



Keith Chapman
Town Manager

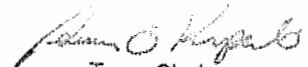
TOWN OF NEWINGTON

200 Garfield Street
Newington, Connecticut 06111

Office of the Town Council

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Town Clerk

2022 Charter Revision Commission Special Meeting Minutes

August 18, 2022

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

1. Call to Order

Chairman Harpie called the meeting to order at 6:30 p.m.

Roll Call

Joe Harpie

Kevin Borrup (*via Zoom*)

Nancy Cappello (*via Zoom*)

Also in attendance:

Beth DelBuono, Mayor (*arrived late; via Zoom*)

James Krupienski, Town Clerk

2. Pledge of Allegiance

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

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

- None

4. Comments by Commissioners

- None

5. Review of Commission Supplied Draft Report and Draft Charter Language

- Town Clerk Krupienski stated that on June 22 the Commission approved draft language to the charter and based on your language, they reviewed the charter and came back with 10 additional items to review. Some we have previously discussed. We provided reasoning's and not reasoning's for accepting them. The council looked at additional items not previously discussed and requesting a quick review or final recommendation to them. This will be your final report and your final meeting and the termination of the commission. It's been a long time coming and a long road.
- Chairman Harpie stated one of the requests from the council was the removal of membership amounts from charter language for various boards and commissions. Can you review why we don't want to leave numbers in the charter? We've had many conversations by lack of volunteers when reviewing the number of members on a board or commission. The language directing the boards and commission will remain in the charter, the only thing being removed is the number of members. Is that correct?
- Town Clerk Krupienski stated that is correct. The proposal would be to remove the specific language for certain boards and commissions. Certain membership numbers are not listed in the code, but the charter would override the code itself. By doing this, this allows the council to make changes requested by the commission itself or staff liaison without opening up the charter itself. The town attorney reviewed these on July 20th and recommend leaving in TPZ, Zoning Board of Appeals and the Development Commission, those are based on statutory requirements.

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- Chairman Harpie asked if there would be numbers in the charter.
- Town Clerk Krupienski stated there would be no numbers in the charter, only in the code. The code provides specific numbers and term limits. The only one we would have a problem with is Parks & Recreation, it has no language regarding membership. If this is approved, this would require that we create an ordinance that meets the requirements. Conservation Commission is the third one, not Development Commission. We already have draft language in place and ready to go once the charter is passed.
- Chairman Harpie stated that Parks & Rec got the most discussion. They didn't want to jeopardize their current membership.
- Town Clerk Krupienski stated that nothing would change with their numbers until the charter is passed.
- Commissioner Borrup stated asked which boards and commissions will have their membership remain in the charter.
- Town Clerk Krupienski stated it would be the Town Plan Zoning Commission, Zoning Board of Appeals and Conservation/Inland Wetlands Commission.
- Commissioner Borrup asked what the rationale was for leaving those in the charter.
- Town Clerk Krupienski stated that the rationale from the town attorney is that they are statutory commissions and he felt that keeping the membership in the charter made more sense. The statutes themselves do not call for a specific number of members.
- Commissioner Borrup stated his concern is for the Parks & Rec board. They've stated their need for having a large board for all the work they do and early on there was a concern of meeting quorum. Concerned about taking that out of the charter, we haven't heard from current members whether they are fine with that and there isn't current ordinance language regarding membership.
- Chairman Harpie stated that we did hear from Mr. Bottalico, Chairman of Parks & Rec and we did have Mr. Don Woods who suggested a more reduced committee in size, which he retracted on, because of what came through from this commission.
- Town Clerk Krupienski stated part of it was based on commission discussion and part if it was actually seeing member showing up [for meetings]. Do see the benefit of having the membership by ordinance. We would not remove the parks board completely from the charter, it's still a required board and the council would still need to approve membership to the board.
- Chairman Harpie asked what would happen if we leave the 11 as is, with language that the council could then elect to move it to an ordinance.
- Town Clerk Krupienski stated that they could still create an ordinance but the ordinance would read 11 members; they wouldn't be able to amend that, the charter would override it. That is one of the benefits of having the board enumerated but the membership in code.
- Chairman Harpie asked if there are any other towns moving in this trend.
- Town Clerk Krupienski stated that you will see volunteerism is down throughout the state. If you go with large boards you need to have more members to cover them and most people don't have that extra time nowadays to meet that demand. It gives them the ability to make to change numbers if necessary. It still requires an ordinance process, it's a public process. If the council were to go forward with something and it receives a large public outcry, it's not going to pass. You need to keep that in mind. With parks & rec they might want a seven member committee with four alternates, if all the members don't show up they have four alternate to sit. They can keep their membership in some format. There are a lot of different options.
- Commissioner Borrup stated it's too up in the air regarding the parks & rec board; wish there was more public participation so we could hear from members of the board. By removing it from the charter, right now there's nothing in our ordinances which specifies membership and I'm not comfortable with that at this point.
- Chairman Harpie stated we will come back to that.
- Town Clerk Krupienski stated that part of your recommendation would be to request that the council create ordinance language prior to a vote on the charter itself. That way prior to November, the

membership is listed as an 11 member board and if the board wants to change it they can go to the council at that point if the charter were to pass in November.

6. Discussion of Town Council Revisions to the Draft Charter Language

- Chairman Harpie stated he wanted to discuss **Section C-711** - police officers, dog warden.
- Town Clerk Krupienski stated that back in 1998 the General Assembly made changes to the dog warden statute to make it uniform across the state and changed it from Canine Officer to Animal Control Officer; our charter hasn't caught up to that. This was noticed after the fact and requested to make our charter the same as state statute. We would just be changing Dog Warden to Animal Control Officer.
- **§C-608 – Development Commission**
- Town Clerk Krupienski stated that the commission recommended additional language to the council for enumeration of duties allowed under state statute. The council felt that these duties made more sense to have them placed in the code versus the charter directly. As they change over time they would have to open the charter versus updating them in the code. The recommendation they had was to remove the language we suggested to the code.
- Chairman Harpie stated that they wouldn't change the language which is statutory by the state.
- Town Clerk Krupienski stated that is correct. We currently have development commission language in the code and that will be amended.
- **§C-412 Removals and Suspensions**
- Town Clerk Krupienski stated that during discussion by the council, it came into view that there have been times where the minority leader as well as the mayor are the same party. The recommended language would be the mayor and a member of the opposing party; that way both sides are present and they can bring recommendations to their respective caucuses.
- Chairman Harpie stated that makes sense.
- **§C-710 Department of Senior and Disabled Services**
- Town Clerk Krupienski stated at the council meeting they discussed whether or not to make the language consistent with our senior and disabled center. I will say that the municipal agent is a municipal agent for elderly persons that is the statutory title for it. They are requesting that you add that language. They town attorney didn't see any issue utilizing that language since it is more consistent with how things are handled by the town.
- Chairman Harpie asked if this was driven by the director.
- Town Clerk Krupienski stated that was more a discussion by the councilors themselves. I believe Councilor Radda brought that up.
- Chairman Harpie asked where they discussed quorum issues brought up by this body.
- Town Clerk Krupienski stated they addressed that under the first item we discussed, commission memberships, and move the membership to the code itself.
- Chairman Harpie asked how many members they have now.
- Town Clerk Krupienski stated that's currently a board consisting of nine members.
- Chairman Harpie stated that they have not been able to get a quorum. Wasn't that a concern by the director?
- Town Clerk Krupienski stated that is correct. The Commission on Aging & Disabled is one of the recommendations for removing the membership from the charter and moving it to code.
- Chairman Harpie asked at what time the council would change the membership.
- Town Clerk Krupienski stated that the charter and code are identical, so the ordinance could be changed ahead of time, but that would not go into effect unless the charter passes referendum in November.
- Chairman Harpie stated my concern is not knowing where this is going and for how long given the concern discussed with us by the director that she can't function the way she should because she doesn't have appropriate numbers. We either accept the requested changes or reject the requested changes. Is that correct?

- Town Clerk Krupiensi stated that is correct. You either accept or deny the proposed changes. Right now we are discussing the Disabled Center itself.
- Chairman Harpie asked if we can't make an amendment, can we forward a comment or concern by commissioners about these issues. We trust they will be resolved.
- Town Clerk Krupiensi stated should the charter pass, the town council will meet with the commissions to discuss appropriate membership and a possible amendment to their ordinance.
- Chairman Harpie stated that we agreed with having a seven member board by parks and rec and that was rejected.
- Town Clerk Krupiensi stated that was rejected by the council. If we were to remove it, they would be able to discuss the membership numbers with the council and build an ordinance that meets their need going forward. If we were to deny the parks & rec, the 7 member board would go to charter. But if removed the numbers, it can be passed by ordinance.
- Chairman Harpie stated that to clarify, if we choose to deny parks & rec, the 7 member board would be the number.
- Town Clerk Krupiensi stated that is correct.
- Chairman Harpie stated that there is an additional item for remove.
- Town Clerk Krupiensi stated that we can keep the discussion of shall and may to the end.
- **§C-403 - Organization**
- Town Clerk Krupiensi stated that Councilor Radda suggested changing "but only one vote" to "and only one vote". It's a simple change.
- Chairman Harpie asked if there were problems regarding this.
- Town Clerk Krupiensi stated that he can't think of any and they've never had an issue knowing they have only one vote.
- Chairman Harpie stated it's interesting where this concern came from. They agreed on this as a whole.
- **§C-408 Obligatory Referendum and Ordinances**
- Town Clerk Krupiensi stated that he agrees, that the last line of this one is a very long, run-on sentence and believe that the break up would make more sense to the public and to the staff.
- Chairman Harpie asked if the definition of appropriation survived their cuts.
- Town Clerk Krupiensi state that what you see in blue is what the council recommended.
- Chairman Harpie stated that even though the finance director wanted the language regarding a special appropriation, it's gone, that's interesting. They are not making it easy.
- Town Clerk Krupiensi stated, no, it's not been an easy process.
- Chairman Harpie stated that was a critical component, don't understand denying her request on that. The language should read General Fund Appropriation and Expenditures. These discussions were had in cooperation with the finance director. More than concerned by the council not accepting the language as recommended. There can only be one charter revision commission, not two.
- Town Clerk Krupiensi stated that he will review the audio and previous minutes to verify correct language. Where are we on the last sentence?
- Chairman Harpie asked what language.
- Town Clerk Krupiensi stated the language is bold and underlined, you would remove "provided however, that such bond". End the sentence with "taxation" and start the next sentence with "Such".
- Chairman Harpie asked if these issues were discussed with the finance director.
- **§C-410 Right of Referendum on Ordinances**
- Town Clerk Krupiensi stated that on this one we are breaking up sentences again. This proposed language makes sense, because once again, it's a run-on sentence.
- Chairman Harpie asked if this language works for the town clerk.
- Town Clerk Krupiensi stated that yes, it does.

- ***“shall and may” definition***
- Chairman Harpie stated he thought they would be happy with the town attorney’s recommendation.
- Town Clerk Krupienski stated that they feel they need something defined within it to have an understanding of what each other means.
- Chairman Harpie stated that what we passed on to the council was an odd description, but did do research on it. Shall and may are two model auxiliary verbs which are used to express permission or obligation to take action, they are interchangeable. That’s why many towns around us aren’t concerned about shall or may because they exercise their own judgment. Don’t know what else we can do. We can come back to Kevin’s recommendation of “shall means shall and may means may.”
- Town Clerk Krupienski stated that the concern is where shall and may are used and how they are used together. That’s the bigger issue.
- Chairman Harpie stated that at minimum they express talking action.
- Commissioner Borrup stated that most people understand the definition of “shall” as a command, this is mandatory; and “may” is you can do it, it’s permissive. The person on the street would interpret it as that common understanding.
- Chairman Harpie stated that the town attorney agreed with that. What are they looking for?
- Town Clerk Krupienski stated that in our code we have an open space fund, it reads the council “shall” appropriate funds every year and they hadn’t been doing that. I suggested having the definition in our code and the town attorney stated that the code can’t dictate the charter. The issue wasn’t in the charter it was in our code. Don’t feel it was affecting the charter, but the way they were interpreting the language.
- Chairman Harpie stated that it would be different if the charter only used the word “shall” but “shall” and “may” are all over the charter. Don’t think it’s a good action for this commission, have received our recommendation and not get into constitutional law or argument.
- Town Clerk Krupienski stated that we will discuss each item and deny or accept.
- Chairman Harpie stated he would like to get some public comments, can we adjust the agenda to get that.
- Town Clerk Krupienski stated that you can amend the agenda to do that.
- Chairman Harpie asked if any commissioners had an issue allowing public participation of what was just reviewed.
- Commissioners Cappello and Borrup had no objection.

Public Comments

- Rose Lyons, 46 Elton Drive stated this is one of the most detailed and involved charter revisions she’s seen. Some are a simple yes or no and others are more involved, especially shall and may, don’t see them as interchangeable words; it gets very confusing and you will get different definitions from different people. Think you’ve worked hard on this. You made your recommendations to the town council, the council has now sent back changes or recommendations to you; when it goes back to the town council, if they reject your recommendations what happens? Does it go back and forth? Or once it goes to the town council this time, it’s final and they determine which ones they put in for change in the charter revision for referendum?
- Chairman Harpie stated we will issue our final report whether we accepted all or some of the changes they’ve recommended. We will issue our final report to them, we would be thanked by the council and cease to exist as the charter revision commission. They’ve sent us 10 items this evening, so if we voted to accept all 10, in spite of or objections to some issues to keep the process moving along, they will decide what issues to move on to referendum.
- Ms. Lyons asked what happens if you reject something tonight?
- Chairman Harpie stated that our change would stand as recommended.
- Town Clerk Krupienski stated that the language as recommended would stand, but believe the council with a two-thirds vote may be able to change that as well.

- Ms. Lyons stated she thought that may be the case as well. Did I understand correctly that the council did not like what the finance director recommended?
- Chairman Harpie stated that there was some language such as “general fund appropriation and expenditures” that was important to her to have that language in there. She also asked for a definition of special appropriation and appreciative of the recommendation by the town attorney. Don’t see that here this evening.
- Town Clerk Krupienski stated that we do have that language in there, I totally missed it. I was looking at the language for standing appropriation. We do have that language in there.
- Ms. Lyons stated that everyone is going to be effected by the recommend language. If a commission member is uncomfortable with something would like to hear that now and not at a later date.
- Chairman Harpie stated that they discussed changes with department heads, board of education, town manager, town attorney, TPZ – attempted to make an effort to include everybody. It took a lot of time to get their input.
- Ms. Lyons stated that once the town council makes their changes, concerned if there is anything substantial.
- Chairman Harpie stated that he can only comment on what this commission did in reviewing the 13 charges and the two additional. Chairman Harpie read statute language regarding recommendations from the council to the commission.
- Ms. Lyons asked if the commission asked why the council made these changes and recommendations. Did the commission see these?
- Chairman Harpie stated that they did receive communication from the council regarding their changes and recommendations.
- Town Clerk Krupienski stated that you are step 6, step 7 stage. The final report you are giving is full language. Would have to look through statutes to see whether or not they can strike out individual sections of the proposed charter language. Assume that your final report is to accept or send to referendum as a single question or multiple questions for referendum.
- Ms. Lyons stated that they need to approve or reject in whole.
- Town Clerk Krupienski stated that is correct. The two-thirds vote is the initiation of the charter revision commission. Will need to look into statues whether or not the council can override the objection.
- Chairman Harpie stated that they can choose not to send to referendum.
- Town Clerk Krupienski stated that is correct, but their intent is to send it to referendum in November.
- Chairman Harpie stated that his will be our final report to the council this evening.
- Chairman Harpie made a motion to accept the changes recommend by the council with a footnote that we understand the board of parks and recreation 11 member number not be disturbed at this point and strongly recommend the language suggested by Commissioner Borrup, that the entire board come in before them to discuss membership numbers. I’ll entertain a motion.

7. Recommendations on the Town Council Revisions to the Draft Charter Language

- ***§C-410 Right of Referendum on Ordinances***
 - Motion by Commissioner Cappello to accept the change. Seconded by Commissioner Borrup. Motion passed 3-0 (roll call vote, Commissioner Gonsalves and Commissioner Miner absent)
- ***§C-604, C-605, C-606 & C-608***
 - Motion by Commissioner Cappello to accept the change. Seconded by Chairman Harpie. Motion passed 2-1 (roll call vote, Commissioner Gonsalves and Commissioner Miner absent)
- ***§C-711 Department of Police, Section C***
 - Motion by Commissioner Cappello to accept the change. Seconded by Commissioner Borrup. Motion passed 3-0 (roll call vote, Commissioner Gonsalves and Commissioner Miner absent)
- ***§C-608 Commission on Aging and Disabled***

- Motion by Commissioner Cappello to accept the change. Seconded by Commissioner Borrup. Motion passed 3-0 (roll call vote, Commissioner Gonsalves and Commissioner Miner absent)
 - **Full charter Language regarding shall and may**
 - Motion by Commissioner Cappello to reject the change. Seconded by Commissioner Borrup. Motion passed 3-0 (roll call vote, Commissioner Gonsalves and Commissioner Miner absent)
 - **§C-412 Removals and Suspensions**
 - Motion by Commissioner Cappello to accept the change. Seconded by Commissioner Borrup. Motion passed 3-0 (roll call vote, Commissioner Gonsalves and Commissioner Miner absent)
 - **§C-710 Department of Senior and Disabled Services**
 - Motion by Commissioner Cappello to accept the change. Seconded by Commissioner Borrup. Motion passed 3-0 (roll call vote, Commissioner Gonsalves and Commissioner Miner absent)
 - **§C-403 Organization**
 - Motion by Commissioner Cappello to accept the change. Seconded by Commissioner Borrup. Motion passed 3-0 (roll call vote, Commissioner Gonsalves and Commissioner Miner absent)
 - **§C-408 Obligatory Referendum and Ordinance**
 - Motion by Commissioner Cappello to accept the change. Seconded by Commissioner Borrup. Motion passed 3-0 (roll call vote, Commissioner Gonsalves and Commissioner Miner absent)
 - **§C-410 Right of Referendum on Ordinances**
 - Motion by Commissioner Cappello to accept the change. Seconded by Commissioner Borrup. Motion passed 3-0 (roll call vote, Commissioner Gonsalves and Commissioner Miner absent)
8. Submission of the Final Report and Final Charter Language to the Town Council
- Town Clerk Krupienski stated that based on the motions you sent forward, a draft report, which will effectively be this language incorporated into your original report and into the draft charter language you submitted to the council on the 23rd.
 - Chairman Harpie asked for a motion for submission of the Final Report and Final charter Language to the Town Council.
 - Moved by Commissioner Borrup. Seconded by Commissioner Cappello. Motion passed 3-0 (roll call vote, Commissioner Gonsalves and Commissioner Miner absent)
9. Approval of Minutes
- a. February 28, 2022 Special Meeting; March 9, 2022 Public Hearing; March 15, 2022 Special Meeting; March 29, 2022 Special Meeting; April 28, 2022 Special Meeting; May 3, 2022 Regular Meeting; June 1, 2022 Special Meeting; June 13, 2022 Special Meeting; and June 22, 2022 Special Meeting
- Town Clerk Krupienski stated that the public hearing held on June 3 was omitted and needs to be added to the list.
 - Chairman Harpie asked if we've looked at these before.
 - Town Clerk Krupienski stated he does not know. Did forward link to website for review. None of these have been approved as of yet.
 - Motion by Commissioner Cappello to accept the minutes. Seconded by Chairman Harpie. Motion passed 3-0 (roll call vote, Commissioner Gonsalves and Commissioner Miner absent)
 - Chairman Harpie stated that after you review these if you have an issue with anything, please notify the town clerk and we can revisit this.
 - Town Clerk Krupienski stated that he can always add a clerk's note.
10. 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 stated she wanted to thank all of the commissioners for volunteering their time for working on this commission. My sincere thanks to all of you and your patience with my questions.

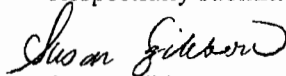
11. Comments by Commissioners

- Commissioner Borrup stated he appreciates the cooperation by all the commissioners; it was a good process and thank you Mr. Chair.
- Chairman Harpie stated he wanted to thank the commission as a whole and the town clerk for the cooperation he received as chair. We took on a big task here and thank the residents of Newington who will hopefully appreciate the work we put into this.
- Mayor DelBuono stated that she was unable to catch the beginning of the meeting, but was able to catch the ending. I just wanted to say thank you to the entire commission, you put in a lot of hours, not only in meetings but behind the scenes in reviewing all of the information and considering it all. Know how much time and effort it took. Also appreciated the collaboration between all members of the commission as well as the chairman with council and making sure that we had all the information we needed and I look forward to the council taking action on this at our next meeting.
- Chairman Harpie thanked the mayor for cooperating with us at every point, we appreciate it.

12. Adjournment

Motion to adjourn by Commissioner Borrup. Seconded by Commissioner Cappello. The meeting adjourned at 7:56 p.m.

Respectfully submitted,



Susan Gibbon
Recording Clerk