

MINUTES

CHARTER REVISION COMMISSION

MAY 9, 2012

I. CALL TO ORDER

Chairman Nafis called this meeting to order at 6:31 PM in Room L-100 of the Newington Town Hall.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Commissioners Present

Alan Nafis - Chair
Donna Clark
Mike Lenares
Paul Vessella

Also Present

John Salomone, Town Manager
Stephen Woods, Mayor
Peter Boorman, Town Attorney
Jaime Trevethan, Executive Assistant to Town Manager
Susan Gibbon, Commission Clerk

(*These minutes are a brief overview of the meeting held on May 9, 2012. Please refer to tapes for full transcript.)

IV PUBLIC PARTICIPATION

None

V MINUTES

A 4/25/12 MEETING

Move to Accept by Commissioner Vesella , second by Commissioner Lenares .
Unanimous vote.

VI MATTERS TO BE CONSIDERED

A Discussion of proposed language in Charter Revision re: Various Sections.
1. John Salomone, Town Manager

John Salomone - Thank you Mr. Chairman, I am appreciative to come here tonight to give my opinions and recommendations to the Commission. As you know the Charter has not been successfully revised in 20 years and there are a lot of items that we think

the Charter Revision can look to reconsider language and make things more clear. The Charter basically is a very sound document, and a lot of thought went into it and much of it I wouldn't change. However, it doesn't mean that it shouldn't been updated or modernized, so I have a couple of things. It may be repetitive, just let me know. I am going to start in order, and give you my reasons for change. If you have questions please let me know.

§ 403 - Organization re: Deputy Mayor. I don't suggest language change. When Mayor Wright resigned and Mike Lenares became acting Mayor, this language was vague with regard to what the actual transition is. It says that the Deputy Mayor is acting Mayor or the Mayor in the absence of the Mayor. I don't think the intent was to make this a permanent situation, however, I think the language should be more specific. When a resignation of the Mayor is received, the Deputy Mayor becomes the Mayor.

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

§ 404 B. I don't think this is necessary. We have two meetings per month. If we have a special meeting, we call it a special meeting. We take action on issues as they are introduced under the Council's rules and regulations. I am not sure why it is in the Charter. I mentioned this because we don't use it.

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

§ 407. Concur with recommendation by Ann Harter, Director of Finance.

§ 408. Concur with recommendation by Ann Harter, Director of Finance. Maybe have language about indexing every 10 years.

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

§ 410. In my opinion I believe that that should be a minimum voter turnout. I think that there should be a threshold that you have a minimum amount of voters participate. The reason is that you don't want a small group of people passing legislation. I think it was 10% before and I think it should stay. It is a policy issue and the Commission and the Council need to discuss this. Not a large threshold and it should not be any less. (10% is approximately 1,700 voters.)

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

§ 501. Should stay at 6 months, but give flexibility and discretion for another 6 months if necessary by Council. I firmly believe in residency for the Town Manager.

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

§ 503. The words "full time" should be removed. This was agreed by all.

§ 605. The last sentence of this section “The Manager shall appoint, with the concurrence of the Board, a Superintendent of Parks and Recreation and such other full time employees as the Council may determine in accordance with Article IX of this Charter” should be removed in its entirety. This was agreed by all.

Chairman Nafis - Don Woods with the Park & Rec. Board agrees that they don't need the concurrence but they would like to be part of the interviewing process of the Superintendent.

Attorney Boorman suggested that the Town Manager issue a statement to the Parks & Rec. Board that he will work with the them on the position of Superintendent.

§ 609. Concur with recommendation by Ann Harter, Director of Finance.

§ 611. [Town Planner]. Need consistency [*discussion inaudible*]

§§ 701-708. A lot of these departments need to be updated. Many exist with different titles now.

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

§ 803. Comfortable with the time frame we have now.

Attorney Boorman stated that some Council members complained that there is not enough time.

Commissioner Lenares made the suggestion that the process start earlier.

Mr. Salomone responded by saying he doesn't think more time is needed and from a fiscal standpoint there is no reason.

Mayor Woods made the suggestion that the budget process be started informally.

More discussion was held and it was agreed that the Commission [and Council] would consider this matter further.

§ 808. Recommend stay with six months for general funded appropriations, but with capital projects have more flexibility. Use language proposed by Ann Harter.

§ 812. Not necessary.

A brief discussion was held and it was agreed that the Commission would consider this matter with further input from Ann Harter.

Chairman Nafis had a question regarding § 811. John Salomone explained that this allows you to borrow money without a referendum. Like an “advance” on next years budget. Reference between § 408 and § 811 for checks and balance.

§ 814. Suggest expenditure purchase be increased to \$30,000. Council has had discussion on the waiving of bids, advertising, email bids though secure mailbox. Not

necessary for Charter, but this Charter represents 1970's technology and would like to work on language.

Sealed Bids: Is an envelope with a sealed bid. But there is a program available where bids can be submitted electronically. This would encourage more bidding, lower costs, open bid with Skype, have electronic bid opened. Create language that opens up the bidding process for the ability to take advantage of new technologies.

§ 815. Posting of public notice to be posted in newspapers (very expensive), and on the Town bulletin board (outside Town Clerk's office) very archaic. Need to add language "and website". Question need for posting in newspaper.

Mr. Salomone would like to add a section concerning the waiving of bids in emergency situations. Must be very specific and in accordance with State Law.

Attorney Boorman stated that state statutes now require posting in newspapers. State is reviewing this.

§ 815 - New Subsection for disallowance of bidders. This would be for prequalification. Declare certain firms non-responsive. No policy in place. Need to have better prequalification

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

§ 818. Not necessary to have official bonds. You can eliminate or amend to include insurance policy in lieu of bonds. Right now we are paying for bonds (which are expensive) and not necessary. The taxpayer is protected through the insurance. You can eliminate 818.

Mr. Salomone. That is it for my comments, my specifics.

Chairman Nafis. I have a question [for John Salomone] regarding § 905. Should we take out "elect to participate in the Connecticut Municipal Employees Retirement Fund?"

Mr. Salomone suggests the language stay in, although we don't use the fund.

§ 711 - Civilian control over police department.

Attorney Boorman would like to discuss "Public Safety Director"; cannot find in Charter, will come back to it.

Mr. Salomone leaves the meeting.

Chairman Nafis. Heard from the Fire Chief and he has nothing to add.

Jaime Trevethan. The Conversation Commission chair is reviewing the Charter and will be getting back with comments.

VI MATTERS TO BE CONSIDERED

Chairman Nafis. Good shape, take our time. Formalize agreements on changes.

Discussion follows (inaudible)

Commissioner Vassella suggested that we have a clean copy of Charter to work from.

Commissioner Clark asked to review a couple sections regarding language changes.

Attorney Boorman suggests there not be a meeting on May 16 and have the next meeting on May 23 so that Tanya Lane can complete all changes to the Charter and get an updated copy of the Charter to the Commission.

Commissioner Clark would like to review §§ 204 and 403.

Attorney Boorman reads, in their entirety, §§ 204 and 403. § 403 deals with absences and § 204 deals with vacancies.

A discussion was held and it was agreed that §§ 204 and 403 remain as is.

Chairman Nafis would like to review § 404B.

A discussion was held and it was agreed that § 404B remain as is.

Commissioner Clark would like to review § 410 and language proposed by Mr. Salomone regarding a 10% threshold.

Attorney Boorman interpreted Mr. Salomone's suggestion that "unless 10% participate" regardless of outcome. It is commonplace to have a threshold in place. Carries on to § 411.

Chairman Nafis has concerns about 10% threshold and what happens if 10% don't participate.

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

Commissioner Clark would like to review § 818 and Mr. Salomone's suggestion to remove.

Chairman Nafis - our Charter requires bonds for officials working for the Town
[inaudible].

Attorney Boorman - a Bond is an insurance product and is commonplace.

Change language to "Bond or adequate insurance as approved by the Council."

Commissioner Clark would like to review § 501. Agree with language proposed by Mr. Salomone.

Chairman Nafis. § 505. No comments, no change.

Chairman Nafis. Skipping next week, meeting in 2 weeks. As of this point we have nobody scheduled, although we might hear from *[inaudible]*

Attorney Boorman. At the rate we are going, after that meeting, there's a good possibility *[inaudible]*

VII ANOTHER OTHER BUSINESS PERTINENT TO THIS COMMISSION

None

VIII WRITTEN COMMUNICATION FROM THE PUBLIC

Jaime Trevethan received an email from Chris Schroeder, Fire Marshall with no comments.

IX PUBLIC PARTICIPATION

Myra Cohen, 42 Jeffrey Lane, Town Councilor, speaking for self, regarding §§ 410 and 411. One, an ordinance does not require a referendum. An ordinance has public participation but the Council votes. § 410 is a challenge to that ordinance, that's all it is. As it is in the Charter right now is the way it should stay. § 411 the only change - "Such the adopted ordinance shall take effect immediately following the referendum". An ordinance that passes takes 15 days to become effective, that gives the public 15 days to petition or challenge the ordinance. § 411 is an initiative of the public, so when that passes the referendum that the public requested, it doesn't need 15 days to allow the public to challenge because the public just voted saying that's what we want. No wait necessary.

§ 707. *[inaudible]*

As far as the budget. It would be nice if the Council was given more time to review the budget. Not sure what can be done, but any additional time would be helpful.

Clarke Castelle, Town Council, § 410 and 411. I do want to argue very strongly for a 10% threshold. *[inaudible]*. Time frame for budget. The later you make your budget, the longer time you have to make more fiscally accurate decisions. Also, I wanted to comment on the discussion about the procurement process. It will be nice to have clear guidance.

Rose Lyons, 46 Elton Drive. This is for the Charter Revision Commission itself. As a member of the public who had attended most of the meetings the last time the Charter was reviewed, I find it to be very offensive to the public and I know that it's probably state statute that you have a public hearing and then you have to come up with your draft for the Town Clerk's office, but several people came out and spoke and the Commission never even left the room. They had their minds made up, they didn't take into any consideration, in my opinion, what the public had to say and they just went forward and pushed it through to the Town Clerk's office. Following the meeting of the Town Council, one of the members of the Commission came up and spoke and said he had some second thoughts about the Education Circuit Breaker and the wording and he was forced away, and was told to "forget it, we want to go on with this and put it to bed."

I hope that this Commission does not do the same thing. Many people came out and spoke, Myra [Cohen], had several recommendations and they were just ignored. I just hope that that doesn't happen again. As an aside, the Town Manager stopped into the TPC meeting with all new equipment in that room, asked how everything was and they said fine but the recorders stink. So let's try and get some new recorders for everybody. Thank you.

Michael Rosenkrantz, 38 Sunnybrook Drive. Concerned about the 10% threshold. What if there is a low turnout due to weather. What if someone intentionally tries to suppress voter turnout.

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

XI ADJOURNMENT

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

Respectfully Submitted,

Mrs. Susan Gibbon
Clerk – Charter Revision Commission