

Minutes

CHARTER REVISION COMMISSION
SPECIAL MEETING
APRIL 4, 2012

I. CALL TO ORDER

Alan Nafis, Charter Revision Commission Chair called the meeting to order at 6:35pm in the Helen Nelson Room of the Newington Town Hall.

II. PLEDGE OF ALLEGIANCE

(It was agreed that the PLEDGE OF ALLEGIANCE was done at the earlier meeting.)

III. ROLL CALL

(It was agreed that the ROLL CALL was done earlier.)

IV. PUBLIC PARTICIPATION

(Public participation was opened with no participants in answer to request.)

V. MINUTES

Attorney Boorman indicated the following correction:

Page 2-- Under "Election of Officers", he noted that following Ms. Clark's withdrawal as a candidate for Chair, and following Mr. Lenares withdrawal of his motion, the minutes should reflect: *Mr. Vessella then withdrew his second.*

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

VI. MATTERS TO BE CONSIDERED

A. Organizational Procedures

Commissioner Nafis asked Ms. Lane to update the Commission on internet access to the Charter. Ms. Lane indicated that she had spoken to the IT Director and explained that access would be to a dedicated website with a user name and password. Initially, there would be link for the "Source Charter" (the original document), another link for the Charter reflecting all ongoing changes as they occurred, and numerous other links showing changes from each Commission meeting. She stated that it was a "work in progress" and that she would be emailing the web link to the Commissioners. The user name and password had been distributed to everyone tonight in their packets.

Commissioner Nafis reviewed the schedule of Wednesday meeting dates expressing concern that the local cable station was not going to be available due to conflicts. After some discussion, Attorney Boorman suggested that a day change was possible for Special Meetings as needed. Commissioner Nafis suggested the current meeting schedule be maintained with postings by Ms. Lane on the website which will encourage public participation.

Commissioner Nafis asked Ms. Lane to update the Commission about her discussion with the Town Manager regarding department head input. The Town Manager has agreed to notify the department heads to follow up with their input to the Charter Revision Commission at future meetings.

B. Review/Discussion of the Charter

Commissioner Nafis opened discussion on how to proceed with the review of the Charter. Attorney Boorman suggested the Commissions' work would be easier by reviewing the current Charter side by side with the 2008 Draft. The Commission agreed to try it and review at the conclusion of meeting. It

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was also agreed that the review of the Charter was not being voted on, just being reviewed for future discussion.

The following legend indicates the Charter changes for review:

~~Word deleted~~ word(s) deleted

Words added word(s) added

ARTICLE I

§ C-101. Incorporation

Attorney Boorman noted there were no changes in 2008.

§C-102 Rights and Obligations

Attorney Boorman reviewed that the 2008 change was “Nothing herein shall be construed to affect the rights of the Town to collect any assessment, charge, ~~debtor~~ debt or lien.”

§C-103 General grant of powers

Attorney Boorman noted there were no changes in 2008.

ARTICLE II ELECTION

§ C-201. Regular Town Elections.

Attorney Boorman reviewed the 2008 change which was “Regular Town ~~election~~ elections shall be held on the first Tuesday after the first Monday in November in each odd-numbered year. “

Commissioner Nafis requested clarification of “chosen and qualified” which Attorney Boorman explained was to insure that governance would proceed by the existing governing body if there was a question. See § C-202.

§ C-202. Elected Officials.

1. *Board of Education* Attorney Boorman reviewed the 2008 change which was:

At each regular biennial Town election, nine members of the Board of Education shall be elected for a term of two years and until their successors are ~~elected~~ chosen and qualified, in accordance with provisions of Section 9-204 of the Connecticut General Statutes. Commissioner Vessella questioned the choice of “chosen” which Attorney Boorman stated was to maintain consistency in words. Commissioner Nafis added that not everyone is elected to office.

2. *Board of Fire Commissioners.* Attorney Boorman reviewed the 2008 change as follows:

The Board is specifically authorized to delegate authority to the Fire Chief(s).

(1) The Board of Fire Commissioners shall supervise, maintain and care for all Fire Department buildings and fire equipment of said Department; shall appoint fire chief(s) and such other officers and personnel as it deems necessary; shall recommend the purchase of additional apparatus and equipment when needed; shall purchase additional apparatus and equipment when duly authorized; and shall annually prepare and submit to the ~~Town~~-Manager a budget for the maintenance and care of the equipment and buildings of said Fire Department. The Board of Fire Commissioners’ role shall include acting as final board of appeal ~~from person elections for personnel matters from within the fire department.~~ This function shall not be delegated.

(2) Attorney Boorman noted there were no changes in 2008.

(3) The Fire Department may take apparatus out of Town with approval of at least one Commissioner. ~~The Board may delegate this authority to the Fire Chief.~~

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Commissioner Nafis opened discussion on Board of Fire Commissioners with the invitation to the Fire Chiefs for their input into the additions and changes to the section.

Commissioner Nafis request for input from the Fire Chiefs was met with unanimous agreement by the Commission members.

Attorney Boorman suggested the changes on the Charter be color coded for easier identification by the Commission members and the public. Ms. Lane will explore if the website can be changed as requested.

§ C-203. Minority Representation.

Attorney Boorman reviewed the 2008 change as follows:

- A. At each regular Town election no political party shall nominate and no elector shall vote ~~or~~ for more than the Mayor, five members of Council, two Constables, and the number of members of the Board of Education and of the Board of Fire Commissioners as shall be determined by the provisions of this Charter and the Connecticut General Statutes.
- (4) Attorney Boorman noted there were no changes in 2008.
- B. This section adheres to CT General Statutes.

§ C-204. Vacancies in Elective Offices.

Attorney Boorman reviewed the 2008 change is due to having consistency with the word “chosen” as follows:

Any member of the Board of Fire Commissioners elected to fill a vacancy at a regular Town election shall serve for the remaining term of the former incumbent and until the successor has been ~~elected~~ chosen and qualified.

§ C-205. Independent Candidates.

Attorney Boorman reviewed the 2008 change to conform to CT General Statutes as follows:

In addition to the procedure for the nomination of candidates provided for in this Charter and the Connecticut General Statutes, any elector of the Town may have his or her name appear on the ballot in a line designated “Independent” provided the elector follows the requirements for such candidates as set forth in the Connecticut General Statutes.

§ C-206. Qualifications.

Attorney Boorman noted there were no changes in 2008.

§ C-207. Voting districts.

Attorney Boorman noted there were no changes in 2008 however the recent census could cause future change. Commissioner Lenares asked if the number of polling places could be reduced to four. Attorney Boorman commented that the Town Council makes that change.

ARTICLE III THE MAYOR

§ C-301. Election and qualification.

Attorney Boorman reviewed the 2008 change as follows to be consistent with the word “chosen”: At each regular Town election a Mayor shall be separately elected by the electors and shall serve until a successor shall be ~~elected~~ chosen and qualified.

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§ C-302. Duties.

Attorney Boorman noted there were no changes in 2008 however there had been a question about “military purposes.” Commissioner Vessella asked if it should be left in? Attorney Boorman stated that Councilor Myra Cohen who was present at the meeting could comment during the public discussion about the 2008 Charter reasoning.

§ C-303. Appointments.

Attorney Boorman noted the changes from 2008 were due to the elimination of the Director of Health position and the added words “and both shall serve at the pleasure of the Mayor.”

A. *Salaried Officials.* The Mayor shall appoint the Town Attorney, ~~Director of Health,~~ and the Clerk of the Council and both shall serve at the pleasure of the Mayor.

Attorney Boorman noted the changes from 2008

- (1) *Town Attorney.* There shall be a Town Attorney, appointed by the Mayor, who shall be an attorney at law admitted to practice in this state. The Town Attorney shall ~~serve for the term of the Mayor making the appointment and shall~~ be paid an annual retainer under terms and conditions as set by the Council.

If the Town Attorney is a member of a law firm, other members of that firm may, with the written approval of the Mayor, perform any legal services for the Town. The Town Attorney shall have such assistants as the ~~Council~~ Mayor may determine.

Attorney Boorman noted the changes from 2008 were due to the elimination of the Director of Health position so #2 was eliminated.

- (2) *Clerk of the Council.* The Mayor shall appoint a Clerk of the Council who shall be responsible for maintaining a record of all regular and special meetings of the Council. The Clerk shall receive such compensation as the Council may determine and shall have such assignments as set forth by the Council. ~~The Clerk shall serve for the term of the Mayor appointing such Clerk.~~

C. *Subcommittees of the Council.* Attorney Boorman noted there were no changes in 2008.

ARTICLE IV THE COUNCIL

§ C-401. Composition. Attorney Boorman noted there were no changes in 2008.

§ C-402. Powers. Attorney Boorman noted there were no changes in 2008.

§ C-403. Organization. Attorney Boorman noted there were no changes in 2008.

§ C-404. Procedures.

A. Attorney Boorman noted there were no changes in 2008.

B. Attorney Boorman noted the changes from 2008:

No votes may be taken at a work session meeting. except to adjourn or to go into executive session.

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§ C-405. Introduction of Ordinances.

Attorney Boorman noted the changes from 2008: It shall be the duty of the Town Clerk or his/her designee immediately upon receipt of such proposed ordinance to prepare sufficient copies of such ordinance, one copy of which shall be retained in the Town Clerk's office for public inspection, one copy posted on the Town bulletin board and [website and](#) one copy distributed to each member of the Council and to the Manager.

§ C-406. Attorney Boorman noted the new title suggested from 2008 and the following changes: Public hearings and ~~passage~~ [consideration](#) of ordinance.

Before an ordinance, except an emergency ordinance, shall be ~~passed~~ [voted upon](#), the Council shall hold at least one public hearing, five days' notice of which shall be given by publishing the notice and the proposed ordinance in full at least once in a newspaper having circulation in the Town and by posting the notice and the proposed ordinance in full on the Town bulletin board [and website](#) with the full proposed ordinance also available in the Town Clerk's office. After such public hearing, the Council may make such changes as it considers advisable before ~~passing~~ [voting upon](#) said ordinance.

§ C-407. Borrowing.

Attorney Boorman noted the changes from 2008, in that the last sentence was eliminated:

The issuance of bonds and notes shall be authorized by resolution adopted in the same manner as provided by §C-406 of this Charter, insofar as § C-406 relates to public hearings. ~~Tax anticipation notes shall be issued in accordance with § C-812 without public hearing.~~

Next agenda Commissioner Nafis will review what was worked on and start with § C-408. Obligatory referendum and ordinance and go forward.

VII. ANY OTHER BUSINESS PERTINENT TO THE COMMISSION

Commissioner Nafis asked Ms. Lane to comment on the budget discussion with the Director of Finance relating to the \$5000 allowance. Ms. Lane relayed the Director of Finance's recommendation was to request an \$8000 budget.

VIII. PUBLIC PARTICIPATION

Myra Cohen, Councilor, 42 Jeffrey Lane, thanked the Commission for their work. She asked for clarification about the choice of words in § C-204 and 301 "elected" and "chosen" as recommended in the 2008 draft. She also said further discussion might be needed on the "military purposes" (§ C-302).

Mady Kenny, 53 Crestwood Drive, thanked the Commission for their work. She questioned the choice of words in § C-204 and 301 "elected" and "chosen" as recommended in the 2008 Draft.

Rose Lyons, 46 Elton Street asked for the audio system to be placed so the public can hear the commissioners' discussion. She also questioned § C-303 about the Town Attorney's role with the public.

IX. COMMENTS BY COMMISSIONERS

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All Commissioners agreed that the side by side comparison of the 2008 Draft Charter versus the original Charter aided the discussion and made potential changes easier to follow.

All Commissioners will review tonight's discussion and continue reading starting at § C-408 Obligatory Referendum and Ordinance.

The next Charter Revision Commission meeting will be Wednesday April 11th at 6:30pm.

X. ADJOURNMENT

Commissioner Camilli moved to adjourn the Special Meeting at 8:10pm. Motion was seconded. Motion passed 5-0.

Respectfully submitted,

Nancy Frede
Clerk—Charter Revision Commission