

**MINUTES OF THE REGULAR MEETING OF THE  
CHARTER REVISION COMMISSION  
June 11, 2015**

**Present:** Jeff Kew, Brian Fitzgerald, Brian Dudack, Charles Watras, Bobbie Kling and Bob Parks (arrived 7:20 p.m.) **Absent:** Bob Brooks. First Selectman Ed McAnaney was also in attendance. Acting Vice Chairman Kew called the meeting to order at 7:07 p.m.

**Approval of Minutes from June 4, 2015 Regular Meeting**

Mr. Watras made a motion to accept the minutes of the June 4, 2015 Regular Meeting of the Charter Revision Commission (CRC) as presented. Ms. Kling seconded the motion.

**Vote 5-0 in favor.**

**Public Comment:** *None*

**Correspondence Received:** Mr. Kew acknowledged the receipt of emails from Darlene Burrell and Town Attorney Charles T. Alfano, Jr. regarding determination of the proper version of the Charter.

Item #5 was moved up in the agenda to give Mr. Parks time to arrive in person due to teleconference issues.

**Consider creation of a town forest commission**

The Jesse Fowler Smith Town Forest is located on Halladay Ave West. It was donated to the town in 1959. There are references to a commission in older Annual reports but the commission is not listed in the charter. Mr. Fitzgerald said he was unaware that this commission ever met. He said the Town is responsible for the town forest and maybe Public Works should oversee its' maintenance. Mr. Fitzgerald suggested that it be left as an advisory commission under the authority of the Board of Selectmen rather than to define it in the charter. Mr. Parks arrived during the discussion. There was also discussion about the notable trees in town and who is in charge of monitoring them. Mr. Parks made a motion that it is not recommended to add the Town Forest Commission to the charter. Ms. Kling seconded the motion. **Vote 6-0 in favor.**

**Consider language allowing the Board of Selectmen (BoS) to accept easements and roads in new developments.**

*Current Language:*

*Section 1006 Actions Requiring a Town Meeting*

*F. Any sale or other conveyance of real estate or any interest therein of the Town except property acquired by tax foreclosure, and any purchase or other acquisition of real estate or interest therein, except for purchase of an easement or right-of-way for \$5,000 or less and except for the acquisition of any drainage or utility easements or facilities which a Town board or commission requires to be deeded to the Town as a condition of the approval of plans for development of land. (Approved 11-6-01).*

*H. The discontinuance or abandonment of town roads, the establishment of town roads, and the acceptance as town roads of existing or proposed roads.*

Mr. Dudack explained that 1006F currently provides an exception for easements in new developments to exclude them from Town meetings. Mr. Parks said he is in favor of reducing town meetings for routine issues but keeping an oversight for unusual items.

Mr. Dudack offered the following language:

H. The discontinuance or abandonment of town roads and the acceptance of established private roads, except for the acceptance of roads built in accordance with plans approved by the Planning and Zoning Commission in connection with any new development of land.

Mr. McAnaney suggested adding “as town roads” in the language to clarify that acceptance of any private roads must go to Town meeting. It was noted that an 8-24 report prepared by the Town Engineer and Planning and Zoning is required to accept the roads. The members were satisfied with giving the BoS the authority to accept the roads in new developments since the Town Engineer and Zoning and Planning Commission have already determined that the road meets all of the requirements. The question was raised if the BoS had authority to accept the Town roads in new developments without explicitly noting it in the charter. General Statute 7-148 was discussed along with section 402 which includes the General Powers and Duties of the Board of Selectmen. Those two items are consistent with allowing the BoS the power to accept the roads in new developments if changed as proposed.

A brief discussion took place regarding easements but based on prior conversations it was decided to leave item F (easements) as is. It was noted that the recent CVS easements really didn’t need to be approved at Town meeting since the BoS required the additional easements. The language said those drainage and utility easements which a Town board or commission requires are an exception and town meeting approval wasn’t necessary.

Mr. Dudack moved to delete current provision 1006H and to substitute the following:

H. The discontinuance or abandonment of town roads and the acceptance of established private roads as town roads, except for the acceptance of roads built in accordance with plans approved by the Planning and Zoning Commission in connection with any new development of land. The motion was seconded by Mr. Parks. **Vote 6-0 in favor.**

**Consider language clarifying rules for seating Board of Finance (BoF) alternates**

Current language:

*Section 802 General Powers and Duties of the Board of Finance*

*Four members shall constitute a quorum and no vote, resolution or other matter shall be approved by fewer than four affirmative votes. When the number of board members in attendance is four (4), no more than one (1) alternate shall be seated. When the number of board members in attendance is five (5) or six (6) no more than two (2) alternates shall be seated.*

Acting Vice Chairman Kew said he interpreted the original intent of the language to be that there should never be more alternates seated than regular members. Mr. Fitzgerald suggested that the provision regarding seating of alternates be removed. He stated that all of the members are elected whether regular or alternates. He added that alternates go to all meetings and are involved in all of the discussions they just may not be accorded voting rights. Mr. Parks said he was an alternate on Zoning and Planning and agrees with Mr. Fitzgerald's assessment of the role of alternates. Discussion followed about whether the seating of alternates was at the discretion of the chairman or was voted upon by members. If a quorum is four and four regular members are in attendance, it is up to the chairman to seat from zero to 2 alternates. Political affiliation of seating such alternates is also up to the chairman but replacement of the same party is honored if possible. It was agreed that a standing rule should be established to determine how alternates should be seated. It was stated that there is a maximum of 6 voting members at a meeting. Mr. Kew read State Statute 7-340a regarding alternates. It said that a member who will be absent can designate an alternate to represent him/her at the upcoming meeting. That is not typically done. Mr. Watras noted that a lack of rules could set up a situation where a chairman could influence a vote, if he/she thought the opinion of the alternate could change the outcome of the vote. The chair could determine whether or not to seat additional alternates. Mr. Fitzgerald reiterated that the standing rule would define the process.

Mr. Parks made the motion to delete the language:

*Four members shall constitute a quorum and no vote, resolution or other matter shall be approved by fewer than four affirmative votes. When the number of board members in attendance is four (4), no more than one (1) alternate shall be seated. When the number of board members in attendance is five (5) or six (6) no more than two (2) alternates shall be seated and replace as follows:*

*Four members shall constitute a quorum and no vote, resolution or other matter shall be approved by fewer than four affirmative votes. The total number of all voting members, alternates plus regular members, shall never be greater than six (6).* Seconded by Mr. Fitzgerald. **Vote 6-0 in favor.**

### **Update on legal opinion regarding charter versions**

Mr. Kew mentioned that the Town Attorney is seeking a meeting to discuss which version of the charter is the correct one. The last charter revision that was approved by Town vote was in 2001. The 2008 CRC recommendations were never accepted by the Board of Selectmen yet the typographical and technical changes appear to be made in the online versions. Ernie Petkovich, chairman of the last CRC effort, said that those changes were made to the charter by Elaine O'Brien after being authorized by then Town Attorney Ed McAnaney. There was question whether these 'housekeeping' changes are appropriate or whether they should be reviewed and voted on by the CRC, Selectmen and by the Town residents. Mr. Watras said a base document is needed to ensure that we are literally on the same page. He suggested that at least the following people be included in the meeting with the Town Attorney: Past CRC chairman Ernie Petkovich, First Selectman McAnaney (as First Selectman and past Town Attorney), the

Town Clerk, the chairman of the CRC and any other interested CRC members. It was agreed to set up a meeting with the Town Attorney and also set up a meeting to compare the charter version on file with the Secretary of the State (printed in 2002) with the current online version to determine what changes have been made. The Town Attorney meeting will be held after the versions are compared and upon Chairman Brooks' return. The expectation is that the changes were limited to typographical and technical changes. Mr. Fitzgerald noted that there may be differences in the definition of a technical correction. Mr. Fitzgerald suggested that the outdated language referring to special election definitions from when the charter was created be removed such as "Beginning with the regular biennial town election held in November 1985" in section 302 be removed.

**Discuss maintenance of draft document with our changes and tracking those changes**

Acting Vice Chairman Kew said that Ernie Petkovich had developed a tracking log and suggested that this CRC do the same. He also talked about the importance of limiting the entry of proposed changes to the charter document to one person. Mr. Kew volunteered to do the editing.

**Discuss clarifying reporting relationships between First Selectman/BoS and town employees.**

Mr. Kew asked Mr. McAnaney to provide more detail on the charge item. Ms. Kling asked if Human Resources should be included in the discussion. Mr. Kew asked which department heads were involved and if time should be allotted to discuss each one separately. Mr. McAnaney stated that all department heads should report to the First Selectman and it's become evident with recent events. He cited personnel issues that have materialized in the last year as reasons for the change.

Mr. Watras moved to amend the agenda to add an Executive Session to discuss pending employee related legal issues. Seconded by Mr. Fitzgerald. Vote 6-0 in favor.

Executive Session began at 8:55 p.m. and included CRC Members, First Selectman McAnaney and Recording Secretary Lisa Trase. Executive session ended at 9:20 p.m.

Ms. Kling moved to adjourn. Mr. Fitzgerald seconded. After a unanimous vote, the meeting was adjourned at 9:20 p.m.

Next Meeting will be held on June 18th.

Respectfully submitted,  
Lisa Trase  
Recording Secretary