

## MINUTES

### CHARTER REVISION COMMISSION

MAY 23, 2012

#### I. CALL TO ORDER

Chairman Nafis called this meeting to order at 6:35 p.m. in Room L-100 of the Newington Town Hall.

#### II. PLEDGE OF ALLEGIANCE

#### III. ROLL CALL

##### Commissioners Present

Alan Nafis - Chair  
Donna Clark  
Paul Vessella  
Vincent Camilli

##### Also Present

Peter Boorman, Town Attorney  
Tanya Lane, Town Clerk  
Susan Gibbon, Commission Clerk

***(\*These minutes are a brief overview of the meeting held on May 23, 2012. Please refer to tapes for full transcript.)***

#### IV PUBLIC PARTICIPATION

Myra Cohen, 42 Jeffrey Lane, Town Councilor, speaking for self, regarding § 410, you need to go back to original language in current charter “such majority consisting of at least 10% ...” Wondering where it talks about if the vote is negative. This is a challenge to an ordinance and I was wondering if we should be more specific, negative meaning that if they vote in opposition to the ordinance is what the referendum was about. Need clarification, could be taken the wrong way. § 411 the sentence [in red] “Such adopted ordinance shall take effect immediately following the referendum” should remain in.

Philip Block, 58 Fleetwood Road, Chairman, Newington Conservation/Wetlands Commission. Thank you, I appreciate the last minute call. Our prior Town Engineer and wetlands agent, Tony Farrero brought to your attention the fact that the Charter does not contain any reference to the Inland Wetlands Commission and that the Commission has been serving under the authorization of an ordinance. It was pointed out at a meeting long ago that this was not appropriate and that there should be some reference in the Charter itself as to the Inland Wetlands Commission and Watercourses Commission. He had sent a memo based upon the old Charter and Ordinance number which I have revised and forwarded as a memo to Ms. Lane which she received today which addresses the issue by adding a sentence to the Charter § C-607 to the effect that “the Conservation Commission shall serve as the Inland Wetlands and Watercourse Commission in accordance with the authority of CT General Statutes Chapter 444, as

amended." I think [Attorney Boorman will agree] that the language should suffice to give appropriate authority to our actions.

Commission Nafis: Is there an intended name change? Right now we are calling it Conservation/Inland Wetlands Commission.

Mr. Block - I see no harm in that, the only question that might arise is the differentiation in the authority of the two. The Conservation Commission is only able to make recommendations and be advisory, whereas the Inland Wetlands Commission has specific obligations and authority. As long as the contents of the Charter reflects both those positions I don't think there will be any challenge to that title.

I would like to raise one other brief point, and that is "the Commission shall advise and make recommendation to the Manager, the Council and other boards and commission of the Town..." Here I am speaking more a historic issue rather than anything which is currently causing a problem. The question is some of the activities of other Town departments may have on occasion in the past not taken heed of the dual nature of our concerns. I question as to whether or not - does it need to go "through the Manager" as specified or should it also include other departments of the Town so there is a direct relationship between the two. Certainly when the Town is acting under the authority of the Wetlands statute the Town has been coming before us, but there are other instances which the recommendation via the Conversation Commission might be significant and we would like to have that higher degree of integration with other departments of the Town.

A discussion was held and it was agreed that the Commission would consider this matter further

Mr. Block. Other than that, I haven't had the opportunity to review the Charter any further, but I really don't know of any issues that have been raised. If there are any, I am more that happy to respond.

Commissioner Camilli. What language would you recommend adding to [the Charter] to "the Manager"

Further discussion was held and it was again agreed that the Commission would consider this matter further.

Peter Arbor. I am not sure if this is the correct place to go. Does the Charter handle the budget hearing process for the Town Council. I would like to bring two points to the table. One is that there is a fixed schedule as to when meetings are held and this year the Council's public hearing was held on Holy Thursday which meant I had to make a choice of going to services or attending the Council meeting. I chose to go to services. I would think you might consider putting it in the Charter, so that there is a conflict with a religious holiday, such as Holy Thursday, the meeting date could be scheduled for another day so that persons like myself don't have to make a decision [about going to meeting or church service.] The second item has to do with the Town Council. Briefly, the process is the Manager gives his budget and then there is a time for public comment. The public gets up, makes comments, asks questions and there is no comment back. Sometimes there are legitimate question are asked and not answered. On the surface there is public participation but if a person has a legitimate question, I

think there should be an answer to it and not just “we hear you” and that’s it. I think the Council should answer the citizen if there is a legitimate question and not remain silent.

Commission Camilli. You think that the answer should be on the same night? Give and take or is this something they should respond to in the future.

Mr. Arbor. No. I don’t believe it should be give and take if it’s a proper answer. I raised a question about Consulting Services that were in the Parks and Grounds. The department head put in \$40,000 and the council raised it to \$340,000 and I posed the question “What is it for?” I think questions that require clarification or answers should be considered.

Further discussion was held and it was again agreed that the Commission would consider this matter further.

Rose Lyons, 46 Elton Drive. I agree with Mr. Block and Mr. Arbor. As far as they Inland Wetlands, having attended a lot of meetings of different commissions and boards in this Town. There are too many inconsistencies has to how they run and I am sure it is by whatever rules that they have all set up. My biggest problem once again too, and I know that you are not going to address this, is the dialogue, or lack of dialogue, with the Town Council and I think that there is a lack of communication between the boards and the commissions. I don’t know how fit that into the Charter, but the Inland Wetlands is to make recommendations and so forth and all I can say is that I agree with Mr. Block. You can make recommendations but you never hear anything and don’t get feedback. I don’t know how you can enforce that or make the change, but I just had to say I agree with what the two of them had to say.

Attorney Boorman: What I am hearing from all you is that public participation is in a manner that you think is not conducive to public participation to raise an issue.

Ms. Lyons. Correct. Mr. Arbor got up during one of the budget hearings, asked a question, wanted an answer in order to further speak to the issue that he had. But there is no dialogue so why participate, why have public participation. You are handed something 15-20 minutes before the public hearing, you may have a question, you are not going to get and answer and they are going to make their decision no matter what you say. They pick and choose what they want to answer. It doesn’t lend to people coming out and asking questions because you are not going to get an answer anyway. When you ask the Board of Education a question, they don’t give you an answer but 3 days later you get a letter in the mail answering the question that you presented. The Town Manager, to my knowledge, has been asked on numerous occasions to answer questions presented by the public and it doesn’t get done. Not that you can do anything, but I have to agree with what they are saying. I would like to see more communication, not only between the public and the people we elect but also the volunteers that sit night after night and try to come up with some legitimate recommendations. Give an acknowledgement. Thank you.

Clarke Castelle, 167 Connecticut Avenue, Town Councilor. Listening to Mr. Arbor and Ms. Lyons. I have been on both sides. I feel the same frustration. The rules under which the Town Council operates would be the place to address this. I am head of the rules committee and we are working on revising the rules right now. It is something I would speak to Mayor Woods about to see if under some circumstances it might not be

appropriate to have more dialogue. It has taken place accidentally. Sometimes you can't answer, sometimes it might be that there are too many people expressing too many points of view. But under some circumstances, it might be possible. When I looked at the rules, there is no rule that we cannot respond. Under prior administrations they have been saying "as you know, we cannot answer." That's not true. The rules are completely silent on that and I think it is something we might be able to partially remedy under certain circumstances.

## V MINUTES

### A 5/9/12 MEETING

Tabled until they can be reviewed.

## VI MATTERS TO BE CONSIDERED

### A Discussion, as time allows, proposed language for Charter Revision

Chairman Nafis. At this point we should go through and finalize some things. I know that there was some hope that we might finish this tonight. It would be nice if we can do that. Let's go through the Charter and see what we can get consensus on. We will review the Charter from beginning to end and iron out questions as we go.

The copy of the Charter we will be reviewing has the changes we have discussed in the past couple of months.

§§ 101-103. No changes.

§ 201. All concur that "election" be changed to "elections"

§ 202 A. All concur that the "elected" be changed to "chosen."

§ 202 B. All concur that "which" be changed to "who". Language ["The Board is specifically authorized to delegate authority to the Fire Chief(s)"] is from the last Charter Revision. All concur that is should remain.

§ 202 B(a). All concur that the language "for personnel matter from within the Fire Department". This function shall not be delegated" remain.

§ 203. No changes.

§ 204. Recommending one change. Remove the word "elected" and replace with the word "chosen". All concur.

§ 205. Removed language that is no longer in accordance with the CT General Statutes. Concur that new language remain.

§ 205. No changes.

§ 207. No changes.

- § 301. All concur that “elected” be replaced with the word “chosen”
- § 302. No changes
- § 303. Added the language “and both shall serve at the pleasure of the Mayor.” All concur with change.
- §§ 303 A-1 and A-2. All concur with changed language.
- § 401. No changes
- § 402. No changes
- § 403. No changes
- § 404-A. No changes
- § 404-B. Added language “except to adjourn or to go into executive session”. This language is required by FOI.
- § 405. Add language “website, and”. All concur.
- § 406. All concur that the words “voted upon” replace passed; add the words “and website” and replace “passing” with “voting upon.”
- § 407. Removed the last sentence “Tax anticipation notes ...” All concur.
- § 408. Used amounts recommended by Ann Harter; remove “special election” and replace with “referendum.” Discussion held, all concur with updated language.
- § 409. No changes.
- § 410. Put back deleted language. Change “shall vote in the negative” with “shall vote in opposition to the ordinance.”
- § 411. Language “Such adopted ordinance shall take effect immediately following the referendum” should remain in Charter.
- § 412-A. No changes.
- § 412-B. Replace “serve” with “serving”; add “that constitute cause where required in subsection A.”
- § 413. No changes.
- § 414. All concur with added language “with the approval of the Council.”
- § 415. All concur with changes. **Reference to Article VI, § 612 [Consultant Services], should this be changed to Article VI, § 610 [Other commissions, boards, departments, agencies and offices]?**

§ 501. Add language “with the possibility of an extension of 6 months at the discretion of the Town Council”

§ 502-A. No changes.

§ 502-B. No changes

§ 503. Deleted the words “full time”. All concur with change.

§ 504-A. No changes.

§ 504-B. No changes.

§ 505. No changes.

§ 601. Reference to Article in Charter updated.

§ 602. Reference to Article in Charter updated.

§ 603. Replaced the words “directors” with “Trustees” as recommended by the Library Board. All concur with change.

§ 604. Replaced the words “Tax Review” with the words “Assessment Appeals.” All concur with change.

§ 605. Removed the last sentence “The Manager shall appoint...” in its entirety. All concur with changes.

§606. Reference to Article in Charter updated.

§ 607. Added “Inland Wetlands” where appropriate. Attorney Boorman to review language proposed by Mr. Block. All concur with change.

§ 608. Reference to Article in Charter updated.

§ 609. “Town Treasurer” changed to “Auditor.” Removed entire language “There shall be a Town Treasurer...” [“Auditor” was previously § 610]. No changes to language. All concur with changes.

§ 610. Replaced the word “determine” with the word “create.” All concur with change.

§ 611-A. Add the words “Library Trustees”; changed “Board of Tax Review” to “Board of Assessment Appeals”; changed “Conservation Commission” to “Conservation/Inland Wetlands Commission.” All concur with changes.

§ 611-B. Deleted “determine according to § C-612”; added “create in accordance with this Charter.” All concur with changes

§ 611-C. Replaced the word “two” with “eight” and replaced the word “terms” with “years.” All concur with changes.

§ 612. No changes.

§ 701. New Section. All concur with changes

[Section 702 was previously High Department and Engineering Department, these have been split and are now new §§ 704 and 705.]

§ 702. Add the word “generally”; replace “as” with “that” All concur with changes

§ 703. Town Planner. All concur with change..

§ 704. New section - Highway Department. All concur with change.

§ 705. New section - Engineering Department. All concur with change.

§ 706. New section - Tree Warden. All concur with change.

§ 707. [There is a typo § C-70-7, removed hyphen between 0 and 7] Last line to read “shall have such powers and duties that are prescribed by the Council or by the Manager.” All concur with change.

§ 708. Section now to read as follows [new language in red]: There shall be a Department of Human Services consisting of the Director of Human Services and such other employees as the Council may determine. The Department of Human Services shall administer and coordinate all forms of public assistance, social and youth services, except those which the Council determines shall be administered by other commissions. The Director of Human Services shall supervise the Department and shall have such powers and duties as conferred by the Connecticut General Statutes and shall have such additional powers and duties that are prescribed by the Council or by the Manager. All concur with change.

§ 709. Section now to read as follows [new language in red]: There shall be a Department of Senior and Disabled Center Services consisting of the Director of Senior and Disabled Center Services and such other employees as the Council may determine. The Director of Senior and Disabled Center Services shall supervise the Department and shall have such powers and duties as conferred by the Connecticut General Statutes and shall have such additional powers and duties that are prescribed by the Council or by the Manager. The Director of Senior and Disabled Center Services shall be responsible for the overall administration of a senior and disabled citizens center and the programs, services and staff provided at or by the Department of Senior and Disabled Center Services. The Director of Senior and Disabled Center Services shall be the Town's municipal agent for elderly persons. All concur with change.

§ 710-A. Removed “director”, added “Director of the Department of Police” All concur with change.

§ 710-B. No changes

§ 710-C. No changes

§ 711. No changes.

§ 711-A. Section now to read as follows [new language in red]: The Director of Finance shall have direct supervision over the Department of Finance. The Director of Finance shall have **such** powers and duties **as** conferred by the Connecticut General Statutes and **shall have** such additional powers and duties **that are prescribed** by the Council or **by** the Manager. **The Director of Finance shall also serve as the Town Treasurer as prescribed by the Connecticut General Statutes.** All concur with changes.

§ 711-B. Section now to read as follows [new language in red]: The **Revenue Collector** shall have **such** powers and duties **as** conferred by the Connecticut General Statutes and **shall have** such **additional powers and** duties **that are prescribed** by the Council or the Manager. All concur with changes

§ 711-C. Section now to read as follows [new language in red]: The Assessor shall have **such** powers and duties **as** conferred by the Connecticut General Statutes and such **additional powers and** duties **that are prescribed** by the Council or the Manager. All concur with changes

§ 801. No changes.

§ 802. No changes.

§ 803. No changes.

§ 804. Add “and a copy on the website”

§ 805-A. Change “within 10 days” to “within 20 days”. All concur with changes.

§ 805-B. No changes.

§ 806. No changes.

§ 807. No changes

§ 808. Add last line: “Transfers among any capital projects funds may occur at any time and are not subject to the six-month limitation stated above.” All concur with changes.

§ 809. Replace “obligation” with “obligated.” All concur with changes.

§ 810. No changes.

§ 811. No changes.

§ 812. Remove in its’ entirety [per Anne Harter and John Salomone] All concur with change.

§ 813. No changes.

§ 814-A. Change “expenditure of \$10,000” to “expenditure of \$30,000.” All concur with changes.

§ 814-B. No changes.

§ 814-C. No changes.

§ 814-D. New section. “During a state of emergency, the procurement of a competitive bid may be waived.” Approved with additional changes discussed during meeting.

§ 815. **[Typo is sixth line of this section : days' - remove ' ]**. Change “expenditures of \$10,000” to “expenditures of \$30,000” All concur with changes.

§ 816. Remove “Director of Finance” and replace with “Town Treasurer” or “Manager” throughout. Add “who shall only serve in this role to verify the amount of funds to cover such payments.” All concur with changes.

§ 817. No changes.

§ 818. No changes.

§ 819. No changes.

§ 820. Reference to Article and Section of Charter updated.

§ 901. No changes.

§ 902. No changes.

§ 903. No changes.

§ 904. Removed last line “Any employee in the classified service...” All concur with changes.

§ 905. No changes.

§ 906. No changes.

§ 1001. Add “it” and “60 days thereafter” to sentence. All concur with change.

§ 1002. No changes.

§ 1003. New section. Existing office holders. The Mayor, Manager, members of the Council, as well as all members of Boards and Commissions, and any other public official holding office as of the date of the adoption of this Charter, shall continue to hold such office until the expiration of their previously authorized term, and until their successors have been chosen and qualified, except insofar as the holding of such office is inconsistent with the provisions of this Charter.

§ 1004. No changes.

§ 1005. No changes.

§ 1006. Add “the **Constitution of the United States, the Constitution of the State of Connecticut or the**” All concur with changes.

Commissioner Nafis. Anything anyone would like to discuss with Articles 1 through 10? [No] Let's move on. Next meeting we will wrap this up and set date for public hearing. Let's keep that in mind.

VII ANOTHER OTHER BUSINESS PERTINENT TO THIS COMMISSION

None

VIII WRITTEN COMMUNICATION FROM THE PUBLIC

Tanya Lane received an email from Philip Block, Chairman, Newington Conservation Commission with suggested language changes to the Charter. A copy of that communication is attached hereto.

IX PUBLIC PARTICIPATION

Myra Cohen, 42 Jeffrey Lane, Town Councilor, speaking for self. Council is very receptive to concerns about meeting dates. If there is a conflict, contact council. Calendar can be moved around.

§ 415. It was my understanding that this was meant to refer to an elected official or member of the council could serve on another board as a member representing that council but not as a member of the public. This has never been stated or discussed but it seems to be that this is something that has been followed for years and years until recently. Members of the Board of Education also have been appointed to public member positions of other boards. I don't know if this is something that should be addressed or not by the Charter or the Town Council, but someone should tell the Board [of Education] that you can't be an elected official and take a public spot.

Conservation Commission. The Conservation Commission was established somewhere way back by ordinance. Somewhere in the State Statutes we acquired a Wetlands Commission so it was put in the Charter as the Conservation Commission. It referred to Wetlands but never defined Conservation Commission.

As far as the budget. Any additional time given to the Council to review the budget is appreciated, whether it is before or after the 2<sup>nd</sup> public hearing.

I would also like to say thank you to this Commission, you did a phenomenal job on this. I never believed that you could get this time in the time given.

Rose Lyons, 46 Elton Drive. I just have one question where it says DELETED: Amended effective 1-1-1992. Will that be deleted throughout the Charter? Is the Manager's proposed budget published in the paper? I don't get the paper, can you add, on the website?

Clarke Castelle, Town Council, § 410 and 411. Thank you for your hard work. It has been fascinating listening to you discuss these issues.

Nafis asked if any other comments from the public. None.

***[Tapes end here]***

Chairman Nafis thanked the Commissioners for their hard work. He also thanked the members of the public, Tanya Lane and Susan Gibbon as well.

XI ADJOURNMENT

Commissioner Vessella moved to adjourn the meeting at 8:53 p.m., motion seconded by seconded Commissioner Camilli; it was unanimously voted to adjourn.

Respectfully Submitted,

Mrs. Susan Gibbon  
Clerk – Charter Revision Commission

**Lane, Tanya D.**

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**From:** Philip Block [Philipblock@snet.net]  
**Sent:** Wednesday, May 23, 2012 3:29 PM  
**To:** Lane, Tanya D.  
**Cc:** Greenlaw, Chris  
**Subject:** Suggested Charter Revisions

**Memorandum**

**To:** Town Clerk Tanya Lane

**From:** Philip M. Block, Chairman Newington Conservation Commission

**Date:** May 23, 2012

**Re:** Suggested Charter Revisions

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In regard to the prior Town Engineer's concerns, I have read Charter Section C-607 and Ordinance 427-1, I agree with his concern and suggest that if the following was added to C-607, it would resolve this problem:

The Conservation Commission shall serve as the Newington Inland Wetlands and Watercourse Commission in accordance with the provisions and authority of Chapter 440 of the Connecticut General Statutes as amended.

Please inform me whether the Charter Review Commission would have time to consider this early tonight? If so, let me know and I will attend. If not, I could be available next week.

Thank you

Philip Block

**Lane, Tanya D.**

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**From:** Lane, Tanya D.  
**Sent:** Wednesday, April 25, 2012 8:10 PM  
**To:** Greenlaw, Chris  
**Cc:** naf50@aol.com; Peter J. Boorman (law.office.pjb@snet.net)  
**Subject:** Conservation Commission

Hi Chris:

At tonight's meeting of the Charter Revision Commission, I was reminded that the Commissioners would like to invite Phil Block to be a guest to share his thoughts, comments and insight concerning the Conservation Commission.

The former Town Engineer, Tony Ferraro, had communicated his concerns regarding the administrative role of the Conservation Commission as expressed in his email below:

"I'm not sure what the status of The Charter Revision Commission is as to whether they are still meeting with the department heads or not. If they are still active, the Conservation Commission has recently raised an issue regarding their role with administering the wetlands. Section 6.16 of the Town Ordinances gives the Commission its authority to regulate the Town wetlands. However, there is no reference in Section 607 (Conservation Commission) of the Town Charter as to the Commission's authority to regulate Town Wetlands. The Commission, therefore, would like to bring this up to the attention of the Charter Revision Commission to see if the Charter needs to be revised so that the Commission's authority to regulate wetlands is properly documented."

The current Commission has expressed similar concerns regarding the Conservation Commission and Inlands/Wetlands.

**Will you please contact Mr. Block for the purpose of inviting him to a Charter Revision Commission meeting possibly on May 9<sup>th</sup> (the Town Manager is scheduled for that evening also) or on May 16<sup>th</sup>.**

I will be away until May 14<sup>th</sup>. Please contact Jaime as soon as you know which meeting Mr. Block will be attending. We will need to note this on the agenda.

Thank you.  
Tanya

**Tanya D. Lane, MMC  
Town Clerk  
Town of Newington  
131 Cedar Street  
Newington, CT 06111  
860-665-8545**

05/23/2012