

**TOWN OF SALEM
CHARTER REVISION COMMISSION
SPECIAL MEETING MINUTES
THURSDAY, MAY 2, 2024, 7:00 PM
SALEM TOWN HALL – CONFERENCE ROOM 1**

**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
Walter Volberg

ABSENT

none

ALSO PRESENT

First Selectman Edward Chmielewski, Jr.
Attorney Steven Mednick
Town Attorney Brian Estep

2024 APR 30 A 8:33
RECEIVED
TOWN OF SALEM, CT
Julie A. Steiner

1. CALL TO ORDER

Chairman Cole-Chu called the meeting to order at 7:04 p.m.

2. PLEDGE OF ALLEGIANCE

**3. CHARTER REVISION REVIEW SESSION: TOWN ATTORNEY BRIAN ESTEP
AND ATTORNEY STEVEN G. MEDNICK**

Atty. Mednick provided a general, chapter-by-chapter, review of the existing Charter, advising the Commission of those sections that the Commissioners might like to consider revising/updating.

General considerations included:

- Elimination of redundancies and the re-defining of terms that are included in the Definitions section of the document
- Consolidation of information
- Inclusion of footnotes/endnotes, stating the related State Statute at the time the Town was adopted

More specific considerations included:

Chapter I – Incorporation and General Powers

Section 1.03 General Grant of Powers

- Changing the section heading to General Grant of Authority

Section 1.05 Definitions

- Define terms that are included as part of the definition of another term, e.g., the term, “Commission”, which is defined under the term “Board”.
- Defining the term, “Majority Vote”, if necessary.
- Review the definition of the term, “Voter” (Commissioner Bernier)

Chapter II – Officials and Boards

- Consolidation of information to avoid repetitions, e.g., Section 2.03(C), and improve the document’s organization
- Judge of Probate and Registrar of Voters are, technically, not Town Officials. Chairman Cole-Chu noted that the Judge of Probate is now regionalized. Town Attorney Estep stated that many municipalities are considering changing the Tax Collector, Town Clerk, and Town Treasurer to non-elected, appointed positions, adding that, in the State of Connecticut, there are little to no provisions to remove an elected official.
- Review and clarify Section 2.04, Administrative Officials and Members of Classified Service

Chapter III – Elections and Elected Officials

Section 3.02 Eligibility for Elected Officials and Board Members

- Capitalize the term “Elector” and eliminate the reference to Section 1.05 Definitions [(Section 3.02(A)]

Section 3.04 Town Elections

- Consolidate in section related to Terms of Office

Section 3.05 Breaking a Tie

- Investigate whether the proposed method(s) of Breaking a Tie is in accordance with State Statutes.

Section 3.09 Vacancies in Elected Officials and Board Members

- Possibly of include removal procedures for Board and Commission Members

Chapter IV – The Town Meeting

Sections 4.03 Town Meetings

- Review the State Statutes regarding the disposition of real property in eminent domain [Sections 4.03(A)(4) and (5)]
- Review the State Statutes and, possibly, reconsider the dollar amounts indicated in Sections 4.03(A)(3), (4), and (5) (Town Atty. Estep)
- Reconsider including Section 4.03(A)(10) regarding the inclusion of “Such other matters or proposals” (Town Atty. Estep)

Section 4.05 Procedure

- Consider including a robust definition of a “Public Notice” that lays out the various alternatives for the publication of a public notice, including the statement, “or as required by State Statute”

Section 4.06 Voting

- Clarify the terminology, “of those present”, which is stated in this and other sections of the document (Commissioner Bernier)

Section 4.07 Town Meeting Action by Referendum

- Ensure that no changes have been made to the State Statutes referenced in the Section and, possibly, consider including those references as a footnote rather than in the main body of the document

Chapter V – Board of Selectmen & Chapter VI – First Selectman

Chapters V and VI, which includes the Executive Branch of the Town and its legislative functions, are the heart of the Town’s Government.

Section 6.02 Powers, Duties and Responsibilities of the First Selectman

- Consider the inconsistency of the statement, “The First Selectman shall supervise the administration of the affairs of the Town” [Section 6.02(C)] and Chapter VIII, which outlines positions that are appointed and hired by other entities
- Review Item (E) regarding public emergencies, which is governed by state law.

Chapter VIII – General Government Administrative Officials, Employees and Departments

For accountability purposes, it is recommended that the Hiring/Appointing Authority be more centralized. It may also be prudent to include the criteria and structure in the Town Charter and either draft an ordinance(s), allow employees to organize a collective bargaining unit, or include sunset provisions that are reviewed by the Town Attorney, approved by the townspeople, and allow for the termination of a section in the Charter.

Chapter IX – Board of Education

While Boards of Education (BOE) have certain protections, they are considered town departments. As such, procedures should be in place to ensure that the town maintains some element of control and accountability. The Capital Budget, he noted, is controlled by the town, and the buildings, though maintained by the BOE, are owned by the town.

Section 9.02. Board of Education Members – Limitations

Town Atty. Estep recalled a ruling on a case that an employee cannot be restricted from voting on a proposed budget as their earnings are so minuscule that they would not be violating any conflict-of-interest laws.

Chapter X – Finance and Taxation

The Section should provide a layout that is not too restrictive and does not invite any possible chicanery.

Section 10.09 Supplemental Appropriations

- Consider reviewing the percentage numbers for supplemental appropriations (Town Atty. Estep)

Chapter XI – Transition and Miscellaneous Provisions**Section 11.09. Review and Amendment of the Charter**

- Consider a provision to review the Town Charter, at least, every ten (10) years. The review may be focused on small tune-up type revisions and engage smaller Commissions.

4. PUBLIC COMMENT

Sue Spang, 129 Hartford Road, who is pleased with the formation of the Charter Revision Commission, stated the importance of and encouraged the Commissioners to devise creative solutions to publicize the Public Hearing. Based on her experience, she has found that social media is an important method of not only reaching out to the public, but also encouraging their attendance and voicing their thoughts. She also encouraged them to solicit written comments and stress that the Town Charter is, basically, the Constitution for the Town.

Discussion ensued regarding the promotion of the Public Hearing, which will include posting the meeting on the Town website, e-blasts to subscribers, utilizing the electronic sign, Salem School's Cougar Tales, attending and announcing the Public Hearing at board and commission meetings, creating and distributing a physical flyer that can be posted on the bulletin boards of various Salem businesses, and through the various non-profit Town organizations. Chairperson Cole-Chu stated his plans to draft a Letter to the Editor for The Day newspaper regarding the upcoming Public Hearing.

5. FURTHER DISCUSSION AND QUESTIONS:**a. CHARTER CONTENT ISSUES AND ALTERNATIVES**

Commissioner Ross, who served on the former Charter Revision Commission, stated that the former Commission's goal was to capture how the town was conducting business at the time and create a document that was simple and understandable. Atty. Mednick reiterated that the Charter is well-organized and thought out. He concurred that the document should be explanatory and understandable. Other considerations included providing breakdowns and captions that lead into the various sections, ensuring that it is defensible during negotiations with collective bargaining units, and emulating the current functions of the government to avoid any necessary reverse engineering situations and/or compliance issues. He stated the importance of the

Charter to maintain clarity and consistency and eliminate any possible litigation(s) as a result of its ambiguity(ies). He also recommended the Commission review the Town's current civic culture and determine whether its current form of government is the right culture for the Town for the next 10 (ten) to 20 (twenty) years.

Chairman Cole-Chu was confident that the Commission would be able to further simplify the document. Atty. Mednick agreed, adding that the elimination of redundancy and the inclusion of endnotes/footnotes, which are not considered part of the document and may be revised as necessary, will be helpful.

First Selectman Chmielewski stated that the largest challenges he has encountered during his tenure include Sections 4.03, regarding the sale or disposition of real and/or personal property; 4.05, regarding the procedure for Town Meetings, and; 8.01 and 8.02, regarding the Hiring and Supervision Authority of its Administrative Officials and Employees. He looks forward to the upcoming Public Hearing and hearing the residents' input and expressed his confidence in the Commission and its members.

Input of Boards and Commissions (Commissioner Schroeder) – It was recommended that a meeting(s) should be held dedicated to the input of Board and Commission Chairs and/or their respective members as well as former First Selectmen following the Public Hearing.

Town E-mail Address (Chairperson Cole-Chu) – Town E-mail Address (Chairperson Cole-Chu) – Discussion ensued regarding the possibility of obtaining Town e-mail addresses for the Commissioners. Town Atty. Estep advised the Commissioners to exercise caution when using their private e-mail addresses for Town business, stating that, per FOIA (Freedom of Information Act), an individual(s) may request access to *all* of their e-mail correspondences. Additionally, while the Commissioners may set up a separate e-mail address dedicated to Town business, the Town should also have access to those correspondences. As such, he recommended that funds be allocated to establish a Town e-mail address for all of its members. First Selectman Chmielewski will investigate the cost and possibility of creating an e-mail address for each Commissioner as well as organizing a FOIA Training Session.

Town Charter Drafts – Chairman Cole-Chu stressed the importance of working as a team and maintaining one draft of the Town Charter that includes all of their revisions. He also proposed the possibility of making each draft available to the public via the Town's website. First Selectman Chmielewski stated that the Recording Secretary has agreed to maintain the Commission's edits and the First Selectman's office will be available to assist, as necessary, with any administrative duties. Atty. Mednick stated that, in many cases, he has maintained control of the document and drafted the revised language based on their discussions. Once approved, either conditionally or otherwise,

the changes are included in the document with a notation and revision date. He was not in favor of tracking the changes, which can become cumbersome. The original document would be maintained throughout the process for comparison purposes.

b. CREATION AND APPOINTMENTS TO SUBCOMMITTEES FOR SECTIONS OF THE PRESENT CHARTER – *no discussion*

c. CONSIDERATION OF CONTENT AND DISSEMINATION OF “CITIZENS’ GUIDE TO CHARTER REVISION IN SALEM” (Drafted by Atty. Mednick and Chairman L. Cole-Chu)

The Commissioners agreed to the dissemination of the “Citizens’ Guide to Charter Revision in Salem”.

d. SCHEDULING PUBLIC HEARING AND OTHER MEETINGS

The next Charter Revision Commission Agenda will include the Approval of the Minutes.

5. ADJOURNMENT

M/S/C: Volberg/Ross, to adjourn the meeting at 8:51 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.