

BOARD OF SELECTMEN
TOWN HALL ROSE ROOM
MARCH 22, 2018
MINUTES

Present: First Selectman Christine Goupil: Selectmen Jack Scherban, Phillip Sengle and Tim Guerra

Absent: Carol Walter

Everyone stood and pledged allegiance to the flag. The meeting was called to order at 8:00 AM.

The following statement was read by Selectman Goupil.

To Employees, Boards Members and Commissioners,

Clinton is a small town with big passions. Everyone who volunteers for boards and commissions, or who works in Town government, wants the best for Clinton. Yet, we don't always agree on how to get there. Sometimes we disagree, passions run high, and we forget that we are all working toward the same goal.

This is the time when it's most important to respect our fellow citizens. The professional and personal conduct of officials must be above reproach and avoid even the appearance of impropriety. Abusive conduct, threats, personal accusations or verbal attacks on the character or motives of others will not be tolerated. Nothing is gained by these actions -- we must stick to the issues. To do otherwise brings us all down a notch, and debases political discourse. The negative side effect is people who might otherwise get involved by volunteering their time and energy to the Town of Clinton choose not to participate. Everyone loses. Working for the common good we must recognize the stewardship of the public interest is our primary role.

VISITORS

Bruce Farmer was concerned about comments that were made by certain members of the board in regards to budget cuts to the Board of Education budget.

Dom Morelli spoke about last week's Board of Selectmen meeting in regards to the Public Works Hook Lift Truck and Police Boat.

Kirk Carr inquired about the contractual increases that were approved by the Board of Finance at their meeting on March 12th. Carr also spoke about the town charter and purchasing policy in regards to using state bids.

APPROVAL OF MINUTES –MARCH 14, 2018

Guerra made a motion, seconded by Sengle to approve the minutes from March 14, 2018. The motion was unanimously approved with one abstention from Scherban.

Scherban made a motion, seconded by Sengle to add to the agenda 6A – Indian River Shellfish Oyster Seeding. The motion was unanimously approved.

RESIGNATIONS AND APPOINTMENTS

Scherban made a motion, seconded by Sengle to appoint Darren DePaul (U) to the Human Services Advisory Board for a term until June 30, 2021. The motion was unanimously approved.

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APPROPRIATE FUNDS FOR TOWN OWNED PROPERTY

Goupil reviewed a proposal from R. F. Hagearty & Associates for Appraisal Services on the former Morgan School Property. The cost of the appraisal is \$4,500. Scherban made a motion, seconded by Guerra to approve and authorize Goupil to sign the contract with R.F. Hagearty & Associates for an appraisal on the former Morgan School Property for an amount not to exceed \$4,500, to recommend appropriating the funds from contingency and send to the Board of Finance for approval. The motion was unanimously approved.

CHARTER RECOMMENDATIONS

The board made the following recommendations or request to investigate to the Charter Revision Commission.

- No one should hold 2 elected position
- Limit the number of appointed boards one person can hold
- Sync the purchasing policy with the charter
- The First Selectman and the Board of Selectman should be prohibited from negotiating agreements, executing contracts or hiring employees during the remainder of their terms after the town election which causes a new First Selectmen and Board of Selectman to be seated. Legal advice would be needed on this and charter would have to allow for emergencies.
- Section 1-2 (2017 proposal) make clear the town manager is the Chief Executive Officer by adding to last line after the words "Town Manager", the phrase "as the Chief Executive Officer, as provided in this Charter and according to State Statutes."
- Board of Selectmen – suggest moving to 4-year term like all other boards if this suggestion is tied to the town manager approval vote. Also suggest moving to a 7 or 9-member board and calling it a town council. To avoid confusion, since the First Selectman position is codified in state statute, the title should be changed to Chairman of the Council. The Chairman should be chosen by the council just like any other board. So eliminate use of Selectman/men.
- Chapter V, Board of Selectmen & Chapter VI, First Selectman need to be reviewed. Some of the duties and powers might possibly be retained, e.g. power to enact Ordinances, power to accept a public street or highway, ceremonial duties, etc. Also needs to be clear that the Council sets policy.
- Section 3-6 (current charter) Board of Finance. Expand BOF to 7 members to eliminate ties in votes. Change alternates to 4 year terms. There is some support for eliminating the Board of Finance as the last commission decided. Please consider this option. It would make process simpler and shorter. The Town Manger would create the budget and the council would modify and/or approve and then send to referendum. A 9-member council should include financial experience to cover those roles.
- Section 4-4 (current charter) Annual Budget Meeting. 1st line, replace "machine" with "hand".

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- Section 8-5 (2017 revision proposal). Appointments. Add to last sentence as follows, “providing such removal does not conflict with state statute.” The reason for this statement is that, e.g., the chief of police is protected by the “just cause Law” so can only be dismissed under certain circumstances. Beyond that you might have to say something like “or unless prohibited or modified by an existing union agreement”. (Please investigate)
- Section 8-7 (current charter). Fire Marshall. Add the following after last sentence, “Such personnel shall possess the training and certification required of the position.”
- Section 8-12 C (2017 proposal) Formerly 8-8 C. Assistant Town Clerks. Change first sentence as follows, “The Assistant Town clerk(s) shall be hired by the Town Clerk, with the approval of the town manager, and shall, in the absence or disability of the Town Clerk, have all the powers” etc. Town Manger needs to maintain supervision over all town staff.
- There needs to be a clause stating that all hiring and supervision will be done by the Town Manager.
- Section 8-20 C, (2017 proposal). Public Works and Commission. Suggest add to commission powers, the following. “No budget should be brought forward to the town manager without the approval of the Public Works Commission.” As it stands now the commission just discusses but has no authority over the actions of the department. Commission should be appropriately utilized and their time not wasted. (Please investigate with the Director of Public Works and the Public Works Commission)
- Section 8-21 (2017 proposal) Director of Finance. Replace “involved in” with “responsible for.”
- Section 10-6 B. Expenditures and Accounting. Remove the sentence “Said regulations may exclude professional, engineering and technical services.” This has been a loop hole exploited in the past that allows for “no bid” contracts. You could allow for emergency circumstances. This has to be explored further in case there is something we don’t know. (Please investigate with the Board of Finance and Director of Finance)
- Alternates should be retained on Boards and Commissions that have legal deadlines to act, e.g. P&Z, BOF, ZBA, Wetlands. (Please investigate whether only those boards and commissions are necessary)
- Section 10-4 D. (current charter) Special Appropriations and Transfer of Appropriations. It is recommended that department heads be allowed to transfer amounts up to \$500 between line items in their respective budgets by notifying the Town Manager, Board of Finance (if it still exists) and the Finance Director. The current system creates un-necessary work and delay for the transfer of minor amounts. (The finance director already has significant oversight over line item transfers)
- Section 4.5 (2017 proposal) Special Town Meeting Actions, keep the proposal to also require “Land Swap Transactions” to be on the list requiring a town meeting.
- Section 4-6 A1 & A2 Appropriations or Other Actions Requiring Referendum. Change to “3% or more of the current tax levy”. Also why does that seem to be superseded by a \$250,000 maximum without a referendum? A3 seems to conflict with previous subsections and is perhaps too low an amount anyway. (Please investigate)
- Section 8-2 B (2017 proposal) Second sentence, add “professional certification(s) MPA and/or MBA” to list of qualifications for town manager.

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- Section 8-2 C (2017 proposal) First line, change to 5 years. The BOS should have flexibility here for the town manager contract length. It is understood that the first contract may be shorter, but if we get a good manager, the 5-year term would be reasonable and common and should not restrict the Council from executing such a contract. (Please investigate)
- Update with an effective date if passed, probably November 19, 2019.
- retain- (2017 proposal) Section 7-9 Terms Pending Ordinance A. The Fire Commission shall consist of (5) members and (2) alternate members all elected to serve overlapping terms. (Goupil expressed concern that she doesn't think the town has oversight over them and this would also impact the library)
- Section 8-23 Town Planner – The Town Manager shall hire an American Institute of Certified Planners (AICP) certified Town Planner

Below are recommendations from Dawn Norton, Director of Finance.

As a municipality or agency of the State of Connecticut we are bound by Connecticut General Statutes (C.G.S.) that require a municipality to preform competitive bidding. (see C.G.S. 4a section 51 through 60).

Clinton's Charter Section C-10-6 E. indicates a limit to the Town's use of state, federal, and/or other governmental cooperative purchasing agreements in lieu of obtaining sealed competitive bids at \$35,000 per commodity and/or piece of equipment.

This amount was set in the Charter many years ago and in my professional opinion limiting a state or federal bid to any amount in a Charter statement defeats the purpose of being able to establish policy to adopt with the Town's needs and economic time.

I highly recommend removing the dollar limit in the Charter under section C-10-6 E.

Many vendors obtain State Contract Bids so that they are easily reachable by numerous municipalities without having to go through the local procurement bidding process. The State of Connecticut has a very specific strict procurement bid process and only offers contracts that meet high standards.

The State of Connecticut's Department of Administrative Services (DAS) is responsible for state contracts. Their Procurement Agency division offers state bids for municipalities to use in place of their own competitive bidding process. Below is an overview of their process as stated on their CT.Gov website:

"Overview"

The DAS Procurement Division is charged with the purchase, lease or contract for supplies, materials, equipment and contractual services required by any state agency. In carrying out these tasks, DAS administers contracts through fair, open, competitive sourcing processes. Competition is the cornerstone of the government procurement process. These contracts are structured to leverage the combined needs of all Executive Branch agencies of State government. Agency purchasers are afforded the protections of the contract terms and conditions and can be assured that the contracts meet all

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statutory, regulatory, policy and business requirements. By combining agency needs, value-added pricing structures are established and guaranteed through the contract.

In addition, Connecticut municipalities, public universities and colleges, local schools, and certain non-profit organizations and are eligible to use most contracts administered by the DAS Procurement Division.

The DAS Procurement Division also recognizes that there is a serious need to help small business enterprises (SBE), minority business enterprises (MBE) (comprised of ethnic minority owned businesses, woman-owned businesses, nonprofit organizations and companies owned by individuals with disabilities) to be considered for and awarded state contracts. To assist agencies in meeting their annual SBE/MBE Set-Aside goal of 25%, the DAS/Procurement Division makes a good faith effort to set-aside as many contracts or portions of contracts to SBE/MBE companies. “

Below are recommendations made by Sharon Uricchio, Town Clerk.

- Update the effective date on page 1
- No one person should hold 2 elected seats at one time
- Section 3-3 Board of Selectmen - The candidate for First Selectman receiving the highest number of votes for said office shall be declared elected First Selectman. The balance of the Board of Selectmen shall be seated from candidates, NOT including the unsuccessful candidate for the office of First Selectman.
- Board of Finance alternates – 4 year terms
- Section 8-7 Fire Marshal – Appointed by the Board of Selectmen for an indefinite term
- Section 8-8 A. Town Clerk – minimum of 5 year’s experience
- Section 8-8 B. Town Clerk – Town Clerk shall hire the Assistant Town Clerk
- Section 9-3 Merit System – remove from charter
- Section 11-3 change “Referendum” to “Election”. Amendments to this Charter shall be submitted to the electors of Clinton at the regular town election to be held November 3, 2009 (change date)
- Page 34 - Change the date at the end of the charter

INDIAN RIVER SHELLFISH OYSTER SEEDING

The Indian River Shellfish has a multiyear contract with the town that was approved as part of the Unilever Settlement. The agreement allows Indian River Shellfish to continue to purchase new oysters every year from the revenues as part of the oyster seeding program per the contract. The town has received a total of \$6,250. Every year Indian River Shellfish will need to get approval by the Board of Selectmen for compliance with the contract terms and approval for payment. Guerra made a motion, seconded by Scherban to approve payment of \$6,250 per the Indian River Shellfish Farm Share Agreement as part of the oyster seeding program. The motion was unanimously approved.

SELECTMEN’S REPORTS

Reported by Goupil

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- The board signed the Technology Acceptable Use Policy

Reported by Sengle

- Sengle spoke about comments that were made by B. Farmer under the visitor's section.
- Spoke about complaints that were made regarding the senior pass at the Transfer Station.
- Noise Ordinance – Sengle will look and see what other towns are doing and report back to the board.

Reported by Guerra

- Update on this week's Economic Development Commission meeting

Reported by Goupil

- Goupil asked the board if they would like to attend the MIRA luncheon on March 26th and the 2018 Public Finance Outlook Conference on March 28th.
- Attended the Governor's Economic Forum held this past Monday.
- The first Brown Bag Lunch is scheduled for this Thursday at 11:30 am in the Rose Room of the Town Hall.

ADJOURN

Sengle made a motion, seconded by Guerra and unanimously adjourned the meeting at 9:45 AM.

Respectfully submitted,

Mary Schettino