

**MINUTES OF THE  
REGULAR MEETING OF THE BOARD OF SELECTMEN  
July 15, 2009**

**Present:** Scott Lingenfelter, Timothy Reynolds, John Smith, Brian Fitzgerald. **Absent:** Vicki Spellman. First Selectman Lingenfelter called the meeting to order at 7:00 p.m. in the Town Hall lower level Conference Room on Wednesday, July 15, 2009.

**Minutes:**

Selectman Fitzgerald made a motion to approve the Minutes of June 17, 2009. The motion was approved by unanimous vote. ( Selectman Reynolds arrived after this vote).

Selectman Fitzgerald made a motion to approve the Minutes of the Special Meeting of June 29, 2009. The motion was approved by unanimous vote, with Selectman Smith abstaining.

**Public Input:**

Sami Memhed, 10 Dara Lane requested Board of Selectmen and Finance meeting packets be available to him before the meetings in the Town Clerk's office.

**Skateboard Park Discussion:**

The Skateboard Park was temporarily closed on July 6<sup>th</sup> . There have been several problems with the Park. Trash is being thrown all over the Park as well as the town hall parking lots and grounds. The sani-can and the wooden gazebo were both vandalized. There was foul language and swearing complaints as well as disrespectfulness shown to town staff and people in the area of the Park. First Selectman Lingenfelter said Youth Services Director, Peter Black will be notified to speak with the children and address these matters before the Park will re-open. Selectman Fitzgerald said these issues are not new and the Town has tried many avenues, as well as parent supervision in the past for the Park. He feels the Park needs some type of on-going supervision.

**Charter Revision Commission Final Report:**

Present from the Commission: Bobbie Kling, Tom Sheridan, Eric Remington and Elaine O'Brien.

Charter Revision Commission's (CRC) Vice-Chairman Bobbie Kling addressed the letter dated July 2<sup>nd</sup>, sent to the First Selectman, by Charter Revision Commission Chairman Ernie Petkovich, (who was not present), outlining the Final Report and Recommendations by the CRC.

Mrs. Kling explained that the majority of the Selectmen had expressed that they wanted a stronger Town Administrator (T.A.) and was concerned that Fire & Police would not be under the Town Administrator. There was a question regarding the legality of the restriction of any member of the Board of Selectmen and Finance would not be eligible

for the Town Administrator position for 2 years. Mrs. Kling said the CRC reviewed the T.A. role and focused on the Police & Fire Departments reporting to the T.A. After some discussion and consultation with Town Counsel, the CRC, although they agreed with the concept, determined that the change for this is a significant change to the roles of the Police & Fire Commissions, and therefore could not be completed in the short time frame remaining.

The next issue was the legality of whether any member of the Board of Selectmen and Finance would not be eligible for appointment as a Town Administrator for at least 2 years after their service. The Town Counsel ruled that it was a legal restriction. The CRC believed that this was necessary to avoid the possibility of the T.A. becoming a political appointment following an election.

The next issue was the number of signatures required to send a matter to Referendum. Currently the Charter requires 10%. CRC had originally recommended 250 signatures, but the Selectmen felt that number was too low and asked CRC to reconsider. The Commission did review this and they revised the number to 400 signatures be required to send any issue to a referendum.

The suggestion for clarification of the seating of Alternate Members on the Board of Finance and changes to Leases and Lease Options were voted by the CRC to the "Not Recommended List." In other words, the CRC took no action on these issues, and left them as currently existing in the Charter.

There was no change to the T.A. position during the two meetings of the CRC. It remains as was originally submitted to the Selectmen.

The 8 technical corrections were also discussed.

Selectman Lingenfelter thanked the Commission for their work and called for a motion to disband the CRC as their obligation to the Selectmen has been met.

***Selectman Fitzgerald made a motion to thank the Charter Revision Commission for all their work and discharge them from their duties as their obligations have been met. The motion was approved by unanimous vote.***

Selectman Fitzgerald said that the Board of Selectmen is missing a member of the Board tonight and does not have the full Board present. He would like to have the entire Board of Selectmen present to make a decision on the CRC's recommendations and asked if the Board could postpone action on this until the entire Board is present. Selectman Lingenfelter agreed with his concern, but unfortunately as the Connecticut General Statutes, specifically Sec. 7-191, outlines a strict time line for the Commission and the Selectmen must meet that time line. The Selectmen reported back to the CRC on June 4th and the CRC had 30 days to respond, which they did on July 2<sup>nd</sup>. The Selectmen then had 15 days from then to make a decision on the CRC's final recommendations. Mr.

Lingenfelter said the Board is better off, even without a full Board present, to act on the Final Report to insure all the statutory time line requirements are met.

Mr. Lingenfelter asked the Board what their comments are on the recommendations and if the recommendations or a part of them, should be sent to the voters.

Selectman Smith was against sending the recommendations, however, Selectman Reynolds felt the Board should honor the request of the CRC Chairman and send all the recommendations to the voters. The Commission put a lot of work into this, and although he disagrees with the T.A. position, he still thinks it should be put out to the voters.

Selectman Smith said a “no” vote from the voters could either mean they don’t want to pay for two people, or they are just against hiring a T.A., or this is just not the right time to institute a change. The Town can hire a T.A. right now and it doesn’t require a Charter change to do it.

Selectman Fitzgerald said the Board is elected to do a job. The Board needs to either endorse what is presented by the CRC, or reject it. If the Board passes it along to the voters, the electorate will interpret that the Selectmen endorses it and agrees with what is being presented to them.

Mr. Lingenfelter said the Board needs to make a judgment call, and act in the best interest of the Town. If the Board feels the recommendations are not in the best interest of the Town, then the Selectmen should not move it forward to the voters.

Selectman Fitzgerald said it won’t materially change town government to add a Town Administrator. However, it will add another layer in the executive hierarchy. When the town is looking for ways to be more efficient and cut back on expenses, hiring a T. A. will create a monetary issue. Selectman Fitzgerald felt the Town doesn’t pay a high enough salary for the First Selectman’s position right now, and this change would create two underfunded positions. Also he felt the T.A. position will weaken the executive power of the First Selectman. Therefore, he is not in favor of sending the recommendation along to the voters.

The Referendum issue to change the number of signatures required from 800 to 400, and to standardize the process in the number of days in calling a referendum was discussed. Selectman Reynolds said he supports these recommendations and should be put forth to the voters. Selectman Smith felt it should left at 800. Selectman Fitzgerald felt exceptional issues should go to referendum, but felt that lowering the required signatures to 400 will bring just about any issue to referendum. Mr. Lingenfelter felt that 800 signatures are unreasonable, but voters should be given the option to bring an issue to referendum. He strongly felt that the number of signatures needed for a referendum should be low so that the residents have an opportunity to petition for a referendum.

The Selectmen decided to vote individually on each recommendation.

**Selectman Reynolds made a motion to send recommendation #1: Provide for a professional Town Administrator with training and experience in municipal and state government policies to manage the day-to-day operations of the Town; and, #5: The Director of Finance reports to the TA, to the voters. Selectman Reynolds voted in favor of the motion with Lingenfelter, Smith and Fitzgerald voting opposed. Motion failed 1-3.**

**Selectman Reynolds made a motion to send recommendation #2: Clarification that Town Counsel will serve at the pleasure of the BOS; and, #4: Clarify use of outside counsel as directed by the BOS to the voters. Selectman Reynolds and Smith voting in favor with Lingenfelter and Fitzgerald voting opposed. Motion failed 2-2.**

**Selectman Reynolds made a motion to send recommendation #3: Clarify that the terms for Administrator of Social Services, Superintendent of Public Works, Tree Warden and Dog Warden will be four (4) years, to the voters. Selectman Reynolds voting in favor with Lingenfelter, Smith and Fitzgerald voting opposed. Motion failed 1-3.**

**Selectman Reynolds made a motion to send recommendation #6: Adjust the number of voters required to petition for a referendum to 400; and, #7: Standardization of the process and number of days for call for a referendum to the voters. Selectman Reynolds and Lingenfelter voting in favor with Smith and Fitzgerald voting opposed. Motion failed 2-2.**

**Selectman Reynolds made a motion to send recommendation #8: Add Section 1212 for definition of Annual Town Budget to include WCPA, to the voters. Selectman Reynolds voting in favor with Lingenfelter, Smith and Fitzgerald voting opposed. Motion failed 1-3.**

**Selectman Reynolds made a motion to send all the 8 technical corrections to the voters. The motion was approved by unanimous vote.**

Mr. Lingenfelter made a motion to take a 5 minute recess. The motion was approved by unanimous vote. The Selectmen went into recess at 8:05 p.m.

Mr. Fitzgerald made a motion to go back into session at 8:10 p.m. The motion was approved by unanimous vote.

Town Clerk and CRC member, Elaine O'Brien, thought the CRC decided not to send the technical corrections as a recommendation to the Selectmen to vote on because these corrections did not require a vote. Many of the changes have been incorporated by State

Statute. After much discussion on the technical corrections, the Selectmen felt sending these corrections to the voters could be confusing, and decided to reconsider the motion.

**Selectman Fitzgerald made a motion to reconsider the previous motion. The motion was approved by unanimous vote.**

**Selectman Reynolds made a motion to send the 8 technical corrections as recommended by the Charter Revision Commission to the voters at referendum. The motion failed with all voting opposed.**

Mr. Lingenfelter said all the recommendations failed and nothing will be going forward to the voters. He again thanked the Charter Revision Commission for their time and efforts.

**Tax Rebates:**

Selectman Fitzgerald made a motion to approve the following tax rebates:

Kurt E. Burkamp \$11.24

Emkay Inc. Trust \$121.07

George & Kristi Fields \$70.20

Mark or Laurie Halse \$36.67

Christopher Judson \$88.46

Thomas Kielasinski \$113.57

SAAB Leasing c/o Thomson Tax & Accounting \$121.54

Gary & Susan Seaferd \$245.70

Gary & Susan Seaferd \$237.60

The motion was approved by unanimous vote.

**Adjournment:**

There being no further business, Selectman Fitzgerald made a motion to adjourn. The motion was approved by unanimous vote. The meeting adjourned at 8:15 p.m.

Respectfully submitted,  
Christine Koren, Recording Secretary

NEXT MEETING: August 19, 2009 at 7 p.m.