



John L. Salomone
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR JEFF WRIGHT

MINUTES (as amended)

CHARTER REVISION COMMISSION

March 13, 2008

I CALL TO ORDER

Commissioner Bafundo called the meeting to order at 6:33 PM in the Helen Nelson Room of the Newington Town Hall.

II PLEDGE OF ALLEGIANCE

III ROLL CALL

Commissioners Present (roll call)

Nancy Bafundo, Chair

Tony Boni

Peter Boorman

Robert Briggaman

Alan Nafis

Staff Present

Marian Amodeo, Library Director

Pete Hobbs, Building Official

Tanya Lane, Town Clerk

Ed Meehan, Town Planner

IV PUBLIC PARTICIPATION - none

V MINUTES

A 2-28-08 Regular Meeting

Commissioner Boorman noted the following changes to be made to the minutes the 2-28-08 Regular meeting:

- Page 5 – “Deputy Chief McGill” should read “Deputy Chief Gill”
- Page 6 – middle paragraph “Commission does not want jeopardize” should read “Commission does not want to jeopardize”
- Page 9 – first paragraph “any past election in such as way” should read “any past election in such a way”

Commissioner Briggaman noted the following changes to be made to the minutes the 2-28-08 Regular meeting:

- Page 5 – first paragraph “set if criteria” should read “set of criteria”
- Page 6 – second paragraph “sent out be the same method” should read “sent out by the same method”

(All changes so noted.)

Commissioner Boorman moved to accept the minutes of the 2-28-08 Regular Meeting. Motion seconded by Commissioner Boni.

Motion passed 5-0.

VI MATTERS TO BE CONSIDERED

A Building Department: Pete Hobbs, Building Official

Commissioner Bafundo introduced Mr. Hobbs and asked him to speak about his recommendations about Charter language regarding his department.

Mr. Hobbs spoke about Charter Section 704 – Department of Building Inspections. He stated that over the years the duties of the Building Inspector have changed in that the Building Inspector is no longer the Administrative Officer for the Town Plan and Zoning Commission or the Zoning Board of Appeals. In addition, the Building Inspector no longer enforces zoning regulations. Commissioner Bafundo inquired about the duties of the Department of Building Inspector and how such duties should be reflected in the Charter. Mr. Hobbs explained that the duties of the Building Official's office include:

- Enforce State building codes
- Enforce Town housing codes
- Administrative Officer for the Building Code Board of Appeals
- As Housing Code Enforcing Officer the office acts as Administrative Officer for the Fair Rent Commission

Mr. Hobbs stated that the Town currently has a full-time Zoning Enforcement Officer who works under the direction of Town Planner Ed Meehan, an arrangement that has been in place for about twelve years. He stated that there is not a position in the Charter for Zoning Enforcement Officer; in fact he was the first Zoning Enforcement Officer when the arrangement was originally created. Mr. Hobbs stated that zoning regulation enforcement works fine, but he feels that the Charter should reflect the arrangement as it is at the present time. Commissioner Nafis inquired as to who is the Zoning Board of Appeals Administrative Officer. Mr. Hobbs replied that it is the Zoning Enforcement Officer Mr. Hanke, who works under Mr. Meehan's supervision.

Commissioner Boorman asked whether there is anything else missing in Section 704 in terms of the parameters of Mr. Hobbs' position. Mr. Hobbs replied that it is currently a bit unclear as to who acts in the absence of the Zoning Enforcement Officer. He stated that he currently has two Assistant Building Officials whose job descriptions list them as Assistant Building Officials/Zoning Enforcement Officers. He stated that his own job description makes no mention of performing any sort of zoning enforcement, and his assistants do not have any training in zoning enforcement. He stated that he is a certified Zoning Officer, and in reality has worked in the Zoning Officer's absence as necessary to cover vacations, illness etc. Commissioner Boorman asked whether it would make sense to reflect the overlap of the Building Official and Zoning Officer within Charter Section 704. Mr. Hobbs replied that it would be desirable to do so in order to provide coverage in the event of the Zoning Officer's absence. Commissioner Nafis stated that Mr. Hobbs is a certified Zoning Officer, and asked if there would be any difference if another person came in to the Building Inspector's position without having that qualification. Mr. Hobbs replied the qualification should be written as a requirement into the Building Official's job description either to be a certified Zoning Officer or to obtain the certification within a set period of time.

Commissioner Briggaman asked Mr. Hobbs how many employees he has on his staff. Mr. Hobbs replied that he has two Assistants and one Administrative Secretary.

Commissioner Boorman asked Mr. Hobbs whether he experiences any other frustrations on a daily, monthly or yearly basis in regards to his authority to act on any items. Mr. Hobbs replied that he does not have any such frustrations. Commissioner Bafundo asked whether there are any grey areas or areas of confusion in the Charter regarding the responsibilities of Mr. Hobbs' office. Mr. Hobbs replied that the only gray area is the lack of a definitive definition of who is responsible for covering for the Zoning Officer in his absence. He stated that it is contained within the Assistant Building Officials' job descriptions, but the current Assistant Building Officials are not trained to do be Zoning Officers. He stated that the Charter should spell out who will take over and carry on with Town business in the absence of the Zoning Officer.

B Town Clerk – Tanya Lane

Ms. Lane distributed summaries of the Town Clerk's duties relevant to the Charter. She gave an overview of the following Charter sections related to the Town Clerk:

- Section 403 – Organization
 - Calls to order the organizational meeting of the Town Council and administers the oath of office to the newly elected Town officials
- Section 404 – Procedures
 - Keeps a journal of the minutes of the Town Council for public inspection– in conformance with Connecticut State statutes.
- Section 405 – Introduction of Ordinances
 - Prepare sufficient copies of the ordinance in full text
 - Post copies of the ordinances at the Town Clerk's office and bulletin board and distributes copies to the Town Manager and Town Councilors.
- Section 406 – Public Hearings and Passage of Ordinance
 - Submits notice of public hearings with the full text of the ordinance in local newspapers
 - Posts notice and text at the Town Clerk's office and bulletin board
 - Submits notice of passed ordinances to the newspaper, if there are no problems within 15 days the ordinance is considered passed.

Commissioner Bafundo asked whether the Town Clerk is involved with posting notice information on the Town's website. Ms. Lane replied that the responsibility would probably fall under the Town Manager's office.

- Section 410 – Right of Referendum on Ordinances
 - The fifteen days between the time the notice of the new ordinance is published and the actual passage of the ordinance is an opportunity for the electors of the Town to petition against the passage of the ordinance. The petition would be submitted to the Town Clerk's office.
 - The Town Clerk would validate the signatures and certify the petition to the Town Council if enough signatures exist.
- Section 411 – Initiative
 - When the electors decide on their own to petition the Council to pass an ordinance the petition is filed at the Town Clerk's office.
 - The Town Clerk would validate the signatures and certify the petition to the Town Council if enough signatures exist.
- Section 701 – Town Clerk
 - The Town Clerk is appointed and may be removed by the Town Manager
 - Acts in accordance to statutes, the Charter and Town Council guidance.

Commissioner Nafis commented that the Town Manager has the right to hire/fire the ~~Town Planner~~ Town Clerk, but it is the Town Council that sets the ~~Town Planner's~~ Town Clerk's salary and determines the number of assistants assigned to the ~~Town Planner~~ Town Clerk. Ms. Lane confirmed Commissioner Nafis' statements.

- Section 817 – Fees Collected by the Town Officials and Employees
 - At one time the Town Clerk's office collected and retained fees, whereas the office is now compensated.
 - The Town Clerk's office is a revenue-producing department. Fees collected are paid into the Town treasury.
- Section 818 – Official Bonds

- When a bond is filed the Town Clerk certifies the resolution regarding the appropriation and bond authorization.

Commissioner Briggaman asked whether there are any grey areas or areas that need clarification among any of the sections discussed so far. Ms. Lane replied that everything mentioned so far is straightforward and clear cut and stated that she does not personally have a problem with any of the language and that it all seems to work well. Ms. Lane stated that discussion will be needed in regards to Section 205:

- Section 205 – Independent Candidates
 - This section speaks to the issue of independent candidates petitioning onto the ballot during a municipal election.
 - Many items cited in this section are in conflict with Connecticut State Statutes. Some of these items had been discussed with then Town Attorney Peter Boorman in 2005.
 - The Commission will need to obtain legal opinion regarding these items.
 - The Charter section states that the elector shall file with the Town Clerk, not less than thirty (30) nor more than forty-five (45) days preceding the Town election. Section 9-453-I of the Connecticut State Statutes requires that the paperwork must be filed by the ninetieth day preceding the election.
 - The Charter section states that the elector who is petitioning onto the ballot needs to collect signatures of at least five percent of the total number of electors listed on the voter registration list in order to get on the ballot. Section 9-453-D of the State Statutes requires that the number of people on the petition must be at least one percent of the total number of votes cast for that office during the last election. This can be a large difference in the number of signatures required.
 - The Charter section states that the Town Clerk shall notify each elector filing a petition within seven days. The Town Clerk does not currently notify the elector, rather the application is received from the Secretary of State's office, the Secretary of State informs the elector of the number of signatures required, and while the completed signature pages may be turned in to the Town Clerk, the Town Clerk would then turn the document over to the Secretary of State for a decision of whether it is a valid nominating petition. Commissioner Briggaman noted that in some of the other sections of the Charter the Town Clerk has ten days to verify the signatures, and in section 205 there are seven days. Ms. Lane replied that it is not a valid timeframe, as she actually has two weeks to verify the signatures from the time she receives the petition from the Secretary of State. Commissioner Boorman stated that those provisions in this section of the Charter are outdated and will need to be updated to properly reference State Statute. Commissioner Bafundo asked present legal counsel Attorney Justin Clark whether he has started his review of this section of the Charter. Attorney Clark replied that he had begun his review, and some of the language is in conflict with State Statutes and will need to be updated. Commissioner Boorman suggested that the Town Attorney work with the Town Clerk to provide proper updated language for the section.

Commissioner Boorman noted that Ms. Lane was formerly the Town Clerk for the Town of Westbrook, which has historically had issues related to budget referendums. He asked whether she is familiar with the authorizing provisions of their charter or town documents that set up the requirements for a referendum. Ms. Lane replied that Westbrook is a much smaller town than Newington, and it is run by a Board of Selectmen and governed by State Statutes. She stated that Westbrook does not have a charter. She stated that there are two ways for an item to go to referendum:

- The Selectmen can decide to take the item off of the agenda and place it before voters as a referendum issue.
- The residents can take the item off of the agenda and bring it to a referendum through a petition with at least 200 signatures.

Commissioner Boorman asked whether these procedures are pursuant to State Statutes. Ms. Lane replied in the affirmative and added that there is no local document regulating the procedures.

Commissioner Boni commented that he is very impressed with the efficiency and cooperative nature of the Town Clerk's office. Commissioner Bafundo asked whether Ms. Lane has any additional recommendations for changes. Ms. Lane replied that there are no additional recommendations outside of what was discussed in Section 205.

C Town Planner: Ed Meehan

Mr. Meehan stated support for Mr. Hobbs' earlier comments regarding clarification of the duties of the Building Official and Zoning Officer and stated that the Charter language has not kept up with personnel changes and changes to responsibilities within these roles.

Mr. Meehan stated that as Town Planner, he was the first (and so far only) Town Planner appointed by the Town Council. He recommended that the Commission consider moving the Town Planner's position out from under the appointment of the Town Council and place it as an office under the direction of the Town Manager. He stated that doing so will also take care of other issues in Charter Sections 901 and 902 in regards to classified service and merit service. Mr. Meehan stated that as an appointment of the Town Council the Town Planner does not have any of those protections. Commissioner Boorman asked whether Mr. Meehan is suggesting that the Town Planner would be a member of the classified service. Mr. Meehan replied in the affirmative and elaborated that by doing so, many things will become more logical as his day-to-day interaction with the Town Manager is at a high level as is his interaction with the TPZ. He stated that the Town Manager would have more clarity in assigning other duties to the Town Planning office.

Commissioner Boorman asked whether Mr. Meehan would recommend any Charter changes relative to the TPZ. Mr. Meehan replied that the main issue would be whether TPZ members are elected or appointed. He stated that there are pros and cons to both sides. He stated that it is important to have both bodies joined, not to have separate Commissions. He stated preference for the TPZ members to be appointed rather than elected since appointed members are more likely to help the chief elected officials carry out the policy direction of the Town whereas elected TPZ members could have their own agendas. He stated that there are more checks and balances included when members are appointed, and that in his personal experience he has found that some elected members are not necessarily working in the best interest of the entire town.

Commissioner Bafundo asked about the benefits in bringing the Town Planner position into alignment with other department heads. Mr. Meehan replied that the Town Planner, as a professional position appointed by the Town Council, walks a thin line since it requires only a majority of the Town Council's votes to remove the person from the position. He stated that the Town Planner's job is controversial at times and it is better to take the political heat off of the position. Mr. Meehan commented that he has been fortunate that the Town Managers and Councils he has served ~~do~~ have not reached into the administration and meddled in the administrative duties. He cautioned, however, that it could happen with future elected bodies and that the change in the Charter language would provide protection.

Commissioner Nafis asked about the Department of Community Development and Engineering. Mr. Meehan explained that the Public Works department was reorganized and as a result the Town Planner now supervises and coordinates the Town Engineer. He stated that the purpose of the effort was to streamline the organization. Mr. Meehan stated that the Highway and Sanitation departments are not included in the new Department. Commissioner Boni asked for an organizational chart of the changes. Mr. Meehan replied that an organizational chart can be found in the front of the budget.

Commissioner Boorman noted that Charter Section 611 contains a very brief description of the qualifications for the Town Planner's position, and asked Mr. Meehan if he would add any language or definitions for the description of the Town Planner's duties. Mr. Meehan recommended that the Town Planner have the following qualifications:

- Master's degree in City Planning or Community Development
- Member of the American Institute of Certified Planners (strongly desirable in a candidate, but is difficult to obtain)
- In lieu of the American Institute of Certified Planners certification: five years of practical experience.

Commissioner Boorman requested that Mr. Meehan put together his suggested changes to Charter language and submit the recommendations to Ms. Amodeo for Commission review. Commissioner Bafundo asked if the Commission should decide to realign the Town Planner under the Town Manager would it then become a separate section in the Charter. Commissioner Nafis stated that the sections are arranged by department, and that the Town Planner would be defined in the section with the Department

of Community Development. Mr. Meehan stated it would move under Section 7, Administrative Officers. Commissioner Boorman remarked that the Commission will not necessarily be writing job qualifications (portions of comment not audible on the tape), but more along the lines of setting up general parameters that would be baseline requirements.

VII ANY OTHER BUSINESS PERTINENT TO THIS COMMISSION

Commissioner Bafundo asked present legal counsel, Attorney Clark, for an update his progress in reviewing the State statutes.

Attorney Clark gave the following updates:

- Section 205 – is not in compliance with State law. Newington is operating outside of the Charter in regards to this area. Will need to consider either eliminating the section and operating in compliance with State law or updating the language.
- Bonding provisions are being reviewed by various attorneys and language changes will be reported to the Commission soon. The goal is to create standard language and to make sure that the language and limits are up-to-date. Recommended numbers will be inserted into brackets, but the numbers can be changed if necessary.

VIII WRITTEN COMMUNICATIONS FROM THE PUBLIC

Commissioner Boorman noted that all of the Commissioners had received an email dated March 12, 2008. Commissioner Bafundo stated that she does not believe that entire communications from the public need to be read out loud during the meetings. She stated that the Commission should acknowledge that the communications were received, and if necessary summarize and discuss the communication. Commissioner Boorman disagreed, stating that the purpose of having email available to the public is to allow the public to address concerns to the Commission and for the Commission to receive, acknowledge and deal with the communications. Commissioner Bafundo cautioned that the Commission could receive long ten or twenty-page documents. Commissioner Boorman replied that for longer documents it may not be the case, but most emails are short documents. He stated that the email was sent in by Marie Koller, 108 Churchill Drive in Newington. With the Commission's permission he read the email:

Dear Charter Revision Commission Members:

As you have requested citizen input on the proposal to revise the Charter, I would like to take this opportunity to share my opinion. I believe that moving in the direction of a budget referendum is a mistake and I oppose any effort to do so. A brief review of budget referenda in other Connecticut towns demonstrates both the futility and the added expense of this process. We have elected representatives to the Board of Education and the Town Council to make decisions about the budget and other governmental matters. Let the representatives be fully informed including input from the people of Newington and then let them lead. If we are unhappy with the outcome there is always the next election to put things right.

Yours Truly,
Marie Koller
108 Churchill Drive
Newington

IX PUBLIC PARTICIPATION - none

X REMARKS BY COMMISSIONERS

Commissioner Briggaman congratulated Paul Boutot and his staff for their work put into the new Town website. He stated that it is an excellent website, and the public should take an opportunity to review the new site. Commissioner Briggaman stated that the website is www.newingtonct.gov.

Commissioner Boorman thanked Ms. Koller for taking the time and effort to share her opinion with the Commission and encouraged other residents to do the same.

Commissioner Bafundo commented that she firmly believes that the Commission will not have time to read all incoming emails into the record at the meetings, especially as the number of emails increases. She stated that the Commission should acknowledge the receipt of the emails, and discuss and answer questions as needed, but it is not necessary to read all emails into the record. Commissioner Boorman stated that the Commission could deal with the issue as it arises. Commissioner Boni asked how the Commission is going to decide the cutoff length for the reading of a communication, and suggested that the Commission make the decision. Commissioner Bafundo stated she does not want to squash public participation, but it is a matter of time. She also asked how the Commission would handle phone calls and noted that unless calls are recorded and played back during the meetings they could only be acknowledged. She recommended that the Commissioners consider the matter and discuss at the next meeting if necessary. Commissioner Boorman stated that the Commission can agree to summarize longer communications in order to acknowledge that residents have taken the time to participate.

XI ADJOURNMENT

Commissioner Boni moved to adjourn the meeting at 7:25pm. Motion seconded by Commissioner Bafundo.

Motion passed 5-0.

Respectfully Submitted,

Mrs. Jaime Trevethan
Clerk – Charter Revision Commission