

BOARD OF SELECTMEN
SPECIAL MEETING
TOWN HALL ROSE ROOM
AUGUST 13, 2018
AMENDED 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.

CHARTER REVISION

The board reviewed the Town Charter Clinton, CT Town Manager draft and recommended the following changes.

Section 2-5 Breaking a Tie: When any regular or special Town election, primary election or referendum conducted pursuant to the provisions of the Charter results in a tie, an adjourned election shall be conducted in accordance with the provisions of Section 9-332 of the General Statutes, as amended, to determine who shall be elected.

The Board of Selectmen changed this section to read as follows: When any regular or special Town election, primary election or referendum conducted pursuant to the provisions of the Charter results in a tie, *“after recount”*, an adjourned election shall be conducted in accordance with the provisions of Section 9-332 of the General Statutes, as amended, to determine who shall be elected.

Section 3-2C Vacancies: Is this the correct state statute for this section? Does it reflect a town council form of government? The board asked for further clarification from the town attorney.

Section 3-3 Town Council: Recommended language from Shipman & Goodwin

“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.” The board asked for further clarification from the town attorney.

Section 3-4 Treasurers: By law can they be eliminated? The board asked for further clarification from the town attorney.

Section 3-6 Board of Assessment Appeals Alternates: “The Board of Assessment Appeals Alternates shall consist of two (2) members, each whom shall be elected for a term of four (4) years.

The Board of Selectmen would like to change this section to read as follows: The Board of Assessment Appeals Alternates *who shall not be members of the same political party* shall consist of two (2) members, each whom shall be elected for a term of four (4) years

Section 3-12 Board of Police Commissioners Alternates: The Board of Police Commissioners Alternates is listed under Table of Contents but not in the actual document. The Board of Selectmen discussed adding the following language:

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Section 3-12 Board of Police Commissioners Alternates

The Board of Police Commissioner shall have two (2) alternate members who shall not be members of the same political party each of whom shall be elected for a term of four (4) years. The alternate member shall serve terms which overlap by two years.

Section 3-13 Registrars: The Registrars section is listed under the table of contents but not in the body of the document. The Board of Selectmen would like the following language inserted:

Section 3-13 Registrars

The Registrars of Voters shall be elected at a regular election for a term for four (4) years.

Section 4-2 Procedure: Moderator: The Board of Selectmen would like to insert the following language.

All Town Meetings shall be called to order by the **Town Council** Chairperson or a member of the Town Council.

Section 4-4 Annual Budget Meeting: The board recommended inserting the word “meeting” in the following sentence. “Should the Annual Budget **Meeting** be adjourned prior to it being convened to referendum, said Meeting shall automatically reconvene in succeeding one (1) week intervals until its completion.”

The Budget Resolutions will be submitted to the persons qualified to vote in a **town meeting** which shall take place not less than seven (7) or more than fourteen (14) days thereafter, on a day to be set by the Annual Budget Meeting. The board questioned if it should say referendum instead of town meeting.

Section 4-5 Special Town Meeting Actions: The board questioned if “Tax Abatements” should be added to the list of required town meeting approvals. Also the board questioned if the Board of Finance should also approve Tax Abatements, providing there is still a Board of Finance. The board asked for further clarification from the town attorney.

Section 4-6 Appropriations or Other Actions Requiring Referendum: The board wanted to know the reasons why this section was changed by the Charter Revision Commission.

Section 5-1 Composition: The board questioned the compensation rate for the chairperson and town council. The board recommended increasing the rate to \$3,000 for chairperson and \$1,500 for town council.

Section 5-3A General Powers; Investigations: The board questioned if the General Statutes stated in this section refers to town council. The board asked for further clarification from the town attorney.

Section 5-4A Duties and Responsibilities: The Council shall direct supervise and shall be responsible for coordinating the activities of the Officers, Departments, Boards, Commissions and Agents of the Town to which the Council has power to appoint as outlined in this Charter. The board questioned the word “direct” and “supervise”. The board asked for further clarification from the town attorney.

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Section 5-5 Power to Enact Ordinances: The Board shall enact or deny the proposed ordinance within thirty (30) days after the public hearing. The board questioned if it should say “council” instead of “board”. The board asked for further clarification from the town attorney.

CHAPTER VI CHAIRPERSON: The board recommended the following change. “CHAPTER VI CHAIRPERSON OF THE TOWN COUNCIL”

Section 6-1C General: “The Chairperson or such other Council member as he/she may appoint shall be an ex-officio member of all Boards, Commissions, Agencies, Committees and Authorities including the Board of Education, but without the power to vote.”

Section 7-1A Appointments: remove the second period at the end of the sentence.

Below are recommended changes from Shipman & Goodwin.

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? The board asked for further clarification from the town attorney.

Section 7-2B Terms of Office: Below are the recommendations from Shipman & Goodwin.

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. The board asked for further clarification from the town attorney.

Section 7-2C: The board recommended inserting the word “committee” in the following sentence. No one person may hold more than one (1) elected and two (2) appointed positions simultaneously on Boards or Commissions excluding ad hoc committees and subcommittees.

Section 7-2D: The board recommended inserting the word “committee” in the following sentence. No one person may hold more than three (3) appointed positions simultaneously on Boards or Commissions excluding ad hoc committees and subcommittees.

Section 7-4 Minority Party Representation: The board recommended inserting the word “Party” into the following sentence. Minority Party Representation shall be as specified in Chapter II of this Charter.

Section 7-5B & C Two - Year Terms: The board would like clarification from the town attorney on a Special Shellfish Constable and Special Constables.

Section 7-6B Three - Year Terms: There will be no term limits for board members. The board did not approve this change.

Section 7-7B Four - Year Terms: The board would like the following language inserted.

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The Economic Development Commission shall consist of seven (7) members, and three (3) alternate members **with no more than 2 from the same political party and** all appointed to serve overlapping terms.

The board discussed adding the following language to Section 7.

Section 7-9 Terms Pending Ordinance

- A. The Fire Commission shall consist of (5) members and (2) alternate members all appointed to serve overlapping terms.**

The board also asked if the same would apply to the library. The board would like further clarification from the town attorney.

Section 8-2-1 A. Appointment; Qualifications; Term; Compensation

A. The Town Council shall appoint a Town Manager for a term no longer than three (3) years. Prior to appointing the Town Manager, the Town Council shall appoint a search committee it deems qualified, to perform a search for qualified candidates. The members of the search committee shall have no personal interest, direct or indirect, in the fiscal affairs of the Town government or with any of its officers. The Town Council may, without requiring competitive bids but through the use of a Request for Qualifications (RFQ) and Request for Proposal (RFP) process, select and designate such a search committee for a term not to exceed one (1) year.

The board recommended changing the language in this paragraph. The board added “not to exceed” and omitted “no longer than” in the first sentence. The board also changed the wording on the last sentence and recommended omitting “without requiring competitive bids but through the use of a Request for Qualifications (RFQ) and Request for Proposal (RFP) process.” Below is the draft paragraph as discussed.

A. The Town Council shall appoint a Town Manager for a term **not to exceed** three (3) years. Prior to appointing the Town Manager, the Town Council shall appoint a search committee it deems qualified, to perform a search for qualified candidates. The members of the search committee shall have no personal interest, direct or indirect, in the fiscal affairs of the Town government or with any of its officers. The Town Council may select and designate such a search committee for a term not to exceed one (1) year.

Below are the recommendations from Shipman & Goodwin.

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

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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.”

The board would like further clarification from the town attorney.

Section 8-2-1 C

The Town Manager shall serve a specified term not to exceed three (3) years pursuant to a contract between the Town Council and the Town Manager. There shall be no limitation on the number of times the Town Council may execute a new contract with any particular Town Manager. The contract shall make provision for compensation, review procedures, its specific expiration date, and any other matters the Town Council deems appropriate and/or necessary. If a subsequent contract with any Town Manager is not duly executed at least sixty (60) days prior to the expiration of an existing contract, the Town Manager’s employment by the Town shall terminate in accord with the contract's specified expiration date.

The board made one grammar change and omitted the last sentence in this paragraph. The paragraph would read as follows.

The Town Manager shall serve a specified term not to exceed three (3) years pursuant to a contract between the Town Council and the Town Manager. There shall be no limitation on the number of times the Town Council may execute a new contract with any particular Town Manager. The contract shall make provisions for compensation, review procedures, its specific expiration date, and any other matters the Town Council deems appropriate and/or necessary.

Section 8-2-1 D

The board changed “Section 8-2-1 (c)” to “Section 8-2-1 (C)”.

Section 8-2-1 E

The board inserted “Town” and “one”.

Upon the suspension, removal, resignation, incapacity, or death of the **Town** Manager, the Council may appoint a Temporary Manager to serve at the pleasure of the Council for a period of not more than **one** hundred eighty (180) days. If, after one hundred eighty (180) days, the Council has not appointed a new Manager, it may appoint a Temporary Manager for a further period of up (180) days. The Temporary Manger shall have all the powers and duties of the **Town** Manager.

The board discussed adding in specific qualifications such as a Master’s degree in Public Administration (MPA), Master’s degree in Business Administration (MBA) or related field.

Below are comments from Shipman & Goodwin.

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

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happens if 360 days goes by and the Town Council still has not appointed a new permanent Town Manager?

The board would like further clarification from the town attorney.

Section 8-3 Removal

The board noticed that section C & D are not listed.

C. Within fifteen (15) days of the resolution regarding the Town Manager's removal or suspension, the Town Manager shall reply to the resolution, in writing properly addressed to the Town Council, and the employee may request a public hearing before the Town Council. If the Town Manager fails to timely respond, the Town Council's suspension or removal shall be deemed final.

The board would like clarification from the town attorney to add the option for the town manager to have a public or private hearing.

The board inserted "of", "s" and "response" to paragraph D.

D. The board deleted "timely". In the event of the Town Managers response the Town Council shall hold a hearing not earlier than ten (10) days and not later than fifteen (15) days after such hearing is requested.

The board deleted "if timely requested" to paragraph E.

E. After the public hearing and after full consideration, the Town Council, by five (5) affirmative votes, may adopt a final resolution of suspension or removal. The decision of the Town Council shall be final.

The board recommended deleting paragraph F as listed below.

The Town Manager shall continue to receive full salary and benefits until the effective date of a final resolution of removal in accordance with the operative contract between the Town Council and the Town Manager. However, upon the effective date of such removal as provided herein, the Town Manager shall no longer receive any salary and benefits, except benefits otherwise vested by law.

Section 8-4 Powers and Duties of the Manager

The board omitted the word "Periodic" from the second paragraph "shall make periodic reports to the Town Council". It should say "shall make reports to the Town Council".

Section 8-5 Additional Duties and Responsibilities

Section C

Below are recommendations from Shipman & Goodwin.

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.

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The board would like further clarification from the town attorney.

Section D

Below are recommendations from Shipman & Goodwin.

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.

The board asked for further clarification from the town’s labor attorney.

Section G a.

The board discussed adding language that would require town meeting approval only for grants that are in kind or require a town match. The board asked for further clarification from the town attorney.

Section H

Shall execute or cause to be carried out the ordinances, regulations, resolutions or policies voted by the Town Council of the Town Meeting.

The board asked for further clarification from the town attorney.

Section N

The board recommended changing “Personnel Director” to “personnel director”.

Section 8-6 Appointments by: The board recommended adding “the Town Manger” to the section title. It should read “Section 8-6 Appointments by the Town Manger”.

Section 8-12 A Town Clerk, Salary; Assistant Town Clerk: The board would like further clarification from the town’s labor attorney.

Below are comments from Shipman & Goodwin.

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

Section 8

Below are comments from Shipman & Goodwin for Section 8.

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.

The board asked for further clarification from the town attorney.

Walter made a motion, seconded by Scherban and unanimously adjourned the meeting at 10:37 AM.

Respectfully submitted,

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Mary Schettino