

Town of Ridgefield
Charter Revision Commission Special Meeting
Thursday, June 7, 2018 – 7:00 p.m.
Town Hall Large Conference Room
400 Main Street, Ridgefield, Connecticut
APPROVED MEETING MINUTES

*These minutes are a general summary of the meeting and are not intended to be a verbatim transcription.

Members Present:

E. Burns, W. Davidson, J. Egan, E. Geisinger, C. Hancock, J. Seem, J. Shapiro, L. Steinman, P. Walsh

Agenda

1. Approve the Minutes from Charter Revision Commission Regular Meeting on May 29, 2018.
2. Discuss and possible vote on changes to Section 10-1.
3. Discuss and possibly vote on changes to Article XI.
4. Review initial Draft of CRC Report.
5. Any other business related to progressing the Draft CRC Report.
6. Adjournment.

The meeting was called to order by CRC Chair Jon Seem at 7:00 p.m. He said that the agenda included going through a first draft of the Report. He noted that there was one member of the public attending the meeting in order to comment, and the meeting began with those comments.

Doug Silver introduced himself as Vice Chair of the Board of Education (BOE), but noted that he was not appearing as a representative of the BOE. He thanked the CRC for its great work, noting that members serve as volunteers, and he referred to the unrevised/unapproved minutes of the May 29, 2018 CRC meeting, which he said had been helpful. He stated that his understanding of the goals of the CRC was to help the town create a more open and transparent process for the community in governing as well as to build in more efficiency.

Mr. Silver noted that he had read the unapproved minutes of the CRC's May 29th meeting, noting that they are not final. He said that he is concerned about timeline of the BOE, Board of Selectmen, and Board of Finance process, which he said he participated in. Mr. Silver expressed concern that the CRC was making decisions

regarding CRC recommendations about matters that concern the BOE without having any BOE input, and without understanding the challenge that the BOE faces regarding its timeline. He stated that as the CRC constrains the BOE's timeline in the Charter revision process, that actually constrains the BOE's ability to obtain the community input that it needs to prepare or revise a budget. He explained that by reducing certain windows of time, at some times of year that reduces the time in which the BOE can have public meetings. He stated that if the BOE cannot have a public meeting to get the public's input and then act at a subsequent meeting, which is the BOE's process, then the BOE is cut off at the knees and the BOE will pass things without public input even though that is not what the taxpayers want.

Mr. Silver next commented on the issue discussed in the unapproved minutes of the May 29th CRC meeting of making the budgets available to the community. He said that the BOE budget normally runs 80 to 90 pages. He noted that the BOE puts the BOE budget online on the BOE website. He cautioned against posting the BOE budget on the town's website because then the school system would not have the ability to be update it in real time, and also the BOE computer system is substantially more secure because it contains private student information.

Mr. Silver also expressed a concern about possible violation of state statutes. He said that under state law the Board of Finance cannot change an item of the BOE budget but can only change the total amount of the BOE budget.

Mr. Silver also noted a provision in those unapproved May 29th meeting minutes regarding a threshold of 4% of eligible voters. He said that he personally favors a threshold of 3%, but that a 1% threshold is a disaster for Wilton.

Mr. Silver next referred to the recommendation by some CRC members that if the BOE does not timely submit its budget it must have as its budget its prior year's budget. He explained that this would require the BOE to promptly go through a reduction-in-force notification process under its collective bargaining contract, without the taxpayers weighing in.

Mr. Silver said that it was troubling to consider imposing teeth for failure of the BOE to meet prescribed timeframes based on what happened in 2018. He explained that 2018 was an unusual year because the BOE had a sudden departure of both its Superintendent and its Business Manager, and a process of getting help from the town's Controller did not occur until midway through the applicable period. It was a hard year, he observed. He noted that the BOE had invited the town's Controller to sit in on interviews for the BOE's Business Manager and expects to hire someone

soon. He also stated that he was expecting a more cooperative process in the future between the BOE and the town. Mr. Silver proposed that if there is a way, through the Charter, to encourage the town's Controller and the BOE's Business Manager to work together more in order to get a budget in front of the town earlier that reflects both the priorities of the town side and the BOE side, then that would be the way to go. That would be a good goal of the Charter revision process, he concluded.

Finally, Mr. Silver requested that the BOE be invited in to sit in on further steps in the process of developing a timeline in the Charter's process for development of the budget. He also requested the CRC to consider the fact that the school system has a week's vacation around Easter, which means that there is a week within the budget process during which the BOE cannot hold public meetings because some people within the school system who are crucial in the budget process are on vacation that week. In response to a question, Mr. Silver explained that if the Board of Finance reduces the BOE's budget, as happened this year, the BOE cannot schedule a meeting while school is out of session.

Mr. Seem then observed that the CRC is formed to hear comments from the community, both town officials as well as the community at large, so a lot of things that the CRC is considering regarding Article X are things brought forward as proposals to the CRC and then the CRC reacts to those comments. Mr. Seem noted that Mr. Silver was the first person who came forward to share the perspective on the budget process derived from being a member of the BOE and he thanked Mr. Silver for his input.

1. Approval of Minutes of May 29, 2018 Regular Meeting.

Mr. Davidson proposed a minor correction to the unrevised/unapproved minutes of the Regular Meeting.

Mr. Davidson moved and Ms. Geisinger seconded a motion to approve the unrevised/unapproved minutes of the May 29, 2018 CRC Regular Meeting, with the proposed minor correction. Motion carried 9-0.

2. Discuss and possible vote on changes to Section 10-1.

Mr. Davidson reported that he met a few days earlier with Dave Ulmer, the Chairman of the Board of Finance. Mr. Davidson said that with a few minor modifications, Mr. Ulmer was fine with the changes, and Mr. Ulmer subsequently emailed his approval. Mr. Davidson also reported that on the morning of June 7, 2018 there had been an hour and a half meeting to go over in detail contemplated Section 10-1 Charter revisions among Rudy Marconi, the First Selectman, Mr.

Steinman, Mr. Ulmer, Kevin Redmond, the Controller, and Mr. Davidson. He said that Mr. Redmond suggested one modest change in a timeframe, which Mr. Davidson included in his updated proposal that had been emailed to the members of the CRC on June 7, 2018, with both a redline and clean version of the proposed changed text to subsections (a), (b), and (c) of Section 10-1 of the Charter.

Mr. Davidson had noted that there had been some suggestion that not requiring publication of the budget in the newspaper would be too big a leap, so the proposed revision includes retaining publication in the newspaper. A significant change in the proposal is that a certain percentage of eligible voters should be required at a town meeting in order to empower the town meeting to vote to delete or reduce a budget item. He noted that the group that met agreed to a 2% threshold. Mr. Davidson noted that the check-in process would determine how many voters appeared so that they could determine whether the 2% threshold had been met.

Mr. Davidson noted that the idea of a Master Budget Schedule would permit the town's Controller, and the BOE's Business Manager, and the Board of Finance, to focus on development early on the process. Mr. Steinman said that the group that met does not believe they can solve the problem of requiring that the schedule be met, but they can change the Charter to encourage more cooperation. He noted that the proposal does not contain teeth for not meeting a timeline, and he stated that there was no support for that idea.

Mr. Davidson noted that the concept of "the budget" in the Charter as currently in effect becomes "budgets" in the proposed revision in recognition of the fact that there is a town budget and a BOE budget, as well as a capital budget.

Ms. Burns suggested that the new text requiring that the Board of Finance prepare a Master Budget Schedule should be revised to provide input from the BOE and Board of Selectmen. Mr. Steinman proposed that the initial sentence of Section 10-1(a) of the proposed Charter revision be changed to begin, "The Board of Finance in consultation with the Board of Education and the Board of Selectmen shall prepare annually a Master Budget Schedule . . ."

Mr. Seem asked for opinions from members of the CRC on the proposed revisions to Section 10-1.

Mr. Walsh expressed his opposition to changing Section 10-1. He said that the only problem identified was the budget being late. There was discussion of solving it by establishing teeth to force the budget to be submitted on time, but he said Ridgefield

voters would not stomach that because it would be truly draconian. So now, he said, without that provision, the changes just provide several things that the Board of Finance is already empowered to do under the Charter. He concluded by saying what we are changing already works.

Mr. Seem pointed out that the changes were developed in meetings with people involved in budget preparation. Mr. Walsh noted that the original problem was the failure to provide a budget on time but the changes do not solve for that.

Mr. Steinman noted that the presentation today indicated that there were other internal problems.

Mr. Egan expressed support for the Master Budget Schedule. It will make the parties believe they have a timeframe that they are dealing with, he said.

Mr. Davidson also commented that it invites the parties to sit down earlier.

Mr. Shapiro spoke about timeframes. He pointed out that when we have a town meeting on Monday and a newspaper that publishes every Thursday it means that something needs to be submitted to The Ridgefield Press on Tuesday prior to publication. That means, he said, that having a requirement for publication seven days prior to the town meeting on Monday means that the budget must be submitted to the newspaper on the Tuesday that falls 13 days prior to the town meeting. He proposed shortening the period so that it would be sufficient for the budget to be printed in the newspaper on the Thursday immediately preceding the Monday town meeting. He commented that the 150 or so people who attend a town meeting do not merit everyone jumping through hoops and perhaps dropping the ball and not getting the budget right to advance the ball by one week in the publication of the budget in the newspaper.

Ms. Geisinger expressed her support for the changes.

Ms. Burns expressed her support as well, commenting on the benefits of additional provisions regarding preparation of the budget.

Mr. Shapiro also noted that the requirement that the budget be made public ten days prior to the town meeting, which is in the current Charter as well as the proposed revised version of Section 10-1, means notice date is a Friday. He suggested that it be changed to seven days prior to the town meeting, which means that the notice date would be the following Monday, in order to give additional time to finalize the

budget. Mr. Shapiro noted that the one-week school holiday is a built-in challenge to meeting the budget schedule.

Mr. Silver commented that the BOE would welcome the opportunity to participate with the CRC on this Charter revision process and have an opportunity to comment. He noted that the BOE had not been asked to comment on the budget provisions.

Ms. Geisinger stated that the BOE has been asked to comment.

Mr. Silver noted that he is Chair of the BOE's subcommittee on the budget and neither he nor Fran Walton has received no notification from the CRC on this matter.

Ms. Geisinger noted that Ms. Walton had spoken before the CRC.

Mr. Shapiro stated that the discussion is confusing two different things. He said that Fran Walton, Chair of the BOE, was given an opportunity to comment on any proposals that the BOE wanted to make to the CRC. On the other hand, he said, what the CRC has generally tried to do is the following. When we on the CRC or others have a Charter revision proposal that would materially impact any town board or commission, the CRC has tried to reach out to that board or commission to say to them that a proposal has been brought before us that would materially affect your board; and the CRC did not reach out in that fashion to the BOE with regard to Section 10-1.

Mr. Walsh commented that the proposed changes to Section 10-1 do nothing, so there is no material change.

Ms. Steinman moved and Mr. Davidson seconded a motion to recommend revising the Charter to make the changes to subsections (a), (b), and (c) of Section 10-1 of the Charter set forth in the document distributed by Mr. Davidson by email on June 7, 2018, but with "in consultation with the Board of Education and the Board of Selectmen" added immediately after "The Board of Finance" in the first sentence of Section 10-1(a), with "seven days" changed to "four days" in each of subsections (b) and (c) of Section 10-1, and with the sentence referring to "machine voting" restored to Section 10-1(c). Motion carried 7-2.

Ms. Geisinger asked whether the CRC would include language in the Draft Report stating that the CRC considered but decided not to pursue remedial language if budgets are not submitted on time but that future CRCs may choose to consider that. Mr. Seem stated that there are two places within the Draft Report that such

language can be placed if the CRC chooses to do so. One is the introduction, he said. The other, he said, is Section 3, that contains more in-depth discussion. Ms. Geisinger stated that if we put people on notice that this is an issue that may not go away we may make some progress.

3. Discussion and Possible Vote on Changes to Article XI.

Mr. Seem noted that Mr. Steinman had collaborated with Bart Van de Weghe, Chairman of the Board of Ethics, following the CRC's May 29, 2018 meeting. That collaboration concerned the comments from the Board of Ethics that Mr. Van de Weghe had provided to the CRC regarding the draft of a new Article XI.

Mr. Steinman stated that the CRC saw the changes recommended by Mr. Van de Weghe initially. Mr. Steinman said that following May 29th, he sent Mr. Van de Weghe a revised version of Article XI with most of Mr. Van de Weghe's suggestions included, asking for further comment from Mr. Van de Weghe. Mr. Steinman stated that Mr. Van de Weghe responded with two further suggestions, both of which Mr. Steinman incorporated into his new draft of the proposed text for Article XI. Mr. Steinman explained a few of those suggestions. He said that there was one suggestion that came from a member of the Board of Ethics that had been transmitted to Mr. Steinman by Mr. Van de Weghe which was not clear to Mr. Steinman. Mr. Steinman said that he had emailed Mr. Van de Weghe to obtain clarification but had not received a response. Mr. Steinman stated that Mr. Van de Weghe is in support of the revised proposed text for Article XI and that he wrote to Mr. Steinman thanking the CRC for all its good work on this matter. Mr. Steinman also observed that it seems that the Board of Ethics is also in favor of the changes in the text.

Mr. Seem commented that the changes bring the standards of conduct more in line with other municipalities. Mr. Shapiro commented that the work of Mr. Steinman was terrific and the comments of Mr. Van de Weghe were very professionally done. Ms. Burns commented that fortunately the Board of Ethics does not have a lot of cases to deal with and hopefully the new text will provide clarity for both people working for the town or on boards or commissions as well as for the Board of Ethics itself. Mr. Egan expressed support, including for the penalty provision although he noted it would be difficult to pursue the penalty. Mr. Walsh said that the new text is tremendous and he likes it a lot, but expressed concern that we are weaponizing the process of complaining about ethics violations for people who have grudges and look at minor conceivable issues as ethics violations. But overall, he said, he likes the changes. Mr. Seem noted that the new text represents best practices. Mr. Steinman said that we need to have some faith in the Board of Ethics. Mr. Silver said

that this is great, and noted that the BOE has a published policy on conflicts of interest.

Mr. Davidson raised the issue of gifts and favors. He suggested considering a ceiling on the level of gifts and favors permitted. Mr. Steinman said that the way it is now drafted is the way many municipalities draft it. Mr. Egan said he would prefer to leave the proposed text the way it is.

Mr. Hancock said that he supports the proposed text and did not favor a maximum permitted amount of a gift. Mr. Geisinger explained how conflict of interest rules can sometimes overreach, citing her experience when she worked for the Securities and Exchange Commission. She said she supports the proposed text. Mr. Shapiro said the we are best off not having a dollar threshold and leaving it to the Board of Ethics. Ms. Burns expressed support.

Ms. Hancock moved and Ms. Burns seconded a motion to recommend revising the Charter to change Article XI to the text recommended by Mr. Steinman and contained in Section 4, Proposed Language Revisions by Section, of the first draft of the Charter Revision Commission's Draft Report distributed to the Charter Revision Commission by email from Jonathan Seem, Chairman, on June 7, 2018. Motion carried 9-0.

4. Review Initial Draft of CRC Report.

Mr. Seem said that the next step is to set up the projector to project a preliminary draft of the Draft Report so that the CRC could go through the draft text page by page and make changes. However, he needed to first obtain a cable to connect his computer with the projector.

Mr. Seem noted that the plan is to agree on a Draft Report on June 11, 2018. He said that some of the draft text he has seen for the discussion section is too long, so we need to make it more concise. He said also that if the CRC gets through the June 18, 2018 public hearing without significant changes we can submit the Draft Report shortly thereafter.

Ms. Burns expressed concern about making the discussion section too brief, because, while we have excellent minutes, people will not go back and look at the minutes, so the place to explain matters well is the Draft Report. Mr. Seem noted that the Report in 2014 was quite succinct.

Mr. Seem asked Ms. Burns to chair the meeting and Mr. Shapiro to note comments while Mr. Seem was out obtaining the cable needed to project the Draft Report on the screen.

The members of the CRC went through the draft text of the Draft Report, making proposed changes in the draft text.

Mr. Seem returned to the meeting with the cable and resumed chairing the meeting. He projected the draft of the Draft Report on the screen for continued revision of the language.

Among other things, the CRC discussed the "Structure of Government" text in the Introduction section of the draft of the Draft Report. Several changes were made to that text. Mr. Hancock expressed his opposition to including the Structure of Government in the text because the CRC had not agreed to include that in the Draft Report. Mr. Seem suggested that there be a motion to include it. Mr. Hancock expressed his opposition to including in the Draft Report a section recommending that a future study of alternative forms of government be presented. Nevertheless, he said he would make the motion.

Mr. Hancock moved and Ms. Geisinger seconded a motion to include in the Draft Report the Structure of Government section as currently being developed by the Charter Revision Commission. Motion carried 7-2.

The meeting completed its discussion of the Introduction section and moved on to Section 1, Chart of Approved Revisions, and Section 2, Chart of Declined or Withdrawn Revisions. The CRC members made corrections and changes in certain items in those two sections. In the course of that discussion, the proposals by Jan Rifkinson and by Joe Savino were discussed, because they had been carried as open since they involved Section 10-1 of the Charter, a section that had not been resolved until the current meeting.

Mr. Steinman moved and Mr. Davidson seconded a motion to decline to recommend a proposal by Jan Rifkinson to clarify Section 10-1(c) of the Charter to indicate that residents may bring to the floor of the Annual Town & Budget Meeting for discussion and vote an amendment to reduce a "line item" referred to in that subsection, such line item that can be found in either the town budget or the school budget not directly affecting the education of our children, as passed by the Board of Finance. Motion carried 9-0.

Mr. Steinman moved and Mr. Hancock seconded a motion to decline to recommend a proposal by Joe Savino to clarify the rules on how the town budget items are advertised and posted and to clarify the rules on how the public can change proposed capital and operating budgets. Motion carried 9-0.

After discussion of Sections 1 and 2 of the Draft Report, the CRC discussed the proposed Section 3, explanations of the significant approved revisions. The members of the CRC revised some text for Section 3 and made some follow-up assignments to CRC members for revision of Section 3.

After completing review of Section 3, Mr. Seem said that this meeting would not review Section 4, which is a redline of specific recommended changes in the text of the Charter.

Mr. Shapiro suggested that if anyone has a comment on the draft of Section 4 of the Draft Report, that comment should be sent to someone. Mr. Steinman recommended that comments on that Section 4 be sent to Mr. Steinman, Mr. Walsh, and Mr. Egan, who are superintending the changes to Section 4.

Mr. Steinman then raised the issue of effective dates of certain provisions and explained briefly how he viewed effective dates for certain provisions.

5. Any Other Business Related to Progressing the Draft Report of the CRC
There was no other business brought up before the meeting.

6. Adjournment.

Mr. Shapiro moved and Mr. Walsh seconded the motion to adjourn at 10:02 p.m. Motion carried 9-0.

Respectfully submitted,
Joe Shapiro, Recording Secretary