



John L. Salomone
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR JEFF WRIGHT

MINUTES

CHARTER REVISION COMMISSION

June 12, 2008

I CALL TO ORDER

Commissioner Boni called the meeting to order at 6:32 PM in the Helen Nelson Room of the Newington Town Hall.

II PLEDGE OF ALLEGIANCE

III ROLL CALL

Commissioners Present

Tony Boni
Peter Boorman
Robert Briggaman
Alan Nafis

Commissioners Absent

Nancy Bafundo - Chair

Staff Present

Tanya Lane – Town Clerk
Various Town department heads and staff as indicated below

IV PUBLIC PARTICIPATION

Myra Cohen, 42 Jeffery Lane: Mrs. Cohen noted that on page 8 of the May 22, 2008 Charter Revision Commission meeting minutes her comments under Public Participation should reference Ann Harter, not Ms. Lane as currently indicated in the minutes. She also clarified that the April 2009 deadline date discussed during the May 22, 2008 meeting *refers to the date for the Commission to submit its draft report and the Commission is work is done then only if the Council accepts it with no recommendations for adjustments*. Mrs. Cohen commented that while the Commission is only required to report back to the Council on items listed in the charge to the Commission she urged the Commission to address more than what is listed in the charge, and urged the Commission to address all concerns and questions presented.

V MINUTES

A Regular Meeting, 5/22/08

Commissioner Briggaman moved to accept the minutes of the Regular Meeting, 5/22/08 with the amendments noted by Mrs. Cohen during public participation. Motion seconded by Commissioner Boorman. Motion passed 4-0 (Commissioner Bafundo absent).

VI MATTERS TO BE CONSIDERED

A Paul Boutot, Director, Information Systems and Technology

Mr. Boutot stated that there is nothing in the Charter that relates to data processing or information system technology in general. He agreed with previous speakers' comments that an increase of the minimum bid amount from the current \$10,000 up to a number more in line with the current budget would be beneficial. He noted an example of multiple telephone wire repairs over the last year that throughout the year exceeded the \$10,000 threshold. Commissioner Boni inquired whether Mr. Boutot has a specific figure in mind. Mr. Boutot replied that amounts suggested by previous speakers should be sufficient.

Commissioner Briggaman complimented Mr. Boutot and his staff on their work to create the new Town website. He noted that the Town and the Board of Education have separate IT departments and inquired about the pros and cons of possibly combining the two IT departments. Mr. Boutot replied that the introduction of more networks into a system will add different layers of complexity to the system. He stated that there are HIPAA requirements to be considered for information that is required to be secured in a particular manner, such as the Police Department's network that needs to be protected in a particular manner. Mr. Boutot stated that while technically it is possible, the Town would need to consider that additional levels of security would need to be added if the two sides are integrated and there is a cost to adding that security which must be weighed against any potential savings as a result of combining the two sides. He stated that the cost of the extra security measures may actually outweigh the savings of an integration. He stated that there are other towns, such as Enfield, that have combined resources and estimated that it took Enfield about thirteen years to complete the process and iron out the various obstacles, technical and otherwise, before the integration was complete. Mr. Boutot stated that there are networks that share the same physical infrastructure and are separated with routers and switches and from a security perspective you would need to segment those networks away from each other so that communication is protected on each isolated segment. Commissioner Briggaman commented that therefore securities can be built in on each segment on the server. Mr. Boutot stated that every technical issue can be addressed but there is a level of complexity involved. He stated that the Town's infrastructure currently has rules and regulations to protect the Police Department's network segment, which contains access to criminal records, DMV records, etc and there are rules that the Police Department's network needs to be separated from other segments by a firewall. He stated that there are similar requirements for other parts of the network. He stated, however, that certain segments can be access controlled.

B Corrine Aldinger, Revenue Collector

Ms. Aldinger noted that Charter section 708(C), Revenue Collector, states that the Revenue Collector shall be an elector of the Town. She stated that this requirement is not fair to the Town and may make it difficult to find the best person to do the job. She commented that Revenue Collectors must take classes to obtain State certification and are required to enforce the collection of taxes as defined by State Statutes. She stated that the CCM and the Office of Policy and Management oversee Revenue Collectors; therefore, it is a big role to fill. Ms. Aldinger stated that she has just accepted the Presidency of the Connecticut State Tax Collectors Association and will oversee Town collectors throughout the entire State. She stated that it is not a position to be taken lightly and in order to find a good candidate the Town should not limit itself to Town residents.

Commissioner Boni noted that Ms. Aldinger's opinion has been shared by several previous speakers and will be taken seriously for consideration.

C S. Steven Juda, Assessor/Board of Assessment Appeals

Mr. Juda agreed with Ms. Aldinger's comments regarding the residency requirement of the Revenue Collector. He stated that according to the Charter, the Assessor's position falls under the supervision of the Finance Director and stated that all duties performed by the Assessor's office do conform to State Statutes. Mr. Juda stated that he does not have any suggestions or recommended changes to the Charter and offered to answer the Commissioners' questions. Seeing no questions from the Commission, Commissioner Boni thanked Mr. Juda for his time.

D Richard Mulhall, Chief of Police

Chief Mulhall stated that the operation of the Newington Police Department falls under Charter Section 707. He stated that the language is straightforward and the system works as it is written, and, therefore, he has no suggestions or recommended changes to the Charter. Chief Mulhall offered to answer Commissioners' questions. Commissioner Briggaman inquired about the progress of the planned hiring of additional officers to alleviate overtime. Chief Mulhall replied that officers have been hired and, therefore, overtime will be reduced. He stated that overtime costs are on target as projected in the budget and the department is achieving its goals established with the Town Council. Commissioner Boni further explained that year-to-date overtime costs have been below target and unless something drastic happens the overtime costs should come in below budget for the year.

E David Pruett and John Richter, Constables

Constable David Pruett explained the role of the Constable. He stated that Section 12-162 of the Connecticut State Statutes defines the authority of a Constable to serve warrants to collect delinquent taxes. Mr. Pruett explained that the Constable position is an elected, non-paying position and is not a full-time employment position with the Town. He stated that the position does not include any retirement or health benefits and the position is accountable to the citizens of Newington. He noted that he has generated \$363,441 in revenue for the Town at no cost to the Town, and noted that his fees are derived from delinquent taxpayers as per State Statute and the fees are used to reimburse his expenses related to the position including gas, postage, office supplies and miscellaneous expenses. Mr. Pruett stated that quite often he does not get reimbursed for expenses related to "deadbeats," or people who leave the state or file for bankruptcy. He stated that due to his background in finance, business administration and law enforcement he was asked to assume the position of Constable in 2002 after the late John Abate, and was reelected to the position in 2003, 2005, and 2007. He commented that he enjoys serving the Town and offered to answer any of the Commissioners' questions. Commissioner Boni inquired as to whom the Constable reports to and inquired whether the Constable gets to keep collected fees. Mr. Pruett replied that the fees, currently \$30.00, are set by State Statute for an alias tax warrant issued by a judge or the Tax Collector to a delinquent tax payer. He explained that the delinquent tax payers receive written notices of taxes due and receive about three letters of demand to pay taxes, and if the taxes are still not paid a warrant is issued and executed by the Constable. He stated that the Tax Collector has the authority to issue a warrant, and the Constable's fees are paid by the delinquent tax payer, not the Town. Commissioner Boni inquired whether the Constable is busy in his duties. Mr. Pruett replied that it can be a busy job especially with the economy in its current state. Commissioner Boni inquired whether the Constables alternate in their tasks. Mr. Pruett replied in the affirmative and noted that he is helping to train Mr. Richter, a newer Constable, in the duties of the position. Mr. Richter stated that he has also attended a class to train for the position. Commissioner Briggaman asked to whom the Constables report to in their duties. Mr. Pruett replied that he works in conjunction with the Tax Collector but also serves papers for the Town Manager or any other department head, as needed. He stated that the Constables also work closely with the Assessor's office.

F Tony Ferraro, Town Engineer/Philip Block, Chairperson, Conservation Commission

Mr. Ferraro stated that as Town Engineer he is head of the Engineering Department which is set up under Charter Section 702. He stated that he has no recommendations for changes to the Charter as Town Engineer. He noted that as Town Engineer he also serves as staff to the Conservation Commission, which also serves a dual role as the Inland Wetland Commission. He stated that the Conservation Commission is set up under Charter Section 607. He introduced Mr. Block, Chair of the Conservation Commission, and commented that the Conservation Commission does have some recommended changes to the Charter.

Mr. Block noted language in Charter Section 607 that states the Commission "...shall advise and make recommendations to the manager, the council and other boards and commissions of the town..." He also noted that the Conservation Commission also serves as the Inlands Wetlands Commission and remarked that as the Conservation Commission the group is "out of the loop" on many projects. Mr. Block noted that during his time on the Commission there have been a variety of projects in the Town that have had a

great environmental impact to the Town, and there is nothing in either the Charter or the ordinances which gives the Commission a place or time to comment on projects. He stated that, therefore, the Commission does not have an opportunity to advise and make recommendations on those issues that are very important to the character of this community. Mr. Block proposed that the Charter be amended to require, in effect, that every project that comes before the Town be considered for its environmental impact and that the agency (Planning and Zoning, Parks and Recreations, etc.) shall decide on their own whether or not the project will have an environmental impact. He further recommended that if the agency feels a project does not have an environmental impact, then it shall generate a memorandum to the Conservation Commission for consideration, and if the Commission agrees that there is no impact that is the end of it, but if the Commission decides that there is an environmental impact than it can advise as to how to respond to that aspect of the project. He stated that if the agency does believe that a project will have an environmental impact then the project will be referred to the Commission for consideration. He stated that in the event of a conflict in the interests of the applicant he would suggest that the Conservation Commission refer the item to the Town Council for consideration. He gave an example of development on Cedar Mountain, and remarked that there is a very limited amount of open space left in Town and that the best land has already been developed, leaving questions of drainage and other issues (outside of wetlands issues) that need to be brought to the Town's attention. Mr. Block noted that the Charter anticipates the Conservation Commission doing so, but it does not give the Commission a mechanism for how it fits in and recommended amending the Charter to create such a mechanism.

Commissioner Briggaman inquired how input is currently provided under the current arrangement. Mr. Block replied that when the Commission finds out about a project, usually thorough the press, it tries to interject before a project goes to a decision. Commissioner Briggaman inquired whether the Commission relies upon press releases to obtain information. Mr. Block replied in the affirmative, and stated that the Commission has no other way of knowing about a project unless it happens to receive information from an outside source. Mr. Ferraro explained that currently the only applications that the Conservation Commission reviews are applications that contain wetland issues and that applications for projects that do not impact wetlands do not come before the Commission. Commissioner Briggaman inquired as to how the Commission is made aware of applications containing wetland issues. Mr. Block replied that the agency refers the application to the Commission prior to considering the application; this process is in accordance to State Statute. Commissioner Nafis commented that he has served on the Conservation Commission and explained that regulations require that any application within 100-feet of a wetland obtain a wetlands permit. He stated that State Statutes do allow for some flexibility in looking at a project outside of the 100-foot limit, but the problem is that the Commission is not aware of these projects. He noted that the regulations of the Conservation Commission do not make any mention of the fact that the Conservation Commission has the *authority of the Inland Wetlands Commission under State Statutes as well* (comment not clear on the tape) and stated that he is unsure whether that should be included in the Charter or whether it should be an ordinance. Mr. Block stated that the Commission wears two very different hats: the Wetlands Commission involves water; the Conservation Commission involves a whole different area of projects that can be in dry areas such as the Cedar Mountain project. He stressed that there is a great impact on this community when the development of various sections affects the environmental quality of the area. He stated that there is a good deal of expertise on the Commission and the members would like the opportunity to share that expertise but in order to do so the Commission needs to be brought into the loop.

Commissioner Boorman noted Charter language in Section 607 that states: "*The conservation commission shall advise and make recommendation to the manger, the council and other boards and commissions of the town regarding the development and conservation of natural resources...within the territorial limits of the town...*" He stated that as he understands it, Mr. Block's request is to add language that authorizes the Commission to go beyond water resources and stated that there is currently authorization in the Charter for the Commission to do so, but there is no mechanism set up to enforce the language of the Charter that says "shall." Mr. Block agreed and commented that the rest of the Town currently does not need to take heed of the Conservation Commission's existence. He stated that projects need to be passed along to the Commission for consideration. Commissioner Nafis commented that there is currently no formal application, mechanism or process whatsoever that recognizes that the Conservation Commission can do more than issue wetland permits, but stated that he is not sure that such mechanism should be a part of the Charter. Mr. Block replied that he has come up with some suggested language that recounts his points and stated that he does not want to suggest setting up a

whole new permit issue or adding another layer of bureaucracy. He stated that his suggestion is that the Town's various agencies be required to consider whether or not they believe that their project has an environmental impact and to inform the Commission of their belief. He stated that he wants to keep the process purely advisory to make recommendations within the directives of State Statutes and the Charter. Commissioner Boorman asked whether "being in the loop" means that the Conservation Commission should be informed of every project that comes before the Town of Newington and be involved in a process in which it provides a report to the other agency regarding the project. Mr. Block clarified that the Commission would provide a report to the other agency only if it feels that there is an environmental impact to be considered. Commissioner Boorman inquired how to draw a line about which projects need to come before the Commission. Mr. Block referred to existing language in the Charter that states: *...the development and conservation of natural resources, including water resources within the territorial limits of the town...* and noted that Connecticut Statute 7-131(A) states that *"...may inventory natural resources...watershed management, drought management, open space areas..."*. He stated that it is inclusive and he does not think that it is necessary at this point in time to delineate other than what the Charter and the Statutes have provided for and stated that as the Commission develops experience it will become rather obvious the areas in which the Commission's input is extraneous and unnecessary. He stated that a simple exchange of a two line memo when the two sides agree that there is no environmental impact of a project will be an effective method. Commissioner Boorman inquired as to how the Commission will define what goes to the Commission and what doesn't. Mr. Ferraro commented that the Town does not want to overwhelm the Commission with every single application, zone variance, etc. and stated that there needs to be a mechanism that requires some evident potential impact on the environment in one form or another. Commissioner Boorman noted that every time the Council buys or sells a piece of property some might argue that the transaction has some type of environmental effect that would require a referral from the Commission. He also listed examples of variance applications and TPZ applications, and inquired what type of applications would, in effect, not be required to be considered by the Commission. Mr. Block replied that it depends on what side of the line one would like to err on, and noted that in the case of the property purchases, State statute states: *"...to inventory the natural resources and formulate management plans..."* and stated that there are indeed instances in which the Commission may wish to advise on the Town's land transactions. He stated that the agency does not have to listen to the advice of the Commission, but at least the Commission will have the opportunity to express an opinion. Commissioner Boorman noted that the TPZ is involved with land sales and purchases. Mr. Block replied that the TPZ does not deal with environmental issues. Mr. Block provided a copy of his suggested Charter language amendments to the Commission.

Commissioner Briggaman inquired about how these issues are handled in other towns. Mr. Block replied that some other towns use a stamp that is applied to every application and lists every department head and must be passed around the various departments for everyone to sign off on the application. He stated that other Towns' Conservation Commissions have their own sets of regulations and applications are brought before the Commission per those regulations. Commissioner Briggaman requested to see other Towns' charter language concerning the issue.

Commissioner Boorman stated that the Commission currently has the authorization in the Charter to review the discussed projects, but the problem lies in administration because there is no internal mechanism in the Town that refers those projects to the Commission for review. Mr. Block stated that there is nothing in the Charter that requires agencies to consider the Commission in its projects. Commissioner Boorman remarked that you can't get any stronger than the words *"shall advise"* in the current language. Mr. Block explained that the Conservation Commission is not part of the other agencies' purview. Commissioner Nafis stated that part of the problem is that the Conservation Commission took on the duties of the Inland Wetlands Commission and then, in effect, became the Inland Wetlands Commission. He stated that other towns do have separate commissions with different functions. He suggested that perhaps the Charter should identify and separate the two different functions of the Commission: wetlands and conservation. Mr. Block replied that the Conservation Commission would not have an objection to adding a subsection to the Charter that deals with the wetlands aspect of the Commission, but remarked that the operation of the wetlands aspect of the Commission is well in hand; it is the aspect that does not involve wetlands that is in question. Commissioner Nafis stated that the two functions of the Commission should be made clear, but other than that it is a matter of administration.

Commissioner Boorman stated that he had reviewed the suggested language just submitted by Mr. Block and stated that he still questions how the Commission will define "a project." Mr. Block stated that the suggested language is general and inclusive and upon further discussion there will be projects that can be excluded. Commissioner Boorman inquired whether Mr. Block's vision is that every single application from, for example, the TPZ, will come before the Commission because they all have the potential for environmental impact. Mr. Block replied that a two-line memo from the TPZ stating that they do not believe the project has an environmental impact would not be a problem. Commissioner Boorman inquired whether the Commission has consulted Town Planner Ed Meehan on the issue. Mr. Block replied in the affirmative. Commissioner Boorman noted that State Statutes define what the TPZ can do and noted that if an applicant for a project meets State Statutes and other regulations they can proceed with the project even if the Town does not like it and questioned what will be accomplished by adding another layer of advisory. Mr. Block replied that in his experience the TPZ did originally have public health and environmental considerations within its purview but over the years that purview has been diminished. He stated that any issues of disagreement could go before the Council and if the Town feels strongly enough about an issue it can marshal its resources to do something about it. He remarked that currently no one asks the Commission for its opinion. Commissioner Boorman replied that he respects that opinion, but stated that he has a problem with another layer of referrals and noted that the TPZ has separate jurisdiction from the Council that the Council cannot touch. He asked whether the issue is with the TPZ changing the regulations. Mr. Block stated that if issues are not brought to the attention of the community they will never be looked at; and if an issue is brought to its attention, while it may take several exposures or several years, if the Town cares about the issue eventually something can be done. He commented that right now things are being done without even thinking about it. He stated that the Commission is charged by State Statute and by the present Charter. Commissioner Boorman remarked that if members of the TPZ were at the table they might take exception to Mr. Block's statement that *"things are being done without thinking about it."* Commissioner Boorman requested that Mr. Block speak to Mr. Meehan and his staff about the issue and to come before the Charter Commission again in the future. He stated that in the meantime while he is open to making language changes to the Charter, he would not feel comfortable proceeding with language changes as suggested without an approach that takes into account the TPZ and perhaps even Town Council issues. Mr. Block remarked that this is intended to be a collaborative effort. Commissioner Boorman stated that the Commission will likely invite Mr. Block and Conservation Commission members along with Mr. Meehan back for further discussion upon review of this section of the Charter. Commissioner Boorman suggested that perhaps the Charter can be worded to recognize the two functions of the Conservation Commission as dealing with both conservation and wetlands. Mr. Block stated that it is very important legally to maintain the two separate jurisdictions.

Commissioner Boni commented that the discussion seems to fall in the area of ordinances and the TPZ, and the problem seems to be that the Conservation Commission is not being informed about what the TPZ is doing. He stated that it may be necessary to get the Town Manager involved to address the issue. He requested to see exactly what needs to be changed and remarked that a change may not be needed to the Charter; rather the issue may be taken care of either by ordinance or by addressing the inner workings of the administration. Mr. Ferraro commented that he does not believe it is an issue of the Commission not being informed of projects; rather the issue is that there is no mechanism in place for the Conservation Commission to provide input on an application that does not contain wetland issues. He noted a recent large development project at the former drive-in site on the Turnpike in which the Commission was not involved because the project did not involve wetland concerns. Commissioner Nafis noted that State Statutes allow the Commission to look beyond the 100-ft wetland limit if there is a belief that the project could have an impact. He stated agreement with Commissioner Boni that the solution may be with communication between the various staff department heads and the Commission. Mr. Block remarked that the Commission has the greatest interrelationship with the TPZ, but any changes to the Charter or regulations should not be limited to the Commission's relationship with the TPZ or any one agency.

Commissioner Nafis noted Charter language in Section 702, Highway Department and Engineering Department, which states: *"The highway department shall have such powers and duties as are inherent in a highway department relating to the construction, maintenance and repairing of town streets, and shall perform such other duties..."* and that: *"The town engineer shall have such powers and duties as are prescribed by the council or by the manager."* He inquired whether there is any reason to better define

the duties of the Town Engineer in the Charter. Mr. Ferraro stated that while previously the duties of the Town Engineer went beyond what was called for in the Charter, now the Engineer's responsibilities are more consistent. He stated belief that a Town Engineer should administer engineering. He noted that in many towns the Town Engineer is also the Public Works Director and Newington had elected to go that route several years ago. He stated that the Engineering and Public Works Departments are currently two separate departments at the prerogative of the Town Manager.

VII ANY OTHER BUSINESS PERTINENT TO THIS COMMISSION - none

VIII WRITTEN COMMUNICATION FROM THE PUBLIC

Commissioner Boni noted that Commissioner Bafundo had received a letter from a member of the public but since he does not have a copy of the letter at the present meeting it will be read at the next meeting.

IX PUBLIC PARTICIPATION - none

X COMMENTS BY COMMISSIONERS

Commissioner Boorman inquired about the schedule of remaining speakers. Ms. Lane replied that the schedule of speakers should wrap up at the next meeting and listed several speakers to be included on the next agenda, among them Ken Freidenberg, Mitch Page, Tim Manke, members of the ZBA and Human Rights Commission, Ed Meehan and Tom Malloy. Commissioner Boorman inquired whether these speakers are expected to be fairly brief, noting the long list of speakers on the agenda. Ms. Lane replied that Commissioner Bafundo's charge was to wrap up the speakers in the next two meetings (one of which being the current meeting). Commissioner Boorman inquired whether that charge came during an open meeting. Ms. Lane replied that it was mentioned in the last meeting (exact comment not audible on the tape). Commissioner Nafis stated that while the schedule of Town staff speakers is wrapping up there will always be the possibility of bringing in other speakers as needed.

XI ADJOURNMENT

Commissioner Boorman moved to adjourn the meeting at 7:33pm. Motion seconded by Commissioner Briggaman.

Motion passed 4-0 (Commissioner Bafundo absent).

Respectfully Submitted,

Mrs. Jaime Trevethan
Clerk – Charter Revision Commission