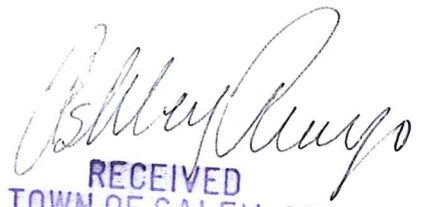


**CHARTER REVISION COMMISSION
SPECIAL MEETING MINUTES
THURSDAY, APRIL 4, 2024, 7:00 PM
SALEM TOWN HALL – CONFERENCE ROOM 1**


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**The minutes submitted below have been filed in accordance with
Section 1-225 of the CT General Statutes. They are subject to
final approval with or without amendments by a vote of the Charter Revision Commission.
Approval and any such amendments will be detailed in subsequent minutes.**

PRESENT

John Bernier
Leeland Cole-Chu
Joseph Duncan
Robert Ross
Linda Schroeder
Susan Sullivan (*via Zoom*)
Walt Volberg (*via Zoom*)

ABSENT

none

ALSO PRESENT

First Selectman Edward Chmielewski, Jr.
Selectman Kevin Lyden
Attorney Steven Mednick

1. CALL TO ORDER

First Selectman Chmielewski welcomed everyone to this evening's inaugural Charter Revision Commission Special Meeting at 7:20 p.m.

2. SWEARING OF MEMBERS

Town Clerk Julie Stoken swore in the members of the Commission.

3. CALL TO ORDER AND ROLL CALL

First Selectman Chmielewski called the meeting to order at 7:24 p.m. and initiated a roll call of the members and introduced Attorney Mednick who will be available to guide them through the process.

4. PLEDGE OF ALLEGIANCE

5. WELCOME FROM FIRST SELECTMAN

First Selectman Chmielewski welcomed and thanked the members for their willingness to serve on the Commission to revise the Town's existing Town Charter, which was adopted on November 2, 2004.

6. ELECTION OF OFFICERS

a. CHAIRPERSON

First Selectman Chmielewski asked if there were any nominations for the Chairperson

of the Charter Revision Commission.

M/S/C: Ross/Schroeder, to nominate and elect Commissioner Cole-Chu as the Chairperson of the Charter Revision Commission. There being no additional nominations, First Selectman Chmielewski closed the nominations. Discussion: None. Voice vote, 7-0, all in favor.

First Selectman Chmielewski congratulated and turned the meeting over to newly-elected Chairperson Cole-Chu.

b. VICE CHAIRPERSON

Chairperson Cole-Chu asked if there were any nominations for the Vice Chairperson of the Charter Revision Commission.

M/S/C: Duncan/Bernier, to nominate and elect Commissioner Ross as the Vice Chairperson of the Charter Revision Commission. There being no additional nominations, a motion was made by Commissioner Ross, seconded by Commissioner Volberg, to close the nominations. Discussion: None. Voice vote, 7-0, all in favor. Chairperson Cole-Chu closed the nominations. Discussion: None. Voice vote, 7-0, all in favor.

c. SECRETARY

Chairperson Cole-Chu asked if there were any nominations for the Secretary of the Charter Revision Commission. The Secretary would be responsible for any correspondence and act as the liaison between the Town Hall staff and the Commission.

M/S/C: Duncan/Bernier, to nominate and elect Commissioner Volberg as the Secretary of the Charter Revision Commission. There being no additional nominations, Chairperson Cole-Chu closed the nominations. Discussion: None. Voice vote, 7-0, all in favor.

7. CHARTER REVISION OVERVIEW: ATTORNEY STEVEN G. MEDNICK

a. ROLE OF THE CHARTER REVISION COMMISSION

Atty. Mednick introduced himself and stated their role to carefully review, revise, and ensure that the current Charter provides the best possible structure for the government of the Town. He will be available to provide guidance and legal advice, prepare workshops, provide research and fact-finding, and help facilitate the deliberations, as necessary.

b. THE LAW OF HOME RULE AND MUNICIPAL CHARTER

Atty. Mednick reviewed and explained the concept and history of Home Rule which applies the principle of Dillon's Rule. Dillon's Rule states that "[a] municipal corporation possesses and can exercise the following powers and no others: First, those granted in express words; second, those necessarily implied or necessarily incident to

the powers expressly granted; third, those absolutely essential to the declared objects, and purposes of the corporation – not simply convenient, but indispensable...”
(*Merriam v. Moody's Executors*, 25 Iowa 163, 170).

Additionally, all sovereign authority lies with the federal and state, not local, governments. The Home Rule Act was adopted in the State of Connecticut in 1957, allowing the General Assembly to grant municipalities the ability to develop and regulate their local affairs and administer their local government. The Act relieved the General Assembly of the burdensome task of handling and enacting special legislation of normal concern and enabled local municipalities to create and draft their own Town Charters. The Home Rule concept was enacted as Article Tenth of the 1965 Constitution. He noted that silence does not grant authority. Rather, authority must be expressly granted. As stated by Judge John Dillon,

Municipal corporations owe their origin to, and derive their powers from, the legislature. It breathes into them the breath of life, without which they cannot exist. As it created, so may it destroy.

The expressed grants of authority provide the local government’s structure, i.e., Board of Selectmen, Town Council, Town Manager, etc., and its functions.

The Town Charter provides a blueprint of the Town’s structure and functions. The current Town Charter, he finds, is well-organized and structurally coherent. One of the Commission’s tasks is to ensure that the provisions comport with the needs of the town, both current and in a decade and its goal, in his view, is to provide clarity. It is absolutely critical that:

- 1) the Charter and its functions are understandable to the average individual. It should hold all of the elected officials in a town accountable.
- 2) the Charter has some flexibility.
- 3) the Charter is clear and unambiguous. It is, above all, important to avoid a culture of disregard and paralysis.

c. SCOPE OF THE CHARTER REVISION PROJECT

The Commission should be organized and behave in a non-partisan manner. He recommended the Commission engage in the following initial process:

- Public Hearing to gather the public’s input; no substantive work can begin on the document without the initial public hearing
- Meet with the First Selectman and, possibly, Former Selectmen, Boards & Commission Members, and Staff for their input
- Redline Session to review the Charter line-by-line, based on the input gathered by the members of the community and staff.

Following these initial meetings, the Commission can lay out the priorities and determine the scope of the enterprise. The Charter should provide the First Selectman with a clearly defined structure outlining their responsibilities for the functions of the government, but not be restrictive in such a manner that inhibits them from managing the government on a day-to-day basis.

The Commission is required to hold a minimum of two (2) Public Hearings, one at the beginning of the process and another at the end. He encouraged the Commission to maintain an open line of communication with the Board of Selectmen and engage in a more mediative, rather than confrontational, process.

He recommended the Commission tackle any difficult or major proposals, e.g., changing the form of government from a First Selectman/Board of Selectmen to Mayor/Town Council, early in the process and hosting a panel discussion(s) with entities from similar-sized towns for guidance. In such cases, the Commission may opt to hold several Public Hearings to help socialize the project.

He also spoke concerning the impact of Collective Bargaining Agreements, which supersedes the local law, including the Town Charter and Ordinances. As such, the Commission should be mindful of the inclusion of any provisions in the Town Charter that may violate the terms of such agreements.

The revised Charter is scheduled to go to referendum in November of 2025, giving the Commission until May of 2025 to complete and present a draft of the document to the Board of Selectmen. Upon the Board's approval, the Selectmen will create the ballot questions. Should the Board have any questions or recommendations, the document will be returned to the Commission and the Commission will have 30 (thirty) days to review, discuss, and/or revise the document, preferably with the Board of Selectmen, before it is re-sent to the Board for their final approval.

The revised Charter or explanatory text of the Charter revisions must be published in the newspaper.

Report Deadline (Commissioner Ross) – Connecticut State Statutes provides up to 16 (sixteen) months from the date of appointment for the completion of the document. The Commission has 13 (thirteen) months due to the timing of the elections. Without knowledge of what the project will entail, Atty. Mednick recommended scheduling a series of meetings that are held every two (2) weeks, with the understanding that the schedule may be adjusted, as necessary.

General Election vs. Special Election (Commissioner Bernier) – Including the referendum during a General Election vs. a Special Election allows the Town to have more flexibility with respect to the minimum number of voters required to vote on the

item. A minimum number of voters is not required should the referendum be held in conjunction with a General Election. A Special Election would require a minimum of 15% of the voters to vote to approve the document.

Board of Selectmen Recommendations (Chairperson Cole-Chu) – First Selectman Chmielewski stated that the Board of Selectmen did not provide any recommendations. Their goal was to lay a solid foundation for the Commission to move forward without any restrictions. Atty. Mednick reviewed the approved resolution authorizing the Commission “to consider such changes and other items and matters as it deems desirable or necessary to improve the governance of the Town of Salem, including the administrative and governance structure of the Town.”

Commission Appointments (Commissioner Volberg) – Atty. Mednick will confirm that a member of the Planning & Zoning Commission may also serve on the commission.

8. **PUBLIC COMMENT** – *none*
9. **FURTHER DISCUSSION AND QUESTIONS: INCLUDING SCHEDULING PUBLIC HEARING AND OTHER MEETINGS**

The Commissioners discussed and agreed to hold the meetings on the first and third Thursday of every month.

M/S/C: Schroeder/Volberg, to set the 2024 Regular Meeting Dates of the Charter Revision Commission on the first and third Thursday of every month, beginning on Thursday, May 2, 2024. All meetings will be held at 7:00 p.m. at Salem Town Hall. Discussion: None. Voice vote, 7-0, all in favor.

Discussion ensued regarding scheduling the Public Hearing and holding a preliminary meeting to review the current Charter and identify those items that the Commission feels should be addressed, with no substantive discussions. The Commissioners agreed to hold the Public Hearing on Wednesday, May 15, 2024, at 7:00 p.m. at either the Salem School Multi-Purpose Room or Salem Congregational Church Meeting Room.

M/S/C: Ross/Schroeder, to set the Initial Charter Revision Commission Meetings as follows:

Thursday, May 2, 2024, to review and discuss the existing Charter and identify possible revisions. No substantive discussions will take place.

Wednesday, May 15, 2024, Public Hearing

The meetings will be held at 7:00 p.m. at Salem Town Hall.

Copies of the Resolution and Atty. Mednick’s presentation and relevant State Statutes will be provided to the Commissioners.

10. ADJOURNMENT

M/S/C: Volberg/Ross, to adjourn the meeting at 8:44 p.m. Discussion: None. Voice vote, 7-0, all in favor. Meeting adjourned.

Respectfully Submitted by:

Agnes T. Miyuki, Recording Secretary for the Town of Salem

A VIDEO RECORD OF THE MEETING CAN BE FOUND ON THE TOWN'S WEBSITE UNDER BOARDS & COMMISSIONS – CHARTER REVISION COMMISSION – MEETING VIDEOS.