


**TOWN OF CROMWELL
CHARTER REVISION COMMISSION
ROOM 222
41 WEST STREET, CROMWELL, CT 06416
MAY 25, 2022 6:00 p.m.
MINUTES**

Present: Vice Chairman Phil Gagnon, Ann Grasso, Mike Cannata, Lou Menendez,
Marie Roberto (arrived at 6:16 p.m.), Geoff Oryell (arrived at 6:50 p.m.),
Chairperson Jennifer Lepore (arrived at 6:55 p.m.)

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JoAnn Doyle
TOWN CLERK
CROMWELL, CT 

Also Present: Town Attorney Kari Olson

A. CALL TO ORDER

Vice Chairman Phil Gagnon called the meeting to order at 6:05 p.m.

B. APPROVAL OF AGENDA

Motion to approve the May 25, 2022 agenda made by M. Cannata,
L. Menendez seconded. *All were in favor; the motion passed.*

C. PUBLIC COMMENTS

None

D. OLD BUISNESS

Vice Chairman Gagnon reviewed two items with Attorney Olson which were discussed in the last meeting. One of the items was presenting Section 3.02. Removal, regarding the Town Manager's contract, to Attorney Ken Weinstock. The second item was the presentation of scenarios of staggered terms for the Board of Finance.

Attorney Olson presented a chart (Attachment one) with scenarios of staggered terms for the Board of Finance. Currently, the Board of Finance terms are six years and Attorney Olson was asked by the Commission to look at staggered terms of four years, considering five members or seven members; because there was a perception, based on past practices, that having six members often results in a stalemate. Vice Chairman Gagnon asked Attorney Olson to explain the chart on the top of the page with a six-member scenario. Attorney Olson stated that currently there are six members of the Board of Finance, each serving six-year terms, staggered, with two being elected during each two-year election cycle. What this means is, that if this Charter is adopted in 2023, Board of Finance members one and two will get a six-year term, members three and four will get a four-year term, and members five and six will get a two-year term. Vice Chairman Gagnon asked how this would affect the seniority of the current makeup of the Board of Finance. Attorney Olson said minority representation would have to be considered. In prior versions of the Charter, the way we had suggested was that lowest vote getters would have the shortest terms, and the highest vote getters would have the longest term, to start. Vice Chairman Gagnon asked about if the Charter is adopted and goes to five

members vs. six. Attorney Olson said to then refer to the proposal on the chart which proposes members one, two and three get four-year terms, members four and five get two-year terms, and that would then be staggered. Vice Chairman Gagnon asked, who would be the lost member, member number six? Attorney Olson answered that it would have to state in this new Charter, that there will only be a five-member Board of Finance starting in 2023. We would have look to at who is left and what their terms are. Vice Chairman noted that Ms. Roberto arrived at 6:16 p.m. and a recess was called 6:17 p.m. Vice Chairman Gagnon called the meeting back to order at 6:23 p.m.

The Commission discussed various scenarios relating to Attorney Olson's chart and also discussed minority representation. Ms. Roberto asked a question about how this would apply to someone being of the Independent Party. Mr. Menendez also asked a question of whether you could have four Democrats on the Board of Finance, one Independent and no Republican representation, on a five-member board. Attorney Olson said yes, because the rule of minority representation only sets that maximum for any one party; it doesn't tell you how many members you have to have. What we have to do is respect the existing terms.

Chairperson Jennifer Lepore arrived at 6:55 p.m. Chairperson Lepore asked the Commission who was in favor of changing the makeup of the Board of Finance to five members instead of six. Ms. Roberto, Mr. Gagnon, Mr. Cannata, Mr. Menendez and Ms. Grasso were in favor. Chairperson Lepore is in favor of a seven-member board. The majority rules. Attorney Olson said that she will work on the language of Section 5.06 of the Charter that deals with the transition. Chairperson Lepore asked if it would be three two-year terms or three four-year terms? Attorney Olson stated to start, and then it will all be four-year terms after the first rotation. She then suggested to the Commission that the person who takes the fifth seat should have a four-year term. The Commission agreed.

Vice Chairman Gagnon brought up Section 3.02 of the Charter, which was to be presented to Attorney Ken Weinstock. Attorney Olson will follow up with Attorney Weinstock on this. Mr. Oryell arrived at 6:50 p.m.

E. APPROVAL OF MINUTES

Vice Chairman Phil Gagnon asked for a motion to be made to move the approval of the minutes of the May 18, 2022 meeting to after item "E. Old Business." Mr. Cannata made the motion, Ms. Grasso seconded. *All were in favor; motion passed.*

F. NEW BUSINESS

Article VIII

ANNUAL BUDGET AND FINANCIAL PROCEDURES

Section 8.01. Fiscal Year.

No changes or additions.

Section 8.02. Submission of Preliminary Estimates to the Town Manager.

No changes or additions.

Section 8.03. Proposed Budget.

Subsections (a) through (c).

Mr. Oryell asked if the special funds need to be listed there? For instance, the sidewalk fund; is that always going to be in existence, or is that a temporary thing? Mr. Cannata responded that those funds were delineated by our Finance Director, Marianne Sylvester; they don't change.

The Commission decided to leave Section 8.03 as is, with proposed changes from the prior Charter.

Section 8.04. Board of Finance Action on Budget.

Subsection (a) Notice and Hearings.

No changes or additions.

Attorney Kari Olson left the meeting at 7:00 p.m.

Subsection (b). Amendment Before Adoption.

The Commission agreed with the language of subsection (b) of Section 8.04 as is, and discussed adding a new sentence to the end of subsection (b) after "annual budget referendum".

The Commission discussed this section and the majority is in favor of the budget going back to the Town Council for review. Chairperson Lepore is not in favor of it and Ms. Grasso asked her why. Chairperson Lepore stated that she is concerned about the back-and-forth, but that doesn't say that we shouldn't explore it. Ms. Grasso agrees for it to go back to the Town Council, but does the Council have the right to change it? Ms. Grasso looked at the budget, and asked what are the top five priorities that the town has for capital improvements? They are there in line items, but there's no high-level, "this is what we're looking at." The budget itself is line item driven, but there's no plan in place for how the Town is looking at larger projects and how they would be funded. Chairperson Lepore stated that it is actually the Town Manager's responsibility and we will look at that in Section 8.12. Capital Improvement Program.

Chairperson Lepore called a recess at 7:05 p.m. and called the meeting back to order at 7:17 p.m.

Vice Chairman Gagnon proposed to add to the end of Section 8.04, subsection (b):
Notwithstanding anything to the contrary of Section 8.04 (b), "The Town Council shall make or not make amendments to the budget up to a total of one percent of the annual town expenditures (inclusive of the board of education) no later than three business days after the public hearing on the proposed annual budget. The Town Council may increase or add, delete or decrease any program or amounts within the limits herein. Any Town Council amendment shall be adopted by the Board of Finance prior to referendum within the timeframe therein. "

Vice Chairman Gagnon explained further: The concept is this; Within ten business days of the public hearing, the Town Council, at that point, within their prescribed one percent in that period of time, has to talk to the Board of Finance and say that the Board of Finance will have to come up with an initial draft of an adopted budget. The Town Council will have, for example, \$460,000 or one percent, whatever it is for that year, to say, "we're deleting here, we're increasing here" line item by line item; except for the Board of Education, because that can only be one amount.

Chairperson Lepore suggested that the first sentence should state that the Town Council "may" make amendments. Mr. Menendez asked the question about the one percent being of the total expenditure but excluding the Board of Education. Vice Chairman Gagnon said that was correct, but didn't mean that the Board of Education can't shave or add, but there can't be a line item. Ms. Roberto likes this idea because it will force the Board of Finance and the Town Council to begin to look at what they're spending money on and not just the line items. It's connecting the policy and whatever planning the Town has, which would be happening in the problematic side, which would be the Council. To then have the Board of Finance come in alignment with that - or, where it needs to divert - you have provided an opportunity in this language to permit that to happen. It's a communication back to the public and the Town; it's a communication vehicle that we don't have now. People don't look at line items, they look at the big picture.

Mr. Menendez agrees, and also that this keeps the Council and the Board of Finance accountable and it is important to the public. Ms. Grasso thinks this is a great first attempt at this and starts the conversation that the Board of Finance has to agree to what the Town Council says at the end of the day about the one percent.

The Commission discussed the concept further and agreed they liked the language. Mr. Oryell suggested to take the Board of Education budget out of this and go with a smaller amount. Ms. Grasso said she hoped that the Council would be cognizant of the fact that the intent is that it would not all go on one item. Mr. Menendez said that this is a great place to start and likes the additional language of the one percent. But there has to be something in the Town Council to be wise. Mr. Cannata agrees that if the number is too small, it's not enough for the Council to make an effective change or to put them in a good negotiating position with the Board of Finance. Vice Chairperson Gagnon talked about the Board of Education budget continuing to spiral upwards. He thinks the nature of the setup of the Town Council is not going to allow for big cuts to the Board of Education. He thinks the one percent is high enough to give it some teeth and is not too low for it to seem like a consolation prize. Ms. Roberto thinks the Commission should stay with the one percent of the total budget. It gives the opportunity to see what the Council is made of and to see how they will respond. The Council members will have to speak up in their minutes as to what they agree or disagree with and what they're going to use the money for, and that information will go out to the Town. Chairperson Lepore agrees with Mr. Oryell and thinks that \$460,000 is a lot of money and that the Board of Finance squabbles over much less, all the time.

Ms. Grasso brought up the fact that the minutes from the last Town Council meeting (5/11), did not include a motion that was made when they came out of Executive Session. When Ms. Grasso started streaming at home, they were already back in public Council Chambers.

Attorney Olson rejoined the meeting at 7:40 p.m.

Chairperson Lepore stated that her concern is about the Town Council adding this after the public hearing, so there is no discussion or public input as to what that money is going to be used for. Ms. Grasso asked if there any way that this notification of the one percent can go to the Council before the public hearing? I agree with you that the public should be aware. Mr. Cannata suggested that the public hearing maybe should occur after the Board of Finance sends it back to the Council and after the Council does whatever it needs to do. Then the public

hearing occurs and it is the last thing before the referendum – as it is now. Vice Chairman Gagnon said that the Board of Finance is still making the final decision on ninety-nine percent of this budget. After the public hearing, within ten business days, the Board of Finance and the Town Council will discuss how to adjust the one percent.

Attorney Olson stated that the Board of Finance is only supposed to be deciding whether there's enough money to cover the budget. It is the Town Council that decides, from policy decision, what you should be spending your money on. She sees that the Commission has significant concern that if monies were allocated to certain groups or organizations and then they got wiped out of the budget and no notice came back for the Council to fight for it.

Chairperson Lepore mentioned that Vice Chairman Gagnon thought that this would be a good way to "kill two birds with one stone." It would require the Board of Finance and Town Council to work together; therefore, there is some kind of notice, and it would leave the public feeling like the Town Council policymakers do ultimately have the last say – even if it is one percent.

Attorney Olson asked where the one percent comes in. Chairperson Lepore answered that the one percent would be the Town Council having one percent of wiggle room of the whole proposed budget.

Ms. Grasso mentioned to Attorney Olson that she feels that as well as talking about the mechanism that we're talking about – to have transparency – certainly motions that are made by the Council, should be in the minutes, particularly when it is in Executive Session.

Chairperson Lepore asked Ms. Grasso if she is saying that she wants to make sure that with the one percent, the Town Council clearly states it in whatever minutes or motion. Ms. Grasso stated that she's not sure how this would fit into the Charter, but that if it can be worded into what we're talking about in terms of the budget area. She is very troubled by the way the Town Council meeting minutes are getting shorter and shorter. Attorney Olson stated that the minutes do not have to be verbatim, but it should be noted if motion is made and seconded. Ms. Grasso stated that two weeks ago when there was a consensus, that should have been in the minutes. Attorney Olson agreed.

Chairperson Lepore reviewed the amendments she made to the proposed language to add to the end of Section 8.04, subsection (b):

"Notwithstanding anything to the contrary of Section 8.04 (b), "The Town Council may amend the budget to increase or decrease town expenditures for a maximum of one percent of the total budget, inclusive of the amount allocated to the Board of Education. The Town Council shall conduct a special meeting to make such a decision within three business days following the public hearing on the budget. Any Town Council amendment shall be adopted by the Board of Finance prior to referendum within the timeframe therein. "

Chairperson Lepore said to the Commission that if you want the Town Council to have the last say in that one percent, you need to have the Board of Finance make their decision first. They make their decision after the public hearing, with or without amendments to what was presented at the public hearing, and then that final number you would have, you take one percent of that and you have what the Town Council can play with and reallocate at that special meeting. There has to be a discussion and vote on the record in order to do something like that.

The Commission asked for Attorney Olson's input. She agreed that if that is the plan, you're not going to know what that allocation is until the Board of Finance acts. The majority of the Commission agreed with the proposed language regarding the one percent, pending Attorney Olson's review.

Section 8.05. Annual Budget Referendum.

Subsection (a)

No changes or additions.

Subsection (b). Rejection of Budget.

No changes or additions.

Section 8.06. Appropriations.

No changes or additions.

Section 8.07. Tax Rate.

No changes or additions.

Section 8.08. Tax Bills.

No changes or additions.

Section 8.09. Amendments after Adoption.

Subsection (a). Supplemental Appropriations.

No changes or additions.

Subsection (b). Emergency Appropriations.

"...fewer than three members of the Board of Finance"

Subsection (c). Reduction of Appropriations.

No changes or additions.

Subsection (d). Transfer of Appropriations.

No changes or additions.

Subsection (e). Limitations: Effective Date.

No changes or additions.

Section 8.10. Lapse of Appropriations.

Attorney Olson with consult with Finance Director Marianne Sylvester on this.

Section 8.11. Expenditures and Accounting.

Subsections (a) through (g).

No changes or additions.

Section 8.12. Capital Improvement Program.

Subsection (a). Submission to the Town Council.

The Commission discussed the Capital Improvement Program. Ms. Grasso asked for clarification between the Capital Improvement Program vs. a conceptual idea of where larger capital money would be going in the Town; what are the priorities for spending money? Attorney Olson said that sounds more like a plan the Town Council would put together, because it's their vision. Ms. Roberto asked Ms. Grasso if she was asking for a strategic plan that the Town should have in place for a five-year vision where the Town ought to be going? Does that need to be in the Charter?

Chairperson Lepore stated to Ms. Grasso that she didn't know if this would be the correct spot to put what she was thinking. This would be more of a function of the Town Council and we're not sure how we would word that as a mandate to the Council.

Ms. Roberto asked Chairperson Lepore if we could table this and take in comments and take a look at where we might fit in a master plan for the Town, and then make some determinations as to where we want to fit that in the Charter. Chairperson Lepore said that the Commission will further asses this at the next meeting.

Subsection (b). Contents.

The Commission discussed this section and changed the sentence after Contents to, "The capital program shall include, but not limited to:"

Section 8.13. Town Council Action on Capital Improvement Program.

Subsection (a). Notice and Hearing.

No changes or additions.

Subsection (b). Adoption.

No changes or additions.

Section 8.14. Public Records.

No changes or additions.

Section 8.15. Borrowing.

No changes or additions.

The Commission discussed the letter from Ms. Alice Kelly, presented in the last meeting minutes. Chairperson Lepore stated that Ms. Kelly's letter asked that, if there was any bonding specifically, over \$1 million, it should be done by referendum. Only the budget goes automatically goes to referendum now, and Ms. Kelly is concerned about the upcoming middle school project of \$40 million and to have the vote go to referendum, there will have to be a petition. The question is, where do we do this and how do we do this, as far as putting it in the Charter? Mr. Cannata suggested Section 8.06. Appropriation and Attorney Olson suggested Section 8.15. Borrowing.

Attorney Olson suggested to table this decision in order to discuss this with Finance Director, Marianne Sylvester.

Chairperson Lepore asked for a motion to approve the minutes of the May 18, 2022 meeting. Mr. Cannata made the motion, Ms. Roberto seconded. *All were in favor; motion passed.*

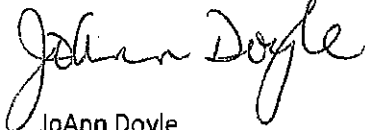
The Commission discussed the possibility of having a more comprehensive ethics policy in the Charter, such as in Ms. Grasso's attachment example. Attorney Olson believes that an ethics code should be in an ordinance, not in the Charter. The Commission will discuss this further.

Vice Chairman Gagnon announced that this will be his last meeting, as he is stepping down as the Vice Chairman of the Charter Revision Commission.

G. ADJOURNMENT

Chairperson Lepore asked for a motion to adjourn. Vice Chairman Gagnon approved, seconded by M. Cannata. *All were in favor; the motion passed.* Meeting adjourned at 9:05 p.m.

Respectfully submitted,

A handwritten signature in cursive script, reading "JoAnn Doyle".

JoAnn Doyle
Recording Secretary

BOARD OF FINANCE STAGGERED TERMS – 5 Member proposal

Current: 6 members, 6-year terms staggered by two being elected during each 2-year election cycle.

Example: BOF members 1, 2, 3, 4, 5, and 6. Below indicates the remaining term for each on election day

	2023	2025	2027	2029
1	6	4	2	6
2	6	4	2	6
3	4	2	6	4
4	4	2	6	4
5	2	6	4	2
6	2	6	4	2

Proposed – 5 members – 4-year terms – staggered – one seat with expiring term is eliminated. Other seat with expiring term is elected for 4 years. Following that the terms will naturally stagger such that either 3 or 2 new members are elected each cycle for a 4-year term going forward.

	2023	2025	2027	2029
1	4 remaining	2	4	2
2	4 remaining	2	4	2
3	2 remaining	4	2	4
4	2 remaining	4	2	4
5	0 remaining (elect for 4 years)	2	4	2



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5.25.22

For Charter Revision consideration:

East Hampton, Charter, Ethic section, which is part of Conflict of Interest
<https://ecode360.com/8896329>

§ E-1 Declaration of policy.

A.

The proper operation of democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policies be made in proper channels of the governmental structure; and that public office not be used for personal gain. The public judges its government by the way public officials and employees conduct themselves in the posts to which they are elected or appointed. The people have a right to expect that all public officials and employees will conduct themselves in a manner that will tend to preserve public confidence in, and respect for, the government they represent.

B.

Such confidence and respect can best be promoted if every appointed or elected public official and employee, whether paid or unpaid, will uniformly:

(1)

Treat all citizens with courtesy, impartiality, fairness and equality under the law; and

(2)

Avoid both actual and potential conflicts between their private self-interest and the public interest.

C.

The purpose of this chapter is to establish guidelines for ethical standards of conduct for all such officials and employees by setting forth those acts or actions that are incompatible with the best interests of the Town and by directing disclosure by such officials and employees of private financial or other interests in matters affecting the Town.

beneficial ownership, is controlled or owned directly or indirectly by the public officer or employee.

OFFICIAL ACT OR ACTION

Any legislative, administrative, appointive or discretionary act of any officer or employee of the Town of East Hampton or any agency, board, committee or commission thereof.

[1]

Editor's Note: See materials included at the end of this chapter for a description of consanguinity.

§ E-3 Standards of conduct.

The requirements herein set forth shall constitute a code of ethics establishing reasonable standards and guidelines for the ethical conduct of public officers and employees of the Town of East Hampton.

A.

Interest in contract or transaction.

(1)

No public officer or employee having the power or duty to perform an official act or action, related to a contract or transaction which is or may be the subject of an official act or action of the Town of East Hampton, shall:

(a)

Have or thereafter acquire an interest in such contract or transaction; or

(b)

Have an interest in any business entity representing, advising or appearing on behalf of, whether paid or unpaid, any person involved in such contract or transaction; or

(c)

Have solicited or accepted present or future employment with a person or business entity involved in such contract or transaction; or

(d)

Have solicited, accepted or granted a present or future gift, favor, service or thing of value from or to a person involved in such contract or transaction, except as provided in Subsection **A(2)**; or

(e)

Have encouraged, made or accepted any ex parte or unilateral application or communication where a determination is to be made after a public hearing and such public employee fails to make the contents of the communication a part of the record.

Public contracts. No public officer or employee who in his capacity as such officer or employee participates in the making of a contract in which he has a private pecuniary interest, direct or indirect, or performs in regard to that contract some function requiring the exercise of discretion on his part, shall enter into any contract with the Town unless:

(1)

The contract is awarded through a process of public notice and competitive bidding; or

(2)

The Town Council waives the requirement of this section after determining that it is in the best interest of the Town to do so.

G.

Public property. No public officer or employee shall request or permit the unauthorized use of Town-owned vehicles, equipment, materials or property for personal convenience or profit.

H.

Special treatment. No public officer or employee shall grant any special consideration, treatment or advantage to any citizens beyond that which is available to every other citizen.

I.

Later case interest. No public officer or employee shall, after the termination of service or employment with the Town, appear before any board, commission, committee or agency of the Town in relation to any case, proceeding or application in which he personally participated during the period of his service or employment, or which was under his active consideration.

Exceptions.

A.

It shall not be deemed a violation of the standards of the code if the interest of a public officer or employee in a person or business entity is a contractual obligation of less than \$500 which has not been preceded by any other obligation, discharged or existing, between the parties, and which is not the first in a series of two or more loans or debts which either of the parties is under an obligation to make or incur.

B.

A commercially reasonable loan made in the ordinary course of business by an institution authorized by the laws of this state to engage in the making of such loans shall not be deemed to create an interest in violation of this code.

employees will conduct themselves in a manner that will preserve the confidence and respect for government in which they represent.

§ D-2Expected behavior.

A.

This confidence and respect can be achieved and promoted if all elected or appointed public officials and employees:

(1)

Treat all citizens with courtesy, impartiality, fairness and equality under the law.

(2)

Avoid both actual and potential conflicts between their private self-interest and the interest of the public.

(3)

Keep the community informed on Town affairs.

(4)

Encourage communication.

(5)

Seek to improve the quality and image of public service.

(6)

Recognize that the function of local government is to serve in the best interest of all the people.

B.

These behaviors are meant to preserve the rights of everyone and ensure cooperation. They require common sense, good judgment, and acceptable interpersonal behaviors.

C.

This code is to serve as a guide and is not intended to be an all-inclusive list.