

**MINUTES OF THE REGULAR MEETING OF THE  
CHARTER REVISION COMMISSION  
June 25, 2015**

**Present:** Bob Brooks, Jeff Kew, Brian Fitzgerald, Charles Watras, Bobbie Kling, Bob Parks and Brian Dudack. First Selectman Ed McAnaney was also in attendance. Chairman Brooks called the meeting to order at 7:03 p.m.

**Approval of Minutes from June 18, 2015 Regular Meeting**

Mr. Kew made a motion to accept the minutes of the June 11, 2015 Regular Meeting of the Charter Revision Commission (CRC) with a change to strike out the following clause (Note: A Chief Administrative Officer is allowed in Section 501 of the charter.) in the section titled Discussion on possible CFO position. Ms. Kling seconded the motion. **Vote 5-0 in favor with Mr. Parks and Mr. Dudack abstaining since they were absent.**

**Public Comment:** *None*

**Correspondence Received:** *None*

**Technical corrections update and numbers of Justices of the Peace**

Chairman Brooks reported that a group met with Town Attorney Alfano to discuss the proper charter version on Wednesday, June 24th. Attendees were: Chairman Brooks, Jeff Kew, Bobbie Kling, First Selectman McAnaney, Previous CRC Chairman Ernie Petkovich, Town Clerk Kathy Dunai, Recording Secretary Lisa Trase, and Town Attorney Alfano. Mr. Alfano said that making spelling and punctuation changes to the charter are acceptable but changing words even if they were obvious corrections wasn't allowed. It was agreed to take the 2002 charter and to apply the typographical changes outlined in the 2008/2009 CRC effort and to make that be the base document. The town website version should be corrected and a word document should be saved and held by the Town Clerk. The technical changes outlined in the 2008/2009 CRC effort will be bundled into one recommendation to the Board of Selectmen (BoS). Individual changes do not need to be voted on separately.

Regarding the number of Justices of the Peace, the 2002 charter shows ***Section 302 Elected Town Officers, Boards and Commissions*** *Eighteen Justices of the Peace as the Town may by ordinance determine to be selected, rather than elected, as provided in Sections 9-184 and 9-252 of the General Statutes. The term of office shall be four years and shall commence on the first Monday in January following their selection.*

The charter version on the town website shows twenty seven justices of the peace. A 1996 Ordinance allows for 27 but the ordinance cannot supersede the charter. The ordinance can define the selection method but cannot supersede the charter in defining the number. Chairman Brooks will check with the Town Clerk to see if we have more

than 18 Justices of the Peace appointed.

Mr. Fitzgerald offered a list of items of housekeeping items to be considered:

Current language:

***Section 204 Vacancies in Elective Offices***

*Any vacancy, from whatever cause arising in any elective town office, excluding the Board of Education and the Board of Finance and the office of the First Selectman, shall be filled within thirty days of such vacancy by appointment of the Board of Selectmen, for the unexpired portion of the term. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office in the event said person was affiliated with a political party.*

*(Approved 11-3-87, sec. 2)*

*Vacancies on the Board of Education and on the Board of Finance shall be filled by the remaining members of such Board, and shall be filled by appointment for the unexpired term or until the next regular town election, whichever event shall first occur. Any such vacancy shall be filled by the appointment of a member of the same political party as the person vacating the office in the event said person was affiliated with a political party. If there is a regular town election before the expiration of the term of office of any person appointed to an elective office under the provisions of this section, such office shall be filled by the election of a person to fill that office for the unexpired portion of the term such person to take office immediately upon election.*

*If a vacancy shall occur in the office of First Selectman or office of the Selectmen, the successor shall be chosen in accordance with the provisions of the General Statutes.*

Mr. Fitzgerald pointed out that the charter is inconsistent with itself. The beginning of the section carves out special processes for Board of Ed, Board of Finance and First Selectman but in the last paragraph “office of the Selectmen” is also included. **Mr. Dudack made the motion to remove “or office of the Selectmen” in Section 204 paragraph 3. The motion was seconded by Mr. Parks. Vote 7-0 in favor.**

***Section 302 Elected Town Officers, Boards and Commissions***

*G. The Board of Tax Review shall consist of three members each of whom is elected for a term of four years. At each biennial election thereafter there shall be elected members of such board in place of members whose terms expire.*

Mr. Fitzgerald noted that the Board of Tax Review has been replaced by the Board of Assessment Appeals in State Statutes. Chairman Brooks said this was noticed in the 2009 CRC effort and will be included in the technical corrections list.

**Section 303 Elected State Officers**

**B.** A Judge of Probate for the Probate District of Suffield and East Granby, in accordance with applicable provisions of the General Statutes, for a term of four years.

The change to delete item B was previously voted on and will be included in the technical changes.

**Section 406 Emergency Ordinances**

*If the Board of Selectmen shall find that an emergency exists in the Town effecting public peace, health or safety, it shall be empowered to adopt regulations and ordinances stating the facts constituting the public emergency, which regulations shall become effective immediately upon the affirmative vote of no less than two members of the Board without public hearing or notice thereof. When the Board of Selectmen shall find that an emergency no longer exists, it shall so declare and terminate the state of emergency. Every such emergency regulation or ordinance shall be repealed upon the termination of the emergency and shall automatically stand repealed at the termination of the sixty-first day following the adoption thereof. Provided, however, that if action has been initiated on the same subject matter providing for a permanent ordinance under this Charter prior to the sixty-first day, then such emergency ordinance shall remain in full force and effect until final action is taken on said permanent ordinance.*

Mr. Fitzgerald pointed out that the clause ‘ no less than two members of the Board’ should be changed to ‘no less than three members of the Board’ to be a majority since the Board of Selectmen has 5 members. This was an oversight from the 2001/2002 CRC effort. It is included in the technical correction list.

**Section 501 General**

*The First Selectman shall be the full-time, Chief Executive Officer and Chief Administrative Office of the Town.*

Mr. Fitzgerald noted that the word Office should be changed to Officer. This is noted in the technical correction list.

**Section 605 Superintendent of Public Works**

*The Superintendent of Public Works shall have the powers and duties not inconsistent with this Charter, conferred or imposed by the Board of Selectmen.*

**Section 606 Tree Warden**

*The Tree Warden shall have the powers and duties, not inconsistent with this Charter, conferred or imposed by the General Statutes on such an officer and as may be prescribed by the Board of Selectmen.*

**Section 607 Dog Warden**

*The Dog Warden shall have the powers and duties not inconsistent with this Charter, conferred or imposed by the General Statutes on such officer and as may be prescribed by the Board of Selectmen.*

**Section 610 Building Inspector**

*The Building Inspector shall have the powers and duties not inconsistent with this Charter, conferred or imposed by the General Statutes on such officer and as may be prescribed by the Board of Selectmen to which he is directly responsible and*

*accountable.*

Mr. Fitzgerald suggests that these four sections be deleted since these positions are hired Town employees and not appointments. **Mrs. Kling made the motion seconded by Mr. Fitzgerald to delete sections 605, 606, 607 and 610 since these positions are hired employees. Vote 7-0 in favor.**

***Section 609 Assessor***

*The Assessor shall serve a term of four years, the first term of which shall have commenced on February 1, 1983. The powers and duties of the Assessor shall be those set forth by any and all of the General Statutes concerning the assessment of real and personal property, particularly Title 12 and Title 9 of the General Statutes.*

Mr. Fitzgerald said that the BoS doesn't reappoint the Assessor for four year terms as it is viewed as a hired position. **Mr. Watras made the motion to remove the first sentence in Section 609 *The Assessor shall serve a term of four years, the first term of which shall have commenced on February 1, 1983.* The motion was seconded by Mr. Kew. Vote 7-0 in favor.**

***Section 701 General Powers and Procedures; Records; Compensation***

*C. Copies of all minutes, taken by each board and the recorded vote of each member thereof and all issues shall be filed with the Town Clerk and with the First Selectman within the time specified in the General Statutes. The Town Clerk shall maintain files of such minutes which shall be public records.*

Mr. Fitzgerald said that there should be enforcement of this provision to record the vote of each member. It was agreed but no charter changes were necessary.

***Section 804 Other Financial Matters***

*D. For the purpose of meeting a public emergency threatening the lives, health and property of citizens, emergency appropriations, the total amount of which in any fiscal year shall not exceed two percent of the Annual Town Budget, may be made by the Board of Finance by an affirmative vote of not fewer than four members thereof, at least three of whom shall not be alternates, upon previous recommendation of the Board of Selectmen. In the absence of sufficient available unappropriated and unencumbered general fund resources to meet such appropriations, additional means of financing shall be provided in such a manner, consistent with the provisions of this Charter, as may be determined by the Board of Finance.*

Mr. Fitzgerald suggested that the language defining requirements for alternates be removed since it was modified in other sections. It was agreed that an alternate acts like a full member and when accorded voting rights should be considered a full member. **Mr. Fitzgerald made the motion to strike the clause "at least three of who shall not be alternates" from Section 804. The motion was seconded by Mr. Kew. Vote 7-0 in favor.**

### ***Section 807 Expenditures and Accounting***

*E. No voucher, claim or charge against the Town shall be paid until the same has been audited for correctness and validity and approved for payment by the Treasurer or his agent. The Board of Selectmen, with input from the Board of Finance, will exercise primary responsibility for formulation of policy relative to requirements for quotes, bids and such other criteria as they may establish to control purchasing and the accomplishment of purchase orders, and the Board of Finance will exercise oversight responsibilities over all Boards, Commissions, and agencies of the Town.*

*Payment of all approved clams against the Board of Education shall be first authorized by the Superintendent of Schools or his agent and by a designated member of the Board of Education, which authorization shall be valid when countersigned by the Treasurer or his agent acting as the Treasurer. Similarly, approved claims against the Water Pollution Control Authority shall first be authorized by the Chairman of the Authority or his agent and shall be valid when countersigned by the Treasurer or his agent acting as the Treasurer. Payment of all other town accounts shall be authorized by the First Selectman and one other member of the Board of Selectmen, which authorization shall be valid when countersigned by the Treasurer or his agent acting as the Treasurer, provided that in the absence of or the ability to act of the First Selectman, the two (2) remaining Selectmen will be signatories of the authorization.*

Mr. Fitzgerald noted the word clams should be claims in the second paragraph. It was noted that this was included already in the correction list. Additionally he said that the last sentence should also be changed to reflect the Board of Selectmen change to five members. This was included in the technical changes to say “any two of the remaining Selectmen” rather than “the two remaining Selectmen”.

### ***Section 1002 The Annual Town Meeting***

*The Annual Town Meeting shall be the first Town Meeting held in each calendar year. (Approved 11-3-1992)*

Mr. Fitzgerald believes that this is a vestige from the past. He believes that there are only two types of Town Meetings called, namely the Annual Town Budget Meeting and Special Town Meetings. Mr. McAnaney said this could be a statutory requirement. After a brief discussion it was agreed to retain the language.

### **Additional language for allowing charter corrections outside of CRC efforts**

At the meeting with the Town Attorney the idea of adding language to the charter to allow for minor changes was discussed. There was a bill in the legislature to allow this but it wasn't passed during the session. It allowed for a 2/3 majority vote of the legislative body to approve these minor changes. Chairman Brooks proposed the following language:

*The municipal legislative body may make minor and technical revisions of a non-substantive nature to the charter or home rule ordinance provided such revisions are*

*deemed minor, technical and non-substantive by a two-thirds majority vote of such legislative body.*

The intent of the change is to allow for corrections between charter revisions. There were concerns that the definition of substantive is subjective. Mr. McAnaney and Mr. Fitzgerald said that the BoS would have to be convinced that the proposed changes weren't substantive in nature before moving them to a Town Meeting and then 2/3 of Town Meeting attendees would also have to agree that they weren't substantive.

**Chairman Brooks moved to include the proposed language above to the charter. Mr. Parks seconded the motion. Vote 7-0 in favor.**

**Discuss clarifying reporting relationships between First Selectman/BOS and town employees,**

Chairman Brooks said that this was discussed last week but they wanted to hear from the two absent members. Last week, the group was not comfortable unless all department heads were changed. They were hesitant to take action on individual department based on current issues in the Police Department. Mr. McAnaney said that the commissions bog down the process since they typically meet monthly. He believes that the current crisis with the Police Department underscores the need for clarity rather than continued uncertainty. Mr. Brooks said that an argument could be made that the Police Commission has failed its leadership role and asked if it would have been different if the reporting line was direct to the First Selectman. He noted that the outcome probably couldn't be any worse. Ms. Kling said that this is not the time to take up the issue and would like to defer it to a future CRC. Mr. McAnaney said he is not a fan of eliminating Boards and Commission (he had suggested changing membership counts) but they do make it hard to operate in a cohesive way. Mr. Watras noted that some commissions are established by Statutes and defining a different process may eliminate the need for a commission. Chairman Brooks said in conversations, he has been told that some Commission members have missed meetings when controversial items are being discussed/voted on. Mr. McAnaney noted that not all department heads have an associated commission and that makes it difficult for those without a supporting commission. Discussion took place about how commissions would change with a Town Manager. Mr. Brooks brought the discussion back to the need for clarity on the reporting relationships. Mr. Brooks said it is difficult to see how commissions work since some are guided by State Statutes, some by ordinances, some with their own by-laws which makes it hard to define who a department head really reports to. Mr. Brooks made a motion to table the discussion to a subsequent meeting or permanently. The motion was seconded by Mr. Dudack. Mr. Parks wanted to add his thoughts to the discussion. Mr. Brooks withdrew his motion. Mr. Parks said that the Police Commission concept is broken and has been broken for a long time. He was part of a Blue Ribbon Police Commission to develop bylaws, etc years ago. He said that he believes clear cut reporting relationships should be established. Mr. Fitzgerald suggested that Department Heads should report on a day to day basis to the CEO (First Selectman). Mr. Watras was concerned that this would remove the authority of commissions. Mr. Brooks made a

**motion to add language to section 501 that the First Selectman shall have executive authority over Town employees for day to day operations. The motion was seconded by Mr. Parks. Vote 5-2 in favor with Mr. Kew and Ms. Kling voting against the motion.**

### **CFO position**

#### *Current language*

#### **Section 611 Director of Finance**

*A. A majority of the combined memberships of the Board of Selectmen and the Board of Finance shall appoint for a maximum term of four years, which may be renewed, a director of finance, who shall be chosen exclusively on the basis of professional qualification, character and administrative experience.*

Chairman Brooks suggested the following sentence be inserted to part A.

*The Board of Finance and the Board of Selectmen shall meet at least 90 days prior to the expiration of the present Director of Finance's term to discuss and approve the appointment of a new Director of Finance for a term of up to four years or the reappointment of the present Director of Finance for an additional term of up to four years.*

The intent is to memorialize an evaluation process since the Director of Finance position is so important. Mr. Parks agreed and said that all town employees should have performance evaluations. Mr. Watras said the charge included many Director of Finance changes for consideration. The group concluded that due to the nature of the position it must remain reporting to both the BoF and BoS. It also requires a cohesive working relationship between the two boards. **Mr. Brooks made the motion to adopt the language. Mr. Parks seconded the motion. Vote 6-1 in favor with Ms. Kling opposed.**

Mr. Brooks will draft an exhibit to post on the Town website of what significant items the CRC has recommended and those they considered but did not recommend or act on. The Public Hearing will be scheduled for July 9<sup>th</sup> .

Ms. Kling moved to adjourn. Mr. Parks seconded. After a unanimous vote, the meeting was adjourned at 9:05 p.m.

Next Meeting will be the Public Hearing to be held on July 2nd at 7:00 at Town Hall.

Respectfully submitted,  
Lisa Trase  
Recording Secretary