

MINUTES
CHARTER REVISION COMMISSION
January 11, 2017

PRESENT: Chairman James Staunton, Commissioners Dennis Donovan, Lynn Hidek, Karen Marsden, Art Keuver, Eric Bergman

Absent: Gary Bousquet, Peter Nye, Brad Sullivan

Guests: Attorney John Bennet

The meeting was called to order at 7:00 p.m.

Correspondence: None

Minutes:

A motion was made by L. Hidek, seconded by K. Marsden to approve the minutes of December 14, 2016 as submitted. The motion carried unanimously.

The December 28, 2016 meeting had been cancelled.

Visitors:

Attorney John Bennet was introduced.

Old Business:

Attorney Bennet had been asked to review the proposed charter revisions. The charter was reviewed and discussed with the following comments as follows:

Section 3-6 Board of Finance:

- “The Board of Finance shall consist of seven members...”
- It was suggested that instead of three members rotating every four year it be revised to two members changing every four years.
- This needs to be reviewed and precise language written, for rotation of members, by Attorney Bennet

Section 4-5 Special Town Meeting Action

- A-6: Land Swap Transactions:
 - A motion was made by K. Marsden, seconded by L. Hidek to strike A-6 Land Swap Transactions from the current draft.
 - K. Marsden withdrew her motion and L. Hidek withdrew her second.

Section 4-6 Appropriations or Other Actions Requiring Referendum

- A-3: Any appropriations over 1% of the Town Operation Budget (excluding Education Budget)
 - This may be a reiteration from another section
 - This is not a conflict with Section 4-6 A1 – as that section deals with appropriations in an amount equal to five (5) percent or more of the current tax levy (this includes both town and Board of Education budgets)

Section 5-4 Duties and Responsibilities:

- A: “The Board of Selectmen shall direct and supervise the affairs of the Town and shall be responsible for coordinating the activities of the Officers, Departments, Board, Commission and Agents of the Town.”
 - It had been thought that this would be taken over by the Chief Administrative Officer (CAO)
 - Attorney Bennet stated this could stay as it is a general statement, there is no conflict with keeping this statement as statutorily the Board of Selectmen are the Chief Administrators

Section 5-6 Power to Enact Emergency Ordinances:

In the first sentence the commissioners added the Chief Administrative Officer and it would read as follows:

- “On a declaration by the Board of Selectmen, with input from the Chief Administrative Officer, that a State of Public Emergency exists endangering the lives.....”
 - The ultimate authority lies with the Board of Selectmen so Attorney Bennet suggested removing the words “with input from the Chief Administrative Officer”

Section 5-7 Additional Powers:

The commissioners had removed Section A and B noting these would fall under the Chief Administrative Officer.

- Attorney Bennet stated these changes are ok

Section 5-7 Additional Powers:

- E: Shall approve or reject any collective bargaining agreement for the town employees, with recommendation/ review of Chief Administrative Officer.”
 - This is a required step building in this administrative step
 - Somebody would have to be designated for this and the Board of Selectmen could pick the CAO as the single negotiator for the union contracts
 - The Board of Selectmen would give the final contract approval and sign the contracts

Section 5-7 Additional Powers:

- H: “and after review of the Chief Administrative Officer”
 - This is ok

Section 5-7 Additional Powers:

- J: “Shall authorize the submission by the First Selectman of applications for Federal, State or Regional grants.”
 - The commissioners recommend removing First Selectman and inserting Chief Administrative Officer
 - Attorney Bennet explained that the Chief Administrative Officer would do the leg work and write the grant
 - The Board of Selectmen would approve and sign the grant

Chapter VI – First Selectman

Section 6-1 General:

- A: It was suggested that this section be changed to read as follows:
 - “The First Selectman shall serve “part” time. The First Selectman shall have the powers, duties, and responsibilities conferred upon that Office by the General Statutes, as amended,.....”

Section 7-9 Terms Pending Ordinance:

- A: The Fire Commission shall consist of (TBD) members and (TBD) alternate members all appointed to serve overlapping terms.
 - Attorney Bennet has reviewed the drafted ordinance for the Fire Commission

Chapter VIII Administrative Officers and Departments:

Section 8-1 Terms of Office: Qualifications, Powers and Duties:

- Under this section, the last sentence “No individual can hold two elected positions concurrently.” This can be removed as it is also under the section dealing with Elected Officials.

Section 8-2-1 Appointment: Qualifications; Terms; Compensation:

- C: Rather than hire the Chief Administrative Officer with a three (3) year contract right away, there was a discussion about hiring the CAO for an initial trial period or with a three (3) year contract with a review after one (1) year.
- This section will be rewritten by Attorney Bennet
- D: Remove the word “procedures”

Section 8-3 Removal:

- A: Remove the word “procedures”

Section 8-4 Acting Chief Administrative Officer:

This section will be reviewed and rewritten by Attorney Bennet.

Section 8-5 Powers and Duties of the Chief Administrative Officer:

The sentence “The Chief Administrative Officer’s powers and duties shall not be diminished by ordinance or resolution.” should be removed, as it is unnecessary language.

- B: This sentence should read as follows: Appoint, suspend or remove any Department Head, each such action with the approval of the Board of Selectmen except as otherwise provided for in this Charter.
- K: “Keep the Board of Selectmen fully advised as to the financial condition and all other matters affecting the welfare and future needs of the Town.” should be removed.
- P: add “with approval consistent with Section 10-5.”

Section 8-12 Town Clerk: Assistant Town Clerk:

Change the second B to C

- C: Should read as follows: “The Assistant Town Clerk(s) shall be hired by the Town Clerk and shall in the absence of disability of the Town Clerk,....”

Section 8-22 Tax Collectors:

This section should read as follows: “The Tax Collector shall be hired by the Chief Administrative Officer following recommendation by the Board of Selectmen.”

Chapter X, Finance and Taxation:

Section 10-2 Preparation of the Budget:

- C-6: The word capital should be added to the last sentence and should read as follows: “Once the Capital Expenditure Budget has been approved no additional capital appropriations, with the exception of emergency appropriation, can be approved until the next budget year.”

E. Bergman left the meeting at 8:30 p.m.

A motion was made by D. Donovan, seconded by K. Marsden to approve the edits

1. Remove Chapter IV Section 4-6 A3
2. Under Chapter V keep Section 5-4 A
3. Remove from Chapter V Section 5-6 “with input from the Chief of Administrative Officer”
4. Change “full time to part time” in Chapter VI Section 6-1 A
5. Remove “and shall be the Chief Executive Officer of the Town” in Chapter VI Section 6-1 A
6. Remove “No individual can hold two elected positions concurrently” in Chapter VIII Section 8-1
7. Chapter VIII Section 8-2-1 C will be rewritten by Attorney Bennet
8. Chapter VIII Section 8-2-1 D remove “procedures”

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9. Chapter VIII Section 8-3 remove “procedures”
10. Chapter VIII Section 8-4 will be rewritten by Attorney Bennet
11. Chapter VIII Section 8-5 remove “The Chief Administrative Officer’s power and duties shall not be diminished by ordinance or resolution.”
12. Chapter VIII Section 8-5 K remove this section
13. Chapter VIII Section 8-5 P add “with approval consistent with Section 10-5”
14. Chapter VIII Section 8-12 (change second B to C) and add “shall be hired by the Town Clerk”
15. Chapter VIII Section 8-22 reverse Board of Selectmen and Chief Administrative Officer
16. Chapter X Section 10-6 add “capital” after “additional” and before “appropriations” in fourth (4th) line to be incorporated into the next version of the draft. The motion carried unanimously.

The revised draft will be sent to Attorney Bennet through the First Selectman’s office for his review. The final approved revision will be sent to the Town Clerk.

The meeting was adjourned at 9:23 p.m.

Respectfully submitted,

Wendy McDermott
Clerk