

CHARTER REVISION COMMISSION  
SPECIAL MEETING  
APRIL 11, 2012

I. CALL TO ORDER

Alan Nafis, Charter Revision Commission Chair, called the meeting to order at 6:30pm in the L-100 room of the Newington Town Hall.

II. PLEDGE OF ALLEGIANCE was passed due to no flag available

III. ROLL CALL

Commissioners Present:

Alan Nafis - Chair  
Vincent Camilli  
Paul Vessella

Also Present:

Peter Boorman, Town Attorney  
Jaime Trevethan, Executive Assistant to Town Manager  
Ann Harter, Finance Director

Note verbatim comments in Italics unless otherwise noted.

IV. PUBLIC PARTICIPATION

Rose Lyons, 46 Elton Drive, commented that better signage was needed to find the meeting location. Also that minutes and agenda needs to be available on the town website,

V. MINUTES

Commissioner Vessella moved to accept the minutes. Motion was seconded and by a voice vote the minutes were unanimously accepted.

**The following legend indicates the Charter changes for review:**

~~Word-deleted~~ word(s) deleted

Words added word(s) added

VI. MATTERS TO BE CONSIDERED

A. Finance

Commissioner Nafis welcomed Ms. Ann Harter, Finance Director to the meeting.

Ms. Harter distributed the Index of Charter Dollar limits to the Commissioners to explain the 3.75% increase that was demonstrated from 1992 – 2013. A review of the dollar limits from 2014- 2023 projects a 313% from 1992. Ms. Harter is recommending Borrowing/Special Appropriation dollar limits be tripled. Examples: the current \$125,000 tripled will be \$375,000; 250,000 will become \$750,000; \$325,000 will become \$975,000 and Purchasing \$10,000 will become \$30,000. Ms. Harter will explain how the following changes will impact the existing Charter and highlight other Sections in the Charter for consideration.

**§ C-407. Borrowing.**

Ms. Harter's recommended delete the final sentence. Attorney Boorman explained the terminology is antiquated.

**§ C-408. Obligatory referendum and ordinance.**

Ms. Harter recommended that each of the amounts be increased as recommended by the Index of Charter Dollar Limits. She also agreed with the 2008 proposed changes that follow.

No resolution authorizing the issuance of bonds or notes, other than notes in anticipation of taxes and other than notes in the amount of ~~\$375,000~~ or less, and no resolution making a special appropriation in excess of ~~\$975,000~~ shall become effective until the same has been approved by a majority of the qualified electors voting thereon at a regular election or ~~special election~~ referendum called by the Council for ~~the~~ that purpose. Any special appropriation of ~~\$975,000~~ or less but in excess of ~~\$125,000~~ 250,000 shall be passed by ordinance.

Commissioner Nafis and Commissioner Vessella asked Ms. Harter for an explanation of how the dollars are used and why. Ms. Harter explained that a referendum is not needed for smaller projects; however the dollar mounts need to be adjusted due to inflation an example of how the dollars are used was for the 2011 October storm.

**§ C-410. Right of referendum on ordinances.**

Ms. Harter recommended that each of the amounts be increased as recommended by the Index of Charter Dollar Limits. She also agreed with the 2008 proposed changes that follow changing the words special election to referendum.

Electors shall have the right to petition for a referendum in accordance with the Connecticut General Statutes on any ordinance passed by the Council, except an emergency ordinance, on a special appropriation in the amount of ~~\$125,000~~ 250,000 ~~\$375,000~~ or more.

The ordinance shall ~~be null and void in the event that~~ not become effective until the same has been approved by a majority of the qualified electors voting thereon, ~~such majority consisting of at least 10% of the qualified electors of the Town, shall vote in the negative. Otherwise it shall take effect immediately following the referendum at such regular election or special election referendum. The ordinance shall take effect upon approval.~~

**§ C-609. ~~Town Treasurer.~~**

**Ms. Harter recommended eliminating this section. The Town Treasurer's functions are all completed by the Finance department. The two required signatures for checks are by the Town Manager and the Director of Finance.**

**Auditor-** Will become-§ C-609.

Ms. Harter indicated the paragraph about The Council can stay the same:

**§ C-708-712. Department of Finance.**

Ms. Harter agreed with the changes in § C-708-712 since all the responsibilities were all carried out by the Finance department.

There shall be a Department of Finance consisting of the Director of Finance, the Revenue Collector, the Assessor, ~~the Purchasing Agent,~~

- A. *Director of Finance.* The Director of Finance shall have direct supervision over the Department of Finance. ~~The Director of Finance shall be appointed and may be removed by the Manager in accordance with and subject to the provisions of Article IX of this Charter.~~ The Director of Finance shall have ~~the~~ powers and duties as conferred by the Connecticut General Statutes and shall have such ~~other~~ additional powers and duties ~~as may be assigned~~ that are prescribed by the Council or ~~the Manager by the Manager.~~ The Director of Finance shall also serve as the town treasurer as prescribed by the Connecticut General Statutes.

**§ C-713. Purchasing Agent.**

Ms. Harter suggested that in § C713 become § C712 with the 2008 proposed changes in § C713 including the removal of C. Revenue Collector and D. Assessor.

Ms. Harter agreed with the 2008 proposed changes. Attorney Boorman asked if more time was needed to get preliminary department estimates. Ms. Trevethan and Ms. Harter explained how the Town calendar accommodates the personal property and motor vehicle taxes. It was agreed that a week's extension could help however the current calendar schedule is working.

**§ C-804. Duties of the Manager on the budget.**

Ms. Harter agreed with the 2008 proposed changes . The proposed schedule accommodated the referendum for tax bills.

**§ C-805. Duties of the Council on the budget.**

Ms. Harter agreed with the 2008 proposed changes . The proposed schedule accommodated the referendum for tax bills.

**§ C-808. Transfer of appropriation.**

Ms. Harter agreed with the 2008 proposed changes of adding . Transfers among any capital projects funds may occur at any time and are not subject to six month limitation as stated above. Ms. Harter gave examples where each department has multiple programs and departments.

**§ C-811. Borrowing to meet emergency appropriations.**

Ms. Harter agreed no changes.

**§ C-812. Borrowing in anticipation of taxes.**

Ms. Harter suggested checking with the Bond Council for their input.

**§ C-814. Competitive bidding.**

Ms. Harter suggested the change to \$30,000 for emergencies and agreed with the 2008 suggestion of adding the website. The Town Manager will address this issue at a future date.

- A. Sealed bids or proposals shall be invited by the respective purchasing authority for any purchase or contract for purchasing, including a continuing order for contract for the purchase of the same commodity or services over a period of one year involving the expenditure of ~~\$10,000~~ 25,000 30,000 or more. Invitation for sealed bids or proposals shall be by giving 10 days' public notice thereof by publication at least once in one newspaper having a circulation in the Town and by posting on the Town bulletin board and website.

**§ C-816. Payments of claims.**

Ms. Harter agreed with the 2008 proposed changes and added Town Manager.

Payrolls, bills or other claims against the Town, except those of the Board of Education, shall not be paid until the same have been verified for correctness and legality by the Director of Finance, and all payments shall be made by check drawn on a Town bank account signed by the ~~Director of Finance~~ Town Treasurer and countersigned by the ~~Town Treasurer as provided in Article VI, § C-609, of this Charter.~~ Town-Manager.

**§ C-818. Official bonds**

Ms. Harter agreed with no changes.

Commissioner Nafis thanked Ms. Harter for her work and cooperation with the Commission. Ms. Harter will continue to be available to the Commission as needed.

**B. Review/Discussion of the Charter**

Commission Nafis asked how the Commission wanted to proceed with review. It was agreed by all that Attorney Boorman's reviewing the current Charter side by side with the 2008 Draft is the way to proceed. It was also agreed that the Charter was not being voted on, just being reviewed for future discussion. Attorney Boorman began the review of sections.

**§ C-408. Obligatory referendum and ordinance.**

Attorney Boorman suggested adding Ms. Harter's suggestion using tripling concept from the Index of Charter Dollar Limits and the 2008 proposed changes. Shown above.

Commissioner Nafis and Commissioner Vessella again discussed what determines an emergency. It was suggested that the Town Manager could explain when he attends a future Commission meeting.

**§ C-409. Emergency ordinance.**

Attorney Boorman said there were no changes in 2008. Commissioner Camilli asked what an emergency ordinance is, explanation followed by Attorney Boorman with the example of the October 2011 storm.

**§ C-410. Right of referendum on ordinances.**

Attorney Boorman reviewed the recommendations by Ms. Harter. He also stated that Town Councilor Myra Cohen had requested these changes in 2008. Shown above.

**§ C-411. Initiative.**

Attorney Boorman stated the words “special election” is ok in this section. Commission Nafis suggested further discussion about deleting the last sentence.

The 2008 changes were: “The ordinance shall be adopted if a majority of those voting vote in the affirmative ~~and such majority consists of 10% or more of the total number of qualified electors whose names appear upon the last completed Registry List.~~ Such adopted ordinance shall take effect immediately following the referendum. Nothing in this section shall be construed to preclude the right of referendum on a budget pursuant to any other section of this Charter.

**§ C-412. Removals and suspensions.**

Attorney Boorman said there were no changes in 2008 in section A.

Section B changes are that constitute cause where required in subsection A, ~~therefor, if any.~~

**§ C-413. Investigation.**

Attorney Boorman said there were no changes since 2008.

**§ C-414. Compensation.**

Attorney Boorman said there were no changes since 2008.

**§ C-415. Concurrent offices.**

Attorney Boorman suggested the commission member reviewing the 2008 proposed changes for future comment.

~~No~~ Neither the Mayor nor any member of the Council or Board of Education shall hold any ~~employment or~~ elective ~~or appointive office in or under the Town government except the office of Justice of the Peace.~~ office, appointive office, or serve on any Board or Commission pursuant to Article VI as a voting member thereof, unless specifically authorized to hold such office or serve under this Charter or unless specifically authorized to do so by resolution of the Council for a Board or Commission created pursuant to Article VI, § 610. This section shall not be construed to prevent the Mayor or members of the Council or Board of Education from representing the Town as members of intertown or regional bodies or agencies or from serving in a position pursuant to the Connecticut General Statutes that contemplates such service.

**610. Other commissions, boards, departments, agencies and offices.**

Attorney Boorman explained the 2008 revisions gave the Council the ability to create Committees as needed. There shall be such other commissions, boards, departments, agencies, offices and alternate members of boards and commissions as the Council may ~~determine~~create by ordinance. Any professional, technical and clerical assistance as the Council may determine shall be appointed by the Manager in accordance with Article IX of this Charter.

**§ C-~~614.~~612. Consultant services.**

Attorney Boorman explained members of the town council could also serve on other committees,

The Council may retain such technical and professional consultant services as it shall deem necessary to obtain expert opinion and recommendations. ~~This action shall be by ordinance.~~

VII. ANY OTHER BUSINESS PERTINENT TO THE COMMISSION

Commissioner Nafis announced the \$5000 allowance was approved.

Ms. Jaime Trevethan, Executive Assistant to Town Manager updated the Commission that the Town Manager is currently out of town. A memo had been sent to all department heads to request their input on the Charter. The Town Manager received confirmation from the Director of Human Services of no concerns. The Town Manager would update the Commission on his return next week.

VIII. PUBLIC PARTICIPATION

Myra Cohen, Councilor, 42 Jeffrey Lane

Ms. Cohen explained the changes from 2008 for § C-408. Obligatory referendum and ordinance. The section gave the public the ability to have input on larger dollar amounts when needed.

Clark Castelle, 167 Connecticut Ave.

Mr. Castelle asked for clarification on § C-410.

IX. COMMENTS BY COMMISSIONERS

There were not any comments by any of the Commissioners.

X. ADJOURNMENT

Commissioner Camilli moved to adjourn the Special Meeting at 8:11pm. Motion was seconded. Motion passed 3-0.

Respectfully submitted,

Nancy Frede  
Clerk—Charter Revision Commission

