

TOWN OF GROTON
 CHARTER REVISION COMMISSION
 SPECIAL MEETING MINUTES
 November 6, 2017
 TOWN HALL ANNEX – COMMUNITY ROOM 2

Chair Pro Tem Aument called the meeting to order at 6:34 p.m.

- I. ROLL CALL:
 Members Present: Chair Hauber, Chair Pro Tem Aument, Commissioners Kathy Chase, Robert Frink, Patrice Granatosky, Rosanne Kotowski, Daniel Mello, Jennifer White
 Absent: Commissioners Jane Dauphinais, Brandon Marley, Darcy Peruzzotti
 Also in attendance were Town Attorney Eileen Duggan, Attorney Mike Carey, Town Clerk Betsy Moukawsher, and Office Assistant Nathan Caron.

- II. COMMUNICATIONS:
 - a. Chair: None.
 - b. Secretary: None.
 - c. Members: None

- III. NEW BUSINESS:
 - a. Town Attorney Recommendations

Commissioner Dauphinais arrived at 6:36 p.m.

Chapter IV: Board of Finance (BOF) (M3)

4.1.1 General.

There shall be a Board of Finance, hereinafter referred to as the BOF, of seven (7) members. BOF members, after serving three (3) consecutive terms, shall not be eligible for a fourth (4) consecutive term. (M3) (M41) (M48) Election of the seven BOF shall be by voting district, with one (1) representative allotted to each of the seven (7) voting districts.

The Commission, Town Clerk, and Attorneys discussed adjusting the language in the Charter to reflect the possibility of the number of voting districts changing in the Town. Attorney Duggan noted that there will be a conflict with the Charter if the Town Council changes the number of voting districts.

In response to Attorney Carey, Town Clerk Moukawsher stated that the Town Council reduced the number of districts from eight to seven in order to save money.

Town Clerk Moukawsher questioned if a formula could be created to address the membership of the BOF, as there is one for the RTM.

Attorney Duggan questioned if the number of people on the Board of Finance could be changed by ordinance.

Commissioner Chase noted that if the Town Council changes the number of voting districts, the Town Council will need to solve this problem.

Commissioner Dauphinais noted that the language in the rest of the Charter could be changed to modify the requirement for a seven-person Board of Finance.

Attorney Duggan stated that the Attorneys will need to evaluate this. She stated that the language is legal, but if the Town Council changes the number of voting districts, but there will be a conflict with the Charter. Attorney Carey questioned if there was a way to create districts that are not tied to voting districts.

Section 4.1.1 was tabled.

4.1.2 The BOF and its members shall not give orders to any subordinates of the Town Manager or the BOE either publicly or privately. However, the BOF may interface directly with the Town Manager, Finance Directors of the Town and BOE, or their designees in accomplishing its duties. (M82) The Chair of the BOF shall be an ex-officio member of the Council. (M42)

4.1.3

Where this Charter requires that the BOF provide recommendations to the Town Council, the following shall apply:

- a. The Council shall give the BOF ten (10) business days' notice to provide such recommendations. If no recommendation is received within ten (10) business days, the Council may proceed as if the recommendation had been received.**
- b. In time sensitive situations, the ten (10) day period may be reduced by mutual consent and a majority vote of the BOF. [M80]**
- c. BOF recommendations can be favorable, unfavorable, or neutral and are advisory.**

4.1.4 A BOF 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 specific. (M52)

Commissioner Frink noted that Section 3.6.1 covers vacancies.

4.1.5 Fifty (50) percent of the BOF current members shall constitute a quorum for doing business. All BOF meetings shall be subject to the requirements of the Freedom of Information Act. The BOF shall determine its own rules of procedure, which shall be written and filed with the Town Clerk and shall include provisions for public comments at regular BOF meetings. (M53)

Attorney Carey noted that "citizens' petitions" has different meanings. He noted that the language should reflect "public comments" if that is what was intended.

4.1.6 The initial meeting of the BOF shall be called by the Town Clerk within 30 days of the November 5, 2019 General Election, establishing the BOF membership, all other meetings by the Chairman or in the Chairman's absence, the rules of the BOF shall be followed. (M54)

Attorney Duggan noted that the confusion stems from the effective date of the Charter. She questioned when the BOF would be seated and when the Charter would be effective. She questioned what the

expectation is for when the Board of Finance would be in place. She noted that it would impact current and future budget cycles.

Commissioner Frink referenced Motion 3; it would be 30-days after approval of the new Charter.

Commissioner Mello stated that he was under the impression that the RTM would be kept through the budget process, and the Board of Finance would take over after the next election.

The Commissioners discussed when the Board of Finance would become effective.

Attorney Carey stated that there could be multiple effective dates. He noted that there could be language that would indicate the first meeting would be held within a certain period of time after the 2019 election.

Commissioner Dauphinais questioned when this Charter will go before the voters.

Attorney Carey stated that the Council can schedule the referendum on the Charter no later than 15 months after voting to proceed with it. He noted that Town offices will be elected in 2019. He stated that the parts about the Board of Finance will need to be effective prior to the 2019 elections so people can be on the ballot.

Commissioner Frink noted that if this passes, people will not want to wait. He noted that the Town Council could appoint a Board of Finance, which is an advisory body, until the next local election.

Attorney Duggan stated that if the Town Council functions without the RTM and before the Board of Finance is elected, then the Commission needs to develop language that specifies powers and role of the Town Council.

Commissioner White stated that after it is approved, the first Board of Finance could be appointed until one is elected.

Attorney Carey stated that if the Town Charter is approved, then there could be a special election within a certain number of days for a Board of Finance.

Commissioner White noted that there would be an additional cost for a special election.

The Commission determined that the Attorneys will write appropriate language for 4.1.6.

Section 4.1.7: No changes were made.

4.1.8 Notwithstanding any other provision of the Charter, including without limitation to section 3.5.2, no member of the BOF shall be a member of the governing body of any political subdivision, employee of the Town, or BOE. Members shall be resident electors of the Town. (M56)

Section 4.1.9 was removed; the Commission determined there was no need for it.

Section 4.1.10: 4.1.10 The BOF shall keep a Journal of its Proceedings, and publish the same, excepting such parts as in Executive Session; and the “Yeas” and “Nays” of the members of said body shall be entered in the Journal by member name. (M46)

Attorney Duggan noted that this is an issue with access, and it can be easily dealt with by speaking, and working with, the Town Attorney, Finance, and the Town Manager’s office. She confirmed with FOIA that as long as they are available for the public, identifying the votes within 48 hours, it satisfies FOIA’s requirements. She noted that if this language is added, then there could be accusations of violations and issues in the future. She noted that she thinks this could be solved easily with a direct approach to indicate that the public needs to know where these votes/minutes are.

Commissioner Granatosky noted that there seems to be two standards. She noted that the RTM has votes posted and accessible; the Town Council COW has a different standard.

Attorney Duggan noted that the concern with putting it in the Charter is adding more into the Charter than is required under FOIA; it could expose the Town to more scrutiny.

Commissioner Frink noted that this is not an unreasonable requirement.

Commissioner Granatosky stated that the issue is that the votes are not included in the published minutes.

Attorney Carey stated that the problem is that if it is in the Charter, and if it is not followed, and if somebody does not like the budget at the end of the year, he/she could challenge the budget because the information was not published. He noted that the votes must be available within 48 hours, and then later included in the minutes. He stated that if that is not happening, then an individual could make an FOI request.

Section 4.1.10 was eliminated (~~Motion 46~~)

Sec. 4.2 ~~Powers~~. Duties.

4.2.1 The BOF shall support all fiscal decisions of the Town Council by providing research and data to support the budget development process delineated in Chapter IX, including but not limited to the following: (M44)

- a) Develop the schedule for annual budget development (M44)
- b) Communicate annual budget development schedule to the citizens of Groton (M44)
- c) Support the annual budget workshops with fiscal data including a five-year financial forecast of spending and revenue. (M44)
- d) Provide input on the form of the BOE and subdivision budgets. (M44)
- e) Provide critical analysis and visibility to the Town’s public financial reports. (M45)
- f) Duties assigned by other sections of the Charter.

Commissioner Chase stated that she does not agree with Section 4.1.3 c. She noted that she is not happy with the fact that the Board of Finance is advisory.

Commissioner Frink stated that the Town Council will benefit from the Board of Finance being advisory. He noted that most of the Town Council is in favor of the BOF being advisory and helping it during the budget process.

Commissioner Mello stated that the Board of Finance should be more than advisory.

The Commissioners discussed the merits of having a Board of Finance as advisory or giving it more power.

Commissioner Dauphinais noted that the Council gives the Town Manager goals and budget guidance. She stated that if the Town Manager delivers a budget to the Board of Finance, and if the BOF has the final say on the budget, then why would the Manager pay attention to Town Council goals/guidance.

Commissioner Granatosky noted that the RTM takes advice from professional staff.

Chapter V:

Changes to the Chapter were made to reflect the following: The Town Manager issues the annual report-not the Town Council. Attorney Duggan noted that the keeping of records is governed by FOIA.

The Commissioners and Attorneys discussed the language for Section 5.5.

Chapter VI:

Section 6.1.1: Attorney Duggan suggested that this should not apply to committee meetings or expulsion hearings. The Commission added language "For regular or Special Meetings of the BOE..."

The Commission discussed the Board of Education voting on important decisions with as many as three people.

Chapter VII: Section 7.2: Language was added so the Town Manager creates the annual report.

Chapter VIII: Section 8.2.1: "his/her" was added to the first sentence.

Commissioner White noted that there could be a defining term in the Glossary that clarifies "their" means "his/her."

The Commissioners discussed the Attorney reference in the Table of Contents.

The Glossary of Terms was modified: BOE, BOF, Town Council were added. The Commission discussed removing "advisory" from the definition of the Board of Finance.

Attorney Duggan stated that the Town Council removed the Ethics Code. She questioned what the Ethics Commission would be charged with doing and what its jurisdiction would be if there is no Code of Ethics. She noted that the Council can create Boards and Commissions by ordinance. Attorney Duggan

noted that the Code of Ethics provided structure for the Ethics Commission. In response to Commissioner Kotowski, she noted that there are Ethics polices in personnel rules, employee handbooks, and union contracts.

Attorney Carey noted that sometimes Ethics Codes are used to contest policy differences.

Commissioner Kotowski stated that her concern is not with employees because they are governed by policies and contracts. She stated that people who do not recuse themselves when there is a conflict of interest is unethical.

In response to Commissioner Kotowski, Attorney Carey noted that there could be an appeal against an action taken by a Board/Commission if a person did not recuse him/herself when there was a conflict of interest. He noted that the person is also subject to removal by the Town Council if he or she was appointed by the Council. He stated that it is impossible to catalogue everything somebody could do to violate an Ethics Code. He stated if there is an Ethics Commission without an Ethics Code, a vacuum is created that somebody will fill.

Based upon the recommendation of Attorneys Carey and Duggan, the Ethics Commission was removed from Section 3.5.3.

The Commissioners and Attorneys discussed 3.6: Vacancies in Elective Office.

IV. ADJOURMENT

A motion to adjourn was made by Commissioner Mello, seconded by Commissioner Kotowski. Chair Pro Tem Aument adjourned the meeting at 8.48 p.m.

Attest:

Scott Aument