



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Office of the Town Clerk

Tanya D. Lane MMC
Town Clerk

Memorandum

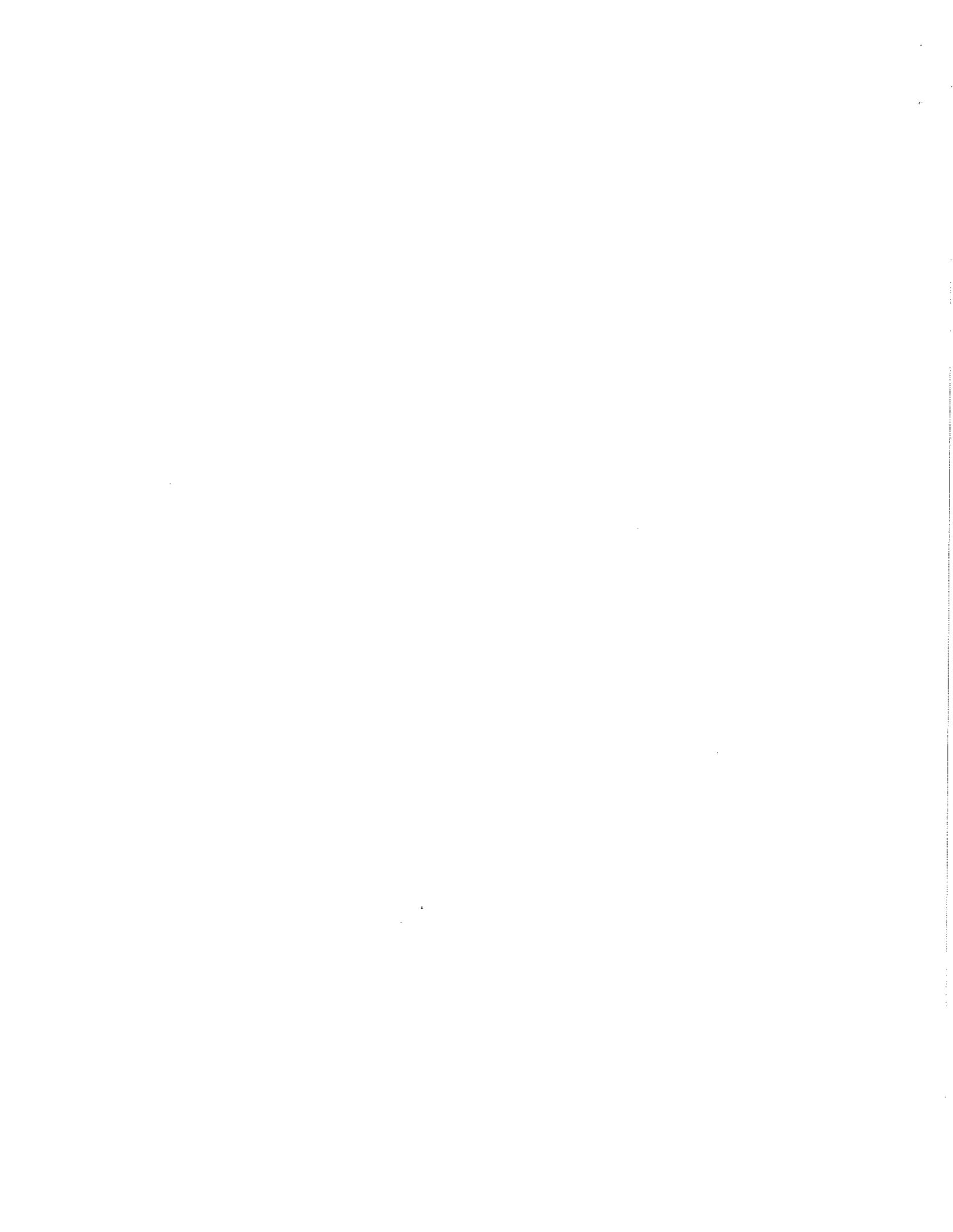
TO: John Salomone, Town Manager
For Delivery to the Newington Town Council

FROM: Tanya Lane, Town Clerk

DATE: June 25, 2012

SUBJECT: Draft Charter

Pursuant to § 7-191 (b) of the Connecticut General Statutes, I hereby transmit the attached Draft Charter from the Charter Revision Commission to the Newington Town Council with a Draft Report from Alan Nafis, Chair, 2012 Charter Revision Commission.





TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

To: Newington Town Council
From: Alan Nafis, Chair, Charter Revision Commission
Subject: Draft Report
Date: June 25, 2012

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BY *Tanya D Lane*
TOWN CLERK

DRAFT REPORT 2012 CHARTER REVISION COMMISSION

On behalf of the entire Charter Revision Committee, it is my pleasure to submit the draft copy of the charter revisions as voted on and approved unanimously by the committee. We are providing one complete draft copy incorporating all of the revisions and one copy where the changes are highlighted for ease in identifying them.

On February 8, 2012, the Town Council, acting under the authority and powers granted to municipalities in § 7-187 through § 7-193 of the Connecticut General Statutes, passed Resolution 2012-19 approving the initiation of action to amend and revise the Newington Town Charter.

Resolution 2012-20 was also passed by the Town Council on February 28, 2012 appointing the following electors (who were duly sworn-in as Commissioners) to the Charter Revision Commission:

Donna Clark (D)
Vincent Camilli (D)
Alan Nafis (D)
Mike Lenares (R)
Paul Vessella (R)

Resolution 2012-25, passed by the Town Council on March 13, 2012, further charged the Charter Revision Commission to review the current Charter for any inconsistencies that may exist with current standards in the Constitution of the State of Connecticut and with the Connecticut General Statutes.

The Commission was specifically charged to:

1. Review all sections of the Charter that contain a set monetary reference to insure that those amounts listed are set at reasonable levels for 2012 and beyond.
2. Explore the current language in § 611 of the Charter requiring the Town Planner to be appointed by the Council, with consideration given to making this appointment a Town Manager appointment under § 503.
3. Address issues to update the Charter but avoid issues that would delay completion of the Commission's Draft Report by June 29, 2012 because the Town Council intends to submit Charter Revision to the voters for the November, 2012 election.

The Commission began its work with an Organizational Meeting on March 28, 2012, electing Alan Nafis as Chair and Donna Clark as Vice Chair. Town Attorney, Peter Boorman, reviewed the charge to the Commission and the timetable within which the Commission was expected to complete its work.

Two public hearings are required by state statute. The initial hearing was held on April 4, 2012 prior to the first working meeting and the final public hearing was held on June 18, 2012. Special Meetings were held on April 11th, April 18th, April 25th, June 18th and June 21st. Regular Meetings were held on May 9th, May 23rd and June 6th. The following Regular Meetings were cancelled: May 16th, May 30th and June 13th. All meetings and public hearings were televised by NCTV. All meeting agendas and minutes were posted to the Town's website. Public participation was solicited at each open forum.

The Town Manager, at the Commission's request, circulated a memo to all department heads asking for their input regarding the practical application of the Charter as it applies to their specific areas of responsibility. The Commission extended a special invitation to the Town Manager and the Finance Director who each addressed the Commission.

Additionally, the following Town officials appeared before the Commission:

- Phil Block, Chair, Conservation Commission
- Donald Woods, Chair, Board of Parks and Recreation

Written comments and suggestions were received from:

- Anna Eddy, President, Lucy Robbins Welles Library Board of Trustees
- Dr. William Collins, Superintendent, Newington Public Schools
- The Fire Marshall and the Fire Commissioners responded that they did not have any items of concern

This Commission agreed to consider the suggestions made by the previous Charter Revision Commission as part of the initial review. Therefore, the Draft Charter submitted to Town Council in 2009 was the template used to begin the current charge.

After a thorough review of the Charter, by consensus, this Commission agreed to adopt many of the changes suggested by the previous Charter Revision Commission—several of which are substantive in nature and enumerated later in this Report.

The Commission was specifically charged with reviewing any monetary references in the Charter. We are making the following recommendations:

§408—Obligatory referendum and ordinance—the current amounts of \$125,000 and \$325,000 have been increased to \$375,000 and \$975,000 as recommended by the Finance Director and endorsed by the Town Manager.

§410—Right of referendum on ordinances—currently the Charter states that the voters shall have the right to petition a referendum on a special appropriation (with specific caveats) of \$125,000 or more. This amount has been increased to \$375,000.

§813—Competitive bidding—the \$10,000 threshold currently mandating an automatic bid process has been increased to \$30,000.

The Commission was asked to explore the current language in §611 with regard to the appointment of the Town Planner by the Council. The Commission makes the following recommendation:

§611—Town Planner has been removed and made a part of Article VII as §703. This change removes the hiring process from the Town Council and grants the power of appointment and removal to the Manager.

The third goal was to address any other pertinent issues, but avoid any delay in the completion of the Draft beyond June 29, 2012. With only three months to achieve our goal, this task required focus along with substantial research, study and analysis. Submittal of this draft report is being done in accordance with that charge.

The Commission is offering several recommendations for Town Council's consideration—some substantive and others merely grammatical and spelling corrections. The following is a listing of the more substantive changes. The highlighted copy provided with this submission is a copy of the draft charter with all of the changes annotated to allow a more thorough review of the revisions.

§202B—Board of Fire Commissioners--language was added: "The Board is specifically authorized to delegate authority to the Fire Chief(s)".

§202B (1)—Language was added to: The Board of Fire Commissioners' role shall include acting as final board of appeal "for personnel matters from within the Fire Department. This function shall not be delegated".

§203—Minority representation—the language that "no elector shall vote for no more than two constables" was changed to one constable to conform to State statutes.

§204—Vacancies in elective offices—the filling of vacancies in elective office was changed from "until the next regular Town election" to "until the end of the vacated term" eliminating a week when there was no one in the vacated office.

§205—Independent candidates—language deleted and this section was re-written to conform to Connecticut General Statutes.

§303A---Salaried officials—Director of Health eliminated; "...and both shall serve at the pleasure of the Mayor" was added to avoid redundancy. This refers to the Town Attorney and the Clerk of the Council.

§303A (2)—Director of Health eliminated.

§404B—language amended to indicate that no votes may be taken at a work session meeting "except to adjourn or to go into executive session".

§411—Initiative – language added to identify when ordinance becomes effective.

§415—Concurrent offices--was re-worded to allow holding concurrent office under certain circumstances as allowed by State statutes...

§501—Appointment, qualification and tenure of the Town Manager: language added to reflect that the Town Manager shall reside within the Town within a period of no more than six months "from the first date of work as Manager with the possibility of an extension of up to six months at the discretion of the Council". This change was made at the Town Manager's suggestion.

§603—Library Directors was changed to "Library Trustees" as requested by Anna Eddy, President of the Library Board of Trustees.

§604—Board of Tax Review was changed to "Board of Assessment of Appeals" to conform to CGS.

§605—Board of Parks and Recreation—language deleted to reflect that the Manager does not require the concurrence of the Board to hire personnel within the department.

§607—Conservation Commission was changed to “Conservation/Inland Wetlands Commission” with new language added to clarify.

§609—Treasurer—was eliminated.

§609—is now “Auditor”.

§611—Town Planner—eliminated from this section.

Article VII has been totally re-worked. Please refer to the Draft Charter:

§805—Duties of the Council on the Budget—Added ten days to the time for the Council to adopt the budget...

§808—Transfer of appropriation—now includes: “Transfers among any capital project funds may occur at any time and are not subject to the six-month limitation stated above”.

§812—Borrowing in anticipation of taxes—has been eliminated at the suggestion of the Finance Director and endorsed by the Town Manager.

§813D--was added allowing the Manager to waive the procurement of a competitive bid during a state of emergency as defined by issues of public health, safety and welfare.

§815—Payments of claims was updated to indicate that all checks must be signed by the Treasurer and the Manager. All checks against the Board of Education must be countersigned by the Town Treasurer “who shall only serve in this role to verify the amount of funds to cover such payments”.

§1003—Existing office holders—has been added to insure a smooth transition from the current Charter to the adoption of the revised Charter.

As Chairman, I extend my appreciation to the entire Commission for their commitment, dedication and focus in meeting the Council’s completion deadline. My fellow Commissioners and I took this assignment seriously and worked diligently in a non-partisan atmosphere to fulfill our charge. I am very pleased to be able to report that we have accomplished this.

I also want to acknowledge the extraordinary contributions made by the following staff for their support and assistance throughout this process. We could not have accomplished what we did without their incredible dedication and knowledge:

Peter Boorman, Town Attorney

Tanya Lane, Town Clerk

Susan Gibbon, Commission Clerk

Jaime Trevethan, Executive Assistant to the Town Manager

Finally, I want to thank Channel 14 for taping all of our meetings, even when called at a moment’s notice. They provide an invaluable service in helping to get the message to the public.

Respectfully submitted,



Alan Nafis

Chair, Charter Revision Commission