

The Bolton Charter Revision Commission will hold a public hearing on Thursday, February 4, 2021 beginning at 7:15 pm via Zoom.

The purpose of this hearing is to present and gather public comment regarding the BCRC's draft report to the Board of Selectmen recommending changes to the Town of Bolton Charter.

The Charter is Bolton's "constitution" which sets out the basic structure of the Town's government, and defines the roles and authority of its public officers and commissions except where those subjects are mandated by state statutes.

The seven-member Commission, chaired by Gwen Marrion, was appointed by the BOS in November 2019. The Commission has been meeting since January 2020, reviewing the entire Charter to address issues and suggestions made by the BOS, members of other Town boards and commissions, town staff, and members of the general public for updating and improving the Charter.

The other members of the Commission are Eleanor Georges (Vice Chair), James Aldrich, Jay Brudz, Richard P. Hayes, Jr., Adam Teller, and John B. Toomey, Jr.

The Commission's draft report is being compiled and will be posted on the Town website prior to the public hearing. The draft report recommends that the Town continue the current First Selectman/Board of Selectmen form of government with a Town Administrator handling day-to-day operations, but recommends both substantive and technical changes to the Charter.

Members of the public who would like more information should check the town website for the draft report and the Commission's agenda to be posted in the near future prior to the public hearing. The agenda will provide the telephone access number for the meeting, as well as information for how to obtain the link for participating by Zoom internet access.

Adam Teller

Board Member

Bolton Charter Revision Commission

Draft Report to the Bolton Board of Selectmen from
the Bolton Charter Review Commission
January 2021

Overview of the Charter Review Process

On October 1, 2019 the Bolton Board of Selectmen (the “BOS”) adopted a Draft Resolution Defining the Charge of the Bolton Charter Revision Commission, (the “Charge”) which is attached to this report. On November 12, 2019 the BOS appointed James Aldrich, Richard P. Hayes, Jr., John B. Toomey, Jr., Adam Teller, Jay Brudz, Eleanor Georges and Gwen Marrison to serve on the Charter Revision Commission (the “Commission”).

At its first meeting on January 30, 2020, the Commission received the BOS’s Charge and elected Gwen Marrison to serve as Chairman and Eleanor Georges to serve as Vice Chairman. The Commission held a public hearing on February 11, 2020 and began reviewing the charter. During the following 13 months the Commission reviewed all items on the Charge in addition to issues raised by the public, town staff, and Commission members.

The Commission divided the charter into four categories: Form of Government, Structural, Procedural, and Budget and Taxation, and formed subcommittees to review the sections and present recommendations to the full Commission.

The Commission gathered information and opinions on charter issues through extensive outreach and research which included in-person meetings, conference phone calls and Zoom meetings. Attending in-person meetings were John Elsesser, Coventry Town Manager, and Mark Walter, Administrative Officer, Town of Columbia. After the coronavirus prevented in-person meetings, the Commission met with Bolton First Selectman Sandra Pierog, former Bolton First Selectman Robert Morra and Bolton Administrative Officer Josh Kelly via teleconference. Subcommittees met with Board of Finance Chairman Emily Bradley and members Kristen Gourley, Bob Munroe, Bob DePietro and Ross Lally, Board of Education members Chris Davey, Susan Pike, Andrew Broneill, Town Clerk Elizabeth Waters and Election Moderator Monita Hebert. Phone conversations were held with Superintendent of Schools Kristin Heckt, Public Schools Director of Business and Finance Kusal Huynh, former Bolton Board of Education Chairman Elizabeth Kreuger, Bolton Finance Director Jill Collins, former Town Treasurer Kay Peterson, Town Auditor Stephen Hopkins, Economic Development Commission Chairman Bill Anderson and Fire Chief Bruce Dixon. Phone conversations were also held with Portland First Selectman Susan Bransfield, Portland Town Clerk Ryan Curley and Naugatuck Mayor N. Warren "Pete" Hess III.

Written comments were received from Eric Anderson, Andover Town Administrator, Michael Rosen, Tolland Town Manager, Patrice Carson, Bolton Director of Community Development, Liz Waters, Bolton Town Clerk and other members of the public.

Beginning April 16, 2020, all meetings were held using Zoom technology due to the coronavirus. Audio recordings were made of the meetings and were posted on the Town of Bolton website with the agendas and minutes.

In August 2020, the Commission began meeting twice each month. In December, the Commission requested an extension of the February 1, 2021 deadline for submitting the Commission's report to the BOS to March 1 and that request was granted. The Commission held its final public hearing on February 4, 2021.

Recommendations of the Charter Review Commission

Below are the sections of the charter which were reviewed by the Commission, recommendations, the Commission's reasoning, and the votes.

Section 1.4 (B) Definitions

A member of the public requested the Commission consider making all charter language gender neutral.

Commission's recommendation: charter language should be gender neutral throughout the charter to the extent reasonably practical. The Commission believes the terms "selectman" and "selectmen" should remain. (5-2 vote)

Section 2.3 Eligibility

A member of the public requested this section be changed to allow non-U.S. citizens to hold elected office in Bolton.

Commission's recommendation: No change. The Connecticut Constitution states that to be eligible for elected office a person must be an "elector" which means a citizen of the United States. The Commission believes the charter cannot alter this provision.
(By consensus)

Section 2.4 Breaking a Tie

Public comment and the BOS requested this provision be reviewed. The current charter's default mechanism to break a tie is to hold a special election, with a coin toss to be used if the tied candidates agree to that in writing.

Commission's recommendation: The Commission voted unanimously to recommend reversing the order of the provisions so that the coin toss will be the default mechanism and a special election will be held upon written request of one of the tied candidates. A tie for the office of First Selectman will still be determined by special election. The Commission feels this encourages the candidates to use a coin toss, promotes good will, and saves the expense of a special election.

Section 2.5 Vacancies in Elected Offices

Issue 1: Whether to change the current provision under which a vacancy in an elected office is automatically offered to the alternate.

Commission's recommendation: by consensus the Commission recommends removing this provision because alternates may not be the best individuals for the position. Alternates may still be considered for the position but will not automatically be offered the full position.

Issue 2: Under the current provision appointees who fill vacancies in elected offices serve until a successor is elected. The issue raised is whether this should be changed so that the successor serves until the expiration of the term the candidate is filling. This was raised by a staff member.

Commission's recommendation: leave as is. The Commission feels the person who filled the vacancy should run for that office at the next election. (By consensus)

Chapter 3 - Elected Commissions, Boards, Agencies and Officers

It was agreed to recommend that all references to Judge of Probate be removed because that is no longer a municipal office in Bolton. (7-0 vote)

Section 3.1 (B) Town Elections

Issue 1 - Raised by the BOS and public comment, the Commission discussed whether to change any of the listed boards and commissions from being elected to appointed.

Commission's recommendations: The Commission agreed by consensus to recommend leaving the Board of Assessment Appeals and Town Meeting Moderator as elected positions because they deal with issues of residents' taxation and because the Moderator is highly visible to the public. The Commission voted 7-0 to recommend changing the Planning and Zoning Commission and the Zoning Board of Appeals to appointed positions because land use decisions should not be influenced by members' political affiliation. In addition, unaffiliated voters, who are usually not endorsed by town committees, will be a new pool of potential members to serve on the appointed boards and commissions, and the number of people willing to serve might be larger because they don't have to run for office.

Issue 2 - The issue of whether to eliminate or reconfigure the Board of Finance and its roles, which was raised by the BOS and public comment, was one of the most challenging and time-consuming issues for the Commission. The Commission gained helpful insight from interviews with current and past members of the Board of Finance, Board of Education, school officials and the Bolton Finance Department. There was concern that eliminating the Board of Finance would remove what is perceived by some residents as the "financial conscience" of the town, that the town would lose the benefit of the BOF's "holistic" view of the town's needs and the objectivity

of the BOF's perspective that comes from not having a vested interest in either the town or the education budget. On the other side of the issue there was a feeling that the current budget process is unnecessarily time consuming and redundant because many workshops are held by the BOE and BOS to prepare the budget, followed by more workshops to convey that same information to the BOF. Having the budget prepared by the new Finance Committee would bring together BOS and BOE perspectives early in the budget process, allow for easy sharing of information about town and education needs, encourage collaboration and provide objectivity from the perspective of the two non-BOS and BOE members. Another reason for considering this change is the difficulty of recruiting candidates to run for public office.

Commission's recommendation: The Commission by consensus agreed to recommend reconfiguring the Board of Finance from an elected board to a committee composed of three members of the BOS, including the First Selectman, two members of the BOE and two at large members, one each of whom to be appointed by the BOS and BOE. The Finance Committee would assume all of the roles currently performed by the Board of Finance including holding a public hearing on the budget. The budget would continue to be voted on at referendum. The new Finance Committee would be created only if voters agree to increase the size of the BOS to seven members. (7-0 vote)

Section 3.5 Town Elections, Terms of Commissions and Boards

Issue 1 – Should the term of the members of the Board of Selectmen be changed?

Commission's recommendation: The term of the Board of Selectmen should be changed from two to four years. This will enable the Board to conduct better long-term planning, see their initiatives through to completion, possibly encourage more people to run for the Board because campaigning is only required every four years, and staggering the terms allows more experienced members to pass on knowledge to newer members. (7-0 vote)

Issue 2 – Should the number of members of the Board of Selectmen be increased?

Commission's recommendation: the number of members of the BOS should be increased from five to seven. The reconfiguration of the Board of Finance into a seven-member Finance Committee will mean a greater time commitment for the three members of the BOS who serve on the new Finance Committee. A seven-person board reflects a wider range of opinions and requires more compromise and cooperation to arrive at decisions. Also, changing PZC and ZBA to appointed boards means the BOS will have control over the composition of those boards so four votes of the seven-member BOS as opposed to three votes under a five-person board will be required for appointments, thereby bringing greater perspective to the appointment process. (7-0 vote)

Issue 3 – Should section 3.5 (B) be changed to eliminate the provision that votes cast for the unsuccessful candidate for First Selectman are counted as votes cast for that candidate to serve on the BOS?

Commission's recommendation: by a 4-3 vote the Commission recommends eliminating this provision. The majority felt that the role of first selectman is distinct from the role of other selectmen so a vote cast for a first selectman candidate is not the same as a vote cast for that person to serve on the board if that candidate loses the first selectman's race.

Chapter 5 – Board of Selectmen

Section 5.1 (B) – In conjunction with the Commission's recommendation to increase the size of the BOS to seven members, references in the charter to a "majority (3)" of the BOS will be replaced by "majority" if the new majority will be four. Where a higher vote is required the term "majority plus one" will be substituted.

Section 5.1 (D) – Administrative Officer

The question of whether to change Bolton's form of government was the Commission's most challenging and time-consuming issue. Three forms of government were discussed: town manager, strong first selectman, and a modified version of the existing first selectman/administrative officer structure. Opinions on these forms of government were obtained from Coventry Town Manager John Elsesser, Columbia Administrative Officer Mark Walter, Bolton First Selectman Sandra Pierog, former Bolton First Selectman Robert Morra, Bolton Administrative Officer Joshua Kelly, Portland First Selectman Susan Bransfield, Portland Town Clerk Ryan Curley. Written opinions were submitted by Eric Anderson, Andover Town Administrator and Michael Rosen, Tolland Town Manager.

There was support on the Commission for each of the forms of government but after lengthy discussions, the Commission decided by a 4-3 vote to recommend keeping but modifying and clarifying the first selectman/town administrator structure. The structure retains the first selectman as the Chief Executive Officer of Bolton and the ability of residents to vote for the person in charge of the Town. The new charter provisions define the role of the Town Administrator so that the individual will have enough autonomy over day-to-day operations, but with enough oversight by the BOS to prevent overreaching of his or her authority. The new provisions clarify the lines of responsibility and authority among the Town Administrator, first selectman and the BOS. The current provision which requires a vote of four members of the BOS to hire or discharge the Town Administrator is eliminated. Termination of the Town Administrator will be handled according to the terms of his or her employment contract, which is the current practice. The title of the position will change from Administrative Officer to Town Administrator (the former is not a widely understood or used term). The current Administrative Officer's job description, adopted by the BOS on August 4, 2016, and employment contract provided the foundations for the Commission's proposed charter changes.

Section 6.1 First Selectman – General

The issue discussed was whether the words "non voting" should be added to the sentence, "The First Selectman ...shall be an ex-officio member of all other Town commissions, boards, agencies and committees".

Commission's recommendation: the Commission decided by a 5-2 vote to recommend adding the words "non voting" before "ex officio". According to Robert's Rules of Order an ex officio member of a board has the right to vote on matters before that board. The Commission does not believe it was the intent of previous charter commissions to give the first selectman the right to vote on all town boards and commissions, and Commission members acknowledged that they are not aware of a first selectman voting on a town board or commission (other than the BOS) but the majority felt that it should be clearly stated that the first selectman is not entitled to do so.

Chapter 7 – Appointed Commissions, Boards and Agencies

Section 7.1 (A) – The BOS raised the issue of whether any of the listed boards and commissions should be eliminated and/or governed by ordinance.

Commission's recommendations: 1) The Economic Development Commission should be removed as a permanent appointed commission. One member of the Commission learned through discussion with a member of the EDC that the EDC is considering joining a regional EDC and Bolton's EDC membership has dwindled. The BOS will continue to have the authority to appoint an EDC in the future. (7-0 vote)

2) The Commission voted 5-2 to recommend combining the Inland Wetlands Commission and Planning and Zoning Commission. The majority felt this would help applications move through the Bolton land use process faster and more efficiently.

3) The Commission recommends adding the Planning and Zoning Commission and its alternates and the Zoning Board of Appeals and its alternates to the list of appointed boards and commissions in this section.

Section 7.3 (A) – Membership – A member of the public requested that this provision be changed to allow individuals who are not "electors" of the town to serve on town boards and commissions.

Commission's recommendation: The Commission voted to recommend leaving the language as is. An "elector" is a voter, and the Commission believes that if an individual is enthusiastic enough to want to serve on an appointed board, the individual should take the steps needed to become an elector. (6-1 vote)

Section 7.3 (C) – "Deemed" Resignation

Commission's recommendations: The Commission recommends eliminating the provision which deems a member or alternate of an appointed board or commission to have resigned if the member fails to attend one-half of the board's meetings in a fiscal year. The Commission believes that an affirmative act of removal is more appropriate than passive removal through inaction. (6-0 vote). A question was raised as to whether this provision conflicts with section 7.1 (C) and it was determined that it does not.

Provisions regarding removal will be moved from Chapter 7 to Chapter 12 so that all provisions which address removal or resignation will be in the same chapter.

Section 7.3 (D) – Vacancies in appointed boards and commissions

Commission’s recommendation: The Commission recommends removing the provision by which an alternate on an appointed board or commission will automatically receive an invitation to fill a vacancy. This mirrors the Commission’s action on Section 2.5 (vacancies in elected offices) and the language will be moved to Chapter 12, so that all provisions regarding removal and vacancies will be in the same chapter. (7-0 vote)

Sections 7.3 (E) and (F) – Term of appointment to vacancies and reporting

Commission’s recommendation: these provisions should be moved to Chapter 12 so that all provisions regarding removal and vacancies will be in the same chapter. (7-0 vote)

Section 7.4 (B) – Board of Fire Commissioners

Fire Chief Bruce Dixon raised the issue of changing the term of the members of the Board of Fire Commissioners from five to four years because it is getting difficult to find people to serve for a five year term.

Commission’s recommendation: the term of members of the Board of Fire Commissioners should be changed from five years to four years, with appointments to be made with at least one new commissioner selected each year. (7-0 vote).

Section 7.4 (D) - Temporary Public Building Commission

Raised by public comment the issue was whether the TPBC should be made permanent or in the alternative remain in effect until the completion of a public building project. Under the current charter the TPBC remains in effect until the completion of the building project or eighteen months, whichever occurs sooner.

Commission’s recommendations: The charter language should be changed to keep the TPBC in effect “until the project is completed as determined by the Board of Selectmen.” This will ensure that members who are knowledgeable about the project will remain on the Commission until bonds are released and all information the BOS needs to determine the final close-out of the project is available. Also, the TPBC should remain a temporary commission because that format is more likely to attract individuals with an interest in and knowledge of a specific project.

Chapter 8 – Finance and Taxation

Finance Director Jill Collins provided helpful information for the Commission’s discussion of this chapter.

Section 8.2 – Audits

Existing charter language requires the Board of Finance to annually designate an accountant or firm to conduct the audit. The Town’s current auditor works under a five-year contract so the Commission recommends amending this provision to allow the Finance Committee to hire an auditor either annually or for a period not to exceed four years. This four-year term mirrors the proposed new four-year term of the BOS. (7-0 vote)

Section 8.3 – Treasurer

Commission’s recommendation: Because the treasurer is an Appointed Officer under a town ordinance, language should be added stating that the BOS shall appoint the Treasurer and that the Finance Director may act as Town Treasurer, which is the current practice. (7-0 vote)

Section 8.4 Preparation of the Budget and Capital Improvement Report

Commission’s recommendations: A number of references to the Board of Finance should be changed to “Finance Committee” and in section 8.4 (D) (3)(a)(i) and (b)(i) the word “audited” should be inserted

Section 8.5 (B) Annual Budget Referendum Action

The Commission discussed whether a provision should be added to the charter which requires a plain-language description of the budget and simplified financial statement to be made available to the public before the referendum on the budget. It was noted that this was done in prior years but has not been done recently. The Commission agreed that this would be helpful to the public and acknowledged that the language must be neutral in tone and without intent to influence voters.

Commission’s recommendation: include a new provision in Section 8.5 requiring a plain language explanation of the budget and a simplified financial statement be posted on the Town’s website prior to the budget referendum. (7-0 vote)

Section 8.5 (C) (1) Failure to Adopt the Budget

Issue 1 - The Commission discussed the provision which requires the BOF to reduce the total budget each time the budget is rejected at referendum.

Commission’s recommendation: By a 4-3 vote the Commission voted to recommend changing the word “reduce” to “revise” thereby allowing the BOF, or new Finance Committee, to revise the total budget up or down after it is rejected at referendum. The majority felt that charter language should be neutral and only allowing the budget to be reduced is weighted toward those who want a lower budget, encourages voters to continue to vote against the budget and does not promote compromise.

Issue 2 – The Commission discussed whether the current system of limitless referenda after budgets are rejected should be changed. The primary option discussed was that in the case of two failed referenda the budget would revert to the budget of the previous year with no increase in the mil rate and any budget increase would be less than or equal to the increase in the grand list.

Commission’s recommendation: the option was not supported and the vote to modify the language as suggested failed 3-4.

Section 8.5 (E) Levy and Collection of Taxes

Public comment requested the Commission to consider changing the Town’s current procedure of sending tax bills annually to sending them semiannually.

Commission’s recommendation: No change. Through conversations with town staff it was determined that sending annual tax bills benefits the Town in terms of interest earned and workload for town staff. Also, there is nothing in the current charter or statutes that prevents the BOS from adopting a semi-annual taxing schedule. (By consensus)

Section 8.6 (B) Transfers of Appropriations – Town Boards, Commissions, Agencies and Officers

Through conversations with Director of Finance Jill Collins it was suggested that notice of transfers of unexpended balances from one account to another should be given to the BOF (or the new Finance Committee) prior to the next scheduled meeting of that board, instead of within four business days. (7-0 vote)

Commission’s recommendation: Change so that written notice of transfers of unexpended balances will be provided to the Finance Committee prior to its next scheduled meeting. This is in keeping with current practice.

Section 8.6 (C) (3) and (5) Supplemental Appropriations – Board of Finance Action

This Commission discussed whether the current \$20,000 maximum on BOF approval of supplemental appropriations and the \$20,000 level at which supplemental appropriations must be passed on to Special Town Meeting for action should be changed.

Commission’s recommendation: Yes. Replace \$20,000 in both sections with .2% of the most recently adopted Town budget which is about \$46,000 under the current budget. This provides flexibility to reflect changes in the Town’s financial condition and is similar to recommended changes to thresholds for referenda on supplemental appropriations and borrowing. (7-0 vote)

Section 8.6 (D)(1) Supplemental Appropriations – Town Meeting Action

Commission’s recommendation: Change threshold as explained under Section 9.7(A)(1).

Section 8.7 (A) Reserve Fund for Capital and Nonrecurring Expenditures

A member of the public requested review of the language in this section which restricts the use of the Reserve Fund for Capital and Nonrecurring Expenditures for items including “....any specific item of equipment.....” It was noted that when computer equipment is purchased in individual units it does not meet the Town’s threshold for using the fund, yet computer equipment needs to be replaced on a regular basis.

Commission’s recommendation: The Commission recommends leaving the language as is. Accounting treatment of computer purchases is decided by the CAPA Committee, not by the charter, and the charter language is flexible enough to accommodate such purchases. Technology equipment is not considered by the current Bolton administration to be a non-recurring expenditure and should be funded under current operations budgets. (By consensus)

Section 8.7 (C) (3) Operation of the Reserve Fund for Capital and Nonrecurring Expenditures

This section currently requires project appropriations included in the Reserve Fund for Capital and Nonrecurring Expenditures be at least \$10,000. Public comment requested that this minimum be reviewed.

Commission’s recommendation: change the \$10,000 minimum to .05% of the most recently adopted Town budget which is about \$11,500 under the current budget. This provides flexibility that reflects growth of the Town’s budget and financial condition and is consistent with other recommended threshold changes. (6-1 vote)

Section 8.8 (B)(3) – Borrowing

Commission’s recommendation: Change threshold as explained under Section 9.7(A)(2).

Section 8.9 (E) Expenditures and Accounting

Through discussion with Director of Finance Jill Collins the issue of the timing of the publication of the town’s annual report was raised.

Commission’s recommendation: The Commission recommends changing the date to March 15 based on the fact that the Town’s audit is usually not completed by February 1. (7-0 vote)

Section 8.11 Public Records

To aid in the public’s understanding and awareness of the budget process the Commission recommends that a new section should be added to the charter which requires that copies of the

budget, capital program, independent audits and appropriation and revenue ordinances be available on the Town's website. (7-0 vote)

Chapter 9 – Town Meeting

Section 9.1 (B) Voter Eligibility

A member of the public requested the Commission to consider changing this section to prohibit non-residents who own property assessed at least \$1,000 from voting at town meetings and referenda.

Commission's recommendation: The Commission recommends leaving the language as is. State law (CGS Section 7-6) provides that anyone age 18 or older who is liable for taxes on assessed property of \$1,000 or more may vote at town meetings. The Commission does not believe this statutory provision can be altered by charter. (By consensus)

Section 9.7 Actions that Require Referendum

The focus of the discussion about this section and related provisions in Chapter 8 was whether the thresholds for approving certain items at referendum (as opposed to at a special town meeting) should be lowered. The thresholds for borrowing, approving supplemental appropriations and applying for grants that require a town match were reviewed. The Commission discussed that voter turnout at town meetings is often low because people have a conflict with the meeting date or do not want to attend a meeting. Also, town meetings are usually attended primarily by those interested in approving the items on the agenda. Referenda provide the opportunity for more voters to get to the polls and therefore the results reflect a wider range of residents' opinions. The Commission feels that high-cost items should be voted on by more voters than those who attend a town meeting.

The current charter allows borrowing of around \$2.2 million, supplemental appropriations of about \$1.1 million and matching grants of about \$111,000 to be decided at a special town meeting. The first two are based on a percentage of the town's grand list and the third is based on a percentage of the town's annual budget.

Commission's recommendations: A majority of the Commission believes that town meeting votes are appropriate to decide borrowing and supplemental appropriations of about \$300,000 to \$500,000 and that amounts over that should be submitted to the voters at referendum. Also, the thresholds should be based on a percentage of the town's annual budget, not the grand list which fluctuates during re-evaluation years. The Commission voted to recommend changing the thresholds as follows:

The threshold at which a supplemental appropriation is submitted to referendum will change from greater than .25% of the last approved grand list to greater than 1.5% of the total annual budget. Sections 9.7 (A)(1) and 8.6(D)(1) This change lowers the threshold from about \$1.1 million to about \$345,000. (6-1 vote)

The threshold at which borrowing is submitted to referendum will change from greater than .5% of the last approved grand list to greater than 2% of the total annual budget. This lowers the threshold from about \$2.2 million to about \$460,000. Sections 9.7(A)(2) and 8.8(B)(3). (6-1 vote)

Matching Grants: no change.

Section 9.9 Procedure

The issue is whether a request to vote by paper ballot at a town meeting should automatically be granted when a voter so requests. The Commission acknowledged that it can be intimidating to vote by voice or hand at town meetings where the majority of attendees are often on one side of an issue. A paper ballot vote provides anonymity and eliminates the intimidation factor. The logistics of using paper ballots will be the responsibility of the town clerk and the town meeting moderator.

Commission's recommendation: add to this section a provision that if at least three attendees at a town meeting request a vote to be taken by secure anonymous ballot that request will be granted. The BOS may be authorized by ordinance to provide for voting by ballot in the case of online or remote meetings. (7-0 vote)

Chapter 10 Qualifications and Limitation re Service on All Boards/Commissions/Offices

Section 10.2 Incompatible Offices

The Commission acknowledged that many members of elected town boards and commissions and some town employees serve or have served in the Bolton Volunteer Fire Department and this valuable service to the town should be encouraged.

Commission's recommendation: to add a provision clarifying that serving in a volunteer fire department or emergency service organization is not incompatible with holding a town office, other than the Town Administrator position, and holding a compensated position in such groups is also not incompatible but should be disclosed to and approved by the BOS. (7-0 vote)

Section 10.3 Conflicts of Interest

The Commission devoted considerable time to discussing possible amendments to this section. There was general agreement that because the BOS adopted an ethics ordinance in 2015 and established a Board of Ethics in 2017, the charter provision concerning conflicts of interest should be expanded.

Commission's recommendation: new charter language should include specific authorization for the BOS to adopt a Code of Ethics and create a Board of Ethics, a provision describing the consequences if individuals violate the ethics provisions, and

clarification that decisions made by a town board or commission in which someone in violation of the ethics provisions participated will be voidable. (7-0 vote)

Chapter 11 Organization of the Boards, Meetings and Records

Section 11. 1 (A) Organization Meeting (Elected Commissions)

Issue 1: Raised by a Bolton staff member, the issue is whether the timing of the election of board and commission chairmen should be changed because in some situations the meetings of boards and commissions do not fall within the time frame specified in the charter.

Commission's recommendations: The time frame within which chairmen of elected boards and commissions must be elected (after the second Monday following the election but within 45 days of the election) should be changed to within two months of the election. The Commission also decided to change the words "each year" to "each municipal election" to clarify which elections trigger the board or commission organizational meeting and vote. (6-0-1 vote)

Issue 2: Raised by public comment, the issue is whether this section conflicts with C.G.S. Section 10-218 regarding the election of Board of Education chairmen.

Commission's recommendation: This section conflicts with the state statute so the phrase "except as otherwise provided by statute" should be added. (Consensus)

Issue 3: Raised by public comment, the issues are whether the charter should require BOS, Finance Committee and BOE meetings to be recorded by audio or video for broadcast and preservation and whether all meeting materials of the BOS, BOE and Finance Committee should be required to be posted online in a searchable manner.

Commission's recommendation: Yes. The Commission feels these requirements will allow for greater public access to the boards' decisions and discussions. The phrase "where practical and feasible" will be included in the new language. (Consensus)

Chapter 12 Removal/Recall

It was agreed that all charter provisions relating to resignation, removal and vacancies in appointed offices should be moved to this chapter. It was also agreed that the title of the chapter should be changed to "Removal/Vacancies" because the term "recall" pertains to removal of elected officials which is not contemplated by this charter.

Section 12.1 (A) Suspension and Removal

Issue 1: How many votes of the BOS are needed to suspend and remove an appointed town officer or a member of an appointed town commission, board or agency?

Commission’s recommendation: the vote needed to suspend an individual should be a majority of the BOS and the vote to remove an individual should be a majority plus one of the BOS.

Issue 2: Should the term “cause” for suspension or removal be defined?

Commission’s recommendation: the Commission believes it important to define “cause” to provide parameters for the BOS’s suspension or removal action and clarity to the individual involved. The Commission’s proposed definition includes repeated absences from meetings, failing to carry out the duties of the position for a period of 90 days, violations of the conflicts of interest provisions in the charter and Ethics Ordinance and willful misconduct. The “deemed resignation” provision in section 7.3 (C) is eliminated. (6-0 vote)

Section 12.1 (B) Suspension Process

As written, the current charter allows suspensions to occur without substantiation. The Commission considered the ability of the BOS to suspend an individual without a written allegation and the right of the accused individual to keep the allegation private.

Commission’s recommendation: The Commission voted to recommend adding language that clarifies that the BOS can initiate a suspension process based on a credible allegation of facts by a town official, member of a board, or member of the public. (6-0-1 vote)

Chapter 13 Transition and Miscellaneous Provisions

Section 13.7 Effective Date

The dates in this provision will be changed.

Conclusion

The Commission looks forward to working with the BOS on any suggested changes to this report and once finalized, discussing how the proposed amendments should appear on the ballot at the November election. The Commission will draft proposed charter language for the town attorney’s review. Thank you for giving the Commission the opportunity to serve the Town of Bolton in this important role.

Acknowledgement

The Commission would like to express its gratitude to Michael J. Stankov for his outstanding work as Clerk of the Charter Revision Commission. Michael hosted Zoom meetings, made sure the Record button was on and took detailed, thorough minutes of the meetings. Commission meetings were long, involved references to state statutes, town ordinances and charter sections,

motions were stated quickly and discussions took many turns. Michael captured everything clearly, thoroughly, and added spice to the minutes with light-hearted adjectives.

SUMMARY OF PROPOSED CHANGES TO THE TOWN OF BOLTON CHARTER

January 2021

Form of Government

Charter Section	Decision	Reasoning	Date Decided/Vote
5.1(B)1	Change wording re: "majority"	Per changes in BoS size and FC: a majority = 4, a higher vote = majority + 1	11/12/20 7-0
5.1(D) Consider changes to assigned powers and duties of town officials. Change Administrative Officer duties?	Change title to Town Admin, refine and clarify duties and when must report to FS and BoS	Current Form of Gov't works if clarify duties and line of reporting. Gives TA autonomy over day-to-day operations with oversight by BoS to prevent overreaching of authority. Eliminates current provision requiring four votes of BoS to hire or discharge. Termination of TA handled according to the terms of employment contract (current practice). Changes reflect current AO's job description and employment contract adopted by BOS.	7/16/20 4-3
6.1 Should "non-voting" be added in front of "ex officio"?	Yes	Current charter allows FS to vote on all boards. Not practiced but should be clarified that FS cannot vote.	11/12/20 5-2

Procedural

Charter Section	Decision	Reasoning	Date Decided/Vote
1.4(B) Make charter language gender neutral	Yes	Current definition in 1.4(B) still results in using masculine oriented language. Language will be made gender neutral to the extent reasonably practical. The terms "Selectman" and "Selectmen" will remain the same.	1/14/21 5-2
2.3 Allow non US citizens to hold elected office?	No change	CT constitution says to be eligible for office must be elector. Elector = US citizen	9/22/20 Consensus
2.4 Are current provisions sufficient?	Reverse current order. Change to coin toss as first method	Promotes good will, saves \$3K-5K, no disruption of town business as with special elections. Spec Elec still available if candidates do not agree.	5/20/2020 7-0
2.5 Issue 1 How should vacancies in elected office be filled?	Change to remove offer to alternate	Leaves in place ability of remaining board members to appoint. May appoint alternate. Some alternates don't attend meetings, so may not be best choice to hold full position.	9/22/20 Issue 1 Consensus
2.5 Issue 2 Change so appointee serves until expiration of term, not until next election?	No change	Appointee should run at next election to keep position	9/22/20 Issue 2 Consensus
9.3(5) Threshold for vote at special town meeting for fed grants requiring local share	No change	Current (about \$111,000) level is reasonable.	12/10/20 Consensus
9.7(A)(1) and 8.6 (D)(1) Threshold for supplemental appropriations submitted to referendum	Change to 1.5% of annual budget	Threshold too high. Town meetings attract special interest groups and many voters cannot make them so referendum reflects wider range of opinions. Also, should not be tied to grand list which has large fluctuations in re-evaluation years. Lowers threshold to about \$345,000.	12/10/20 6-1
9.7(A)(2) and 8.8(B)(3) Threshold for borrowing submitted to referendum	Change to 2% of last annual budget	Currently, town meetings can approve borrowing up to about \$2.2M. Too high. Town meetings attract special interest groups and many voters cannot make them so referendum reflects wider range of opinions. Also, should not be tied to grand list which has large fluctuations in re-evaluation years. Lowers threshold to about \$460,000.	12/10/20 6-1
9.9 Use of paper ballots at town meeting	Change	If three people request, vote will be by secure anonymous ballot. Provides anonymity.	12/10/20 7-0
11.1(A) Election of Chair of BoE	Add "Except as otherwise provided by statute"	Eliminates conflict with CGS §10-218 Re-election of Chairman of BoE	12/17/20 Consensus

11.1(A) Organization of Elected Boards	Change timing of election of Chairmen of elected boards and commissions to within two months of a municipal election. Add "municipal" twice before "election" and remove "each year"	Addresses issue of when election of chair doesn't fall in 45 day period and special meeting is needed, and clarifies "municipal" election.	12/17/20 6-1 (the 1 is an abstention)
11.2(E) Post all meeting materials of BoS, BoE, FC online in searchable manner	Add "where practical and feasible"	Moves toward more transparency. Technology is advanced enough so this should not be burdensome or too expensive	12/17/20 Consensus
11.2(E) Record BoS, BoE, FC meetings for broadcast and preservation	Add "where practical and feasible"	Moves toward more transparency. Technology is advanced enough so this should not be burdensome or too expensive	12/17/20 Consensus

Structural

Charter Section	Decision	Reasoning	Date Decided/Vote
3.1 Eliminate references to Judge of Probate	Yes	No longer a municipal office	10/8/20 7-0
3.1(B) Discuss if positions should be elected or appointed	Leave Board of Assessment Appeals elected	Because deals w/ taxation & public	9/22/20 Consensus
	Leave Town Meeting moderator elected	Because highly visible to public	9/22/20 Consensus
	Change P&Z, ZBA, and Alternates to appointed	Land use decisions should not be influenced by members' political affiliation, we can look to unaffiliated voters to fill seats when appointed because parties rarely run unaffiliated voters, and more people willing to serve on boards if they don't need to run for office	10/8/20 7-0 for both commissions
	Change BoF to be an appointed Finance Committee of 7 members	Configure: 3 members appointed from/by BoS including FS, 2 members from/by BoE, 2 at large members—one each appointed by BoS and BoE. Reduces redundancy in budget creation process, brings together BOS and BOE perspectives early in process, encourages collaboration, reduces difficulty of finding candidates to run for public office.	1/14/21 7-0
3.5(B) Change so unsuccessful candidate for FS does not serve on BoS?	Yes	Role of FS is distinct from role of other selectmen so a vote cast for FS candidate should only be for that office and not for that person to serve on the BOS if loses FS race.	10/8/20 4-3
3.5(B) Increase size of BoS to 7? All serve 4 year terms?	Yes, increase to 7, and yes to 4 year terms	Tied to new FC. Helps with greater time commitment needed by BOS members serving on FC. Reflects wider range of opinions, requires more compromise and cooperation. BOS will have control over appointments to PZC/IWC and ZBA so four votes of 7-member BOS (as opposed to 3 votes of 5-person board) brings greater perspective to appointment process. Four year terms better for long-term planning, completion of initiatives, encourages more people to run for BOS because campaigning only every 4 years. Staggered terms allows more experienced members to pass on knowledge to newer members.	10/8/20 7-0
7.1 (A) Should IWC and P&Z be combined?	Yes, combine with option to BoS to separate	Makes application process shorter promoting business development, sometimes IWC & P&Z have conflicting opinions, better to have one big proceeding than two.	10/8/20 5-2
7.1(A) Remove EDC?	Yes	EDC may be forming a regional EDC and membership is low	11/12/20 7-0
7.3(A) Should non-electors be allowed to serve on boards?	No change	Appointed members of boards should be electors of the town	11/12/20 6-1
7.3(C) Removal of appointed board members	Move to Chapter 12	Have all removal language in one place	11/12/20 7-0

7.3(D) Does it conflict with 7.1(C)?	No change	Inserting "until successor appointed" takes care of possible conflict.	12/17/20 Consensus
7.3(D) Vacancies in Appointed Boards/Commissions	Move to Chapter 12. Remove automatic offer to alternates	Same action and reasoning as with 2.5. Put all vacancy/removal provisions in same chapter.	12/17/20 Consensus
7.3(D) Vacancies in appointed positions	Move to Chapter 12	Have all removal and vacancy language in one place	11/12/20 7-0
7.3(E) Term of those filling vacancies	Move to Chapter 12	Have all removal and vacancy language in one place.	12/17/20 Consensus
7.3(F) Reporting vacancies	Move to Chapter 12	Have all removal and vacancy language in one place.	12/17/20 Consensus
7.4(B) Fire Commissioners change term to 4 yrs, staggered year by year, appoint at least 1 new each year	Yes	Hard to get people to serve 5 years. Staggering keeps continuity.	11/12/20 7-0
7.4(D) Change how long TPBC in effect?	Change language to ". . . Shall remain in effect until the project is completed, as determined by the BoS."	Gives BoS ability to keep TPBC intact until they determine completion, i.e. upon release of bonds. Keeps personnel who have knowledge of project in place.	1/14/21 7-0
Add 10.2(G) Ok for town officials/employees to serve on Fire Department	Yes	Long history of selectmen and others of serving this way. Important to allow them to do that—valuable members and FD needs volunteers	11/12/20 7-0
10.3 Removal process if conflict policy violated	Move to Chapter 12	Have all removal provisions in one place	11/24/20 7-0
Chapter 12 Title	Change to Removal/Vacancies	There are no recall provisions in charter so word "recall" should not be in title.	12/17/20 Consensus
12.1(A) Adopt definition of "cause" and eliminate "deemed resignation" provision in 7.3(C)	Change	Need definition of "cause" to guide BoS and give clarity to individual involved. Better to have an affirmative action to remove than a deemed resignation based on failure to attend.	12/17/20 6-0
12.1(A) Change BoS vote needed to suspend to 4 and remove to majority +1	Change	Reflect increase in size of Bos to 7.	
12.1(B) Improve Suspension Process	Change	Under current charter, suspension can occur w/o any substantiation. Will require a credible allegation of facts.	12/17/20 6 in favor, with 1 abstention

Budget & Taxation

Charter Section	Decision	Reasoning	Date Decided/Vote
8.2(A) Audit	Change timing of selection of auditor from annually to 4 yrs. Remove "competitive"	Makes appointment coincide w/new BoS 4 yr terms and current auditor works under a 5 yr contract.	11/24/20 7-0
8.3 Treasurer	Add provision that BoS shall appoint treasurer every 4 yrs and Finance Director may act as Treasurer.	Makes appointment coincide w/ new BoS 4 yr terms, and brings in line with current practice	11/24/20 7-0
8.4(D)(3)(a)(i) and (b)(i) Preparation of Budget	Add word "audited"		11/24/20 Consensus
8.5 Adoption of Budget plain language statement to voters	Yes	Plain language, tone neutral, explanation of the budget to be posted prior to referendum	11/24/20 7-0
8.5(C) What to do after two failed budget referenda	An alternative was considered but not supported	Encodes a point of view not appropriate for the Charter. Too much variation in grand list. Could result in unwanted tax increases.	11/24/20 3-4 motion failed

8.5(C)(1) Adoption Budget	Change "reduce" to "revise"	"Reduce" not a neutral term and charter language should be neutral. Only allowing the budget to be reduced is weighted toward those who want a lower budget, encourages voters to continue to vote against the budget, and does not promote compromise.	11/24/20 4-3
8.5(E) How often tax bills are sent out	No change	Per conversation with town staff, would double workload, and town saves between 4K-5K in interest under current annual scenario. BoS has ability to adopt semi-annual taxing schedule.	1/14/21 Consensus
8.6(B) Transfers of Special Appropriations	Change written notice of transfers from w/in 4 business days to "prior to next scheduled FC meeting"	Staff suggestion.	11/24/20 7-0
8.6(C)(3)	Change \$20K cap on FC approval of supplemental appropriations to .2% of most recently adopted budget	\$20K is a static number. More appropriate to tie it to budget to reflect changes in town's financial condition. Flexibility until next charter revision.	1/14/21 7-0
8.6(C)(5)	Change \$20K figure at which FC must pass supplemental appropriations decision on to town meeting to .2% of most recently adopted budget	\$20K is a static number. More appropriate to tie it to budget to reflect changes in town's financial condition. Flexibility until next charter revision.	1/14/21 7-0
8.7(A) Include computers in CAPA?	No change	Accounting treatment of purchases is decided by CAPA committee.	12/10/20 6-1
8.7(C)(3)	Change \$10K minimum for project appropriations to be funded though the Fund for Capital and Non-recurring Expenditures to .05% of most recently approved budget	Allows for reality of growth in town's budget	1/14/21 6-1
8.9(E) Annual Report	Change date by which FC publishes annual report from Feb 1 to Mar 15	Staff reports that the audit is never ready by Feb 1.	11/24/20 7-0
8.11 Public Records	Add new section	Copies of budget and other materials must be available on town website.	11/24/20 7-0

Non-charter Issue

Charter Section	Decision	Reasoning	Date Decided/Vote
Add safety issues	No change	BoS has power to establish safety procedures and a public safety commission not appropriate matter for charter	1/14/21 Consensus

**Prepared by the Bolton Charter Revision Commission
Appointed November 2019**

Members:

Gwen Marrion, Chair
Eleanor Georges, Vice Chair
James Aldrich
Jay Brudz
Richard P. Hayes, Jr.
Adam Teller
John B. Toomey, Jr.

DRAFT RESOLUTION

Defining the Charge of the Bolton Charter Revision Commission
Unanimously Adopted - October 1, 2019

WHEREAS, pursuant to Section 7-190(a) of the Connecticut General Statutes, the Board of Selectmen of the Town of Bolton shall appointed a Charter Revision Commission consisting of several electors of the Town of Bolton; and

WHEREAS, pursuant to Section 7-190(b) of the Connecticut General Statutes, the Board of Selectmen desires to make recommendations to the Charter Revision Commission; and

WHEREAS, pursuant to Section 7-190(b) of the Connecticut General Statutes, the Board of Selectmen must establish when said Commission shall submit its draft report to the Board of Selectmen.

NOW, THEREFORE, be it resolved by the Board of Selectmen of the Town of Bolton that the following recommendations be directed to the Charter Revision Commission forthwith:

1. Review and possible edit of Section 2.4, Breaking a Tie, to determine if the current procedures are sufficient for settling future instances of tied electoral races.
2. Review and possible edit of Section 3.1; Commissions, Boards, Agencies, and Officers; and related sections for the purposes of determining whether each of the listed positions should continue to be elected or if select positions should be filled by appointment instead.
3. Review and possible edit of Section 3.5; Biennial Town Elections: Commissions, Boards, Agencies, and Officers, Terms and Additional Duties; and related sections for the purposes of deciding whether each position should continue to keep their current length of terms or if they should be adjusted.
4. Review and possible edit of Chapters 5 and 6, Board of Selectmen and First Selectman, and related chapters for the purposes of evaluating the town's form of government, potentially considering a switch to a Council-Manager form of government or other government design, and otherwise making amendments to the assigned powers and duties of the town officials mentioned therein.
5. Review and possible edit of Section 7.1; Commissions, Boards, and Agencies; and related sections for the purpose of considering whether or not each listed Board, Commission, and Agency should be governed by the Town Charter or by ordinance.
6. Review and possible edit of Chapter 8, Finance and Taxation, and related chapters for the purposes of considering whether the town continues to have need of an independent Board of Finance, evaluating budget creation procedures and the referendum process, and considering other changes to the finance and tax procedures previously established by the town.
7. Review and possible edit of Chapter 9, Town Meeting, and related chapters for the purpose of evaluating the effectiveness of the current Town Meeting requirements as well

as the type and size of financial items that must be reviewed by Town Meeting or go to referendum.

8. Review and possible edit of Section 10.2, Incompatible Offices, and other related sections to determine whether the chapter suitably addresses all possible combinations of offices that should remain separate for ethical reasons.
9. Review and possible edit of Chapter 11; Organization of the Boards, Meetings, and Records; as per the recommendations of the Town Clerk.
10. Review and possible edit of Chapter 12, Removal/Recall, and related chapters for the purpose of evaluating the town's policies surrounding the suspension and removal of any appointed or elected town officials.
11. Edit of Section 13.7, Effective Date, and related sections for the purpose of defining when proposed changes to the Town Charter may be enacted.
12. Review and possible edit of any chapters and sections of the Town Charter for the purpose of fulfilling the aforementioned requests made by the Board of Selectmen, as well as any other requests that may be made by the Board of Selectmen between now and the end of the revision process.

The review by the Charter Revision Commission is not restricted to the areas or topics noted above.

BE IT FURTHER RESOLVED by the Board of Selectmen of the Town of Bolton that the Charter Revision Commission submit to the Clerk of the Town of Bolton its draft report no later than February 1, 2021.

TIMELINE

1. Fall 2019: Establish and Appoint a Charter Revision Commission.
2. January 2020 – January 2021: Commission accepts public feedback and deliberates over prospective charter amendments, ultimately developing a final proposed draft and report to submit to the Town Clerk and, in turn, the Board of Selectmen.
3. February 1, 2021: Last Day that the commission report to the Town Clerk may be submitted.
4. By March 15, 2021: Board of Selectmen holds public hearing on draft report.
5. By April 1, 2021: Board of Selectmen submits any recommended changes to draft report.
6. By April 30, 2021: Commission given until this date to incorporate any Board of Selectmen-requested edits to the report.
7. By May 15, 2021: Final report submitted to the Town Clerk. Board of Selectmen has 15 days to approve or reject proposed changes.
8. By June 29, 2021: Tentative deadline by which electors must file petitions for referendum on items that the Board of Selectmen reject.
9. Within 30 days of Board of Selectmen approval or certification of petition, amendments must be published in local circulating newspaper.
10. Upon Board of Selectmen approval or petition, Selectmen decide on vote at regular election or special election (no longer than 15 months out from aforementioned approval).
11. By September 1, 2021: Submit ballot questions to Town Clerk and Secretary of the State's Office.
12. November 2, 2021: votes cast on Election Day.