RTM RULES & ORDINANCES COMMITTEE

Town of Branford

Adrian Bonenberger, Dan Adelman, Susan Dahill, Ray Ingraham, Peter Black, Trish Anderson
Peter Hentschel, Chair

SCHEDULED MEETING

June 18, 2024, 7:00 PM
Branford Community Center

1. Meeting was called to order at 7:04pm, and roll was called with all present.
2. Approval of Meeting Minutes: DA moved to approve, RI seconded, unanimously passed.
3. To consider, and if appropriate, recommend the establishment of a Branford Harbor Management Commission as requested by the First Selectman.
    a. Report from the working group (DA, PH) established to research the issues.
    b. *Note to the Public – The public is welcome to attend this meeting and make comments on this topic; however, there will be future meetings of the Rules & Ordinances Committee specifically focused on a public discussion of the possible ordinance, and a request for public input will be specifically noticed on that agenda.*

    AB moved to rerefer, PB seconded, unanimously passed.
4. To consider, and if appropriate, recommend the establishment of a Town Ordinance to regulate short-term rentals in Branford.
    a. Report from the working group (PH, PB, AB) established to research the issues.
    b. Discussion of a draft of questions to be included in a Community Survey (Survey Monkey) under development by the working group (draft questions to be available at the time of meeting). Reps suggested some changes.
    c. *Note to the Public – The public is welcome to attend this meeting and make comments on this topic; however, there will be future meetings of the Rules & Ordinances Committee specifically focused on a public discussion of the possible ordinance, and a request for public input will be specifically noticed on that agenda. Additionally, the working group will be publishing a public survey to collect public concerns regarding the impact of short-term rentals in Branford. Members of the community provided insight and thoughts on the subject.*

    PB moved to rerefer, AB seconded, unanimously passed.
5. To consider, and if appropriate, establish a Town Ordinance changing the position of Town Clerk from an elected position to an appointed position as requested by the First Selectman.
    a. Report from the working group (PH & DA) established to research the issues.
    b. Presentation of preliminary draft language for this ordinance to receive feedback from the Committee (draft attached). Reps suggested some changes.
    c. *Note to the Public – The public is welcome to attend this meeting and make comments on this topic; however, it is anticipated that a final draft of this*

ordinance will be presented and reviewed in the R&O meeting following our June meeting, and at that meeting public and administration comments will be sought.

PB moved to continue matter and finish discussion during a special meeting in July, RI seconded, unanimously passed.

6. To review and comment on the letter from Gregg Jerolman received by the RTM on June 12, 2024, and referred to the R&O Committee for review.
    a. Attached – Mr. Jerolman's email of 6/6/24
    b. Attached – Review comments by the RTM Parliamentarian
    c. Attached – *Recommendation* for consideration - PB moved to approve sending this recommendation to the full RTM, DA seconded, unanimously passed.

    Mr. Jerolman provided his further insight and thoughts on the subject.

7. Other Business

    Mr. Jerolman addressed the R&O at length with a list of complaints about how the RTM has been moderated in the past and present, focusing on what appears to him as a less than robust solicitation of comments and input from the public during RTM meetings.

8. Move to adjourn by AB at 9:09pm, 2nd by PB, unanimously approved.

Respectfully Submitted
Peter Hentschel
Chair, RTM Rules & Ordinances Committee

(DRAFT 6/18/24)

AN ORDINANCE AUTHORIZING THE APPOINTMENT OF A TOWN CLERK FOR THE TOWN OF BRANFORD

TOWN CODE, PART 1, CHAPTER 96

§___ -1. Purpose of this Act

The purpose of this Act is to provide stability and accountability within the administrative functions of the position of Town Clerk for the Town of Branford

§ ___-2. Authorization to Appoint

Pursuant to C.G.S. Sections 7-16a and 9-185, the Board of Selectmen of Branford is hereby authorized and empowered to appoint a Town Clerk, who shall have all rights, powers, and duties conferred and imposed upon such Town Clerk under state law. Such appointment must be by unanimous vote of the Board of Selectmen.

§ ___-3. Notification of Appointment

The Board of Selectmen shall, within ten days after such an appointment is made, file a notice of such appointment with the Secretary of the State, indicating the name and address of the person appointed, the date and method of such appointment and the law under which the appointment was made.

§ ___-4. Notification of Vacancy

Within ten days after a vacancy occurs in the appointed office of Town Clerk, the first selectman of the town shall notify the Secretary of the State of such vacancy.

§ ___-5. Term and Qualifications

The Town Clerk shall be appointed for a term of four (4) years. Prior to appointment, the Town Clerk shall be certified by the State of Connecticut pursuant to C.G.S., Sec. 7-22a., Certification Program for Town Clerks, and shall remain certified for the duration of his/her tenure. Failure to maintain certification may be cause for removal or non-reappointment.

§ ___-6. Duties and Responsibilities

The Town Clerk shall have all the responsibilities and duties prescribed in C.G.S., Chapter 92, Town Clerks

§ ___-7. Performance of Duties

In the performance of the duties required of the Town Clerk, the Town Clerk shall be responsible to the First Selectman, or his/her designee.

§ ___-8. Removal

It shall be cause for removal if a Town Clerk is guilty of misconduct, willful material neglect of duty or incompetence in the conduct of such Town Clerk's office. Removal shall be made in accordance with Connecticut General Statute §7-22.

§ ___-9. Responsibilities of the Town of Branford

The Town of Branford shall comply with all the municipal responsibilities prescribed in C.G.S., Chapter 92, Town Clerks

§ ___-10. Effective Date; Effect of Enactment

The Town Clerk in office on the effective date hereof shall continue in office until the expiration of the term for which he/she was elected. After said expiration, a Town Clerk appointed per this ordinance shall take and begin his or her first four-year term.

From: Gregg Jerolman <gjerolman@outlook.com>
Date: Thu, Jun 6, 2024 at 11:59 AM
Subject: 5/14/24 RTM Meeting and Budget Vote/ Town Attorney and Parliamentarian Opinions

To: maryannamorertm4@gmail.com, full RTM, and Aniskovich, William A. <waniskovich@bswlaw.com>, Lisa Arpin <larpin@branford-ct.gov>, Jamie Cosgrove (jcosgrove@branford-ct.gov) <jcosgrove@branford-ct.gov>, ahiggins@branford-ct.gov <ahiggins@branford-ct.gov>, rdunbar@branford-ct.gov <rdunbar@branford-ct.gov>, James Finch <JFinch@branford-ct.gov>, jmooney@iconn.net <jmooney@iconn.net>

Good morning, Madam Moderator,

Would like to respectfully request the following be read into the record by the Moderator at next week's RTM meeting:

Following up on my 5/20/24 email regarding a legal opinion from the town attorney on the 5/14/24 RTM Meeting and budget vote, I have yet to hear any feedback on this topic. Therefore, am left to assume no legal opinion has been rendered as of this writing.

In addition to getting an update on where things stand regarding the town attorney's legal opinion, am also requesting input as to the legitimacy and legality of the meeting, vote and resulting budget from Representative Hentschel in his role as Parliamentarian (copied here on this email).

Please recall that the 5/14 RTM Meeting was the only meeting before the Full RTM where discussion, public comment and voting was to take place on the approximately $135M proposed town budget. While there were anywhere from 5 to 7 people in the audience, including myself, wishing to speak at said meeting, public comment wasn't requested by the Moderator prior to the budget vote. This was the impression of those looking to speak at the time, as well as others in attendance, including several town employees. A review of the meeting tape verifies the fact that no public comment was called for prior to the RTM vote on the budget .

In our Town Charter, (A236-1), under Moderator, Rule1.11, it states that "The Moderator shall at all times guarantee the right of speech to any elector of the Town or to any person"... . Clearly, this did not happen. For if it were to have taken place, several people would have spoken about the budget at that important meeting. And no one from the public spoke before the budget vote was taken.

Given these facts, it raises some important questions. Among them- (1) Was the meeting legal? (2) Was the vote legal? And, by extension, (3) Was/Is the budget legal? Or is the resulting budget the "fruit from a poison tree", to use legal parlance.

I am, therefore, respectfully requesting an opinion on these issues from the Parliamentarian, as well as for the town attorney to research this matter and issue a legal opinion. Specifically, reviewing the records, minutes, videos and tapes of this meeting, and any prior meetings and hearings regarding the legality of the meeting, vote and resulting budget. Thank you.

Sincerely,

Gregg Jerolman, President
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Parliamentarian's Review of Gregg Jerolman's communication to the RTM of 6/6/24

In a communication to the RTM (see attached), Mr. Jerolman has requested *"input as to the legitimacy and legality of the [May 14, 2024, RTM] meeting, vote and resulting budget from Representative Hentschel in his role as Parliamentarian"*. The basis for this assertation was that *"public comment wasn't requested by the Moderator prior to the budget vote"* and that *"there were anywhere from 5 to 7 people in the audience, including myself, wishing to speak"*.

This meeting was recorded by BCTV. The review and discussion of committee reports on the budget and the overall budget approval process can be viewed between minute 12:14 and 38:18. By the end of this period the budget had been discussed and voted-on and the meeting had progressed to the end of the next meeting agenda item. It was only at that point that anyone (Mr. Jerolman) in the public audience stood, requested acknowledgement, and expressed a desire to speak on issues related to the budget.

The questions under consideration are - 1. whether there had been opportunity for the public to speak during the budget discussions or whether the Moderator had at any point denied the "right of speech to any elector of the Town" during the budget portion of the meeting, and 2. whether the actions taken by the RTM at the meeting were, as a result, illegitimate.

In my role as Parliamentarian, I have reviewed the meeting recordings to answer these two questions.

During each committee presentation and during the final budget vote the Moderator, at each point, asked for "any discussion or questions" or "any other comments or questions" and each time this was followed by a pause and look around the room. The request was <u>not</u> specifically directed – not directed to the RTM, the ex-officios, or the public. In fact, at no time in the entire RTM meeting did the Moderator choose to specifically direct a request for comment to any select group, and that was her prerogative in determining the format of the meeting.

If anyone in the public had wanted to speak, they could have risen at the Moderators prompt. And, more importantly, if anyone in the public audience had felt that their right to speak was being denied they could have risen at any point requesting that opportunity.

Mr. Jerolman waited until the entire budget had been heard, discussed, and voted on without raising any request to comment. He did not raise an issue when the Education budget was presented as the first part of committee reports; he did not raise an issue while the other committee reports were being discussed; and he did not raise an issue when approval of the overall budget was being discussed. It was only after the next agenda item following the budget approval had been heard and voted on that he finally rose with a request to comment on the budget.

That request, at that point in the meeting, was denied by the Moderator. Rule 1.11. (2) states that "a nonmember shall speak only on matters of Town business appearing on the agenda or call of the meeting and <u>only when such matters are under discussion or debate</u> by the RTM. At the point that Mr. Jerolman rose to speak the budget had already been voted on and the Moderator was correct in not allowing further budget comments at that point. If Mr. Jerolman had not chosen to precipitously leave the meeting, he would have been told that he could, in fact, address the RTM at the end of the agenda under "Other Business"

The Parliamentarian's conclusion is that the RTM meeting of May 14, 2024, was legitimately processed, that its actions were properly taken, and that the right of public speech was not denied.

Peter Hentschel, RTM Parliamentarian

6/21/24

RTM Moderator

Maryann Amore

Dear Madam Moderator

At the June 18, 2024 meeting of the RTM Rules & Ordinances Committee the Committee voted to recommend the following to the RTM and RTM Committee Chairs. Since this is a non-binding recommendation, no action of the RTM itself is required. The recommendation will be read into the record by the Committee Chair during the next RTM meeting while reporting on the referral of Mr. Greg Jerolman's communication to the RTM for review by Rules & Ordinances.

Recommended Protocol for Comment and Discussion at RTM and Committee meetings

To assure the public attendees at RTM and Committee meetings clearly understand the process by which they will be recognized to speak or make comments about items under consideration, the Rules & Ordinances Committee recommends that the following be read by the Chair or Moderator at the beginning of every meeting:

After each item on today's agenda has been presented there will be a period for questions and discussion. Discussion by the members of the Committee [or RTM] will take place first. Then I will ask for questions or comments from ex-officios in the audience, and finally I will ask for questions or comments from the attending public. Discussion will be limited to the matter under consideration. Any general comments may be made at the end of the meeting under "Other Business"

Peter Hentschel, Chair, Rules & Ordinances Committee