

BOARD OF SELECTMEN  
TOWN HALL ROSE ROOM  
AUGUST 1, 2018  
MINUTES

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

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

Sengle made a motion, seconded by Walter to move agenda item #5 Charter Revision Draft Report to item #7A and add agenda item #8A Executive Session – purchase and sale negotiations. The motion was unanimously approved.

**VISITORS**

John Allen spoke in favor of the Chamber of Commerce Summerfest and Fireworks.

**APPROVAL OF MINUTES – JULY 25, 2018**

Walter made a motion, seconded by Scherban to approve the minutes from July 25, 2018. The motion was unanimously approved with one abstention from Guerra.

**RESIGNATIONS/APPOINTMENTS**

Walter made a motion, seconded by Scherban and unanimously approved the following reappointments.

Hank Teskey (R) Economic Development Commission until 6/30/2022

Alecander Pucillo (U) Conservation Commission until 6/30/2020

Catherine Zamecnik (U) Conservation Commission until 6/30/2020

**CHAMBER OF COMMERCE SUMMERFEST AND FIREWORKS 2018**

The Clinton Chamber of Commerce is planning a Summerfest and Fireworks event on August 25, 2018 with a rain date of August 26, 2018. This event will be held on town properties. They are planning to have a “beer garden” behind the Town Hall and the consumption of beer and wine will be confined to a fenced in area. They are in the process of obtaining a liquor permit from the State Liquor Commission. Sengle made a motion, seconded by Walter to grant an exception to section 194-4A and 194-5A for the Summerfest and Fireworks on August 25, 2018 with a rain date of August 26, 2018 at the Clinton Town Hall. The motion was unanimously approved.

**PUBLIC WORKS EQUIPMENT TRAILER**

Peter Neff, Director of Public Works presented the board with a state bid price from Kahn Tractor Equipment for \$19,299.25 for the purchase of a 20-ton construction equipment trailer to be used to haul heavy equipment. \$25,000 is currently in the 2018/19 CEC budget for Public Works. Neff also presented the board with comparable quotes from Tyler Equipment for \$22,750 and WI Clark for \$23,390. Neff is asking the board for permission to move forward with the state bid. Neff was unable to present this to the Public Works Commission due to a lack of quorum for 4 out of the last 7 meetings. Walter made a motion, seconded by Guerra to accept the state bid price from Kahn Tractor Equipment with a price not to exceed \$20,000. The motion was unanimously approved.

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**CHARTER REVISION DRAFT REPORT**

The Charter Revision Commission submitted their draft report to the Town Clerk on July 11, 2018. The Board of Selectmen have no later than 45 days from submission to hold their last public hearing. After the last public hearing the Board of Selectmen have 15 days to make recommendations back to the Charter Revision Commission. The Charter Revision Commission has 30 days to submit their final report to the Board of Selectmen and then the Board of Selectmen have 15 days to submit a final report and list of approved questions to the Town Clerk. If the board would like the questions on the November ballot then the questions need to be submitted to the Town Clerk no later than September 6, 2018. If the board chooses to hold a separate vote on just the charter, then it would need to pass with a 15 percent majority of the registered voters. Walter made a motion, seconded by Scherban to schedule a public hearing at 6:30 pm on August 15, 2018 at the Clinton Town Hall to hear and consider comments and recommended changes to the Town Charter. The motion was unanimously approved. Shipman & Goodwin reviewed the proposed changes to the charter as recommended by the Charter Revision Commission. Below are comments from Shipman and Goodwin that were reviewed by the board.

**1. Section 3-3 - Town Council.**

*Beginning in November 2019, seven members will be elected to the Town Council. The top 4 vote-getters will receive terms of four years and the other 3 candidates will have an initial term of two years. It may seem unlikely but what if there is a tie between the 4<sup>th</sup> and 5<sup>th</sup> place candidates at the 2019 municipal election?*

*I would also suggest some different language in general. See proposal below:*

*“There shall be elected a seven (7) member Town Council and each member shall be elected for a term of four (4) years. At the municipal election in November 2019, seven (7) members shall be elected and those four (4) candidates receiving the highest number of votes for Town Council in the election shall be elected to serve for terms of four (4) years, and the remaining three (3) elected candidates shall serve for an initial term of two (2) years. Thereafter, at each regular municipal election, there shall be elected candidates to fill those seats for which terms are expiring and said candidates shall serve for terms of four (4) years.”*

**2. Section 3-12 Board of Police Commissioners Alternates.**

*There is a section in the Table of Contents but it does not appear in the body of the document. Assuming the language is the same as the other draft, please see my comments below:*

*When is the first election at which an alternate will be chosen? The language seems to indicate that one alternate is to be elected in 2019 and the other in 2021? It could be a little more clear since these are new positions.*

**3. Section 3-13 Registrars of Voters.**

*There is language in the other draft that calls for the election of the Registrars at every Town election. I just want to point out that the same language does not appear in this draft even though it is in the Table of Contents.*

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*If the same language is added into this draft, please see my comment below:*

*Section 2.1 provides that “Nomination and election of state officers, Judge of Probate, Justices of the Peace and Registrars of Voters shall be conducted as prescribed by the General Statutes, as amended.”*

*However, the proposed edits to the Town Charter provide for a new Section 3.13 which states that the “Registrars of Voters shall be elected at a regular town election for a term of four (4) years.” The Town should delete the reference to the Registrars of Voters in Section 2-1 if they will be elected at town elections going forward. I am also not sure what happens to the current Registrars? When were they last elected? When will they first begin to be elected at a town election?*

**4. Section 6-1, C. - Chairperson language.**

*In the Town Manager section, the draft says “he or she” when referring to the Town Manager. However, in section C. it says:*

*“The Chairperson or such other Council member as **he** may appoint...”*

*Perhaps it should read “he or she” to be consistent?*

**5. Section 7.1 Appointments.**

*Section A. provides that all appointments shall be made “by a majority vote of the Town Council? Yet, in Section 5.2 D., the draft provides that “all actions of the Council shall require four (4) affirmative votes.” It may be best to use the same language in 5.2 and 7.1?*

**6. Section 7.2 B. - Terms of Office.**

*This section requires the Town Council to fill vacancies “within sixty (60) days” but Section 7-1 A. prohibits appointments to these boards and commissions “during the period after the election of members of the town council and the date they take office after the election.” What if the 60-day window expires on the day after the election? This potential problem exists in the other draft as well.*

**7. Section 8-2-1. A.**

*i. Why would the Town need to do an RFP or RFQ to appoint the search committee? And why would there be competitive bidding involved? I assume the search committee is just volunteers?*

*ii. This section provides that the Town Council shall appoint a search committee for the position of Town Manager. The effective date of the new Town Charter will be November 19, 2019. Let’s say the search committee is appointed in November and a Town Manager is appointed by the Town Council a few weeks later - who is the Town Manager for that period of time? The Town Charter may need to permit the Town Council to appoint an Acting or Temporary Town Manager while there is no permanent Town Manager in place in the weeks after the changes to the Town Charter are effective. The only provision for a temporary town manager is subsection E. and that only allows such a temporary town manager in the case of “suspension, removal, resignation or death.”*

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8. **Section 8-2-1. E.**

*This section allows the Town Council to appoint a Temporary Town Manager to serve for a period of up to 180 days with one 180 day renewal period if a permanent Town Manager is not named. What happens if 360 days goes by and the Town Council still has not appointed a new permanent Town Manager?*

9. **Section 8-5 C.**

*What if a contract has to be signed on a certain date? For example, a state or federal grant expires if not signed by a certain date? I would build in some sort of ability for the Town Council to override this language by a vote of 4, 5 or 6 members if they find it is necessary or in the Town's best interests.*

10. **Section 8-5 D.**

*This sections grants the Town Manager the authority "to approve or reject any collective bargaining agreement for the Town employees." I believe the general statutes require the Town Council to approve or reject all Town collective bargaining agreements.*

11. **Chapter VIII** - a global comment is the use of the word "hired" vs. "appoint." I think the Charter should use the word appoint, particularly for offices such as the Town Clerk and Tax Collector.

12. **Section 8-12 Town Clerk.**

*How long is the Town Clerk's term? Is it an indefinite term? Can the new Town Manager hire whoever he or she wants?*

13. **Section 10-2 G.** - in the case of rejection of the budget, the Town Council "shall then revise and recommend changes as it deems desirable." Are they making the recommendations to the Town Meeting? What are the next steps if the original budget is rejected?

14. Positions such as Town Assessor, Fire Marshal, Director of Human Services and DPW Director, etc. - are the current appointments allowed to serve when the new Town Manager comes into the position or can they be fired without cause by the Town Manager immediately?

15. Global comment - make sure the titles listed in the Table of Contents match the titles in the body of the document.

16. **Section 11-3.**

*I am not sure we need to put the effective date in that particular section. The effective date is listed at the end of that page and that seems like a better place for that to be listed.*

**EXECUTIVE SESSION – PURCHASE AND SALE NEGOTIATIONS**

Walter made a motion, seconded by Scherban to enter into executive session at 9:50 am. The motion was unanimously approved. The board came out of executive session at 10:00 am. No action was taken by the board.

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**SELECTMEN'S REPORTS**

Scherban made a motion, seconded by Walter to table the Selectmen's Reports. The motion was unanimously approved.

**ADJOURN**

Scherban made a motion, seconded by Sengle and unanimously adjourned the meeting at 10:01 am.

Respectfully submitted,

Mary Schettino