



John L. Salomone  
Town Manager

# TOWN OF NEWINGTON

131 CEDAR STREET  
NEWINGTON, CONNECTICUT 06111

**MAYOR JEFF WRIGHT**

## MINUTES

### CHARTER REVISION COMMISSION

**September 11, 2008**

#### **I CALL TO ORDER**

Commissioner Bafundo called the meeting to order at 6:31 PM in the Helen Nelson Room of the Newington Town Hall.

#### **II PLEDGE OF ALLEGIANCE**

A moment of silence was observed in remembrance of the victims of the September 11 tragedy.

#### **III ROLL CALL**

##### Commissioners Present

Nancy Bafundo - Chair

Tony Boni

Peter Boorman (exited meeting at 8:30 pm)

Robert Briggaman

Alan Nafis

##### Also Present

Mayor Jeff Wright (entered meeting at 7:27pm)

Atty. Justin Clark

Tanya Lane – Town Clerk

(Note: Verbatim comments indicated by *italics* unless otherwise noted.)

#### **IV PUBLIC PARTICIPATION**

Myra Cohen, 42 Jeffery Lane, Town Councilor: Mrs. Cohen stated that at the July 24 meeting she had inquired about the meaning of the phrase *real dollar value* and remarked that the same question was asked at the August 11 meeting. She stated that someone wrote the recommended (budget referendum) proposal, someone presented it to the Commission, several people immediately endorsed it exactly as written and yet no one present at either of those meetings could explain the meaning of the phrase *real dollar value*. She stated that if the phrase refers to the *amount to be raised by current taxes, this is not what is being capped. If this is the dollar amount of the total proposed expenditure, it is incorrect to call this the adopted fiscal year budget total*. Mrs. Cohen urged the Commission to use language that does not require an explanation. She indicated that in the most recent budget affected by revaluation (2006-2007) the proposed total expenditures increased 5.27%, but with an increase from non-tax sources and increase of the amount applied to the general fund balance the amount to be raised by current taxes increased by only 2.49%. She inquired whether the three-percent limit would apply to proposed total expenditures in that instance. She stated that a statement was made at the August 19 meeting that “there are typically greater increases in expenditures during revaluation years and the politicians have blamed the increase on revaluation” and Mrs. Cohen stated that with revaluation if residential property has increased at a faster rate than commercial property and there is a large increase in the assessed value of a home then the large increase in a property tax bill would be due to revaluation. She

Phone: (860) 665-8510 Fax: (860) 665-8507

[townmanager@newingtonct.gov](mailto:townmanager@newingtonct.gov)

[www.newingtonct.gov](http://www.newingtonct.gov)

explained that in the year prior to the most recent revaluation (2005-2006) the appropriations increased 7.20% and in the year affected by revaluation (2006-2007) the appropriations increased 5.27% and in the year following revaluation (2007-2008) the appropriations increased 5.78%. She stated that in the year prior to the previous revaluation (1991-1992) the appropriations increased 0.50%, and in the year affected by revaluation (1992-1993) the appropriations decreased 0.67% and the year following revaluation (1993-1994) the appropriations increased 4.57%. She stated that a large increase in the taxes was due to the increase of the value of the home. Mrs. Cohen stated that in the current budget (2008-2009) appropriations increased 3.77% but other factors in the budget kept the mill rate increase to 2.86%. She remarked that the Council struggles with the appropriations, much of which is out of the Council's control. She noted that there are many things that the Council cannot control that do affect the mill rate, and inquired how one can determine that it is the total proposed expenditures that are causing the mill rate to increase by more than three-percent. She inquired whether the proposal is to cap the mill rate increase only when it exceeds three-percent due to an increase in proposed expenditures but not a mill rate increase exceeding three-percent due to other reasons for that increase. Mrs. Cohen noted that the proposal only considers proposed expenditures during revaluation years, ignoring the affects of non-tax revenue and the applied-fund balance. She stated that in the year of the most recent revaluation (2006-2007) the total appropriations increased 5.27% and the amount to be raised by taxes increased only 2.49%. She remarked that the suggested proposal would cap the proposed expenditures at three-percent. Mrs. Cohen stated that giving the voters the opportunity to vote on the Town's budget has been compared to the voters budgeting their own household finances, but noted that budgeting involves not only income and how much one spends but also prioritizing what one is buying. She stated that the referendum on the Town's budget is only a referendum on how much the Town spends; it does not include other sources of funds or how the Town spends the funds. She stated that it is therefore an incomplete and inefficient process. Mrs. Cohen stated that several decisions need to be made when considering whether to have a budget referendum, including:

- Do you want a budget referendum?
- Should it be by voter petition with a minimum number of signatures or should it be automatic and why?
- Why a specific cap that allows no flexibility for future Councils and future unforeseen events?
- How many voters are required to reject the budget? If even 15% of voters reject the proposed budget then it means that 85% of the voters either were satisfied or not concerned enough with the budget to vote.
- How many referendums? Why more than one? This proposal provides no public hearing for the substitute budget and if the public rejects it the Council is mandated to cut its expenditures to the three-percent cap regardless of what is cut.
- How much time does the Council have to produce the final budget? It may not take long to know the number that needs to be reduced in order to achieve the three-percent cap, but it may not be as easy to get five votes to agree on how to get there.

Mrs. Cohen requested that the Commission determines the direction it wants to go in and the specifics of that direction and then writes a proposal that works using clear and simple language. She urged the Commission to use simple words that are easily defined. She inquired as to why the current proposed language refers to the word "ballots" as "voting tabulators". Mrs. Cohen stated that *expenditures are not expenditures until the funds are spent, until then they are proposed expenditures or appropriations*. She remarked that it would be easier to start all over again rather than to correct the current proposal piece by piece. Mrs. Cohen also reminded the Commission that the Town Council does not hold meetings during Passover or during school vacations.

Carol Anest, 30 Harding Avenue: Ms. Anest thanked the Commissioners for their time and effort. She requested that the Charter Commission revisits Charter section 202, Fire Commissioners, and stated that a Fire Commissioner should not be an active member of the Fire Department as there is conflict when it comes to personnel issues. She explained that the Fire Commissioners supervise the Fire Chief and Deputy Chiefs, however, if a Commissioner is an active member of the Department and they respond to a call the Chief or Deputy Chief then becomes the Fire Commissioner's supervisor. She requested that the Charter Commission discuss the issue when it revisits that section in the Charter.

Barbara Katzman, 5 Eckert Road: Ms. Katzman stated opposition to a three-percent cap as it opens the Town up to very un-thought out cuts to a budget that was very well thought out to start with because one cannot predict expenses over which one has no control. She stated that items such as insurance, salary negotiations, unforeseen weather problems, overtime for staff in the event of power outages, etc. can all affect the three-percent increase cap. She stated that uncontrollable items, such as the weather, affect everyone's budget and

must be dealt with as they occur. Ms. Katzman noted that the Town will be depleting its emergency funds to do these repairs if the budget is held to three-percent. She stated that putting a cap on expenditures in which you have no control is going to cost more money in the long run, and stated that changes that the residents don't want are going to have to be put into place because of the three-percent limit. Ms. Katzman remarked that this is a dreadful idea.

Michael Fox, 1901 Main Street: Mr. Fox recommended that the Fire Chief and the Fire Marshall duties not be performed by the same person. He stated that it can become a conflict in the event of a problem, and noted an example of a recent fire in which there were questions and complaints as to how the fire was handled. He stated that while it wasn't the firefighters' fault there were some complaints made regarding the incident and the Fire Marshall had to make a report about the fire, and the report was made to the Fire Chief. Mr. Fox stated that he has a lot of respect for the Town's Fire Marshall/Fire Chief but stated that having one person do both jobs gives that person too much authority and stated that one person cannot do both jobs at the same time. He warned the Commissioners that removing the Board of Fire Commissioners may result in the Town going to a paid fire department, which in turn would affect the three-percent tax cap. He indicated that a fire department with a minimum of a paid Fire Chief and a paid driver, even just for Company 1, would blow the budget out of the water. Mr. Fox commented that according to Section 202 of the Charter the Board of Fire Commissioners is responsible for the Department's budget and commented that it should stay that way. He recommended that the Board of Fire Commissioners remain as-is in the Charter. Mr. Fox also spoke against the budget referendum, stating that it takes away representative democracy. He noted that there is a possibility that a budget can be reject by voters if it is not high enough, and to then send it back to the Council for a mandatory three-percent cap is not giving the public the vote; it is taking the vote right out of the public's hands.

Khris Ionescu, 269 Cottonwood Road: Ms. Ionescu stated that she is retired and on a fixed income. She noted that the Mayor had promised that there would not be more than a three-percent increase in tax, but commented that she had heard that the tax increase would be up to six-percent, or double the Mayor's promise. She stated that retired people with strict budgets cannot afford a six-percent tax increase. She stated that it is hard to pay the mortgage and taxes as-is and if the increase is too high she will not be able to pay the taxes. Ms. Ionescu stated that the current tax for her two-bedroom, non-luxury condo is over \$3000.00 per year, and stated that an increase of six-percent would be terrible. She stated that she hopes that the Mayor keeps his three-percent promise. She urged the Commission to listen to the people and to do something to help the people.

Lee Blum, 117 Jeffery Lane: Mr. Blum indicated that he had previously sent his written comments to be read into the record at the prior meeting, but since the Commission was unable to do so due to time constraints he read his comments into the record at the current meeting: (comments are verbatim) I find it somewhat sad that what should be obvious to everyone needs to be addressed. Mayor Wright's proposal regarding the handling of a town budget referendum is so irresponsible, so detrimental to the town, that to adopt it would slowly destroy Newington. The mayor's idea of a 3% cap on budget increases is not completely without merit, in the short term. That it be included in the town charter, however, ignores the fact that the town's expenses can't be responsibly controlled simply by mandating "we're only going to pay this arbitrary amount and no more...ever" The Labor Department's Consumer Price Index is the accepted gauge of how the costs of purchases vary from year to year. The Town of Newington is a consumer, just like you and I are, and must pay what we must pay. The Consumer Price Index rose by more than the mayor's three percent in 2005 and 2006. It was slightly below 3% in 2007, and, so far this year, has increased at an annualized rate of 4.43 percent. So 3% budget increases slowly strangle the town by not keeping up with costs. Not this year, not next year, but over the next 5 or 10 years, watch your services disappear as the town budget is choked to death. As Newington's income falls further behind its expenses each year, and the town manager and school superintendent lay off staff to meet the mandated 3% cap, watch little bits of our town disappear, piece by piece. Watch leaf collection disappear. Watch library hours disappear. Watch full day kindergarten disappear. Watch services for seniors disappear. Watch snow plowing and park maintenance deteriorate. Watch police equipment deteriorate. And there won't be anything we can do about it. These losses will occur by charter, which has the effect of law. There will be those who will say, we can vote on the budget first, and pass it. Check other towns' records, and see if a budget has ever passed on the first try, or the second. No, we'll be locked into an ever downward spiral of reduced services and weakened home values. Mrs. Bafundo, at the Commission's meeting on January 10<sup>th</sup>, you said, and I'm quoting, "Nobody wants to throw the baby out with the bath water. Nobody wants to make huge, huge changes that are going to totally disrupt the world and the wonderful life we have in Newington."

Commissioners, the proposal you have before you will do exactly that. It's a cancer that will, over a few years, completely change our wonderful lives in Newington. We simply won't be able to afford the services we all use. To deny that is to lie to yourselves. If you love our town, you must vote against this irresponsible proposal. Thank you. (End of verbatim comments. Verbatim comments from this point forward are indicated by *italics*.)

Rose Lyons, 46 Elton Drive: Ms. Lyons noted a recommendation that the Joint Committee on Community Safety be included in the Charter, and commented that since the Town Council has recently decided to dissolve the Joint Committee and form another Committee on Community Safety, in which only two Democrats had been appointed as members as of the most recent Town Council meeting. She stated that the Commission should therefore disregard the recommendation

## **V MINUTES**

### **A 8-19-08 Meeting**

Commissioner Briggaman made the following clarifications and corrections to his verbatim remarks on page eleven of the minutes:

- Line 13, change "vote is made" to "vote has made"
- Line 14, change "the Council was borne through" to "the Council has borne fruit"
- Line 19, the comment that was noted as not being clear on the tape is: "can be voted on by the electors"
- Line 22, change "Think the case" to "Take the case"
- Line 38, the comment that was noted as not being clear on the tape is "convention is"
- Line 40. change "democratia" to "dimokratia"
- Line 41, change "krateo" to "cratos"

Commissioner Briggaman noted the following corrections to be made the remaining minutes:

- Page 5, last bullet under the "Page One" of a Town Budget During Revaluation Year (2006-2007) heading, the word "thought" should be changed to "though"
- Page 12, paragraph one, change "subsection B" to "subsection D"
- Page 13, section 204, change "vacancy will be filled" to "vacancy will be "unfilled"
- Page 14, section 303, remove the word "the" from the first line of the second paragraph.

Commissioner Boorman noted that on page 12, third paragraph the line that starts with "Boni relied" should read "Boni replied"

Commissioner Boorman moved to accept the minutes as amended. Motion seconded by Commissioner Briggaman. Motion passed 5-0.

## **VI MATTERS TO BE CONSIDERED**

- A Discussion of Proposed Language for Charter Revision Re: Sections 401 – 708 of the Charter or other sections of the Charter as time allows.

### **Article IV – The Council**

#### **Section 401 – Composition**

There were no recommendations regarding this section, and no changes made by the Commission.

#### **Section 402 – Powers**

There were no recommendations regarding this section, and no changes made by the Commission.

#### **Section 403 – Organization**

There were no recommendations regarding this section, and no changes made by the Commission.

#### **Section 404 – Procedures**

Commissioner Bafundo noted that there had been discussion about voting during the Town Council's Executive Sessions. Commissioner Briggaman elaborated that Mrs. Cohen had suggested adding language allowing votes to be taken to adjourn or go into Executive Session. Commissioner Bafundo stated that Mrs.

Cohen's comments were in regards to Council work sessions, and asked whether such language needs to be included. Commissioner Boorman stated that the Council does not currently use work sessions. Mrs. Cohen stated that while the Council does not currently use work sessions the language should be in the Charter in the event that future Councils do wish to use work sessions. Commissioner Boorman stated that his understanding of a work session is for the Council to gather information and for doing work, but not for taking any votes until a formal meeting. Commissioner Bafundo stated that the Council would have to vote to adjourn the meeting. Commissioner Boorman inquired as to whether Executive Sessions are allowed during work sessions. Commissioner Bafundo stated that she served on a Council that used work sessions and stated that they would vote to go into Executive Session and would vote to adjourn the meeting. She stated that it is recognized in the Charter, and stated that she would not want to tie the hands of future Councils should they decide to hold work sessions. Commissioner Boorman stated that votes should not be taken on substantive issues, but can be allowed for procedural items. Commissioner Bafundo requested that language be added to allow the Councilors to vote to adjourn or to go into Executive Session during a work session.

#### **Section 405 – Introduction of Ordinances**

There were no recommendations regarding this section, and no changes made by the Commission.

#### **Section 406 - Public Hearings and Passage of Ordinance**

There were no recommendations regarding this section, and no changes made by the Commission.

#### **Section 407 – Borrowing**

Recommendation: that the term “Special Appropriations” should be part of the title (recommended by Myra Cohen, Town Councilor)

Commissioner Briggaman noted that this term is not mentioned in the body of that section. It was determined that Mrs. Cohen's recommendation was placed in the wrong section.

Recommendation: to remove the term “tax anticipation notes” (recommended by Ann Harter, Director of Finance)

Commissioner Bafundo stated that it is antiquated language and should be removed. Commissioner Nafis inquired whether this will affect section 812. Atty. Clark stated that the term is antiquated. Ms. Lane noted a question from Ann Harter about who is reviewing the borrowing. Commissioner Bafundo inquired whether there is any recommendation from Ms. Harter regarding the language. Ms. Lane replied in the negative. Commissioner Bafundo requested a recommendation regarding the language and stated that the Commission will go back to that section for review.

#### **Section 408 - Obligatory Referendum and Ordinance**

Recommendation: Make sure numbers are “still relevant” and “not significantly different from their intent” (various)

Atty. Clark indicated that he had asked several people with experience in municipal finance what a good number is and stated that the typical answer was that it is “whatever you want it to be”. He stated that it is a question of deciding how much the Town wants to spend in order to trigger a referendum. Commissioner Boorman inquired as to whether Ann Harter has a recommendation on the issue. Commissioner Briggaman replied that Ms. Harter had recommended doubling the \$125,000 to \$250,000 and the \$325,000 to \$650,000. He stated that by compounding the interest at three-percent over sixteen years the \$125,000 becomes \$200,508, and the \$325,000 compounded at three-percent over sixteen years becomes \$521,529. He suggested that another possibility is to raise the baseline and then add wording that the figures are to increase annually by the CPI-W so that the figures do not need to be revisited. Commissioner Boorman stated that he supports increasing the numbers per Ms. Harter's suggestion, and stated that her recommendation leans towards conservative fiscal management. Commissioner Boni agreed. Commissioner Bafundo stated that the \$125,000 figure was difficult to work with when she was on the Council and commented that while the \$250,000 and \$650,000 still sounds a bit low it is more relevant than the current numbers. She inquired whether the recommended numbers are in the ballpark of what other towns use. Atty. Clark replied in the affirmative, but stated that there are many factors go into bonding limits. Commissioner Nafis agreed that the numbers should be increased but inquired as to the basis of Ms. Harter's suggestions to double the numbers. He stated that even if the doubled numbers appear low they are fiscally responsible and conservative. He also requested information from the Town Manager about what kind of things the Town uses these expenditures for, and what types of items the Town would like to purchase without going to referendum. Commissioner Briggaman indicated that the Town Manager had commented that the limits should be indexed, and he had

also commented that the key is to use the correct index. Commissioner Boni stated that he would feel more comfortable with simply doubling the numbers for now, and cautioned that an index could allow the numbers to get out of hand. Commissioner Bafundo suggested that the Commission double the numbers for now and requested to see any examples of whether the language should go any further. Commissioner Boorman indicated that the Commission welcomes input from the administrators and will revisit the item in the future.

Recommendation: that the term “Special Appropriations” should be part of the title. (Mrs. Cohen, Town Councilor)

The Commission was in consensus with the recommendation.

Commissioner Bafundo indicated that she had a note about not less than six affirmative Council votes being required for emergency appropriations. The Commission agreed by consensus to keep the existing language on that item.

Recommendation: to add that a referendum should be “and such majority consists of ten-percent or more of the total number of qualified electors of the Town” (Mrs. Cohen, Town Councilor)

Commissioner Nafis noted that there are no percentage requirements in the current Charter language. Commissioner Briggaman noted that section 408 requires a majority vote. Commissioner Nafis stated that the recommendation will require not only a majority vote but also that at least ten-percent of the electors come out to vote before the Town spends the money, which essentially puts the bonding referendum on the same footing as the initiative referendums. Commissioner Boorman stated that he would support adding the language to make the language consistent. Commissioner Nafis noted that this is an automatic referendum. (Mayor Wright joined the meeting at 7:37pm)

Commissioner Bafundo requested that Atty. Clark draft language addressing this item. She stated that she is trying to think through the process of actually issuing bonds, and authorizing the issuance of bonds and how that rolls through the process of electors and the Council. She noted that the Charter section regarding duties of the Council does not spell that out. Commissioner Boorman stated that the Council may pass a resolution but the resolution is not effective until it is voted on. He stated that the requirement is for at least ten-percent elector participation on the item. Commissioner Bafundo inquired why the ten-percent requirement should be included in section 408. She stated that seeing the language may help her understand.

#### **Section 409 – Emergency Ordinance**

There were no recommendations regarding this section, and no changes made by the Commission.

#### **Section 410 - Right of Referendum on Ordinances**

Commissioner Bafundo stated the raised dollar amounts would carry over from the previous sections and the Commission will consider indexing upon receiving the Town Manager’s opinion.

Recommendation: to add a comma to section. Section should read “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...” (Mrs. Cohen, Town Councilor)

The Commissioners concurred with the recommendation. Atty. Clark recommended deleting the comma after the word “ordinance” (second line of the section). Commissioner Briggaman recommended placing the word “and” so that the language reads “emergency ordinance, and on a special appropriation”. Commissioner Bafundo recommended that the word “or” be used in the place of “and”. Atty. Clark stated that if the comma is placed after the word “Council” then there is no need for the word “and” in the phrase. Commissioner Briggaman inquired whether this is referring back to emergency ordinances. Atty. Clark replied that it is referring to special appropriations. Commissioner Boorman requested that Atty. Clark look into the item and report back to the Commission.

Recommendation: to include language stating that an ordinance “Shall take effect immediately following the referendum” (Mrs. Cohen, Town Councilor)

The Commission determined that the recommended language already exists in section, and needs to be added to section 411.

#### **Section 411 - Initiative**

Recommendation: to include language stating that an ordinance “Shall take effect immediately following the referendum” (Mrs. Cohen, Town Councilor)

The Commission concurred with this recommendation. Commissioner Nafis noted that the language “of ten (10) percent or more of the total number of qualified electors whose names appear upon the last completed Registry List.” is different from the language in section 410 which states “ten (10) percent of the qualified electors of the town” He stated that the language should be made consistent among the sections. Ms. Lane explained that the registry list stays current to the voters coming into or leaving the Town. Commissioner Bafundo stated that the language should include the registry list phrase. Atty. Clark stated that he would make the language consistent among the sections to include the registry list phrase.

### **Section 412 – Removal and Suspensions**

Commissioner Boorman noted that with six affirmative votes the Town Council can remove or suspend the Town Manager with or without cause, and noted that the Council shall have the power, for cause, to remove or suspend any person appointed to any other office or position. He remarked that this is an interesting notion. Mayor Wright stated that the philosophy has always been that the Town Manager serves at the pleasure of the Council. Commissioner Boorman inquired whether the other people appointed don’t also serve at the pleasure of the Council. Mayor Wright stated that it has worked as written. Commissioner Bafundo inquired whether Commissioner Boorman has any recommendations for the language. Commissioner Boorman replied in the negative. Mayor Wright stated that it may be a negative for the Council to have the ability to suspend or remove an appointed person other than the Town Manager without a cause. The Commissioners agreed.

Commissioner Briggaman noted that the language does not specify the timeframe in which the Council has to make its final decision on employment of a suspended individual in the event that no hearing is requested after ten days of service of the suspension. Commissioner Boorman noted that there is a difference between removal and suspension and the language does not include people who are removed. Commissioner Nafis noted that the language states “If no hearing is requested, or at the conclusion of the hearing, the council shall promptly, by resolution, terminate the suspension and either restore the person to, or remove him/her from the office or employment.” Commissioner Briggaman noted that the term “promptly” is a relative term. Commissioner Boorman questioned whether the phrase pertains to removal. Commissioner Nafis noted that the language terminates the suspension and gives the Council the right to either restore or remove the person. Commissioner Boorman suggested that the language should include *removing or suspending*. Commissioner Nafis agreed that the term “promptly” is relative but explained that once the Council removes the suspension the decision to remove or reinstate is a one-time thing. Mayor Wright remarked that it is probably a good idea to have a little bit of flexibility with the term “promptly”. He stated that the appeal process is the important part, and the language defines the process as being ten days. He suggested that the language remains as-is. Commissioner Boorman noted that compensation if any shall continue during the period of suspension or for thirty days from the date of suspension, whichever is longer. Commissioner Nafis stated that this would encourage the Council to move promptly.

### **Section 413 – Investigation**

Commissioner Nafis inquired whether there should be a right to investigate anyone without a purpose involved. Mayor Wright stated that there would be a lot of political blowback if people were investigated without reason. Commissioner Nafis stated that there would be a lot of moral blowback to doing so as well. Mayor Wright stated that the language works as-is. Commissioner Nafis stated that he does not have a problem with the language as written.

### **Section 414 – Compensation**

Commissioner Bafundo noted that the language states that the members of the Town Council shall serve without compensation and noted that there is no mention of the Board of Education in this section. She noted, however, that this is under the Town Council section of the Charter. Commissioner Nafis stated that there is no Board of Education section.

Commissioner Briggaman noted a comment by Town Manager Salomone on May 22 that members of the Town Council are entitled to reasonable and legitimate reimbursement, and noted that the Board of Education is not included in that language. Commissioner Boorman noted similar comments by former Mayor Mortensen, and noted that the language does clearly state that “shall be entitled to reimbursement for their legitimate expenses incurred in the performance of their official duties.” He stated that Mayor Mortensen had commented that he and some other Councilors never put in for reimbursement. Commissioner Boorman stated that there is authority in the language, and cautioned that more specific language may be problematic. Mayor Wright stated that such reimbursements are part of the public record, so it would not be a good idea form a political

standpoint to abuse the reimbursements. Commissioner Boorman stated that language “by Council action” could be added so that any reimbursements *would have to come before public hearing so that there would be no confusion as to whether the Town Manager, for example, could just put that into play. If every time it came up it had to go before the Council then the public would hear about it.* Mayor Wright stated that a public hearing would probably not be necessary. Commissioner Boorman clarified that a public hearing would not be necessary, only an agenda item at the Town Council meeting, like the tax refund item that appears on the current Council meeting agendas. Commissioner Briggaman noted a comment by Ann Harter that the section does not specify how reimbursements are to be authorized. Commissioner Boorman stated that it sounds like a Council function. Commissioner Bafundo noted that years ago reimbursement to the Council was a budget item. Mayor Wright suggested including reimbursements in the Town Manager’s monthly report, which would provide disclosure and alert the Council to any potential problems and will also streamline the process. Commissioner Boorman replied that what that does is allow the Town Manager to determine the reimbursements and gives the Council the ability to question the reimbursements only after they have already been done. Commissioner Nafis stated that there should be an established policy about reimbursable expenses. Mayor Wright commented that he is unsure whether any Councilors actually submit for reimbursement. Commissioner Boorman stated that it would be up to the Council to set the policy. Commissioner Bafundo stated that the current language is broad enough to address the issue and stated that she is unsure whether the Charter is the place to enforce the policy. She stated that the Board of Education should not be included in this section because the section does not pertain to the Board. The Commissioners agreed. Commissioner Nafis inquired whether there is any language in the State Statutes regarding compensation for Board members. Atty. Clark replied that he does not believe that there is, but stated that he will check to make sure. Commissioner Nafis stated that the Board would have to be addressed in the Charter, if the Commission wishes to do so.

#### **Section 415 - Concurrent Offices**

Mayor Wright inquired whether the requirement includes the Board of Education employees, noting that current Town Councilor Banach is a teacher in Town. Commissioner Boorman noted that there are State Statutes that require that a town cannot restrict an employee from holding elected office; therefore the language may need to be updated. He asked Atty. Clark for more information. Atty. Clark noted that the language is outdated. Commissioner Bafundo requested updated wording. Atty. Clark replied that it may involve deleting the section. Commissioner Bafundo inquired about the intent of the current language. Atty. Clark stated that it was probably trying to prevent employees from appointing themselves and other conflicts of interest. Commissioner Boorman stated that at the time that this language was passed it was not an issue, but there have been subsequent regulations that state that this cannot be done. Commissioner Bafundo stated that she does not have a problem with removing the section. The Commissioners agreed to await further information before removing the section.

#### **Article V – The Manager**

##### **Section 501 - Appointment, Qualification and Tenure**

Recommendation: to review six month residency requirement for the Town Manager. (Frank Connolly, former Town Manager)

Commissioner Briggaman elaborated that Mr. Connolly had suggested a twelve month requirement. Mayor Wright agreed with the suggestion. Commissioner Boorman inquired whether the Commission has concerns about actually requiring the Town Manager to live in Town. Commissioner Boni remarked that the Town Manager should be required to live in Town. Mayor Wright agreed. Commissioner Boorman stated that a pool of qualified candidates for the position must be willing to relocate it necessary, and he noted that the same is true for the Tax Collector. He commented that the other side of the argument is that the Town Manager should live in Town and understand the Town in order to manage the Town. Commissioner Boorman commented that a residency requirement does make sense, realizing however that the pool of talent may be jeopardized to some degree. Commissioner Briggaman stated that six months is too short of a timeframe. Mayor Wright stated that he would like to see the requirement increased to twelve months. The Commission agreed by consensus.

##### **Section 502 – Powers and Duties**

Recommendation: to delete the title of Director of Public Safety from the Town Manager’s job description. (Elaine Boland)

Commissioner Boorman inquired as to who would serve as the Director of Public Safety if it is deleted from the Town Manager’s job description. Mayor Wright stated that the language works as-is, as the Town Manager is

the Town's Chief Executive Officer. The Commission agreed by consensus that the language should stay as-is.

### **Section 503 - Appointments**

There were no recommendations regarding this section, and no changes made by the Commission.

### **Section 504 – Acting Manager**

Recommendation: to add limit to amount of time an Acting Town Manager may serve. (Paul Featherston, former Town Manager)

Commissioner Boni noted that there is currently a ninety-day time limit. Mayor Wright inquired whether the limit should be extended. Atty. Clark stated that if an Acting Town Manager reaches the time limit and the position is not filled then the Council can just reappoint the same person to Acting Town Manager again. Commissioner Briggaman noted that former Town Manager Featherstone's comments refer to section (B), for Temporary Acting Managers. Atty. Clark noted that the language allows the Town Manager to designate an Acting Manager for one month, and if the time is going to exceed one month the Council would need to appoint the Acting Town Manager. The Commissioners agreed.

### **Section 505 – Compensation**

Commissioner Nafis noted that compensation of the Town Manager may be decreased with not less than six affirmative votes and stated that he assumes the Town Manager's compensation can be increased by only a simple majority of votes. Commissioner Bafundo confirmed the statement. Mayor Wright stated that a decrease in salary is a disciplinary action.

## **Article VI – Officials and Boards Responsible to the Council**

### **Section 601 – Town Planning and Zoning Commission**

Commissioner Nafis noted that the Town of Groton decided during its Charter revision process to only include boards and commissions in its Charter that are required by State Statute (including the TPZ). He inquired whether Newington currently goes beyond the State requirements in its Charter and whether it wants to do so, noting that there have been requests from other boards and commissions to be included in the Charter. Mayor Wright stated that the vast majority of boards and commissions are created by ordinance. Commissioner Nafis stated that keeping non-mandatory commissions out of the Charter may create better flexibility for these commissions. Commissioner Boorman stated that leaving non-mandatory commissions out of the Charter would allow the Council more flexibility to create and disband the commissions at any given time.

Commissioner Nafis commented that this is the positive aspect of not adding non-required commissions to the Charter, but noted several requests to add such commissions to the Charter. He remarked that the Charter Commission should have reason why it is not going to add the non-required commissions if it chooses not to do so. Mayor Wright stated that the current system is working, and noted that the commissions listed in the Charter are straightforward. Commissioner Bafundo remarked that many of the commissions listed in the current Charter do fall under the State Statute. Commissioner Nafis requested to see a list of commissions that are required to be included in the Charter according to State Statute. Commissioner Boorman stated that the commissions in the Charter that are not required to be there under State law are probably there for a good reason, and noted the examples of the Library Board and Board of Parks and Recreations. Commissioner Bafundo requested a list of the required commissions. Atty. Clark stated that the Statutes require that the commissions exist, but may not require that they be included in the Charter.

Commissioner Briggaman noted past public comments about having elected TPZ members rather than appointed members. Commissioner Boni stated that the TPZ members have a very important job and stated that the members should be appointed rather than elected to avoid a popular vote. Commissioner Bafundo remarked that in her observation the TPZ members have done a good job of remaining non-partisan in their work. Commissioner Nafis stated that in his experience elected TPZ members often begin politicking during election time, and stated that he is not in favor of elected TPZ members. Commissioner Bafundo recommended not pursuing the possibility of elected TPZ members. The Commission agreed by consensus.

Commissioner Bafundo noted that there have been questions about legal expertise in respect to land use. Mayor Wright stated that there is the ability to obtain special legal expertise on land use issues, and noted that it has been done a couple of times in the past year. Commissioner Nafis stated that this had been discussed, and noted that the Charter language pertaining to the Town Attorney does allow the flexibility to use necessary legal expertise.

### **Section 602 – Zoning Board of Appeals**

Commissioner Briggaman inquired as to why TPZ members serve four-year staggered terms while ZBA members serve five-year staggered terms. Atty. Clark replied that the requirements may be statutory, but stated that he will find out.

### **Section 603 – Library Directors**

Recommendation: eliminate “with concurrence of the Board” from appointment/removal provision. (Paul Featherston, former Town Manager)

Commissioner Bafundo inquired whether the phrase “Board of Directors” (last line of the section) was to be changed to “Board of Trustees”. Commissioner Nafis replied in the affirmative, and the Commissioners agreed. Commissioner Briggaman noted that that change had been requested by Marian Amodeo, Library Director. Commissioner Bafundo requested that Ms. Lane or Atty. Clark confirm that change. Commissioner Nafis noted that while it had been recommended that the term “concurrence” be eliminated it had also been recommended that the Board had wanted some sort of advisory position. Commissioner Boorman noted that it was former Town Manager Featherston that made the recommendation. Commissioner Bafundo stated that she believes that the Library Board *wants to keep the concurrence; they are just called trustees. It works for them.*

Recommendation: to set the number of *Library Directors* (Mrs. Cohen, Town Councilor)

Commissioner Briggaman remarked that it should be made clear as to whether the Board is made up of twelve or fifteen members. Mayor Wright inquired as to how many members currently serve. Ms. Lane stated that there are fifteen, with a six/nine split. (several people speak at once) Commissioner Bafundo stated that the only language change to be made is to change “Directors” to “Trustees”. The Commission agreed by consensus.

### **Section 604 – Board of Tax Review**

Ms. Lane made a comment that was not audible on the tape. Mayor Wright inquired whether this is statutory. Ms. Lane replied in the affirmative.

### **Section 605 – Board of Parks and Recreations**

Recommendation: to eliminate “with the concurrence of the Board” from appointment provision. (various)  
The Commissioners agreed with the recommendation.

Commissioner Boni noted previous comments that eleven members may be too many for the Board of Parks and Recreations and that the Board has had trouble getting a quorum. Commissioner Boorman stated that the Board does not have a problem with getting a quorum, and recalled comments from Board members urging the Commission not to change the number members on the Board. Commissioner Bafundo stated that a group such as the Board needs a large number of members because it has so many different facets and responsibilities.

Commissioner Nafis inquired as to why the Superintendent is even included in this section as opposed to being included in the Town Manager’s responsibility section. Commissioner Boorman replied that at the time there may have been a special need to give this Board more power. Commissioner Nafis inquired as to whether the last sentence “The manager shall appoint, with the concurrence of the board, a superintendent of parks and recreation and such other full-time employees as the council may determine in accordance with Article IX of this Charter.” could be taken out of the section and placed under the Town Manager’s responsibilities. Commissioner Boorman noted language in section 502 that states, “The manager shall be directly responsible to the council for the supervision and administration of all commissions, boards, departments...” Commissioner Nafis inquired why, in that case, the Town Planner isn’t listed under the TPZ, and remarked that he is looking for consistency. Commissioner Boorman agreed. Commissioner Bafundo suggested removing the Board of Parks and Recreations from the section for now, as it is not any different from any other boards or commissions and it gets back to which commissions should be included in the Charter. Commissioner Boorman replied that he is not in favor of doing so. Commissioner Nafis stated that if the appointment of the Superintendent of the Board should be under the Town Manager section. Commissioner Boorman stated that the appointment is already under the Town Manager. Commissioner Bafundo requested that everything after “staggered terms of four years” be removed from the section for now. Commissioner Boorman agreed.

### **Section 606 – Development Commission**

Commissioner Nafis noted that the language in this section states, “conservation commission shall have such professional, technical and clerical assistance as the council may determine, to be appointed by the manager” however the language in section 601 – TPZ the language states, “to be appointed in accordance with the provisions”. Commissioner Bafundo inquired which language is preferred. Commissioner Nafis inquired whether it is the Town Manager who appoints the technical assistance to the various commissions. Mayor Wright replied that it varies from case to case and situation to situation and recommended that the Commission leave it as-is.

Commissioner Briggaman noted that members of the Development Commission serve three-year terms, yet members of the Conservation Commission, Board of Parks and Recreations and other commissions serve four years. Commissioner Bafundo stated that the terms may be driven by State Statute and requested more information from Atty. Clark.

Commissioner Boorman inquired whether it would make sense to remove the language “to be appointed by the Town Manager” as it is redundant as Article IX does speak in terms of the Town Manager serving as personnel manager. Commissioner Nafis noted that it does alternate back and forth throughout the sections. Atty. Clark noted that under some of these sections the intent may have been to assure that the Town Manager is the sole appointing power. Mayor Wright suggested checking the Statutes. Commissioner Bafundo requested more information from Atty. Clark as to whether there is any reason not to make the language consistent throughout the sections.

### **Section 607 – Conservation Commission**

Recommendation: to make town agencies consider environmental impact and refer items to Commission. (Philip Block, Chairperson, Conservation Commission)

Commissioner Nafis noted that it had been requested that the Commission’s name be changed to the Conservation/Inland Wetlands Commission. Commissioner Bafundo inquired whether the name should be changed or kept the same but be identified in the Charter as being the Conservation/Inland Wetlands Commission. Commissioner Nafis stated that the Conservation Commission already acts as the Inland Wetlands Commission and that should be reflected in the language. Commissioner Bafundo stated that the section’s title should be changed and language should be added to the section stating that the Conservation Commission shall also act as the Inland Wetlands Commission. Commissioner Nafis stated that the Commission already operates this way, and it should continue to do so. The Commission agreed.

Commissioner Briggaman remarked that Mr. Block’s suggestion regarding the issue of assuring that the Conservation Commission is informed should be addressed through the administration and not through the Charter. Commissioner Nafis remarked that while he understands Mr. Block’s frustrations he agrees with Commissioner Briggaman that language regarding the issue should not be included in the Charter. Mayor Wright stated that it is an operational issue rather than a Charter issue.

### **Section 608 – Commission on Aging and Disabled**

Commissioner Nafis inquired whether this Commission is required by Statute, and noted language that states, “which shall have the powers and duties conferred upon it by ordinance”. Commissioner Boorman replied that he believes that this Commission is required to exist but it does not necessarily need to be in the Charter. Commissioner Bafundo requested more information from Atty. Clark and she stressed that she is not recommending that the section be removed from the Charter. Commissioner Briggaman inquired whether the ordinance specifies the term limits for the Commission. Commissioner Bafundo replied in the affirmative.

Commissioner Boorman indicated that he would have to exit the meeting for another commitment. He requested that the Commission revisit section 613 at the next meeting for discussion, as he is opposed to a request made regarding that section. The Commission agreed to table the discussion of section 613 until the next meeting. (Commissioner Boorman exited the meeting at 8:30pm.)

### **Section 609 – Town Treasurer**

Recommendation: to make Finance Director or Town Manager the Town Treasurer (various)

Commissioner Bafundo noted that the Town must have a Town Treasurer according to State Statute. Mayor Wright inquired whether the Town Manager or the Finance Director should serve as Town Treasurer. Commissioner Boni replied that he would prefer that the Finance Director act as the Town Treasurer.

Commissioner Nafis inquired whether there are duties and/or compensation involved with the position. Commissioner Bafundo replied that it is a title. Mayor Wright stated that the compensation language could be eliminated. Atty. Clark recommended removing section 609 because it is already a statutory requirement but does not need to be included in the Charter. Mayor Wright noted that if it is not in the Charter it could be left open to change in the future. Atty. Clark agreed and then recommended that section be kept in the Charter and the language be changed to reflect that the Finance Director serves as the Town Treasurer in accordance with State Statute. Commissioner Nafis inquired whether the language regarding compensation will be removed from the position. Mayor Wright replied in the affirmative. Commissioner Nafis inquired about the Deputy Treasurer. Mayor Wright suggested that language regarding the Deputy Treasurer be eliminated, as the Town does not have a Deputy Treasurer. Commissioner Nafis noted that the Deputy Treasurer would serve in absence of the Town Treasurer and recommended adding language that the Town Manager serves as the Deputy Treasurer. The Commissioners agreed.

### **Section 610 – Auditor**

There were no recommendations regarding this section, and no changes made by the Commission.

### **Section 611 - Town Planner**

Recommendation: to move the appointment of Town Planner from Town Council to Town Manager and move it to Article VII within the Charter. (various)

The Commission concurred with the recommendation.

Recommendation: to add qualifications to Town Planner description including: Master's Degree in city planning or community development, member of the American Institute of Certified Planners or five years of practical experience. (Ed Meehan, Town Planner)

Mayor Wright noted that this is similar to a job description and does not belong in the Charter. Commissioner Bafundo noted that there may be other certifications or qualifications that come about in the future. The Commissioners agreed. Commissioner Briggaman inquired as to who is responsible for creating and maintaining job descriptions. Mayor Wright explained that the Town Manager makes amendments to job descriptions as necessary and the changes then go before the Town Council for final approval.

Recommendation: to change Charter to reflect that Building Official is not longer the Administrative Officer. (Paul Featherston, former Town Manager)

Commissioner Nafis noted that this does not relate directly to this section. Commissioner Bafundo stated that the position may be in the administrative organization chart but is not in the Charter. Commissioner Nafis noted that this language will come up in section 704.

### **Section 612 – Other Commissions, Boards, Departments, Agencies and Offices**

There were no recommendations regarding this section, and no changes made by the Commission.

### **Section 613 – Terms of Office and Vacancies**

The Commission tabled the discussion of this section until the next meeting.

### **Section 614 – Consultant Services**

Recommendation: to investigate why hiring a consultant must be done by ordinance. (Mrs. Cohen, Town Councilor)

Commissioner Nafis inquired why this section would even be included in the Article pertaining to boards and officials. Commissioner Boni stated that the language could be included in section 405. Mayor Wright stated that it does not make sense to require an ordinance to hire a consultant. He stated that it is a positive thing to have the ability to hire consultants and recommended that the ordinance requirement be removed from the language. Commissioner Bafundo commented that when the Council requires outside expertise it is usually for an item that needs to be addressed quickly, and stated that passing an ordinance takes a long time. She stated that the Council will not hire a consultant without just cause, and agreed that the ordinance requirement should be removed. Commissioner Nafis stated that an ordinance gives the people the right to appeal or force a referendum. Commissioner Bafundo noted that the Council has the right to obtain technical or professional services anyway. Commissioner Briggaman inquired as to what would occur if there the consultant were to become a high-ticket item. Mayor Wright stated that the item would be reflected in the budget. Commissioner Bafundo stated that the hiring would be done through resolution. Commissioner Nafis remarked that the item may not appear in the budget because the need for a consultant may not arise until part of the way through the

year. Commissioner Nafis stated that with a resolution the public does not have a right to appeal or a right to referendum, but they can express their opinions through public participation at the Council meetings. He stated that he does not have a problem with taking it out for now, but indicated that Commissioner Boorman may have an opinion on the item.

## **Article VII – Administrative Offices and Departments Under Manager**

### **Section 701 – Town Clerk**

Commissioner Nafis noted language that states, “The Town Clerk shall receive such compensation as the council may determine” and noted that some of the sections state that the Town Manager sets the compensation. He indicated that while the Council ultimately approves of the compensation it is actually the Town Manager that sets the compensation. Mayor Wright noted that job descriptions are approved by the Council and they contain a salary range within the description. He stated it works as written now and recommended that it be kept as-is. Commissioner Bafundo inquired as to who is responsible for the Town Clerk’s performance appraisal. Town Clerk Tanya Lane replied that it is done by the Town Manager, and remarked that the language in this section may go back to the time when the Town Clerk was an elected position. Commissioner Bafundo remarked that since the Town Clerk is no longer an elected position the language regarding compensation may need to be changed. She stated that if the Town Clerk is evaluated like the other department heads then the entire piece about compensation should be removed from the language. Commissioner Nafis inquired about whether the Council determines the compensation for the Town Clerk’s assistants and Deputy Clerks. Ms. Lane replied that she makes recommendations to hire within the budget set for that position. She stated that the Town Manager is the Personnel Director. Atty. Clark stated that he would check the Statutes and work on the language.

### **Section 702 – Highway Department and Engineering Department**

Recommendation: to distinguish between Highway Department and Engineering Department (Ed Meehan, Town Planner)

Commissioner Bafundo inquired as to how this would be done. Commissioner Nafis noted that the recommendation is to make the two departments separate entities. Mayor Wright requested that Atty. Clark speak with Town Manager Salomone for more information and then work on the language.

### **Section 703 – Tree Warden**

Commissioner Boni inquired whether the Town currently uses a tree warden. Commissioner Bafundo replied in the affirmative.

There were no recommendations regarding this section, and no changes made by the Commission.

### **Section 704 – Department of Building Inspection**

Recommendation: to update the duties/roles of the Department of Building Inspection (Pete Hobbs, Building Official)

Commissioner Nafis noted language that states, “The building official shall be the administrative officer of the town plan and zoning commission” and indicated that the Building Official does not do so, and stated that language regarding the TPZ should be removed. He noted that the Building Official does act as the administrative officer for the ZBA.

Recommendation: to add the position of Zoning Enforcement Officer to the Charter and delineate who should act in this role in the case of absence or vacancy. (Pete Hobbs, Building Official)

Mayor Wright stated that this is more of an organizational chart issue and stated that the current arrangement works as-is. Commissioners Bafundo and Boni stated that the issue needs to be addressed. Mayor Wright inquired whether the Zoning Enforcement Officer currently reports to the Building Official. Commissioner Bafundo replied that the Zoning Enforcement Officer currently reports to the Town Planner. Mayor Wright suggested adding language to reflect that arrangement. Commissioner Nafis stated that absences and vacancies are a personnel matter to be dealt with by the administration. Commissioner Nafis recalled previous suggestions that the Zoning Enforcement Officer being required to hold certain certifications. Mayor Wright stated that such requirements would fall under the position’s job description.

Commissioner Nafis indicated that he had previously made a note to remove “zoning regulations” from the language “The building official shall enforce the provisions and perform the duties of the building code and zoning regulations”. Mayor Wright stated that zoning regulations would be the responsibility of the Zoning

Enforcement Officer. Commissioner Nafis agreed. Mayor Wright requested that Atty. Clark discuss the section with Town Planner Meehan and come back to the Commission with language changes.

**Section 705 – Department of Human Services**

Recommendation: to change the language to read: “The Department of Human Services shall administer and coordinate all forms of public assistance, social and youth services, except those which the Town Council determines shall be administered by other commissions.” (Ken Freidenberg, Director of Human Services)  
The Commissioners concurred with the recommendation.

**Section 706 – Department of Senior and Disabled Services**

Recommendation: to change the Charter to not specifically refer to exact location of Senior Center in case of a desire to move location. (Paul Featherston, former Town Manager)  
The Commissioners concurred with the recommendation.

Recommendation: to add language from section 705 that the director “shall supervise the Department and shall have the powers and duties as the Council may prescribe and as conferred by the Connecticut General Statutes” (Dianne Stone, Director, Senior and Disabled Services)  
The Commissioners concurred with the recommendation.

**Section 707 – Department of Police**

Recommendation: to move appointment/removal of position to Town Manager. (Paul Featherston, former Town Manager)

Atty. Clark stated that the recommendation pertains to the Dog Warden. Mayor Wright inquired whether the Dog Warden works under the Police Department. Commissioner Briggaman inquired whether the suggestion is referring to the Dog Warden or the Chief of Police. Mayor Wright suggested leaving the language as-is. Commissioner Nafis inquired whether giving the Chief of Police the authority to appoint and remove the Dog Warden would be overstepping its bounds. Commissioner Boni stated that the Dog Warden reports to the Chief of Police just as a police officer would. Commissioner Nafis inquired why the Dog Warden is listed separately from other officers. Atty. Clark replied that regulations regarding Dog Wardens may fall under State Statutes. Mayor Wright requested that Atty. Clark look into the Statutes.

**Section 708 – Department of Finance**

Recommendation: to remove “elector of the Town” provision from Revenue Collector qualifications. (Paul Featherston, former Town Manager)

The Commissioners concurred with the recommendation.

Recommendation: to change Charter to reflect fact that Purchasing Agent is not supervised by Finance Department. (Paul Featherston, former Town Manager)

Commissioner Bafundo inquired whether “Purchasing Agent” is a title or a responsibility. Ms. Lane noted a comment from Ann Harter that the function of the Purchasing Agent is performed by personnel under the direction of the Town Manager, not the Director of Finance; therefore this language should not be included in the section regarding the Department of Finance. Mayor Wright suggested creating a separate section for the Purchasing Agent and adding language to indicate that the position reports to the Town Manager. He requested that Atty. Clark check with the Town Manager for the official title of the position.

Atty. Clark recommended that language be added to indicate that the Director of Finance shall serve as the Town Treasurer. The Commissioners agreed.

Recommendation: to separate the acquisition and approval processes for control purposes. (Ann Harter, Director of Finance)

Mayor Wright inquired whether this suggestion would fall under the Purchasing Agent component. Commissioner Bafundo replied in the affirmative. Atty. Clark stated that the Purchasing Agent would only come into play once an expenditure is authorized.

B Discussion – as time allows, follow-up in section 303(A) (1) – Town Attorney

Atty. Clark stated that he made the changes to section 303(A) as recommended by the Commission. He indicated that the changes eliminated the position of Director of Health from salaried officials and changed the

phrase “serve for the term of the Mayor” to “serve at the pleasure of the Mayor” for the positions of the Clerk of the Council and the Town Attorney.

Commissioner Nafis inquired as to whether there are any other open items for discussion in that section. Mayor Wright noted that questions were raised about the Board of Education’s right to seek its own legal counsel. He stated that the Board should have such ability to do so. Commissioner Nafis recalled that the Commission had requested that Dr. Perlini and/or Board of Education members be invited to the meeting to speak to the issue. Mayor Wright replied that he spoke to the Chair of the Board who felt strongly that the Board should have the flexibility to obtain separate counsel. Commissioner Nafis stated that he would like to hear from Dr. Perlini or members of the Board. Commissioner Bafundo stated that there was a discussion on the topic. Commissioner Nafis stated that the item could remain on future agendas for discussion. Mayor Wright inquired whether the Board members should be invited if it is a moot point since the Commission does not have any will to change the language. Commissioner Nafis stated that the Commission should keep the item open. Commissioner Bafundo requested that the Commission invite Dr. Perlini and/or the Chair Board to the next meeting.

- C Discussion – as time allows, follow-up in questions related to other sections of the Charter that have been previously discussed.

Atty. Clark noted that the Commission had discussed the term “non-professional employees” as it pertains to the Board of Education. He stated that the term depends on what kind of bargaining unit one is in, and stated that positions such as bus drivers or cafeteria workers are considered as non-professional employees and positions such as teachers or principals are considered professional employees. Ms. Lane stated that Dr. Perlini suggested using the phrase “non-certified” in the place of “non-professional” and noted that union employees actually work for the Town and not specifically through the Board of Education. Atty. Clark stated that he would speak to labor counsel before making any changes to the language.

- D Discussion – as time allows, proposed language for Charter revision Re: Budget Referendum

Commissioner Bafundo noted Mrs. Cohen’s comments during public participation regarding language in the proposal and noted that Atty. Clark is working on the language. Atty. Clark indicated that the term “voting machines” had just been changed to “voting tabulators” by the General Assembly.

Ms. Lane stated that she had a conversation with Finance Director Ann Harter who indicated that she had some information regarding how a referendum would affect the Town’s bonding. Commissioner Bafundo requested that Ms. Harter be invited to the next meeting to discuss the information.

Commissioner Briggaman requested that the actual revision number be listed on the top of all language revisions distributed to the Commission.

Commissioner Nafis noted that there are still several items that need to be discussed regarding the proposal, but due to the time (9:15pm) he would prefer to wait until the next meeting to hold the discussion.

## **VII ANY OTHER BUSINESS PERTINENT TO THIS COMMISSION**

Mayor Wright noted a previous suggestion about having the Commission hold an extra meeting on Monday, September 15, and stated that he would be in favor of holding the extra meeting. Commissioner Nafis stated that he is opposed to holding an extra meeting on September 15, as he does not understand the rush to get through the work. He also noted that he would not be available to meet on Monday, September 15 due to work obligations. He stated that the Commission is moving along quite well and the two weeks between the meetings gives the Commission and staff time to prepare for the meetings. Commissioner Boni stated that he would be in favor of adding an extra meeting in order to get the process moving and to get the work done as soon as possible. He noted that the Commission agreed at the beginning of the process that it could add extra meetings if needed. Commissioner Nafis inquired as to why another meeting is needed, noting that the Commission has until April 2009 to finish its work. Commissioner Boni replied that he wants to get the work done for the people to vote on it as soon as possible. Commissioner Nafis remarked that the Commission needs to give the process the right amount of time and deliberation that it deserves, and remarked that going to a weekly meeting schedule will not help the process at all. He stated that the Commission is up against the

wall as far as the schedule is concerned. Mayor Wright stated that the Commission should schedule additional meetings at some point, but due to the fact that Commissioner Nafis is unavailable to meet on September 15 and Commissioner Boorman is not present to participate in this discussion he would withdraw his request for the September 15 meeting. He stated that the Commission should have an open mind to adding meetings in the future, and stated that a week between meetings is not an unyielding burden. Mayor Wright urged the Commission to get the work done and move it along to the Council and ultimately to the voters. Commissioner Briggaman noted that the Commission only held once meeting in the month of August, which places the Commission behind by at least one meeting. Commissioner Boni requested that the Commission *schedule two more meetings this month*. Commissioner Nafis remarked that he would appreciate not being told that he does not have an open mind. He stated that the Commission has been moving very quickly and has *been doing a lot of things that I don't think are appropriate in the way we should be handling this. We are not behind schedule, at least in terms of the mandated schedule, and I think we have been working very well with the two week thing. We are almost done with the document as a whole as it is now, and no one has given me any reason why we need these extra meetings to push it along and get it out there quickly. I think we should give it more time to deliberate and think about what we are doing on some of these issues.* (Several people speak at once) Commissioner Bafundo noted that she had asked for an extra meeting at the last meeting because she wanted to get some work done and she noted that the current meeting was very productive. She cautioned the Commissioners from getting off topic and off focus of the fact that the goal is to turn out a Charter that the Town will be proud of, and urged that Commission to put differences aside to work on the document itself. She stated that her intent on having a special meeting was to do just what the Commission did at the current meeting and stated that the Commission should be able to finish up with the body of the document at the next meeting. Commissioner Bafundo noted that getting it to the public for a hearing, getting it to the Council, and getting it to the public for a vote will take some time, which does not give the Commission as much time to do its work as it would appear. She commented that the goal is to turn out a quality product while not getting too comfortable with the timeframe so that the Commission does not get caught in a position where it doesn't get its work done. She stated that she is comfortable with adding additional meetings, but not if it causes people to feel as if they don't have time to prepare. Commissioner Nafis stated that the current schedule is more than enough time to allow the Commission to finish the work within the mandated time and stated that his plan is to discuss these things in a rational manner so that while the outcome may be decided in some peoples minds it gives the people the opportunity to think about the items and assure that the document that goes back to the Council makes sense for the Town. Mayor Wright remarked that the Commission has done a fantastic job up until this point. He requested that the Commission wrap these items up at the next meeting and begin to think about the upcoming public hearing. He suggested that the Commission hold two public hearings in one day - one in the afternoon at the Senior Center and one in the evening at Town Hall. The Commissioners agreed that having two public hearings - one at the Senior Center - would be beneficial.

#### **VIII WRITTEN COMMUNICATION FROM THE PUBLIC - (none)**

#### **IX PUBLIC PARTICIPATION**

Sandy Lallier, 27 Elton Drive: Mrs. Lallier stated that the Commission is doing a great job of reviewing the Charter line by line and commented that Commissioner Bafundo is doing a great job as Chair in keeping tempers down to a minimum. She commented about the discussions regarding the budget referendum and stated that she agrees with Commissioner Nafis that the Commission needs to slow things down. She noted comments by Commissioner Boni about getting the process moving and getting the work done, and stated that even as an observer she does not want to feel rushed in the process. Mrs. Lallier stated that she wants to hear what everyone has to say. She noted that the Town Charter is like the Constitution and stated that the Commission should not just "willy-nilly" go into it and put in things that don't belong. She stated that some of the sections are getting glossed over and some sections are getting pulled apart. She stated that the Charter should be considered a permanent document and therefore the permanent consequences of the changes should be considered. Mrs. Lallier noted that the while the Mayor did a good job of explaining how the proposed budget referendum would work she stated that she was disturbed by his quote regarding what would happen if a budget is voted down a second time: "guess what, if the public still doesn't like it then it will go back to the Council and they will just have to learn to live within their means." She stated that the Council should be doing that in the first place and remarked that the voters should be voting for the people they believe can do it. Mrs. Lallier stated that she believes that the people who are sitting on the Council can make budget decisions far better than neighbors talking about it in their backyard can. She noted a comment that if the changes to the Charter do not work out the Town can always go back and reopen the Charter, and she remarked that the

document should not be reopened every couple of years, especially since it has worked for so long. Mrs. Lallier noted that the nation is in hard times, and stated that people have too much on their minds to have to decide on a budget for the Town. She stated that the voters should listen to candidates who decide to run for office and they should get the information from Town Council meetings. She stated that a budget referendum does not belong in the Charter, and inquired whether it is even certain that the referendum will go into the proposed Charter. She stated that she is unsure whether the public would be able to sway the Commission's opinions regarding the budget referendum. Mrs. Lallier stated that it is very important to have experts and other people come in to address the Commission. She urged the Commission not to rush the process and to do it right.

Myra Cohen, 42 Jeffery Lane, Town Councilor: Mrs. Cohen stated that there is nothing in the State Statutes about the Commission on Aging or the Department of Senior and Disabled Services but she urged the Commission to leave those groups in the Charter, as they are in there for a very good reason. She stated that there was a big fight during the previous Charter Revision Commission to get the groups added to the Charter. Mrs. Cohen remarked that the special appropriations are a separate entity from the budget and cautioned the Commission not to confuse the two. She stated that special appropriations are for items that are outside the budget process, and stated that bonding is a totally separate issue.

Jay Bottalico, 37 Valley View Drive, Town Councilor: Mr. Bottalico noted that he is a liaison to the Fire Department and he noted Mr. Fox's previous comments against allowing the Fire Chief and the Fire Marshall to be the same person. Mr. Bottalico stated that he has been involved for several months and there is "trouble in paradise". He also remarked that if the Commission does not plan to separate the duties of the Fire Chief and the Fire Marshall then the Town should plan on having a paid fire department in the near future. He declined to go into specifics but urged the Commission to think about it.

Rose Lyons, 46 Elton Drive: Ms. Lyons noted Commissioner Bafundo's remarks at the previous meeting that referenced her own remarks about not being informed enough to make a decision about the budget. She noted that Commissioner Bafundo had stated that *members of the public need to be involved...people have to become knowledgeable about the budget*. Ms. Lyons stated that she has been and continues to be very involved in her learning experience about the government process and how it works. She stated that although she has over forty-five years of work experience in positions such as Assistant Business Manager for the Attorney General's office, Billing Supervisor for Professional Ambulance and Soliciting Clerk for the Newington Probate Court she does not feel qualified to determine what is best for the various departments of the Town. She stated that she casts her vote in November and hopes that the Town Councilors and Board of Education members are educated enough to make these decisions for her. Ms. Lyons spoke against the budget referendum, and urged the Commission to listen to what people have to say at the upcoming public hearings. She noted that the Town Council held a public hearing regarding the Joint Committee on Community Safety and despite the fact that eight members of the public spoke against the proposed ordinance and spoke in favor of keeping the existing Committee as-is for another year, their pleas fell on deaf ears and the ordinance was passed by the majority party with the exception of Councilor Cohen. She noted that at its most recent meeting the Council discharged the old Safety Committee despite the fact that there were only two nominations in place for the new Committee, and remarked that she is unsure of the rush to discharge the old Committee when the new one is not in place. She stated agreement with Mrs. Lallier that the Commission should not rush through the process and urged the Commissioners to listen to the public.

## **X COMMENTS BY COMMISSIONERS**

Commissioner Boni commented that wanting to have an extra meeting in a month does not equal rushing the work; it simply means that the Commission is getting the job done sooner.

Mayor Wright addressed some of the public comments. He stated that the Charter is not meant to be a dead document or a permanent document, because if it was designed to be a permanent document when it was drawn up it would not have included provisions for it to be changed. He stated that the Commission is following these provisions as well as the State Statutes that govern the process. Mayor Wright commented that the Republican team laid out a platform during the last election that included a three-percent tax cap and a budget referendum as two points of the Republican's three point pledge. He stated that the process is not "willy-nilly" or going too fast, *we're delivering on our promise, and we are going to give the people of Newington the opportunity to vote on a three-percent tax cap and a budget referendum*. He stated that the voters of the

Town will ultimately have the ability to have their say and to have their vote, and remarked that democracy is one person, one vote. He noted that some people feel that the general public is not well-enough informed to make budget decisions but remarked that it is a positive to allow people to have a say in their tax dollars. He stated that the government, like the people, should live within its means, and if the budget referendum fails two times than the means is in the form of the three-percent tax cap. Mayor Wright stated that this process does not hide anything; the more publicity the more people will get involved. He stated that his goal was to get the process done soon enough to get the vote on the Charter on the November ballot, since there would be a high voter turnout due to the Presidential election this year. He noted that it does not look like the Commission will be able to hit that target, but remarked that he appreciates the Commission's hard work and he appreciates the public coming in to give its thoughts.

Commissioner Nafis stated that the public will have the opportunity to vote on the proposed Charter language, and noted that the public has the opportunity to voice its concerns or support through the voting process as well as through the public hearings.

Commissioner Briggaman noted that if the budget increase is over three-percent it will go to the public for a vote, and if the Council can convince the public that the increase is needed then the public has the option to vote on that. He remarked that everyone is getting hung up on the three-percent number and stressed that the budget will not necessarily be three-percent if the public feels that it can support a budget that is higher than three-percent. Commissioner Bafundo agreed.

## **XI ADJOURNMENT**

Commissioner Nafis moved to adjourn the meeting at 9:49pm. Motion seconded by Commissioner Briggaman. Motion passed 4-0 (Commissioner Boorman absent for vote).

Respectfully Submitted,

Mrs. Jaime Trevethan  
Clerk – Charter Revision Commission