



Keith Chapman
Town Manager

TOWN OF NEWINGTON

200 Garfield Street
Newington, Connecticut 06111

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Office of the Town Council

2022 Charter Revision Commission Special Meeting Minutes

James O. Krupinski
Town Clerk

April 28, 2022

This meeting was presented as a Zoom Webinar/Hybrid Meeting.

1. Call to Order

Chairman Harpie called the meeting to order at 7:0 p.m.

2. Pledge of Allegiance

Roll Call

Joe Harpie

Kevin Borrup

Nancy Cappello

Anthony Gonsalves (*via Zoom*)

Chris Miner

Also in attendance:

Beth DelBuono, Mayor

Steven Clark, Police Chief

Renata Bertotti, Town Planner

Theresa Avey, Registrar of Voters

James Krupinski, Town Clerk

Susan Gibbon, Recording Clerk (*via Zoom*)

3. Public Participation on Agenda Items (**Via Zoom Application or Phone**)

(2 Minute Time Limit per Speaker) (888) 788-0099 or (877) 853-5247

- Rose Lyons, 46 Elton Drive. Thanked everyone for volunteering their time. Third charter revision, interested to see what you come up with.

4. Comments by Commissioners

- None

5. Approval of Minutes

a. March 29, 2022 Special Meeting Minutes

Motion by Commissioner Miner to accept the minutes; seconded by Commissioner Cappello. Motion passed.

6. Discussion of Items Charged for Review by the Town Council

a. Discussion of Charge #11 – Residency Requirement (S Clark & R Bertotti)

- Chief Clark stated that if you look at the history of the department, he is the seventh chief. Six of the seven have live in town; some of which were actually born and raised in town. If you had asked me this 10 years ago, I would say I was in favor the

police chief residing in town. One of the things you need to consider is the applicant pool as it's not as it once was. Working for a municipality in leadership role is challenging. If you require residency you need to consider you may lose applicants. Lots of factors to consider. Think it's a good idea to live in town, because you come in contact with residents, it makes you more approachable. Are you going to get the best candidates by making them live in town? As a local resident I want someone who is qualified because they have the leadership skills and job knowledge.

- Councilor Miner asked if other municipalities in the area have residency requirements.
- Chief Clark stated Rocky Hill does; Wethersfield no; Newington currently doesn't; Berlin no; not sure about New Britain. Hartford requires residency. Most in the area don't.
- Ms. Bertotti stated that she too is a resident of the town and have worked in five other municipalities which do not have residency requirements. The town planner has a certain idealistic commitment to the community and if you hire a good town planner, you will get someone who is committed to the community anyways. The selection of a person is really important and I think that a probationary period is probably warranted. If you were to include anything, I think perhaps a longer period, such as a year, of probationary time during which a person can be tested to determine whether they can be a good performer or not. The state of Connecticut has different requirements since they are not county governments. We have 169 municipalities with each one having its own zoning and planning. Connecticut doesn't have an accredited school for planning; do not have good candidate pool for planners. To be an AICP certified planner, a high national accreditation, is hard to get. It's an aging profession with many people retiring. Municipal planning jobs are hard and private consulting jobs are much more attractive. Because municipal positions relies on the tax base, staffing got cut down to the bare bones and the jobs became so challenging that they are no longer attractive. I definitely advise against a residency requirements and suggest probationary periods of one year.

b. Discussion of Charge #10 – Staggered Elected Terms

- Chairman Harpie stated that we've talked about staggered election terms and the ability to do that with elections and town committees.
- Ms. Avey stated that Ms. Fox was unable to attend this evening. We did discuss this and one of the first things we thought of was voter confusion and on party confusion, because there is state statute on how names and where they appear on ballots themselves. I did speak to other registrars about this, two have it and they are not thrilled with it and if they had a chance to change their charter they would.
- Chairman Harpie stated that there are concern about the minority factor, correct?
- Ms. Avey stated that is correct. We do have some minority parties that do have some ballot placement – The Working Families have a ballot placement because they were able to get the percentages and it also takes into consideration where placement is.
- Chairman Harpie asked if those individuals would be subject to the same term limits.
- Ms. Avey stated yes.
- Chairman Harpie stated that another discussion we had was everyone runs for four years with not staggered terms. How would that change things.

- Ms. Avey stated that instead of a municipal election every two years, it would be every four years and we'd still have to have an election every year because state assembly and senate are every two years.
- Mr. Krupienski stated we need to keep in mind the Board of Fire Commissioners, theirs is a staggered term of four years.
- Chairman Harpie stated it seems be common in towns with selectman. When they changed everyone ran at four and then there was two; probably confusing for the public.
- Mr. Krupienski stated that another issue is minority representation. You could have a six year term and a four year term and you have someone who resigns from the board, you can have it set up as an appointment or an election. You could have a ballot out there that doesn't have the major party currently in power not on that ballot which can be confusing and that's something to think about as well.
- Chairman Harpie asked if the concern of the councilor is that two years really isn't sufficient to get your arms around everything.
- Commissioner Minder stated that by the time you get a good feeling for what you're doing, the second year is over and it's time to run again.
- Mayor DelBuono stated you spend the first year getting your feet wet, then you have four to six months before you start campaigning again.
- Commissioner Miner asked if there's any benefit to going with the Fire Commissioners alternating schedule. Logistically trying to figure out how to do it.
- Mr. Krupienski asked how do you do that with a mayor's four year term and swapping a council set up. That would get confusing.
- Commissioner Miner stated do we have the current structure we have now, or do we do like Wethersfield and those with the highest votes get elected, that way you're not losing senior members off the council.
- Ms. Avey stated that West Hartford has the highest vote getter and that's much easier to explain to a voter.
- Mayor DelBuono stated that her only concern with that like in the last several elections, some of our top vote getters have been first time running, no experience. Just because they have name recognition, they are the top vote getter, but they've never run a meeting or have never been on a board or commission.
- Commissioner Miner asked procedurally how can that be done.
- Commissioner Borrup stated that you certainly don't want an inexperienced person mayor, but you could have the majority elect one of their members to be chair of the meeting or mayor.
- Commissioner Borrup stated that the two year terms gives voters the most choice and the most voice. Every two years they get a chance to vote and if they are unhappy, they can make a change. Should err on the side of giving the greatest choice to the voter. It is rare for an entire town council to turn over.
- Commissioner Miner stated that once you get into the second year, the last four to five months the focus shifts to getting reelected.
- Mayor DelBuono stated during the months your campaigning you just play it safe on every issue; you do normal business but are not willing to make changes or do anything because things become very politically motivated. You may have a great

idea and not matter how great it is, the other side is going to come out swinging. Not because of the issue but because it is campaign season.

- Chairman Harpie stated that history speaks for itself and Newington has been very successful with the framework we have. As Kevin said, every two years it gives voter an opportunity, especially in this environment.
 - Commissioner Miner stated that you are also holding your elected body accountable which is a benefit as well.
 - Ms. Avey stated that we have roughly 35% voter turnout for municipal elections, for presidential 85-90% and gubernatorial we have 65-75%. The municipal affects your bottom line.
 - Rose Lyons stated that as a resident two years is not enough for me, but probably too much for some people. Things don't seem to happen.
 - Chairman Harpie asked if any communities had elections in any other months other than November.
 - Ms. Avey stated yes, she knows of three or four that have May elections.
 - *A lengthy discussion was held regarding election dates and term limits.*
- c. Discussion of Charge #8– Library Board of Trustees Appointment
- Chairman Harpie stated the discussion is who is to make appointments. It's entirely clear in the Charter, although it mentions council and the town as the town clerk pointed out.
 - Maureen O'Connor Lyons stated the Charter is pretty explicit how the members are made up. There are 15 members on the Library Board of Trustees – 9 members are corporate members (the Board chooses them) and 6 members are town appointees (3 Republican/3 Democrat). The terms are for six years but are not dictated by election term. If someone resigns before their term end, they replacement is appointed by the party. We do have two town openings at the moment. We don't approach the town committees and ask them for members. We will call upon our town council liaisons to gently nudge the party. It's pretty cut and dry. Anybody who is appointed needs to take an oath, we go to the town clerk and register. The town council has to approve the town appointees. It's a system that has worked smoothly (since 1939).
 - Chairman Harpie stated that in Ms. Lyon's opinion, there is no dysfunctionality in the way this appears in the Charter.
 - Ms. Lyons stated that there seems to be flexibility; it's a six year term, but if someone resigns it's not left open the town committees fills that appointment and they fill the term of the one who's left and it's up to the Republican or Democratic town committees to keep those folks on or make changes. The appointees have been well thought. I was a town appointee when I first served and I appreciated my town's committee coming to me.
 - Chairman Harpie stated that it's wording. First part says "selected by the Town" and then it reads "members shall be appointed by the Council." Do you feel that needs to be corrected?
 - Ms. Lyons stated in reality the Democrats appoint someone or the Republicans appoint someone and it goes before the council for approval. Think in my experience it's a formality.

- Mayor DelBuono stated that are appointed by the council and brought forward by the parties.
 - Mr. Krupienski stated that this was written prior to 1966 when we became a council form.
 - Mayor DelBuono suggested removing “selected by the town”
 - Ms. Lyons stated you want people to understand there is equal representation from both parties.
 - Chairman Harpie stated he is comfortable with the language as written. We want you to be comfortable with it.
 - Ms. Lyons stated that they are comfortable with it and have been doing this for many years. We now how it works. Maybe someone who is new may be confused. It’s up to you to change the verbiage.
 - *A lengthy discussion was held regarding this matter.*
- d. Continuing Discussion on Commission Charges
- Chairman Harpie suggested the commissioner read the proposed language and make suggestions. Feel free to do that. James when would you like to have those comments back?
 - Mr. Krupienski stated the next meeting is next Tuesday.
 - Chairman Harpie asked the commissioners to email him any suggestions they have to joeharpie@gmail.com. Are we will tracking properly for the referendum in November? We will submit this to the council to review, make changes and return to us to review. We’re entitled under statute not to make any recommendations.
 - Chairman Harpie stated that we added the Audit Committee at the request of James. There were certain things we had to identify. The town manager and finance director would be non-voting members of the Audit Committee. **A lengthy explanation took place regarding this committee, it’s makeup and it’s duties.*
 - Chairman Harpie stated the other thing he wanted to talk about was the discretionary removal of people from committees, board and commissions, anything that is not elected council. The mayor was very concerned about not being able to remove people without going through C412, for serious, ethical issues and she wanted softer and kinder but still effective. James and I came up with language like poor unexplained attendance, moved out of town, and the spot needs to be filled for continued functionality. Absences have led to quorum issues and things like that.
 - Councilor Miner stated that the language needs to be less broad. There could be unintended consequences.
 - Commissioner Borrup stated that instead of saying “but are not limited to” say “members can be removed for only these reasons” and specifically state the reasons.
 - *A lengthy discussion was held regarding removal.*
 - Mr. Krupienski stated that 412 requires proper notification to the individual, they can responds to contest the suspension, ability to hold hearing in executive session and the council can deliberate and make determination. The month can take over a moth of the whole process. Party affiliation is not effected, if they go on as a democrat and change to republican, they are still a democrat on the committee until their term ends. We did look at “in the opinion of town council” and that can be politicized and removed. This should be minor things, attendance in our boards and commissions

booklet has a threshold; they move out of town and we have no way of getting ahold of that individual we can remove them.

- Chairman Harpie stated that C412 is serious.
- Mr. Krupienski stated that attendance and moving out of town is more of a procedural process and not punitive process.
- *Discussion continued regarding removal.*
- Chairman Harpie asked the commissioner to review the additional charges and get back to him with any suggestions. There are two items outside the charge and that was for the Development Commission to increase functionality, look at it and add to the Charter.
- Chairman Harpie stated he wanted to go over the schedule and meeting dates and asked James if they were still on schedule.
- Mr. Krupienski stated that at this point, depending on you finalize a report, we can look at scheduling our second public hearing. Then we turn the report over to the council for public review. Our council adopted date is July 5th. If we finalize the language on the 3rd, the earliest we could hold a public hearing is on the 12th. After receiving comments from the public, you would review and then I would present the report to the Council for their review on May 24th. If we want to have these as questions on the ballot we would need to finalize language by September 6th.
- Chairman Harpie stated that he want to make sure everyone in the community knows that we are working diligently on this. I'd like to keep ambitious dates as motivation to make certain we are moving along the way we should.
- Chairman Harpie stated that another item he would like to consider is the town manager's residency provision. This is not about Keith Chapman, it's just the philosophy of it. There is a softening of residency requirements for reasons as stated by the Chief and Town Planner earlier this evening. Please think about this as well.
- Commissioner Miner asked James if he could get a list from CCM as to who and who doesn't have residency requirement. I have a difficult time with a chief executive officer not residing in town and to change something that's been in existence for almost 60 years. Regardless of who's in the position, I think it's very important for that individual to have a vested interest in the community. I think one of issues is defining what residency is, right now I think its way to vague.
- *A discussion was held regarding residency requirements.*
- Commissioner Borrup stated that if we had a strong mayor position we'd require them to be a resident; a town manager would be the chief executive officer and they should breathe in the same community as the work to direct the government and amenities for the people of that town.
- *The discussion regarding residency requirements continued.*

7. Public Participation on Agenda Items (**Via Zoom Application or Phone**)
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- Rose Lyons, 46 Elton Drive. First I want to thank you for allowing me to speak after each individual discussion. Regarding the town manager residency requirement, I don't believe that was one of the charges given to you. It will be one of the biggest bones of contention in town in the changing of the Charter. I can be convinced either way. Some towns that I looked at had a radius of 10 miles. In one town you also had to be a

registered voter. Once you send your recommendations to the town council is the verbiage included and who comes up with the question.

- Chairman Harpie stated that they will be listed as recommendations, the Council will discuss, get back to us and then we'll review again and then back to the Council to accept or vote it down.
- Mr. Krupienski stated that Council will decide whether to vote on the Charter as a whole or individual question to each section.
- Ms. Lyons stated that you as a body meet here, can you also meet in individual caucuses and discuss things. Regarding Economic Development – every time they tried to do something they were told they couldn't do it.
- Commissioner Miner stated that statutorily they have options.
- Ms. Lyons stated that there was hesitancy to send people out and having no authority.

8. Comments by Commissioners

- Commissioner Gonsalves stated he voiced his opinion last time about the town manager's residency requirements; they are pretty much outdated and will eliminate potential candidates if there is a residency requirement. People are leaving jobs if they can't work from home. People don't view work and residency in the same light as they used to. That's my opinion but would like to give it more thought.
- Commissioner Cappello stated that she agrees with Commissioner Gonsalves. You're not going to get the quality of candidates if you limit yourself to the residency requirement. The town manager in Berlin had to resign because he wasn't a resident of the town and they are looking to change their charter because of it. It's something we have to look at and get to date with what we're seeing. It's outdated.

9. Adjournment

Motion to adjourn by Commissioner Cappello, second by Commissioner Borrup. Motion passed unanimously. The meeting ended at 8:42 p.m.

Respectfully submitted,

Susan Gibbon
Recording Clerk