

Final Report to the Lebanon Board of Selectmen
from the
Lebanon 2022 Charter Revision Commission
May 26, 2023

OVERVIEW OF THE CHARTER REVIEW PROCESS

On May 3, 2022, the Lebanon Board of Selectmen (“BOS”) charged the 2022 Charter Revision Commission (“CRC”) with undertaking a global review of the Town Charter, recommending revisions to the BOS and submitting the CRC’s draft report to the BOS by April 1, 2023.

On May 23, 2022, the BOS appointed the following members of the CRC: Karen Buffkin (D), Keith LaPorte (D), Paula McDowell (D), Michael Ninteau (R), Sandra Tremblay (R), Harold Nelson (R), and Suzanne Gilleese (U).

At its first meeting on June 8, 2022, the CRC elected Michael Ninteau as Chair, and agreed to a rotational clerk for minute taking. Catherine Marrion, Town Counsel who served as counsel to the CRC, reviewed the charge from the BOS and a proposed timeline for the CRC’s work. The CRC held meetings 18 meetings and public hearings between June 2022 and the date of this Report to fulfill its charge.

As required by law, the CRC held public hearings prior to beginning work on the Charter, and after completion of the Draft Report but prior to submission to the BOS. The CRC received input from numerous Board and Commission members and members of the public, as evidenced in the CRC’s minutes. Based on that information and input, the CRC formulated its recommendations which were contained in the Draft Report to the Board of Selectmen dated March 30, 2023. On April 25, 2023, the BOS held a Charter Revision Public Hearing to consider the Draft Report and proposed revisions to the Charter. Members of the CRC were in attendance. At its meeting on May 2, 2023, the BOS formulated final recommendations for the CRC, which were conveyed to the CRC. The CRC held a special meeting on May 10, 2023 to consider the BOS input and finalize the CRC recommendations in this Final Report.

RECOMMENDATIONS OF THE CHARTER REVIEW COMMISSION

By law, all the CRC’s recommendations must be contained in this Report, which has two sections: Section 1 contains six (6) substantive amendments being recommended. These relate to:

- instituting automatic referendum for Annual Town Budget voting
- the addition of a Town Manager who would be the Town’s Chief Executive Officer
- instituting qualifications for moderator
- increasing thresholds for Town Meeting approval of real estate transactions

- increasing the limit of supplemental appropriations that can be approved by the Board of Finance
- making mandatory the ballot questions on the Town Budget and Board of Education budget

Section 2 contains clerical or clarifying amendments deemed not to affect the governance of the Town.

Section 1 – Substantive Amendments Being Proposed

A. that the Annual Town Budget be subject to automatic referendum ten (10) days after discussion of such budget at Annual Town Meeting.

The purpose of this amendment is to instill certainty into the Annual Town Budget process by instituting an automatic referendum to be held ten (10) days after such budget is discussed at the Annual Town Meeting. The following amendments are in furtherance of that revision:

i. Article 2.2. First sentence is deleted and replaced with:

“The Annual Town Meeting, which shall also be the Annual Budget Meeting, shall be held on the first Monday of May for discussion of the Annual Town Budget and automatic adjournment of the vote on such Budget to referendum and such other business as the Board of Selectmen shall state in the call of the meeting.”

ii. Article 2.4(1) is amended by adding the following after “The Annual Town Budget”: “; at Town Meeting such budget vote is automatically adjourned to referendum as set forth in Article 9.5”.

iii. Article 2.5 is amended to add the following at the beginning of the third sentence: “In addition to the Annual Town Budget referendum,” and replacing “A” with “a”.

iv. Article 2.5(2) is amended to delete the words “the Annual Town Budget or” and “other”.

v. Article 3.3(14) is deleted and the remaining subsections are renumbered.

vi. The second sentence of the fifth paragraph of Article 8.1 is deleted and replaced in its entirety with the following: “No agency shall meet at the same time as an Annual Town Meeting, or Annual Budget Hearing or referendum to approve the Annual Town Budget is being held.”

vii. Article 9.5 is deleted and replaced in its entirety with the following: “The Board of Finance shall file such proposed Annual Town Budget with the Town Clerk at least five (5) days prior to the Annual Town Meeting. At the Annual Town Meeting, the proposed Annual Town Budget shall be presented. The Board of Education shall present the Board of Education Operating Budget, the Board of Finance shall present the Town Operating Budget, and all other

portions of the total Annual Town Budget. Consideration of the Annual Town Budget at the Annual Town Meeting shall be limited to a public presentation by the Board of Finance, Board of Education and Town personnel with an opportunity for public participation by comments and questions.”

viii. Article 9.6 is deleted and replaced in its entirety with the following:

“Following the presentation of the Annual Town Budget at the Annual Town Meeting and reasonable discussion as to such budget, and after other business has been completed, the moderator shall adjourn the meeting to a referendum on the voting machines. The budget resolution will be submitted to those persons qualified to vote in a town meeting which shall take place on the Thursday in May which is ten (10) days after the Annual Town Meeting. The Board of Selectmen shall comply with all notice and publication requirements in effect for such referendum and shall prepare the text of the questions as they will appear on the voting machines.”

B. that the appointive office of Town Manager be added to the Charter pursuant to Conn. Gen. Stat. §7-193, to be effective upon the earlier to occur of the expiration or the current term of the First Selectman or the vacancy in the office of the First Selectman.

The amendment would change the Town’s Chief Executive Officer from the First Selectman to the Town Manager, effective upon the earlier to occur of the end of the current First Selectman term (11/2025) and a vacancy in the office of the First Selectman.

The salary for the Town Manager is anticipated to be in the range of \$110,000 to \$150,000, commensurate with the qualifications of the individual hired, and will replace the First Selectman’s \$74,179.04 salary. In light of the increasing complexity of running a municipality, the need for a CEO with expertise in such areas as public finance and labor relations is clear. Opportunities for reducing costs through productivity improvements and cost avoidance may be possible under a professional Town Manager. The Town Manager will serve at the pleasure of the Board of Selectmen. Town Meeting remains the legislative body of the Town.

The following amendments are in furtherance of that change:

i. *Table of Contents* – new Article 5, Town Manager; renumber accordingly

ii. *In Articles 3.3(4) and (18) and 8.1.9, replace “First Selectman” with “Town Manager”.*

iii. *In Article 3.3(22), “except the First Selectman” is deleted.*

iv. *Article 4 is deleted and replaced in its entirety with the following:*

“The First Selectman shall be a full voting and participating member of the Board of Selectmen. The First Selectman shall preside at meetings of the Board of Selectmen when present.

The First Selectman shall be an ex-officio member of all agencies of the Town (other than the Board of Education), but without power to vote. From time to time, the First Selectman may designate another Selectman to act as the First Selectman’s representative on any agency, but without power to vote. Such designation shall be in writing and may be effective for a specific or indefinite period, modifiable after notice by the First Selectman to the applicable designee and

agency.

The First Selectman shall have all the powers, duties and responsibilities conferred upon that office by law, which are not inconsistent with this Charter and Connecticut General Statutes §7-193 and shall have all the powers necessary or incidental to the discharge of the First Selectman's duties and responsibilities as set forth in this Charter.

The First Selectman shall prepare a meeting agenda for each Board of Selectmen meeting."

v. A new Article 5, "The Town Manager" is added as follows:

5.1 Chief Executive Officer.

The Town Manager shall be the Chief Executive Officer of the Town pursuant to Connecticut General Statutes Section 7-193. The Town Manager shall be responsible to the Board of Selectmen for the administration of all departments and agencies of the Town government except the Board of Education and Town agencies whose head or whose members are elected by popular vote. The Town Manager shall be appointed by the Board of Selectmen after having been chosen exclusively on the basis of technical and administrative qualifications, character, education, training and experience. The compensation of the Town Manager shall be established by the Board of Selectmen. In the event of a vacancy in the position of the Town Manager, incapacity or long-term absence of the Town Manager the Board of Selectman may appoint a Town Manager to serve on an interim basis.

The appointment of the Town Manager shall require at least four affirmative votes and it shall require at least four affirmative votes to remove the Town Manager from office.

5.2 Duties

The Town Manager shall have all the powers, duties and responsibilities conferred upon municipal chief executive officers under Connecticut General Statutes Section 7-193, which are not inconsistent with this Charter. For the purpose of Chapter 113 of the Connecticut General Statutes, the Town Manager shall have sole authority to recognize the exclusive bargaining agent for any unit of Town employees and shall act as the bargaining agent for the Town. Such contracts shall become effective upon approval by the Board of Selectmen. The Town Manager may assign and delegate duties to hired administrative officials and employees. In the event the Town Manager is unavailable to perform their duties for a brief period due to absence or illness of short duration, the Town Manager shall designate an Acting Town Manager to serve during such period of absence. Under the general policy direction of the Board of Selectmen, the Town Manager shall:

1. be responsible to the Board of Selectmen for the administration of all Town matters;
2. provide guidance to, set objectives and define administrative tasks for the agencies of the Town, except those functions expressly reserved or delegated to such agencies by law;
3. implement ordinances, resolutions, policies, and other action approved by the Board of Selectmen or at the Town Meeting;
4. purchase, or cause to be purchased, subject to such rules and regulations as may be adopted by the Board of Selectmen, all supplies, materials, equipment and other commodities required by any Town agency or department, including the local Board of Education to the extent said Board shall authorize;
5. subject to the approval of the Board of Selectmen, enter into contracts for the performance of services, or perform duties of any office under their jurisdiction;
6. continuously review the current and future needs of the Town and, in connection therewith, the Town Manager may require reports and information to be submitted by any agency;
7. exercise such other powers and duties as may be authorized by ordinance and resolution of the Board of Selectmen, not inconsistent with this Charter;
8. keep the Board of Selectmen informed of state and federal grant programs for which the Town may be eligible and assist the Board in applying for and implementing same;
9. coordinate and guide the Board of Selectmen in the discharge of all the Board of Selectmen's duties and responsibilities; and

10. in conjunction with the First Selectman, prepare a meeting agenda for each Board of Selectmen meeting.

v. Article 8.2 Hired Administrative Officials, Employees and Service is deleted and replaced in its entirety with the following:

"The Town Manager shall appoint all administrative officials and may hire employees of the Town, except with respect to the Board of Education employees, as provided in this Article. As applicable, such officials and employees shall have powers and duties as are prescribed in the Connecticut General Statutes, except as otherwise provided by this Charter. The terms of all such administrative officials, except as otherwise provided in the Charter, shall be set by the Board of Selectmen.

Unless otherwise provided by the Board of Selectmen, hired officials and employees need not be residents of the Town.

The Board of Selectmen shall establish uniform personnel, compensation and hiring practices that adhere to all federal, state and local laws. The Board of Selectmen shall consult with the Town Manager or other such administrative official as the Town Manager designates to establish job descriptions and requirements. Appropriate Town agencies may identify candidates, conduct interviews and recommend candidates for employment using procedures adhering to the uniform hiring practices. All officials and employees shall receive compensation as determined by the Board of Selectmen and as provided in Article 10 of this Charter.

Except as otherwise provided by law or this Charter, any non-probationary employee of the Town may be removed for cause by the Town Manager, with the approval of the Board of Selectman. No such employee shall be removed for cause without notice and the opportunity to respond.

vi. Article 8.2.5 is deleted and replaced with the following:

The Finance Director, if such appointment is made, shall have such duties and responsibilities as are delegated to by the Town Manager, which duties and responsibilities may include but not be limited to:

1. Acting as agent of all Town funds, except as otherwise provided by this Charter.
2. Responsibility for keeping and maintaining all Town accounts showing financial transactions of all departments and agencies of the Town, including the Board of Education.
3. Providing the Board of Education and the Board of Finance such reports or information as requested.
4. Assisting the Town Manager in the preparation of the Annual Town Budget. In the absence of a Finance Director, the Town Manager shall be responsible for ensuring the above duties and responsibilities are carried out.

vii. The second sentence of Article 9.2 is amended to add "or the Town Manager, as appropriate" after "The Finance Director".

viii. Article 9.3 is amended as follows: In the 4th, 6th, 7th and 8th paragraphs, insert "the Town Manager" after "Board of Selectmen,".

ix. The first two paragraphs of Article 10.1 are deleted and replaced in their entirety with the following:

"Unless otherwise provided in this Charter or by law, all non-hired officials, including all regular and alternate members of elective and appointive agencies, shall serve without compensation."

x. *A new Article 11.2.3 is added as follows:*

"The following specific changes to Articles 3.3.4, 3.3.8, 3.3.18, 3.3.22, 4, 5, 8.1.9, 8.2, 8.2.5, 9.2, 9.3, and 10.1 related to the Town Manager as the Chief Executive Officer shall become effective upon the earlier to occur of (i) the expiration of the term of office of the current First Selectman and (ii) a vacancy in such office. Thereafter the Town Manager shall be the Chief Executive Officer of the Town. Nothing herein shall prohibit the Board of Selectman from creating and filing the position of Town Manager prior to the effective date to allow for a period of transition or other business necessity."

- C. **that eligibility to serve as Town Meeting moderator requires training in moderating town meetings.** The following sentence is added at the end of Article 2.3: "An individual is eligible to serve as a moderator if such individual has received training in moderating town meetings."
- D. **that the threshold for requiring Town Meeting approval for the purchase and sale of real estate by the Town be increased from \$10,000 to \$50,000.** Articles 2.4(4) and (5), and Articles 3.3(9) and (10) are amended by deleting "\$10,000" and replacing it with "\$50,000" in each instance.
- E. **that the limit on the amount of supplemental appropriations that can be approved by the Board of Finance is increased from \$10,000 to \$25,000.** Article 9.8 is amended by replacing "ten thousand dollars (\$10,000)" with "twenty-five thousand dollars (\$25,000)"
- F. **that the non-binding advisory questions asking whether the Town Operating Budget and the Board of Education Budget are too high or too low shall be mandatory.** Article 9.6.1 is amended by replacing the word "may" with "shall".

Section 2 – Updates and Clarifications

- A. Cover Sheet dates changed to: "Adopted: November 7, 2023" "Effective December 7, 2023"
- B. Article 1.4.4, after "first Tuesday" add "following the First Monday"
- C. Article 1.4.12, after "in the Town", add "or as otherwise provided by law".
- D. Article 2.5.1 is revised to add the following statutory reference after "Board of Selectmen and": "pursuant to Connecticut General Statutes Section 7-7"
- E. Clarification to Article 6.3 regarding residency requirement for elected officials. Article 6.3 is amended to add the words "and resident" after the word Elector in both places here the word appears.
- F. Clarification to Article 7.1 regarding board and commission elections occurring at the first meeting after town elections: the second paragraph of Article 7.1 is deleted and replaced with the following: "Following Town elections, the first meeting of each elective agency shall be an organizational meeting at which meeting the agency shall elect officials and establish a regular schedule of meetings for the ensuing year."
- G. Clarification to Article 8.1.1 to delete "and shall be the directing agency for the Senior Center" and replace it with "The Senior Center Director shall have the

day to day responsibility for the operation of the Senior Center and work under the direction of the Town Manager.”

- H. Remove references to Jonathan Trumbull Junior House in Article 8.1.11 and Article 11; renumber accordingly.
- I. In Article 11.2, change Effective Date to December 7, 2023.

CONCLUSION

The CRC’s proposed changes are the result of an intensive year-long process that included discussion with and recommendations from Lebanon board and commission members who contributed different political ideologies and philosophies to the process, as well as many members of the public who took advantage of the public hearings held on the Charter revision process. The CRC believes the proposed changes will improve the governance of Lebanon.

Thanks to the Board of Selectmen for giving the CRC the opportunity to serve the Town of Lebanon in this important role.