

Minutes of the Charter Revision Commission
First Organizational Meeting
January 17, 2008

Present: Ernie Petkovich, Dr. Douglas Viets, Eric Remington, Bobbie Kling, Elaine O'Brien, Thomas J. Sheridan, Jr., John P. Murphy. **Absent:** Rodney Dillman. Also present was First Selectman, Scott Lingenfelter.

Mr. Lingenfelter opened the meeting at 7:00 p.m. Mr. Lingenfelter said the Commission must elect a Chairman for the Commission and to determine how the Minutes should be handled. Does the Commission want to hire a Clerk to do this and the Board of Selectmen can fund that, or if the Commission wants to do their own. The Commission must also set a calendar for future meetings and review the Charge to the Commission, the State Statutes and the Town Charter.

Elections:

Elaine O'Brien nominated Doug Viets for Chairman. Dr. Viets said he felt someone who has experience on a Charter Commission should be elected Chairman, and added at the moment, he didn't think he'd be able to serve as Chairman and declined the nomination. Eric, John and Ernie have all previously been on a Charter Revision Commission. Ernie said he would be interested in accepting the Chairmanship if voted that way. He said he has a lot of project management skills and experience. A nomination was made by Tom Sheridan to elect Ernie Petkovich, as Chairman. The nomination was seconded by Dr. Viets. There being no further nominations from the floor, a Motion was made by Dr. Viets, seconded, and unanimously approved, to close the nominations. A vote was taken to elect Ernie Petkovich as Chairman which was approved by unanimous vote. Mr. Petkovich Chaired the meeting at this point.

Mr. Petkovich said he felt the Commission should have a recording secretary. He felt the Commission will have a number of items that would have to be updated, not only Minutes of the meetings, but action items, specific things that need to be done and people assigned to doing them, that will have to be updated. Also we will need some working drafts of whatever changes the Commission might want for the Charter. He doesn't know how extensive the Minutes will be with supporting documents, but we will need a number of different documents which will be kept up to date. We will either need one person to do that, either a Commission member or someone that will be hired, or we will need to spread it out amongst the Commission members themselves. Dr. Viets said when he looked at the aggressive schedule the Board of Selectmen has Charged the Commission to do, he agreed that an outside Recording Secretary should be hired. Mr. Remington said that he believes it is important that the Commission do more than just meet the legal requirement for Minutes, but to also keep people informed as to what the Commission is doing. Mr. Lingenfelter asked how much the Commission will need for a budget. Mrs. Kling said it shouldn't be less than \$125.00, per meeting. Mr. Lingenfelter said he will arrange this based on the meeting schedule that the Commission sets.

The Commission reviewed their availability and voted to meet on the second Wednesday of each month at 7:00 p.m. in the lower level conference room at Town Hall. The next meeting will be held on February 13th.

Mr. Petkovich nominated Eric Remington for Vice Chairman. Mr. Remington said he'd prefer not to and nominated Bobbi Kling as Vice Chairman. Dr. Viets seconded the nomination. No further nominations were made. A vote was taken to elect Bobbi Kling as Vice Chairman, with all voting in favor of the motion.

The Charge:

Mr. Lingenfelter said the Board of Selectmen asked for essentially five things. The first request was to review the Town Administrator/Town Manager vs. First Selectman form of government. Review the different forms of government and should we suggest a change, or not, and if so, how so? The next request from the Selectmen is to review the terms and memberships of Boards and Commission and Appointments vs. Elections of Treasurer, Town Clerk and Tax Collector. The next issue if we should change the terms of the memberships, the numbers of members of Board and Commissions, and should the Town Treasurer, Clerk and Tax Collector as currently elected positions, be changed, and if so, how? The next Charge is to review any inconsistencies and lines of authority within the Charter. There are currently certain Town Employees who report in multiple directions, for example: Town Planner reports to the Zoning & Planning Commission as well as the First Selectman. There have been discrepancies as to who has the authority over day to day affairs, etc. The next Charge is to review the Emergency Ordinances section of the Charter to assure effective response to emergencies affecting the public's , peace, health or safety. Currently in the Charter which applies to Emergency Ordinances and if a State of Emergency is declared in the Town, currently the First Selectman declares it, with the approval of another member of the Board of Selectmen. The questions is this the most effective way to proceed in the event of an emergency? Do we need another Selectman? The fifth Charge is to review the appointment and removal process for a Town Counsel. For example do we set a term period for the Town Attorney, whether or not should the Town Attorney should be at the will of the Board of Selectmen or the will of the CEO. There has been question on how to change the Town Attorney or remove one. Next, a draft report should be submitted to the Board of Selectmen by June 30, 2008 in anticipation for a possible public vote in November 2008. The next Charge was to submit an operating budget to the Board of Selectmen as soon as possible. Mr. Lingenfelter stated that the Town Attorney, Ed McAnaney can be used by the Commission throughout the process, especially when drafting the report.

The Commission members were discussed on the portion of the Charge that asked for a draft report by June 30th. Most members felt that this would be impossible. Mr.

Lingenfelter agreed that the Commission do a thorough and accurate job than to rush with a deadline.

Mrs. Kling suggested that the CRC establish rules for how many members would make up a quorum and the number of affirmative votes required to pass an issue. Discussion followed regarding this for some time. Mr. Petkovich said this will be decided upon at the next meeting in February.

The next thing the Commission should layout the specific steps and what needs to be done to support each of those steps. Dr. Viets said there should be a Public Hearing to be able to solicit input from residents very early in the process. A public hearing for **Tuesday, March 11, 2008** was discussed. Elaine O'Brien will check the availability of the Senior Center to hold the public hearing. The Commission felt the High School auditorium is too large.

Mr. Petkovich said before the next meeting, all members should read the Statutes and the Town Charter. Also for the next meeting the Commission should go through the time line of tasks that will need to be accomplished and also a Communications Plan to the public through mailings, newspaper articles, etc. Dr. Viets suggested articles in the Observer each month to keep residents up to speed on what the Commission is doing.

Mr. Murphy asked for copies of the Minutes from the Charter Revision Commission when the Town Manager v. Selectmen form of government was previously reviewed. He was interested about the discussion the previous Commission had on this issue, pros and cons. He wants to go back and re-read these minutes because there were really good suggestions made. Mr. Petkovich said that this Commission is starting with a clean slate and doesn't want to become bias by reading what a previous Commission had done regarding this issue. At some point re-reading those minutes would be very useful information because it will help the Commission cover this topic more quickly, but would not want to do this immediately.

Elaine O'Brien said that CCM had them send her some information on Charters from others towns. We can use them for researching information on what other Towns Charters are.

Mr. Sheridan asked what exactly a town manager form of government is. Ms. O'Brien explained briefly the different forms, regarding town managers, town administrators, etc.

Mr. Petkovich stated an issue which will be discussed is whether if the Town Clerk, Tax and Treasurer's positions should be elected or appointed. He assumes when there are

votes on these issues that the Town Clerk recuse herself on this. Elaine O'Brien stated that she fully expected not to be voting on this issue. Dr. Viets said that we might want to inquire the Ethics Commission whether Elaine O'Brien, should or should not recuse herself during discussion on this issue. It may not be a reason for her to recuse herself. Mrs. Kling said if Elaine O'Brien has to leave the room during these discussion, her input may be invaluable, so she wasn't sure if this would be a good idea. Dr. Viets agreed that her input about this particular issue would be very helpful to the Commission, if it is not considered by the Ethics Commission to be a conflict to have Elaine participating on this issue. Mr. Petkovich said this was not what he was concerned about, it was just when the Commission has to vote on this issue. He just felt she should refrain from voting on it. Mr. Remington and Mrs. Kling felt it was up to Elaine O'Brien to abstain from voting. Dr. Viets said that on most Commissions, the Commission itself or Chairman does not have the authority to force someone to recuse themselves. It is the individual themselves that has to say they have a conflict of interest and recuse themselves from the discussion or vote on an issue. So, it is really up to the individual. However, Dr. Viets suggested getting some advice from the Ethics Commission how they would read this and then he make a decision on what he feels is appropriate. Dr. Viets said he would be interested in hearing the pros and cons from Elaine with regards to this position being Elected v. Appointed.

Recap:

Mr. Petkovich recapped issues for the next meeting. Everyone will review the copies of the State Statutes and also the Town Charter. At the next meeting the Commission will set a minimum regarding quorums and affirmative votes. They will also talk about their aggressive time line, and discuss their approach for the Public Hearing. Elaine O'Brien will check with the Senior Center for availability of March 11th at 7:30 p.m. Mr. Petkovich also wants to discuss a Communications Plan.

Mr. Petkovich said he will contact Bob Warren regarding the possible Ethics issue just discussed. Mr. Remington felt that Elaine O'Brien should do this. Mr. Lingenfelter agreed that Elaine O'Brien should contact Bob Warren, as it's her decision and is in respect to her, so she should be the one to contact Bob Warren, if she so feels necessary. Elaine O'Brien said she feels uncomfortable discussing this because it hasn't come up yet and isn't an issue right now. Mr. Petkovich said he just doesn't want to run afoul of Ethics and it's just this one topic. He said that he would contact Bob Warren. Elaine concurred.

The next meeting of the Commission is February 13, 2008 at 7:00 p.m. at the Town Hall lower level Conference Room. Mr. Petkovich said he will rough up some discussion notes, not Minutes of the meeting, just what we talked about and will e-mail it to everyone. He will also post the Agenda for the next meeting. He asked if the Commission should have citizen input at their regular meetings, or just hold off for the Public Hearings. Mr. Remington said the process should be as open as possible and we

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shouldn't limit input. Dr. Viets said you can limit the length of time for the public to comment but agreed to keep the meetings as open and transparent as possible.

Elaine O'Brien said she will do up a meeting schedule for the Commission and post it in her office.

Mr. Lingenfelter made a motion to adjourn, seconded by Bobbie Kling, and approved by unanimous vote. The meeting adjourned at 8:20 p.m.

Transcribed by tape recording.
Christine Koren