukawsher stated that there could be a special election for the proposed Charter changes.

Commissioner White stated that the Commission should stay to the original schedule without an extension.

Commissioner Mello suggested using subcommittees.

Chair Pro Tem Aument noted that Mayor Flax suggested having an outside Attorney look at the recommendations.

Commissioner Frink made a motion, seconded by Commissioner Dauphinais, to approve the following recommendation: "That the paragraph in the current Charter reaffirming the authority of the subdivision shall be eliminated."

Commissioner Frink referenced Section 2.5 of the current Charter. He noted that the preamble states that the Town will operate under the rules of the General Statutes which describes subdivisions; there is no need to reaffirm the authority of the subdivisions in the Town Charter; this seems superfluous.

Commissioner Granatosky stated that if this is repealed, it will be taken as attempting to supersede the subdivisions' authority; there is no need to take this out.

Commissioner Dauphinais stated that the Charter cannot supersede the authority of the subdivision because that authority is in State Statutes; this paragraph is superfluous. She stated that it accomplishes nothing but there is no need to remove it. She noted that in terms of substance, it should be taken out; however, if it is taken out, then it may garner a lot of opposition from the City and Groton Long Point.

In response to Commissioner Marley, Chair Pro Tem Aument stated that the consolidation of subdivisions must be started by the subdivision by referendum or the Council.

Commissioner White suggested leaving the paragraph in the Charter.

Commissioner Mello moved the question, seconded by Commissioner Frink: Passes unanimously

Vote on the Motion: FAILS

In favor: 1 (Frink)

Opposed: 8 (Hauber, Aument, Chase, Dauphinais, Granatosky, Kotowski, Mello, White)

Abstained: 1 (Marley)

Commissioner Frink made a motion, seconded by Commissioner Marley, to approve the following recommendation: "That the requirement for a Code of Ethics and an Ethics Commission in the current Charter shall be eliminated."

Commissioner Frink noted that the Town Council recently ended this effort.

In response to Commissioner White, Commissioner Granatosky noted that there is a Code of Ethics that is established by the State that municipalities are subject to.

Commissioner Frink noted that there is no Ethics Commission or Code. He stated that Section 3.5.3, Conflict of Interest, covers anything you would want in a Code of Ethics. He stated that he does not believe there is an ethics problem in Groton

Commissioner Mello amended the motion, seconded by Commissioner Granatosky, "that the Town Council shall establish an Ethics Commission consisting of at least five members appointed by the Town Council."

Commissioner Kotowski stated that even though there are State Statutes that govern it, it does not mean the Code of Ethics is being followed. She noted that it would be good to have an Ethics Commission established by the Council that enforces the new Charter language. She noted that the Ethics Commission could monitor issues related to individuals not recusing themselves from votes that affect their paychecks.

Chair Pro Tem Aument questioned the goal and power of the Ethics Commission; he does not know if it would be effective.

Commissioner White noted that the Commission would be there to look into something that the public, or members of an elected body, wants investigated.

Commissioner Frink questioned how ethics rules would be impacted by union rules and procedures for Town staff.

Commissioner Kotowski stated that this does not apply to Town staff. She noted that this would be for elected and appointed officials; the Commission could monitor if a member does not recuse his or herself from votes.

**Commissioner Mello moved the question, seconded by Commissioner Marley: Passes unanimously
Vote on the amended motion: PASSES**

In favor: 9 (Hauber, Aument, Chase, Dauphinais, Frink, Granatosky, Kotowski, Mello, White)

Opposed: 1 (Marley)

Abstained: 0

Commissioner Frink made a motion, seconded by Commissioner Kotowski, to approve the following recommendation: "That a Recall Procedure for elected office holders shall be implemented."

He noted that this would be for when citizens are not happy with the way an elected official is voting; there would be a procedure for removal of that elected official.

Commissioner Marley stated that many politicians vote a certain way because they are afraid of not getting re-elected. He stated that worse decisions would be made because people would want to be re-elected instead of making good decisions; he has an issue with that.

Commissioner White noted that this could be used if somebody does not attend a majority of meetings.

Commissioner Dauphinais noted that she does not like the petition process. She stated that there is no harm in expanding the specifics that might justify removal such as being found guilty of a crime or missing a certain percentage of meetings.

Commissioner Granatosky noted that she is against this. She noted that there have been shifts in the Town Council by election, so we do not need this.

Commissioner Mello moved the question, second by Commissioner Marley: PASSES
In favor: 8 (Hauber, Aument, Chase, Dauphinais, Granatosky, Marley, Mello, White)
Opposed: 2 (Frink, Kotowski)
Abstained: 0

Vote on the motion: FAILS
In favor: 3 (Dauphinais, Frink, Kotowski)
Opposed: 7 (Hauber, Aument, Chase, Granatosky, Marley, Mello, White)
Abstained: 0

Commissioner Frink made a motion, seconded by Commissioner Marley, to approve the following recommendation: "That schools shall not be used for polling places for municipal elections."

Commissioner Dauphinais stated that this does not belong in the Charter.

The Commissioners discussed parking, voting in municipal buildings during business hours, and the public entering the schools.

Commissioner Marley moved the question, seconded by Commissioner Granatosky: Passes unanimously

Vote on the motion: FAILS
In favor: 2 (Chase, White)
Opposed: 8 (Hauber, Aument, Dauphinais, Frink, Granatosky, Kotowski, Marley, Mello)
Abstained: 0

Commissioner Marley made a motion to adjourn.

The Commissioners discussed the following suggestion: "Implement a performance measurement program for staff that is similar to the Town of Manchester." Commissioner Mello suggested reviewing suggestions once the Commission has finished its work on the Charter.

Commissioner Frink made a motion, seconded by Commissioner Mello, to approve the following recommendation: "That the Town Council shall have minority representation as per the CGS."

Commissioner Frink noted that because the Charter Revision Commission is recommending eliminating the RTM, the Town and City Councils would need to have minority representation.

Commissioner Granatosky clarified that according to Statute 9-167a, the provisions for minority representation shall not apply for political subdivisions if the municipality has a town meeting as its legislative body.

Town Clerk Moukawsher confirmed that according the Secretary of State's office, if Groton eliminates the RTM, then it will need to have minority representation for the City Council and Town Council.

Commissioner Granatosky noted that if the RTM is eliminated, then Groton will have to adhere to this. She noted that the Commission needs to determine if this should be included in the Charter. She stated that the RTM has minority representation, and that is included in the Charter.

Commissioner Mello amended the motion, seconded by Commissioner Frink, that the following recommendation is approved: "That the Town Council and the Board of Finance shall have minority representation as per the Connecticut General Statutes Sec. 9-167a."

The Commissioners discussed the differences between the RTM with minority representation and the Freemans' meeting in the City of Groton. Town Clerk Moukawsher confirmed that if the RTM is eliminated, then the City Council would need to adhere to minority representation as well.

Commissioner Mello stated that minority representation on the Council provides balance.

Commissioner Frink moved the question, seconded by Commissioner Marley: PASSES
In favor: 9 (Hauber, Aument, Chase, Dauphinais, Frink, Kotowski, Marley, Mello, White)
Opposed: 1 (Granatosky)
Abstained: 0

Vote on the amended motion: PASSES
In favor: 8 (Hauber, Aument, Chase, Dauphinais, Frink, Kotowski, Mello, White)
Opposed: 1 (Granatosky)
Abstained: 1 (Marley)

Commissioner Granatosky noted that she was against it because she is opposed to eliminating the RTM.

Commissioner Frink made a motion, seconded by Commissioner Dauphinais, to approve the following language: "Town Council terms shall be staggered as follows: Nine (9) members shall be elected in November, 2019, four (4) for two (2) years and five (5) for four (4) years. Thereafter, members shall continue to be elected in the same staggered pattern for four (4) year terms."

Commissioner Granatosky noted that the Board of Education has minority representation and staggered terms, and it is confusing for the public.

Vote on the motion: PASSES
In favor: 7 (Hauber, Aument, Chase, Dauphinais, Frink, Mello, White)
Opposed: 1 (Granatosky)
Abstained: 2 (Kotowski, Marley)

Commissioner Frink made a motion, seconded by Commissioner Marley, to approve recommendations 1, 2, 3, 5, 6, 7, 8 from LIST #2 OF PROPOSED RECOMMENDATIONS FOR CRC REVIEW AND APPROVAL (BOARD OF FINANCE)

Commissioner Frink amended the motion, seconded by Commissioner Dauphinais, to the following language for recommendation number one: "That the Board of Finance and its members shall not give orders to any subordinates of the Town Manager or of the Board of Education either publicly or privately. That the Board of Finance and its members shall deal officially with the town staff solely through the Town Manager and/or the Director of Finance."

Commissioner Dauphinais noted that if there were eight Councilors calling Town staff, the staff could get anything done because they are taking calls. She noted that there are different Councilors, and staff should not have to do research and justify divergent opinions on the Council or Board of Finance.

Commissioner Marley stated that the Board of Finance should be talking with the Director of Finance, not the Town Manager.

Commissioner White stated that it is common courtesy to deal with the Town Manager because the Manager is the Finance Director's boss.

Commissioner Kotowski suggested adding the Board of Education to this recommendation.

Commissioner Frink clarified that this pertains to anyone who is subordinate to the Town Manager. He suggested that he will re-write this recommendation.

Commissioner Frink withdrew the motion, Commissioner Marley withdrew the second.

Commissioner Frink made a motion, seconded by Commissioner Dauphinais, to approve the following recommendation: "That a Board of Finance member may resign by filing a written resignation with the Town Clerk, and such resignation shall take effect on the date of such filing unless a later date is specified. A Board of Finance member who shall remove from the Town shall cease to be a Board of Finance member."

Commissioner Mello stated that the last sentence is redundant.

Commissioner Granatosky stated that the last sentence is not needed because of Charter Section 3.5.1

Commissioner Frink amended the motion, seconded by Commissioner Chase, to approve the following recommendation: "That a Board of Finance member may resign by filing a written resignation with the Town Clerk, and such resignation shall take effect on the date of such filing unless a later date is specified. ~~A Board of Finance member who shall remove from the Town shall cease to be a Board of Finance member.~~"

Vote on the amended motion: PASSES

In favor: 8 (Hauber, Aument, Chase, Dauphinais, Frink, Kotowski, Mello, White)

Opposed: 1 (Granatosky)

Abstained: 1 (Marley)

Commissioner Frink made motion, seconded by Commissioner Kotowski, to approve the following recommendation: "That fifty (50) percent of the Board of Finance members entitled to vote shall constitute a quorum for doing business. All Board of Finance meetings shall be open to the public. The Board of Finance shall determine its own rules of procedure, which rules shall include provisions for petition by citizens."

In response to Commissioner White, Commissioner Frink stated that all meetings are public, and there could be executive session during the meeting.

Commissioner Granatosky stated that all the meetings should be public.

Commissioner Marley clarified that if there is a quorum, then it has to be a public meeting that was properly noticed.

Commissioner Granatosky stated that she is voting NO on all of these because she is against the Board of Finance.

Commissioner Marley questioned if "quorum for doing business" should be clarified. In response to Commissioner Marley, Commissioner Frink noted that this language is from current Charter.

Vote on the motion: PASSES

In favor: 9 (Hauber, Aument, Chase, Dauphinais, Frink, Kotowski, Marley, Mello, White)

Opposed: 1 (Granatosky)

Abstained: 0

Commissioner Marley left the meeting at 8:36 PM.

Commissioner Frink made a motion, seconded by Commissioner Dauphinais, to approve the following recommendation: "That the initial meeting of the Board of Finance shall be called by the Town Clerk, all other by the Chairman or in the Chairman's absence, the rules of the Board of Finance shall be followed."

Vote on the motion: PASSES

In favor: 8 (Hauber, Aument, Chase, Dauphinais, Frink, Kotowski, Mello, White)

Opposed: 1 (Granatosky)

Abstained: 0

Commissioner Frink made a motion, seconded by Commissioner Dauphinais, to approve the following recommendation: "That regular Board of Finance meetings shall be held at least once a month on a regular meeting day decided upon by the Board of Finance."

In response to Commissioner Granatosky, Commissioner Frink stated that a special meeting of the Board of Finance could be called at any time according to their rules.

Vote on the motion: PASSES

In favor: 8 (Hauber, Aument, Chase, Dauphinais, Frink, Kotowski, Mello, White)

Opposed: 1 (Granatosky)

Abstained: 0

Commissioner Frink made a motion, seconded by Commissioner Chase, to approve the following recommendation: "That no member of the Board of Finance shall be a member of the governing body of any political subdivision nor shall hold any office of profit under any political subdivision of the Town. Members shall be resident electors of the Town."

Commissioner Dauphinais questioned if this should include employees. She noted that this just applies to office of profit of a subdivision.

The Commissioners discussed the meaning of "office of profit."

Commissioner Chase amended the motion, seconded by Commissioner Kotowski, that the following recommendation be approved: "That no member of the Board of Finance shall be a member of the governing body of any political subdivision, employee of the Town or Board of Education. Members shall be resident electors of the Town."

Commissioner Granatosky questioned why you would want to limit somebody's rights to run for elected office.

Commissioner Granatosky referenced Connecticut Statutes and clarified that municipal employees cannot serve on the Board of Finance.

Vote on amended motion: PASSES

In favor: 7 (Hauber, Aument, Chase, Dauphinais, Frink, Kotowski, White)

Opposed: 2 (Granatosky, Mello)

Abstained: 0

Commissioner Frink made a motion, seconded by Commissioner Chase, to approve the following recommendation: "That Board of Finance terms shall be staggered as follows: seven (7) members shall be elected in November 2019, three (3) for two (2) years and four (4) for four (4) years. Thereafter, members shall continue to be elected in the same staggered pattern for 4 year terms."

Vote on the motion: PASSES

In favor: 8 (Hauber, Aument, Chase, Dauphinais, Frink, Kotowski, Mello, White)

Opposed: 1 (Granatosky)

Abstained: 0

Commissioner Frink made a motion to approve the following motion: "That the Town Clerk shall provide the members of the Board of Finance with notice of the adoption of any emergency and legislative ordinance by the Council within five (5) days of adoption."

Commissioner Granatosky noted that there needs to be a way for the governing people in the Town to appropriate money without a referendum in the event of an emergency. She questioned which body, the Council or Board of Finance, would have the responsibility of approving it.

Commissioner Frink stated that that the power for the emergency appropriation would reside with the Town Council. He noted that the Board of Finance would be asked to provide input.

Commissioner Granatosky noted that "appropriation" should be used instead of "ordinance."

Commissioner Dauphinais noted that this could be taken out if they want the emergency appropriation to be with the Town Council.

Commissioner Frink withdrew the motion.

Commissioner Frink made a motion, seconded by Commissioner Chase, to approve the following recommendation: "That under Section 8.2 Town Attorney, that the Town Attorney shall be the legal advisor to the Board of Finance and that the Chair of the Board of Finance may request a legal opinion from the Town Attorney."

The Commissioners discussed having a staff attorney for the Town of Groton.

Commissioner Mello moved the question, seconded by Commissioner Frink: PASSES

In favor: 8 (Hauber, Aument, Chase, Dauphinais, Frink, Kotowski, Mello, White)

Opposed: 1 (Granatosky)

Abstained: 0

Vote on the motion: PASSES

In favor: 8 (Hauber, Aument, Chase, Dauphinais, Frink, Kotowski, Mello, White)

Opposed: 1 (Granatosky)

Abstained: 0

Commissioner Frink made a motion, seconded by Commissioner Mello, to approve the following recommendation: "That nothing contained in the Charter shall prohibit any member of the Board of Finance from exercising rights under the Freedom of Information (FOIA) as held by general citizens."

He noted that this adds the Board of Finance to Charter Section 5.7.

Vote on the motion: PASSES

In favor: 8 (Hauber, Aument, Chase, Dauphinais, Frink, Kotowski, Mello, White)

Opposed: 1 (Granatosky)

Abstained: 0

The Commissioners discussed State Statutes as they relate to noticing for public hearings. They discussed having a longer noticing requirement for referendum. Commissioner Frink suggested discussing the matter at another meeting.

Commissioner Frink made a motion, seconded by Commissioner Dauphinais, to approve the following recommendation: "That the dollar limit of \$750,000 for Bonding Ordinances before requiring a referendum be raised to \$1,000,000.

Commissioner Granatosky clarified that the Town Council could spend one million dollars without going to the people.

Commissioner White stated that based upon the total Town budget, she is okay with this; you cannot micromanage the people we have elected.

In response to Chair Pro Tem Aument, Commissioner Frink stated that the Board of Finance advises.

Chair Pro Tem Aument stated that he is not ready to go to one million dollars.

In response to Commissioner Kotowski, Commissioner Dauphinais stated that the staff, Town Council, and Board of Finance are capable of making good decisions about maintenance; going to referendum discourages maintenance.

Chair Hauber stated that she agrees with Commissioner Dauphinais.

Commissioner Chase stated that she wants to keep it at \$750,000.

Vote on the motion: FAILS

In favor: 4 (Hauber, Dauphinais, Frink, White)

Opposed: 5 (Aument, Chase, Granatosky, Kotowski, Mello)

Abstained: 0

Commissioner Frink made a motion, seconded by Commissioner Chase, to approve the following recommendation: "That the requirement that the Town Manager issue an annual report in Section 7.2 be eliminated."

In response to Commissioner Dauphinais, Commissioner Frink stated that the report should come from elected officials.

Commissioner Granatosky stated that the Town staff and Town Manager should issue the annual report.

Commissioner Mello stated that he agrees with Commissioner Granatosky.

Commissioner Frink stated that it is important to get the report from the elected officials.

Commissioner Chase stated that by having the Town Council issue the report, it shows that it is governing.

Vote on the motion: PASSES

In favor: 6 (Aument, Chase, Dauphinais, Frink, Kotowski, White)

Opposed: 2 (Granatosky, Hauber)

Abstaining: 1 (Mello)

Commissioner Frink made a motion, seconded by Commissioner Kotowski, "that the Town Manager's meeting calendar be made public."

Commissioner Frink stated that in an open government, there is no harm in knowing who the Town Manager is talking with.

In response to Commissioner Dauphinais, Commissioner Frink stated that there is proprietary information that may have to be dealt with.

Commissioner White stated that she is against big brother; people should be trusted.

Chair Hauber stated that there are reasons to not make the Town Manager's calendar public.

Vote on the motion: FAILS

In favor: 1 (Frink)

Opposed: 8 (Hauber, Aument, Chase, Dauphinais, Granatosky, Kotowski, Mello, White)

Abstained: 0

VI. ADJOURNMENT

A motion to adjourn was made by Commissioner Chase, seconded by Commissioner Granatosky.

Chair Pro Tem Aument adjourned the meeting at 9:24 PM

Attest:

Scott Aument, Secretary