

MINUTES

CHARTER REVISION COMMISSION – ORGANIZATIONAL MEETING

MARCH 28, 2012

I CALL TO ORDER

Town Clerk, Tanya Lane, called the meeting to order at 6:31 PM in Conference Room 1 of the Newington Town Hall.

II PLEDGE OF ALLEGIANCE

III INTRODUCTION OF NEW MEMBERS

The members of the Charter Revision Commission introduced themselves as follows:

Donna Clark
 Vincent Camilli
 Paul Vessella
 Mike Lenares
 Alan Nafis
 Peter Boorman, Town Attorney

IV REVIEW OF THE CHARGE TO THE COMMISSION, INCLUDING TIMEFRAME

Attorney Boorman reviewed the charge as it was stated in the Town Council Resolution commenting that the Town of Newington has the ability to amend its Charter under Connecticut General Statutes. He stated that Town Council was instructing the Commission to review the Charter for any inconsistencies.

He further informed the Commission that the Town Council was instructing them:

- 1) Review all sections of the Charter that contain a set monetary reference to insure that those amounts listed are set at levels for the year 2012 and beyond.
- 2) Explore the current language of the Charter as contained in Section 611 that requires the Town Planner to be appointed by the Council. Consideration should be given to making this a Town Manager appointment under Section 503 of the Charter.
- 3) Address issues to update the Charter, but avoid issues that would delay completion of the Commission's Draft Report by June 29, 2012.

He advised the Commission that Council intends to submit charter revision to the voters for the November 2012 Election.

Attorney Boorman spoke further about procedural issues contained in the Resolution. He reminded the members that two Public Hearings are required—the first hearing must occur before any substantive work occurs with the Commission. He reiterated that tonight's meeting was only an Organizational Meeting—the meeting was not intended to cover any substance regarding charter revision itself. He stated that one of the organizational matters was to set the first Public Hearing date.

He said the second public hearing can be scheduled whenever the Commission chooses. The Commission has the option to schedule more than two hearings, but the last Public Hearing must occur after the draft of the Draft Report is finished.

RECEIVED & RECORDED IN
 NEWINGTON LAND RECORDS

2012 APR -2 P 12: 55

BY Tanya Lane
 TOWN CLERK
 VOLUME
 PAGE

Attorney Boorman informed the members that after the final Public Hearing, the Commission could amend the Draft Report. The final step would then be to send the Draft Report to Town Council.

He again stated that the charge was to complete the work by June 29, 2012. The actual operation of the Commission is up to the five members. Three members constitute a majority to make a decision.

Under Connecticut statutes, once a charter revision has commenced, the Commission is able to do whatever it wants to do as far as addressing charter issues. The members are required to consider those matters addressed in the charge. However, they are not limited to just those matters.

He continued by saying that with the short timetable, Town Council is asking you (the members) to accomplish more of an updating process. He again stated that the Commission could go beyond the Council's charge if they desired.

V ELECTION OF OFFICERS

A. Chairman

Mike Lenares made a motion to elect Donna Clark, seconded by Paul Vessella.

Alan Nafis was nominated by Vincent Camilli. The motion was not seconded. Attorney Boorman then asked for discussion on the motion.

Ms. Clark expressed her surprise at being nominated Chair of the Commission, saying she had expected Alan Nafis to be nominated Chair because he had experience with the previous Charter Commission. Mr. Camilli stated that was the reason he had placed Mr. Nafis' name into nomination.

Attorney Boorman explained that a nominee had the right to accept or reject the nomination.

Ms. Clark expressed her gratitude for the nomination, and then deferred to Mr. Nafis as the candidate for Chair.

Attorney Boorman then asked if Ms. Clark was withdrawing. She replied in the affirmative. Attorney Boorman then asked Mr. Lenares to withdraw his motion. He complied and nominations were again opened to the floor.

Vincent Camilli made a motion to nominate Alan Nafis, seconded by Donna Clark.

The Town Clerk then asked if there were other nominations. Hearing none, she asked if there was discussion. She asked for a motion to close nominations. Motion was made and seconded to close nominations, and by a unanimous voice vote—nominations were closed.

A voice vote was then taken to unanimously elect Alan Nafis as Chair.

Mr. Nafis inquired about electing a Vice Chair and Secretary. Mr. Vessella expressed concern over who would chair a meeting if Mr. Nafis was absent. Attorney Boorman explained that the Commission would decide at that time.

Following a short discussion, Mr. Nafis asked for a motion to nominate a Vice Chair. Donna Clark's name was placed into nomination, seconded and by a voice vote she was unanimously elected as Vice Chair.

VI SCHEDULE OF MEETING DATES

Mr. Nafis commented that he would like to get feedback from department heads. He stated that he had read through the changes that were discussed by the previous Commission and said there were many good suggestions that were not in the present charge.

He indicated there were additional issues that the Commission might want to consider that were not controversial and should not require a lot of time. He commented that the manner in which the Commission approached their task, would determine how often the Commission would meet and whether a time-limit should be set for the length of the meetings.

Ms. Clark stated that the Commission needed to be aggressive in terms of setting meeting dates because it seemed like a short timeframe to accomplish the charge. She asked if the meeting schedule could be modified as necessary depending on when the Commission's work was completed.

Attorney Boorman stated meetings could be added or cancelled as necessary. He suggested that the Commission meet once a week to start and then be open to changes as the Commission moved along.

The Commission agreed to meet once a week and then agreed to meet on Wednesday at 6:30 PM.

Mr. Vessella inquired whether the members wanted to put a cap of the length of the meetings. Following a discussion, it was agreed that the meetings would end at 9 PM.

Attorney Boorman then asked when the next meeting should be scheduled, reminding the members that the next meeting would be a Public Hearing.

VII SET PUBLIC HEARING DATE

Attorney Boorman asked the Town Clerk to explain the time needed between placing a legal notice in the newspaper and having the Public Hearing.

Ms. Lane explained that the statutes were silent on the time required for noticing a public hearing for charter revision. She stated that if a legal notice was sent to the Hartford Courant before noon on Thursday (April 29th), the notice would appear in the newspaper on Friday, March 30th. At that point, the Public Hearing could take place the following week.

Mr. Lenares inquired whether a Public Hearing could be held next Wednesday since the Commission was trying to establish Wednesdays as a regular meeting time. Ms. Lane replied that if the notice appeared in the newspaper on Friday, there was sufficient notice to the public to hold the Public Hearing on Wednesday (April 4th).

Discussion followed regarding which room was available for the hearing. Attorney Boorman suggested that the Commission schedule their first meeting immediately following the Public Hearing. The Commission decided to schedule the Public Hearing for April 4th at 6:30 PM and to post a notice for a Special Meeting at 7 PM or immediately following the Public Hearing.

VIII COMMENTS BY COMMISSIONERS

Mr. Vessella was interested in viewing the charge from the previous Charter Revision Commission. He stated that he would like this Commission to get a copy of the Draft Charter that was sent to the voters showing the suggested changes. If the public referred to a particular item, the current commissioners would have a frame of reference. It was agreed that the Town Clerk would email a copy of this report to the commissioners with a hard copy mailed to Mr. Camilli as well.

Mr. Camilli stated that in the interest of avoiding repetition from the previous charter revision effort, perhaps the Commission should publicly state that the members are aware of suggestions that were made previously and it was the intent of this Commission to take these suggestions into consideration.

Ms. Clarke was in agreement with comments made by Messrs. Vessella and Camilli.

Mr. Nafis stated that the Commission has eleven weeks to complete their work. He suggested the first meetings be devoted to looking at the current charter—going through several sections at each meeting. Identify those areas that have been commented on before, assimilate comments from the Public Hearing. He stated that he would like to hear from the Town Manager and department heads. He commented that he would like the Commission to review the entire Charter, understand how a change to one section might impact another area of this document, discuss the implications of the potential impact and complete that process in seven to eight weeks.

He stated that he wanted the Commission to address each individual's concern and to tell that person why (or why not) the members were going to address their concerns. Unless there were some surprises or disagreements, Mr. Nafis felt that the Commission was committed to the completion date issued by Town Council and that the work could be completed.

Mr. Nafis then outlined a possible format for the Commission's first meeting following the Public Hearing. He suggested that discussions revolve around issues that come up during the Public Hearing.

Ms. Clark commented that she assumed the Commission would tackle the Charter in an organized manner.

Attorney Boorman stated that he would like the Town Manager to begin now the process of communicating with the department heads to solicit from them input into those areas of the Charter where the staff thinks some changes need to be reviewed. He explained that this would be an agenda item. Mr. Boorman asked Ms. Lane to begin dialogue with the Town Manager to begin this process.

Mr. Nafis further clarified that if staff did not feel the need to address the Commission in person, individuals were welcomed to submit written comments.

Mr. Nafis told the commissioners that it was his hope that if anyone looked back on this process ten years from now they would be able to comment that everyone had done a good job to produce a fine document.

Attorney Boorman informed the commissioners that it was his hope that at the next meeting Ms. Lane would be able to instruct them how to log onto the computer to view the Charter, to view updates from each meeting, and to view these ongoing changes as

they are assimilated into the Charter. Ms. Lane would be the only person able to make these changes.

IX PUBLIC PARTICIPATION

Mr. Nafis asked for comments from the public.

Myra Cohen, Councilor, 42 Jeffrey Lane—spoke about the 1/13/09 Town Council Meeting when the Council voted to send the Charter to Referendum. She said the Draft document contained several suggestions that did not make it to the Referendum. She encouraged this Commission to look at those suggestions because she felt this might be information that should be contained in the Charter.

Attorney Boorman clarified by saying that there were a series of amendments that were requested to be sent back to the Charter Revision Commission and that these changes were voted down. The Draft Report that came from the Commission was the final version that was sent to the voters.

Councilor Cohen further commented that she didn't know why the budget process had to be completed by the end of April. She wondered if it could be stretched out to the end of May. Given the current timeframe she did not feel there was enough time for Councilors to discuss budget items amongst themselves before it was time to vote on it. She wanted the timetable spaced out a little more to eliminate two meetings per week if possible.

Steve Woods, Mayor, 94 New Britain Avenue—thanked the members for volunteering. He commented that there was a lot of good work done by the previous Commission. This Town Council tried to keep the charge as broad as possible. (Tape inaudible at this point).

Mark Spencer from the Hartford Courant expressed concern about Freedom of Information (FOI) issues as they apply to the website being available just to Commission members. He asked if that was acceptable and wondered if the public could see the website as updates were made.

Attorney Boorman stated that any vote taken would be a preliminary vote. He explained that a preliminary vote would allow the Commission to make changes which would apply to Charter--only until further review might indicate that yet more changes were necessary. The votes would allow the commissioners to move onto another section for discussion—in this way everything would continue to remain a "draft". The final version entitled a "Draft Report" is the copy that would be available to the Council at the time of completion.

Mike Rosenkrantz, 38 Sunnybrook Drive, commented that the public would be better able to understand any changes to the Charter if they were able to follow these changes on the website.

Attorney Boorman affirmed the comments from Messrs. Spencer and Rosenkrantz by replying that everyone wanted public participation and an open process--recognizing that in order for the work to get done, commissioners would sometimes need to work through a draft procedure process. He reiterated that the Commission would strive to make the process as open as possible.

Mr. Nafis thanked the public, the commissioners and the press for coming out.

X ADJOURNMENT

There being no further business to come before the Commission, a motion was made, seconded and by a voice vote, it was unanimously voted to adjourn the meeting at 7:42 PM.

Respectfully submitted,

Tanya D. Lane
Tanya D. Lane

CHARTER REVISION COMMISSION
PUBLIC HEARING
APRIL 4, 2012

I. CALL TO ORDER

Alan Nafis, Charter Revision Commission Chair, called the meeting to order at 6:30pm in the Helen Nelson Room of the Newington Town Hall.

II. PLEDGE OF ALLEGIANCE
III. ROLL CALL

Commissioners Present:

Alan Nafis - Chair
Donna Clark
Vincent Camilli
Paul Vessella
Mike Lenares

Also Present:

Peter Boorman, Town Attorney
Tanya Lane, Town Clerk

Mr. Nafis read the public notice as follows:

Pursuant to Section 7-191 of the Connecticut General Statutes, the Charter Revision Commission of the Town of Newington will hold a public hearing on Wednesday, April 4, 2012 at 6:30 PM in the Helen Nelson Room (Room 113) located in the Town Hall at 131 Cedar Street, Newington, CT. Dated at Newington, CT this 29th day of March, 2012. Alan Nafis, Chairman, Charter Revision Commission.

Note verbatim comments in Italics unless otherwise noted.

IV. PUBLIC PARTICIPATION

Alan Nafis, Chair, stated he would not impose time limits for this Public Participation segment; however he encouraged comments to be succinct.

Rose Lyons, 46 Elton Drive, commented that she was disappointed that there was not more public participation and hoped that more residents would be in attendance in the future. She pledged to attend the weekly meetings.

Chair Alan Nafis closed the public hearing at 6:35pm.

Respectfully submitted,

Nancy Frede *TM*
Nancy Frede
Clerk—Charter Revision Commission

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2012 APR - 9 A II: 20

PAGE
81 *Tanya Lane*
TOWN CLERK

**CHARTER REVISION COMMISSION
PUBLIC HEARING**

**WEDNESDAY, APRIL 4, 2012
6:30 PM
HELEN NELSON ROOM (ROOM 113)
TOWN HALL**

Pursuant to Section 7-191 of the Connecticut General Statutes, the Charter Revision Commission of the Town of Newington will hold a public hearing on Wednesday, April 4, 2012 at 6:30 PM in the Helen Nelson Room (Room 113) located in the Town Hall at 131 Cedar Street, Newington, CT.

Dated at Newington, CT this 29th day of March, 2012.
Alan Nafis, Chairman
Charter Revision Commission

Appeared in: ***Hartford Courant*** on Friday, 03/30/2012

[Home](#)
Powered by myPublicNotices.com

[Back](#)

Minutes

CHARTER REVISION COMMISSION
SPECIAL MEETING
APRIL 4, 2012

I. CALL TO ORDER

Alan Nafis, Charter Revision Commission Chair called the meeting to order at 6:35pm in the Helen Nelson Room of the Newington Town Hall.

II. PLEDGE OF ALLEGIANCE

(It was agreed that the PLEDGE OF ALLEGIANCE was done at the earlier meeting.)

III. ROLL CALL

(It was agreed that the ROLL CALL was done earlier.)

IV. PUBLIC PARTICIPATION

(Public participation was opened with no participants in answer to request.)

V. MINUTES

Attorney Boorman indicated the following correction:

Page 2-- Under "Election of Officers", he noted that following Ms. Clark's withdrawal as a candidate for Chair, and following Mr. Lenares withdrawal of his motion, the minutes should reflect: *Mr. Vessella then withdrew his second.*

Commissioner Camilli moved to accept the minutes. Motion was seconded and by a voice vote the minutes were unanimously accepted.

VI. MATTERS TO BE CONSIDERED

A. Organizational Procedures

Commissioner Nafis asked Ms. Lane to update the Commission on internet access to the Charter. Ms. Lane indicated that she had spoken to the IT Director and explained that access would be to a dedicated website with a user name and password. Initially, there would be link for the "Source Charter" (the original document), another link for the Charter reflecting all ongoing changes as they occurred, and numerous other links showing changes from each Commission meeting. She stated that it was a "work in progress" and that she would be emailing the web link to the Commissioners. The user name and password had been distributed to everyone tonight in their packets.

Commissioner Nafis reviewed the schedule of Wednesday meeting dates expressing concern that the local cable station was not going to be available due to conflicts. After some discussion, Attorney Boorman suggested that a day change was possible for Special Meetings as needed. Commissioner Nafis suggested the current meeting schedule be maintained with postings by Ms. Lane on the website which will encourage public participation.

Commissioner Nafis asked Ms. Lane to update the Commission about her discussion with the Town Manager regarding department head input. The Town Manager has agreed to notify the department heads to follow up with their input to the Charter Revision Commission at future meetings.

B. Review/Discussion of the Charter

Commissioner Nafis opened discussion on how to proceed with the review of the Charter. Attorney Boorman suggested the Commissions' work would be easier by reviewing the current Charter side by side with the 2008 Draft. The Commission agreed to try it and review at the conclusion of meeting. It

RECEIVED & RECORDED
NEWINGTON TOWN HALL RECORDS

2012 APR - 9 A 10
RECORDED
by *Tommy Lane*

PAGE
1

TOWN CLERK

Minutes

was also agreed that the review of the Charter was not being voted on, just being reviewed for future discussion.

The following legend indicates the Charter changes for review:

~~Word deleted~~ word(s) deleted

Words added word(s) added

ARTICLE I

§ C-101. Incorporation

Attorney Boorman noted there were no changes in 2008.

§C-102 Rights and Obligations

Attorney Boorman reviewed that the 2008 change was "Nothing herein shall be construed to affect the rights of the Town to collect any assessment, charge, ~~debtor-debt or~~ lien."

§C-103 General grant of powers

Attorney Boorman noted there were no changes in 2008.

ARTICLE II ELECTION

§ C-201. Regular Town Elections.

Attorney Boorman reviewed the 2008 change which was "Regular Town election ~~elections~~ shall be held on the first Tuesday after the first Monday in November in each odd-numbered year. "

Commissioner Nafis requested clarification of "chosen and qualified" which Attorney Boorman explained was to insure that governance would proceed by the existing governing body if there was a question. See § C-202.

§ C-202. Elected Officials.

1. *Board of Education* Attorney Boorman reviewed the 2008 change which was:

At each regular biennial Town election, nine members of the Board of Education shall be elected for a term of two years and until their successors are elected ~~chosen~~ and qualified, in accordance with provisions of Section 9-204 of the Connecticut General Statutes. Commissioner Vessella questioned the choice of "chosen" which Attorney Boorman stated was to maintain consistency in words. Commissioner Nafis added that not everyone is elected to office.

2. *Board of Fire Commissioners*. Attorney Boorman reviewed the 2008 change as follows:

The Board is specifically authorized to delegate authority to the Fire Chief(s).

(1) The Board of Fire Commissioners shall supervise, maintain and care for all Fire Department buildings and fire equipment of said Department; shall appoint fire chief(s) and such other officers and personnel as it deems necessary; shall recommend the purchase of additional apparatus and equipment when needed; shall purchase additional apparatus and equipment when duly authorized; and shall annually prepare and submit to the Town Manager a budget for the maintenance and care of the equipment and buildings of said Fire Department. The Board of Fire Commissioners' role shall include acting as final board of appeal from person elections for personnel matters from within the fire department. This function shall not be delegated.

(2) Attorney Boorman noted there were no changes in 2008.

(3) The Fire Department may take apparatus out of Town with approval of at least one Commissioner.

~~The Board may delegate this authority to the Fire Chief.~~

Minutes

Commissioner Nafis opened discussion on Board of Fire Commissioners with the invitation to the Fire Chiefs for their input into the additions and changes to the section.

Commissioner Nafis request for input from the Fire Chiefs was met with unanimous agreement by the Commission members.

Attorney Boorman suggested the changes on the Charter be color coded for easier identification by the Commission members and the public. Ms. Lane will explore if the website can be changed as requested.

§ C-203. Minority Representation.

Attorney Boorman reviewed the 2008 change as follows:

A. At each regular Town election no political party shall nominate and no elector shall vote ~~or~~ for more than the Mayor, five members of Council, two Constables, and the number of members of the Board of Education and of the Board of Fire Commissioners as shall be determined by the provisions of this Charter and the Connecticut General Statutes.

(4) Attorney Boorman noted there were no changes in 2008.

B. This section adheres to CT General Statutes.

§ C-204. Vacancies in Elective Offices.

Attorney Boorman reviewed the 2008 change is due to having consistency with the word "chosen" as follows:

Any member of the Board of Fire Commissioners elected to fill a vacancy at a regular Town election shall serve for the remaining term of the former incumbent and until the successor has been elected chosen and qualified.

§ C-205. Independent Candidates.

Attorney Boorman reviewed the 2008 change to conform to CT General Statutes as follows:

In addition to the procedure for the nomination of candidates provided for in this Charter and the Connecticut General Statutes, any elector of the Town may have his or her name appear on the ballot in a line designated "Independent" provided the elector follows the requirements for such candidates as set forth in the Connecticut General Statutes.

§ C-206. Qualifications.

Attorney Boorman noted there were no changes in 2008.

§ C-207. Voting districts.

Attorney Boorman noted there were no changes in 2008 however the recent census could cause future change. Commissioner Lenares asked if the number of polling places could be reduced to four. Attorney Boorman commented that the Town Council makes that change.

ARTICLE III THE MAYOR

§ C-301. Election and qualification.

Attorney Boorman reviewed the 2008 change as follows to be consistent with the word "chosen": At each regular Town election a Mayor shall be separately elected by the electors and shall serve until a successor shall be elected chosen and qualified.

Minutes

§ C-302. Duties.

Attorney Boorman noted there were no changes in 2008 however there had been a question about "military purposes." Commissioner Vessella asked if it should be left in? Attorney Boorman stated that Councilor Myra Cohen who was present at the meeting could comment during the public discussion about the 2008 Charter reasoning.

§ C-303. Appointments.

Attorney Boorman noted the changes from 2008 were due to the elimination of the Director of Health position and the added words "and both shall serve at the pleasure of the Mayor."

A. *Salaried Officials.* The Mayor shall appoint the Town Attorney, Director of Health, and the Clerk of the Council and both shall serve at the pleasure of the Mayor.

Attorney Boorman noted the changes from 2008

(1) *Town Attorney.* There shall be a Town Attorney, appointed by the Mayor, who shall be an attorney at law admitted to practice in this state. The Town Attorney shall ~~serve for the term of the Mayor making the appointment and shall be paid an annual retainer under terms and conditions as set by the Council.~~

If the Town Attorney is a member of a law firm, other members of that firm may, with the written approval of the Mayor, perform any legal services for the Town. The Town Attorney shall have such assistants as the Council Mayor may determine.

Attorney Boorman noted the changes from 2008 were due to the elimination of the Director of Health position so #2 was eliminated.

(2) *Clerk of the Council.* The Mayor shall appoint a Clerk of the Council who shall be responsible for maintaining a record of all regular and special meetings of the Council. The Clerk shall receive such compensation as the Council may determine and shall have such assignments as set forth by the Council. ~~The Clerk shall serve for the term of the Mayor appointing such Clerk.~~

C. *Subcommittees of the Council.* Attorney Boorman noted there were no changes in 2008.

ARTICLE IV THE COUNCIL

§ C-401. Composition. Attorney Boorman noted there were no changes in 2008.

§ C-402. Powers. Attorney Boorman noted there were no changes in 2008.

§ C-403. Organization. Attorney Boorman noted there were no changes in 2008.

§ C-404. Procedures.

A. Attorney Boorman noted there were no changes in 2008.

B. Attorney Boorman noted the changes from 2008:

No votes may be taken at a work session meeting- except to adjourn or to go into executive session.

Minutes

§ C-405. Introduction of Ordinances.

Attorney Boorman noted the changes from 2008: It shall be the duty of the Town Clerk or his/her designee immediately upon receipt of such proposed ordinance to prepare sufficient copies of such ordinance, one copy of which shall be retained in the Town Clerk's office for public inspection, one copy posted on the Town bulletin board and website and one copy distributed to each member of the Council and to the Manager.

§ C-406. Attorney Boorman noted the new title suggested from 2008 and the following changes: Public hearings and passage-consideration of ordinance.

Before an ordinance, except an emergency ordinance, shall be passed-voted upon, the Council shall hold at least one public hearing, five days' notice of which shall be given by publishing the notice and the proposed ordinance in full at least once in a newspaper having circulation in the Town and by posting the notice and the proposed ordinance in full on the Town bulletin board and website with the full proposed ordinance also available in the Town Clerk's office. After such public hearing, the Council may make such changes as it considers advisable before passing-voting upon said ordinance.

§ C-407. Borrowing.

Attorney Boorman noted the changes from 2008, in that the last sentence was eliminated:

The issuance of bonds and notes shall be authorized by resolution adopted in the same manner as provided by §C-406 of this Charter, insofar as § C-406 relates to public hearings. ~~Tax anticipation notes shall be issued in accordance with § C-812 without public hearing.~~

Next agenda Commissioner Nafis will review what was worked on and start with § C-408. Obligatory referendum and ordinance and go forward.

VII. ANY OTHER BUSINESS PERTINENT TO THE COMMISSION

Commissioner Nafis asked Ms. Lane to comment on the budget discussion with the Director of Finance relating to the \$5000 allowance. Ms. Lane relayed the Director of Finance's recommendation was to request an \$8000 budget.

VIII. PUBLIC PARTICIPATION

Myra Cohen, Councilor, 42 Jeffrey Lane, thanked the Commission for their work. She asked for clarification about the choice of words in § C-204 and 301 "elected" and "chosen" as recommended in the 2008 draft. She also said further discussion might be needed on the "military purposes" (§ C-302).

Mady Kenny, 53 Crestwood Drive, thanked the Commission for their work. She questioned the choice of words in § C-204 and 301 "elected" and "chosen" as recommended in the 2008 Draft.

Rose Lyons, 46 Elton Street asked for the audio system to be placed so the public can hear the commissioners' discussion. She also questioned § C-303 about the Town Attorney's role with the public.

IX. COMMENTS BY COMMISSIONERS

Minutes

All Commissioners agreed that the side by side comparison of the 2008 Draft Charter versus the original Charter aided the discussion and made potential changes easier to follow.

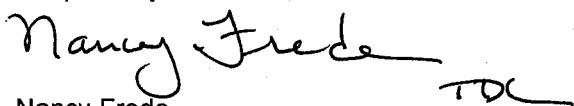
All Commissioners will review tonight's discussion and continue reading starting at § C-408 Obligatory Referendum and Ordinance.

The next Charter Revision Commission meeting will be Wednesday April 11th at 6:30pm.

X. ADJOURNMENT

Commissioner Camilli moved to adjourn the Special Meeting at 8:10pm. Motion was seconded. Motion passed 5-0.

Respectfully submitted,

A handwritten signature in black ink that reads "Nancy Frede". To the right of the signature, the initials "TDC" are handwritten.

Nancy Frede
Clerk—Charter Revision Commission

CHARTERVV REVISION COMMISSION
PUBLIC HEARING
APRIL 11, 2012

I. CALL TO ORDER

Alan Nafis, Charter Revision Commission Chair, called the meeting to order at 6:30pm in the L101 room of the Newington Town Hall.

II. PLEDGE OF ALLEGIANCE was passed due to no flag available
III. ROLL CALL

Commissioners Present:

Alan Nafis - Chair
Vincent Camilli
Paul Vessella

Also Present:

Peter Boorman, Town Attorney
Jaime Trevethan, Executive Assistant to Town Manager
Ann Harter, Finance Director

Note verbatim comments in Italics unless otherwise noted.

IV. PUBLIC PARTICIPATION

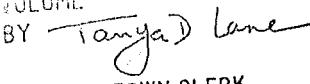
Rose Lyons, 46 Elton Drive, commented that better signage was needed to find the meeting location. Also that minutes and agenda needs to be available on the town website,

Chair Alan Nafis closed the public hearing at 6:35pm.

Respectfully submitted,


Nancy Fede
Clerk—Charter Revision Commission

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS
emailed 4/10/12 with Spec mtg minutes
2012 APR 18 P 5: 15 TDX

VOLUME PAGE
BY 
TOWN CLERK

CHARTER REVISION COMMISSION
SPECIAL MEETING
APRIL 11, 2012

I. CALL TO ORDER

Alan Nafis, Charter Revision Commission Chair, called the meeting to order at 6:30pm in the L-100 room of the Newington Town Hall.

II. PLEDGE OF ALLEGIANCE was passed due to no flag available

III. ROLL CALL

Commissioners Present:

Alan Nafis - Chair

Vincent Camilli

Paul Vessella

Also Present:

Peter Boorman, Town Attorney

Jaime Trevethan, Executive Assistant to Town Manager

Ann Harter, Finance Director

Note verbatim comments in *Italics* unless otherwise noted.

IV. PUBLIC PARTICIPATION

Rose Lyons, 46 Elton Drive, commented that better signage was needed to find the meeting location. Also that minutes and agenda needs to be available on the town website.

V. MINUTES

Commissioner Vessella moved to accept the minutes. Motion was seconded and by a voice vote the minutes were unanimously accepted.

The following legend indicates the Charter changes for review:

Word deleted word(s) deleted

Words added word(s) added

VI. MATTERS TO BE CONSIDERED

A. Finance

Commissioner Nafis welcomed Ms. Ann Harter, Finance Director to the meeting.

Ms. Harter distributed the Index of Charter Dollar limits to the Commissioners to explain the 3.75% increase that was demonstrated from 1992 – 2013. A review of the dollar limits from 2014- 2023 projects a 313% from 1992. Ms. Harter is recommending Borrowing/Special Appropriation dollar limits be tripled. Examples: the current \$125,000 tripled will be \$375,000; 250,000 will become \$750,000; \$325,000 will become \$975,000 and Purchasing \$10,000 will become \$30,000. Ms. Harter will explain how the following changes will impact the existing Charter and highlight other Sections in the Charter for consideration.

§ C-407. Borrowing.

Ms. Harter's recommended delete the final sentence. Attorney Boorman explained the terminology is antiquated.

§ C-408. Obligatory referendum and ordinance.

Ms. Harter recommended that each of the amounts be increased as recommended by the Index of Charter Dollar Limits. She also agreed with the 2008 proposed changes that follow.

No resolution authorizing the issuance of bonds or notes, other than notes in anticipation of taxes and other than notes in the amount of \$375,000 or less, and no resolution making a special appropriation in excess of \$975,000 shall become effective until the same has been approved by a majority of the qualified electors voting thereon at a regular election or ~~special election~~ referendum called by the Council for the that purpose. Any special appropriation of \$975,000 or less but in excess of \$125,000~~250,000~~ shall be passed by ordinance.

Commissioner Nafis and Commissioner Vessella asked Ms. Harter for an explanation of how the dollars are used and why. Ms. Harter explained that a referendum is not needed for smaller projects; however the dollar mounts need to be adjusted due to inflation an example of how the dollars are used was for the 2011 October storm.

§ C-410. Right of referendum on ordinances.

Ms. Harter recommended that each of the amounts be increased as recommended by the Index of Charter Dollar Limits. She also agreed with the 2008 proposed changes that follow changing the words special election to referendum.

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, on a special appropriation in the amount of \$125,000~~250,000~~ \$375,000 or more.

~~The ordinance shall be null and void in the event that not become effective until the same has been approved by a majority of the qualified electors voting thereon, such majority consisting of at least 10% of the qualified electors of the Town, shall vote in the negative. Otherwise it shall take effect immediately following the referendum at such regular election or special election referendum. The ordinance shall take effect upon approval.~~

§ C-609. Town Treasurer.

Ms. Harter recommended eliminating this section. The Town Treasurer's functions are all completed by the Finance department. The two required signatures for checks are by the Town Manager and the Director of Finance.

Auditor. Will become-§ C-609.

Ms. Harter indicated the paragraph about The Council can stay the same:

§ C-708-712. Department of Finance.

Ms. Harter agreed with the changes in § C-708-712 since all the responsibilities were all carried out by the Finance department.

There shall be a Department of Finance consisting of the Director of Finance, the Revenue Collector, the Assessor, ~~the Purchasing Agent~~,

A. *Director of Finance.* The Director of Finance shall have direct supervision over the Department of Finance. ~~The Director of Finance shall be appointed and may be removed by the Manager in accordance with and subject to the provisions of Article IX of this Charter.~~ The Director of Finance shall have the powers and duties as conferred by the Connecticut General Statutes and shall have such other additional powers and duties as may be assigned that are prescribed by the Council or the Manager by the Manager. The Director of Finance shall also serve as the town treasurer as prescribed by the Connecticut General Statutes.

§ C-713. Purchasing Agent.

Ms. Harter suggested that in § C713 become § C712 with the 2008 proposed changes in § C713 including the removal of C. Revenue Collector and D. Assessor.

Ms. Harter agreed with the 2008 proposed changes. Attorney Boorman asked if more time was needed to get preliminary department estimates. Ms. Trevethan and Ms. Harter explained how the Town calendar accommodates the personal property and motor vehicle taxes. It was agreed that a week's extension could help however the current calendar schedule is working.

§ C-804. Duties of the Manager on the budget.

Ms. Harter agreed with the 2008 proposed changes . The proposed schedule accommodated the referendum for tax bills.

§ C-805. Duties of the Council on the budget.

Ms. Harter agreed with the 2008 proposed changes . The proposed schedule accommodated the referendum for tax bills.

§ C-808. Transfer of appropriation.

Ms. Harter agreed with the 2008 proposed changes of adding , Transfers among any capital projects funds may occur at any time and are not subject to six month limitation as stated above. Ms. Harter gave examples where each department has multiple programs and departments.

§ C-811. Borrowing to meet emergency appropriations.

Ms. Harter agreed no changes.

§ C-812. Borrowing in anticipation of taxes.

Ms. Harter suggested checking with the Bond Council for their input.

§ C-814. Competitive bidding.

Ms. Harter suggested the change to \$30,000 for emergencies and agreed with the 2008 suggestion of adding the website. The Town Manager will address this issue at a future date.

A. Sealed bids or proposals shall be invited by the respective purchasing authority for any purchase or contract for purchasing, including a continuing order for contract for the purchase of the same commodity or services over a period of one year involving the expenditure of \$10,000~~25,000~~30,000 or more. Invitation for sealed bids or proposals shall be by giving 10 days' public notice thereof by publication at least once in one newspaper having a circulation in the Town and by posting on the Town bulletin board and website.

§ C-816. Payments of claims.

Ms. Harter agreed with the 2008 proposed changes and added Town Manager.

Payrolls, bills or other claims against the Town, except those of the Board of Education, shall not be paid until the same have been verified for correctness and legality by the Director of Finance, and all payments shall be made by check drawn on a Town bank account signed by the ~~Director of Finance~~Town Treasurer and countersigned by the ~~Town Treasurer as provided in Article VI, § C-609, of this Charter.~~ Town Manager.

§ C-818. Official bonds

Ms. Harter agreed with no changes.

Commissioner Nafis thanked Ms. Harter for her work and cooperation with the Commission. Ms. Harter will continue to be available to the Commission as needed.

B. Review/Discussion of the Charter

Commission Nafis asked how the Commission wanted to proceed with review. It was agreed by all that Attorney Boorman's reviewing the current Charter side by side with the 2008 Draft is the way to proceed. It was also agreed that the Charter was not being voted on, just being reviewed for future discussion. Attorney Boorman began the review of sections.

§ C-408. Obligatory referendum and ordinance.

Attorney Boorman suggested adding Ms. Harter's suggestion using tripling concept from the Index of Charter Dollar Limits and the 2008 proposed changes. Shown above.

Commissioner Nafis and Commissioner Vessella again discussed what determines an emergency. It was suggested that the Town Manager could explain when he attends a future Commission meeting.

§ C-409. Emergency ordinance.

Attorney Boorman said there were no changes in 2008. Commissioner Camilli asked what an emergency ordinance is, explanation followed by Attorney Boorman with the example of the October 2011 storm.

§ C-410. Right of referendum on ordinances.

Attorney Boorman reviewed the recommendations by Ms. Harter. He also stated that Town Councilor Myra Cohen had requested these changes in 2008. Shown above.

§ C-411. Initiative.

Attorney Boorman stated the words "special election" is ok in this section. Commission Nafis suggested further discussion about deleting the last sentence.

The 2008 changes were: The ordinance shall be adopted if a majority of those voting vote in the affirmative and such majority consists of 10% or more of the total number of qualified electors whose names appear upon the last completed Registry List. Such adopted ordinance shall take effect immediately following the referendum. Nothing in this section shall be construed to preclude the right of referendum on a budget pursuant to any other section of this Charter.

§ C-412. Removals and suspensions.

Attorney Boorman said there were no changes in 2008 in section A.

Section B changes are that constitute cause where required in subsection A, therefor, if any.

§ C-413. Investigation.

Attorney Boorman said there were no changes since 2008.

§ C-414. Compensation.

Attorney Boorman said there were no changes since 2008.

§ C-415. Concurrent offices.

Attorney Boorman suggested the commission member reviewing the 2008 proposed changes for future comment.

Neither the Mayor nor any member of the Council or Board of Education shall hold any employment or elective or appointive office in or under the Town government except the office of Justice of the Peace. office, appointive office, or serve on any Board or Commission pursuant to Article VI as a voting member thereof, unless specifically authorized to hold such office or serve under this Charter or unless specifically authorized to do so by resolution of the Council for a Board or Commission created pursuant to Article VI, § 610. This section shall not be construed to prevent the Mayor or members of the Council or Board of Education from representing the Town as members of intertown or regional bodies or agencies or from serving in a position pursuant to the Connecticut General Statutes that contemplates such service.

610. Other commissions, boards, departments, agencies and offices.

Attorney Boorman explained the 2008 revisions gave the Council the ability to create Committees as needed. There shall be such other commissions, boards, departments, agencies, offices and alternate members of boards and commissions as the Council may determinecreate by ordinance. Any professional, technical and clerical assistance as the Council may determine shall be appointed by the Manager in accordance with Article IX of this Charter.

§ C-614.612. Consultant services.

Attorney Boorman explained members of the town council could also serve on other committees,

The Council may retain such technical and professional consultant services as it shall deem necessary to obtain expert opinion and recommendations. This action shall be by ordinance.

VII. ANY OTHER BUSINESS PERTINENT TO THE COMMISSION

Commissioner Nafis announced the \$5000 allowance was approved.

Ms. Jaime Trevethan, Executive Assistant to Town Manager updated the Commission that the Town Manager is currently out of town. A memo had been sent to all department heads to request their input on the Charter. The Town Manager received confirmation from the Director of Human Services of no concerns. The Town Manager would update the Commission on his return next week.

VIII. PUBLIC PARTICIPATION

Myra Cohen, Councilor, 42 Jeffrey Lane

Ms. Cohen explained the changes from 2008 for § C-408. Obligatory referendum and ordinance. The section gave the public the ability to have input on larger dollar amounts when needed.

Clark Castelle, 167 Connecticut Ave.

Mr. Castelle asked for clarification on § C-410.

IX. COMMENTS BY COMMISSIONERS

There were not any comments by any of the Commissioners.

X. ADJOURNMENT

Commissioner Camilli moved to adjourn the Special Meeting at 8:11pm. Motion was seconded. Motion passed 3-0.

Respectfully submitted,

 Nancy Frede

Nancy Frede
Clerk—Charter Revision Commission

MINUTES
SPECIAL MEETING
CHARTER REVISION COMMISSION

APRIL 18, 2012

I CALL TO ORDER

Chairman Nafis called the meeting to order at 6:33 PM in Room L-101 of the Town Hall.

II PLEDGE OF ALLEGIANCE

III ROLL CALL

The following Commissioners were in attendance:

Alan Nafis-Chair

Donna Clark

Vincent Camilli

Paul Vessella

Also Present:

Peter Boorman, Town Attorney

Tanya Lane, Town Clerk

IV PUBLIC PARTICIPATION

None

V MINUTES

(Note: Room L-101 is not set up with microphones or a sound system--making the audio tapes from this meeting inaudible. These minutes are recorded from notes taken during the meeting.)

Chairman Nafis asked for a motion to accept the minutes of the 4/11/12 meeting. Motion was seconded. There being no discussion or corrections, by a voice vote, the minutes were unanimously accepted.

VI MATTERS TO BE CONSIDERED

A. Discussion of proposed language for Charter Revision beginning with § C-501 of the Charter and other sections of the Charter as time allows.

Attorney Boorman was asked to begin by reading § 501.

A short discussion followed and it was agreed that, for now, the Commission would change the current six-month residency requirement for the Town Manager to "twelve months from the first date of work as Manager".

Attorney Boorman continued reading Article V. Discussion ensued regarding the removal of "Public Safety Director" from the Town Manager's description. Attorney Boorman stated that this was a suggestion made by the prior Charter Revision Commission.

RECEIVED & RECORDED IN
TOWN CLERK'S RECORDS

2012 APR 23 A 10:58

PAGE
BY *Tanya Lane*
VOLUME
TOWN CLERK

When Commissioner Clark asked what the Director of Public Safety does, Attorney Boorman replied that the Town Manager is above the Police Chief. The Commission decided to invite the Town Manager and the Police Chief as guests to share their thoughts on this topic.

Commissioner Vessella expressed concern about replacing the Town Manager, and under what authority, if a crisis arose and he was unable to perform his duties. He wondered who would be responsible between the onset of the crisis and the time the Town Council convened to appoint a replacement.

Attorney Boorman and Commissioner Clark pointed out that § 504B addressed the situation.

Under Article V, The Manager, The Commissioners agreed to the following:

- 1) § 502 Powers and Duties—no changes
- 2) § 503 Appointments—change “all employees” to “**full time** employees”
- 3) § 504 Acting Manager—change the masculine gender to read **he/she** instead of “he”.

The Commission continued with Article VI, “Officials and Boards Responsible to the Council”. Attorney Boorman continued to read § 601 and § 602.

Commissioner Clark commented about the length of terms for Town Plan and Zoning Commission and the Zoning Board of Appeals noting that one term is for four years and the other is for five years. No one offered a plausible explanation for this difference.

Attorney Boorman read § 603, Library Directors. At this point Chairman Nafis read a letter from Anna B Eddy, President of the Lucy Robbins Welles Library Board of Trustees (copy attached). Ms. Eddy was requesting on behalf of the Board of Trustees that within the Charter--“Library Board” be renamed to “Library Directors or Library Trustees” stating the titles have been used interchangeably.

Commissioner Vessella asked if there was a difference between a Director and a Trustee. Attorney Boorman replied that in terms of function, there is no difference stating that the Library Board was seeking consistency to conform to their by-laws.

Attorney Boorman advised the Commission that former Town Manager, Paul Fetherston, had asked the prior Charter Revision Commission to revise the last sentence to delete “...and with the concurrence of a majority of the full Board of Directors”.

Under § 604, Commissioner Vessella asked why the Board of Assessment Appeals is the only board or commission to be compensated. Attorney Boorman replied that Connecticut General Statutes makes provision for compensation, further saying that the Commission might want to invite the Assessor, Steve Juda, to comment on this.

Under § 605, Board of Parks and Recreation, there was discussion about the current sentence that reads, “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....”.

The Commission wondered what would happen if the Town Manager and the Board of Parks & Recreation did not agree on a candidate for the position of Superintendent. Following a brief discussion, it was decided that the Town Manager and the Chairman of the Board of Parks and Recreation, along with any board members who desired to accompany him, should be invited to a future meeting to comment on this situation.

Under § 606 the issue of different term lengths was again questioned. Attorney Boorman indicated that the term length for Development Commissions varies from town to town to allow for some consistency on the board and some carry-over of wisdom.

§ 607, Conservation Commission. Commissioner Nafis explained that the Conservation Commission can review any matter that concerns conservation. When he served on the Commission, there were many times that Town Plan and Zoning Commission (TPZ) would refer matters to the Conservation Commission, but because this Commission did not have a permitting process in place, approval to develop conservation areas was given by TPZ. Commissioner Nafis expressed concern about this lack of authority on the part of the Conservation Commission. He shared with the other Commissioners that Phil Block, Conservation Chair, had appeared before the prior Charter Revision Commission. During that visit Mr. Block had expressed his desire to make an appearance before the Conservation Commission mandatory prior to allowing TPZ the authority to grant a conservation approval.

Attorney Boorman clarified by saying that as a result of that discussion, he believed that staff members were doing a better job of communicating amongst themselves and therefore were now able to avoid any potential conservation issues.

It was agreed that Mr. Block should be invited to address this Commission.

§ 608, Commission on Aging and Disabled—Attorney Boorman noted that the Charter did not specify term limits, nor did the Charter make reference to staggered terms. He asked the Town Clerk to check the Newington Code of Ordinances to see if this was covered in that document.

§ 609—Attorney Boorman reminded the Commission that Ann Harter, Director of Finance, had been a guest at the previous meeting and had indicated that all of the Treasurer's functions had been moved to the Department of Finance. Ms. Harter's recommendation was to eliminate Town Treasurer as § 609, and make § 609 the Auditor.

§ 611 presently is assigned to Town Planner. The recommendation was to eliminate this language under Article VI and move the Town Planner function under the jurisdiction of the Town Manager found in Article VII of the Charter.

Under Article VI of the Charter, the Commission agreed to make the following preliminary changes:

- 1) §§ 601 & 602—no changes.
- 2) § 603—change Library Directors to Library Board of Trustees and change references to "directors" to "trustees".
- 3) § 604—change all references of "Board of Tax Appeal" to "Board of Assessment Appeals".
- 4) § 605—include the language: "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".
- 5) § 606—no changes.
- 6) § 607—change Conservation to Commission to Conservation/Inland Wetlands Commission.
- 7) § 608—no change.
- 8) § 609—eliminate the reference and language to Town Treasurer, and re-assign § 609 to Auditor keeping language that is in the current Charter.

- 9) § 610 now becomes "Other commissions, boards, departments, agencies and offices". Where it says, "...Council may **determine** by ordinance"—determine is now **create**.
- 10) § 611 is now "Terms of office and vacancies".
- 11) § 611A—reference to library directors is now Library Trustees; Board of Tax Review is now Board of Assessment Appeal; Conservation Commission is now Conservation/Inland Wetlands Commission; Town Treasurer has been eliminated.

Following "...shall run from the first of December in the year of appointment to the 30th of November in the year of expiration"—add the following sentence: "Such members shall hold offices until their successors have been chosen and qualified"

- 12) § 611B—should now read, "The terms of office of members of such other commissions, boards, departments, agencies, or offices as the Council may create in accordance with this Charter shall also be from the first of December in the year of appointment to the 30th of November in the year of expiration".
- 13) § 611C—"two consecutive terms as chairperson..." will now read, "...eight consecutive years as chairperson".
- 14) § 611D—deleted.
- 15) § 612—is now "Consultant services". The last sentence is deleted: "This action shall be by ordinance".

Under Article VII, the Commission agreed to entitle § 701, "Appointment and Removal by Manager". New language in this section replaces and streamlines what used to appear in §§ 701 - § 708—i.e. these sections made provision for the statement: "...shall be appointed and may be removed by the Manager..."

§ 702—"Highway Department and Engineering Department". These departments have been separated and are now § 704 & § 705.

§ 702 is now the Town Clerk and § 703 is now Town Planner.
§ 706 is now Tree Warden.

The Commission discussed a proposal from the prior Charter Revision Commission which made a proposed § 707 for Superintendent of Parks and Recreation. This department currently does not appear under Article VII in the Charter. It was agreed that this department would not appear within Article VII at this time. However, the Commission requested the Town Clerk to contact the Town Manager and the Chair and any members of the Parks and Recreation Department to offer their comments on the following proposed language:

"There shall be a Superintendent of Parks and Recreation who shall have all the powers and duties that are prescribed by the Council or by the Manager."

The Commission decided to assign § 707 to Department of Building Inspection adding new language making the Building Official the administrative officer of the Zoning Board of Appeals and removing him as the administrative officer of the Town Plan and Zoning Commission.

The Commissioners suggested that the Town Manager may want to solicit comments from Doug Jourdan and Art Hanke regarding this change.

Department of Human Services is now § 708. The Commission agreed to some changes to Department of Senior and Disabled Center Services and the Department of Police.

The Department of Finance was modified to eliminate the Purchasing Agent and make a separate section (§ 712) for this officer under the proposed Charter.

Under Article VII, the Commission agreed to make the following changes:

- 1) **Appointment and Removal by Manager** will be a new section --§ 701 and will read as follows:
All positions enumerated in this article, including, but not limited to, the Town Clerk, the Town Planner, the Superintendent of Highways, the Town Engineer, the Tree Warden, the Building Official, the Director of Human Services, the Director of Senior and Disabled Center Services, the Chief of Police, the Director of Finance, the Revenue Collector, the Assessor, the Purchasing Agent and all other employees that are employed pursuant to Article VII of this Charter shall be appointed and may be removed by the Manager in accordance with the provisions of Article IX of this Charter. Any positions added to Article VII of this Charter subsequent to the adoption of this section shall also be appointed and may be removed by the Manager in accordance with the provisions of Article IX of this Charter, and where applicable, by Connecticut General Statutes. Any positions, departments, agencies and/or offices created by the Council subsequent to the adoption of this section shall also be appointed and may be removed by the Manager in accordance with the provisions of Article IX of this Charter.
- 2) § 702 is now **Town Clerk**. The word **generally** has been added to the language concerning powers and duties conferred or imposed by law on town clerks generally. The following was removed: "...shall receive such compensation as the Council may determine, and..." Language stating that the Council may determine the deputies, clerks and other assistants has been eliminated.
- 3) §703 is **Town Planner** and will read:
"There shall be a Town Planner with professional qualifications for the position. The Town Planner shall be the administrative officer for the Town Plan and Zoning Commission until the Council shall determine otherwise. The Town Planner shall have such powers and duties that are prescribed by the Council or by the Manager." The Town Planner will no longer be appointed by the Council for an indefinite term to serve at the pleasure of the Council. This position will now be under the jurisdiction of the Manager.
- 4) § 704 is now **Highway Department** and will read:
"There shall be a Highway Department consisting of the Superintendent of Highways and such other employees as the Council may determine. The Highway Department shall have such powers and duties as are inherent in a Highway Department relating to the construction, maintenance and repair of Town streets and shall perform such other duties that are prescribed by the Council or by the Manager."
- 5) § 705 is now **Engineering Department** and states, "There shall be an Engineering Department consisting of the Town Engineer and such other employees as the Council may determine. The Engineering Department shall have such powers and duties that are prescribed by the Council or by the Manager."
- 6) § 706 is **Tree Warden** and will now read, "There shall be a Tree Warden who shall have all the powers and duties that are or may be conferred upon tree wardens by the Connecticut General Statutes, by the Council or by the Manager."
- 7) § 707 is now **Department of Building Inspection** and will read, "There shall be a Department of Building Inspection consisting of the Building Official and such other employees as the Council may determine. The Building Official shall be the administrative officer of the Zoning Board of Appeals until the Council shall determine otherwise. The Building Official shall enforce the provisions and perform the duties of the Building Code and Zoning Regulations and shall have such powers and duties that are prescribed by the Council or by the Manager".
- 8) § 708 will be **Department of Human Services**. "Director" has been changed to "Director of Human Services". The Department of Human Services shall administer **and**

coordinate (new language) all forms of public assistance, **social and youth services**, (new language), except those which the Council determines shall be administered by other commissions (commissions replaces "commissions, boards or agencies). The following language has been deleted, "...as the Council may prescribe and as...", and also deleted: "The Director of Human Services and any employees of the Department shall be appointed and may be removed by the Manager in accordance with and subject to the provision of Article IX of this Charter". The last sentence of §708 will now read, "The Director of Human Services shall supervise the Department and shall have such powers and duties as conferred by the Connecticut General Statutes, and shall have such additional powers and duties that are prescribed by the Council or by the Manager".

9) § 709 **Department of Senior and Disabled Center Services** has been amended. The second sentence will read: The Director of Senior and Disabled Center Services shall supervise the Department and shall have such powers and duties as conferred by the Connecticut General Statutes and shall have such additional powers and duties that are prescribed by the Council or by the Manager".

The "Joseph P. Doyle Community Complex and been eliminated and replaced with "a senior and disabled citizens center". The last sentence has been eliminated: "The Director and any employees of the Department shall be appointed and may be removed by the Manager in accordance with and subject to the provision of Article IX of this Charter". Once again, this language was removed to conform to the newly created § 701.

10) § 710 is now **Department of Police**. § 711A—the second sentence has been modified to read: "The Manager shall be the Director of the Department of Police..."

§710C has been modified to eliminate the following sentence: "The Manager shall appoint and may remove the Chief of Police in accordance with and subject to the provisions of Article IX of this Charter and the Connecticut General Statutes.

11) § 711 is now **Department of Finance**. Purchasing Agent has been removed from this section and no longer comes under the jurisdiction of the Department of Finance.

§711A Director of Finance has been modified and will now read: "The Director of Finance shall have direct supervision over the Department of Finance. The Director of Finance shall have such powers and duties as conferred by the Connecticut General Statutes and shall have such additional powers and duties that are prescribed by the Council or by the Manager. The Director of Finance shall also serve as the Town Treasurer as prescribed by the Connecticut General Statutes." This last sentence is new language.

§ 708C is now § 711B **Revenue Collector**. Language has been modified to read: "The Revenue Collector shall have such powers and duties as conferred by the Connecticut General Statutes and shall have such additional powers and duties that are prescribed by the Council or by the Manager". The Commission agreed to remove, "The Revenue Collector shall at all times be an elector of the Town".

§708D Assessor—is now §711C **Assessor**. Language has been modified and will now read: "The Assessor shall have such powers and duties as conferred by the Connecticut General Statutes and shall have such additional powers and duties that are prescribed by the Council or by the Manager".

12) § 712 **Purchasing Agent**. This is a new section, but not a new position. Formerly the Purchasing Agent was under the Department of Finance, now the Agent will be directly under the Manager. The following language from the original § 708B has been eliminated, "...other duties as may be prescribed by the Council or the Manager. The Manager shall be the purchasing agent until the Council shall determine otherwise. When the Council shall determine that someone other than the Manager shall be the

purchasing agent, then that person shall be appointed and may be removed by the Manager in accordance with the provisions of Article IX of this Charter".

Under Article VIII Financial Provisions, the Commission agreed to the following preliminary changes to the Charter:

- 13) §§ 801 – 803 –no changes.
- 14) § 804—add "website posting" following, "...copy in the office of the Town Clerk as a public record and on the website and within 10 days thereafter..."
- 15) §§ 805—807—no changes.
- 16) § 808—at the end of this section, add the following sentence: "Transfers among any capital projects funds may occur at any time and are not subject to the six-month limitation stated above."
- 17) § 809—in the first sentence "obligation" will be replaced with "obligated".
- 18) §§ 810 – 812 are okay for now pending discussions with the Town Manager.
- 19) § 813—no changes.
- 20) § 814A—bid limit was raised from \$10,000 to \$30,000 and add "and website" to the end of the last sentence.
- 21) § 814D added to read, "During a state of emergency, the procurement of a competitive bid may be waived".
- 22) § 815—contract expenditure limit was raised from \$10,000 to \$30,000.
- 23) § 816—in the first sentence, language was altered to read, "...and all payments shall be made by check drawn on a Town bank account signed by the Town Treasurer and countersigned by the Manager". Where it states, "...an agent designated by the Board of Education and countersigned by the Town Treasurer..." **as provided in Article VI, § C609, the Director of Finance has been eliminated and who shall only serve in this role to verify the amount of funds to cover such payment. The Manager and the Treasurer...**" Bolded text has been eliminated; underlined text is added.
- 24) § 818—Treasurer has been removed from the first sentence.
- 25) § 819—no change.
- 26) § 820—Article VI, § C-610 is changed to § 609.

VII ANY OTHER BUSINESS PERTINENT TO THIS COMMISSION

None

VIII WRITTEN COMMUNICATION FROM THE PUBLIC

Reference is made to Agenda item VIA above noting that Chairman Nafis has read into the minutes the letter from Anna B. Eddy, President of the Lucy Robbins Welles Library Board of Trustees.

IX PUBLIC PARTICIPATION

Myra Cohen, Town Councilor, 42 Jeffrey Lane, commented that the Parks and Recreation Commission is very territorial and they want to select the Superintendent. She stated that this is not appropriate.

Ms. Cohen said that the Commission on Aging and Disabled was added to the Charter to separate it from Human Services.

Regarding § 803, Ms. Cohen thought that the Council needed more time between the Town Manager's budget and the Council budget. She did not feel there was sufficient time to review the information before voting on it.

Ms. Cohen stated that the Conservation Commission could be combined with the Inland Wetlands Commission. Jurisdiction does not solely encompass only wetlands—it also involves conservation.

Rose Lyons, 46 Elton Drive, asked if the Town Planner must be a resident. She asked about a quorum for boards and commission. She wondered if a member of any board or commission could be replaced for his/her failure to sufficiently attend/participate on the board or commission they volunteered to serve.

Ms. Lyons would like to see a newspaper article prior to a Public Hearing so residents could better understand the content and issues. Ms. Lyons asked about the impending Blight Ordinance and wondered who would enforce the ordinance and did this come under the purview of the Charter.

X COMMENTS BY COMMISSIONERS

None

XI ADJOURNMENT

On motion made, seconded and by a voice vote, it was unanimously voted to adjourn this meeting at 8:58 PM.

Respectfully submitted,


Tanya D. Lane

April 13, 2012

Lucy Robbins Welles Library
Library Board of Trustees
95 Cedar Street
Newington, CT 06111

Alan Nafis, Chairman
Newington Charter Revision Commission
49 Whitewood Road
Newington, CT 06111

Dear Alan and members of Town Charter Revision Commission:

The Lucy Robbins Welles Library Board of Trustees is requesting that the Newington Charter Revision Commission review the manner in which the Library Board is named within the Town Charter- "Directors and/or "Trustees" (the titles have been used interchangeably).

In the Newington Town Charter, Section 603 - Library DIRECTORS - it states:

The six (6) members of the board of DIRECTORS of Lucy Robbins Welles Library, Incorporated, selected by the town shall have the power and duties prescribed for library DIRECTORS by the Connecticut General Statutes or by the council, as per agreement of August 16, 1939 between Lucy Robbins Welles Library, Inc and the Town of Newington. Members shall be appointed by the council for terms six (6) years.

Also, on page 1326, under the heading of "Library", DIRECTORS is listed for Section 603.

We respectfully request that any mention of "Directors" as pertaining to the Library Board, reflect the members' status as "TRUSTEES". We appreciate your consideration and sincerely hope that the "TRUSTEE" status is acknowledged (wherever mentioned) in our Town Charter to conform with the Library's incorporation and By-Law documents.

Thank you for your time and effort as you "update" our Town Charter.

Sincerely,

Anna B. Eddy
Anna B. Eddy
President

MINUTES

CHARTER REVISION COMMISSION

APRIL 25, 2012

I. CALL TO ORDER

The meeting was called to order at 6:35 p.m. in Room L100 of the Newington Town Hall.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Commissioners Present

Vincent Camilli

Paul Vassella

Mike Lenares

Alan Nafis

Also Present

Tanya Lane - Town Clerk

SPEAKER? (Peter Boorman, Town Attorney)

*(*These minutes are a brief overview of the meeting held on April 25, 2012. Please refer to tape for full transcript.)*

IV. PUBLIC PARTICIPATION

Myra Cohen, 42 Jeffrey Lane, Councilor, speaking for self, maybe I don't speak clearly in explaining but the Item 9, [inaudible], my comments on the Commissioner on Aging. The Commissioner on Aging and the Department of Senior and Disabled Services were previously created by ordinance. The purpose of putting them in the Charter, not the last Charter but the previous Charter revision, was to preserve what was viewed as very high blind victory so that is why it is very brief in the Charter, everything is in the ordinance. The Charter was simply to give them a spot in the Charter so that they would be Charter protected.

The discussion of Section C-410 of the Charter, the third line "except an emergency ordinance, on a special appropriation" - or a special appropriation. In other words this gives the right of the public to participate on ordinances but nothing to do with money and this reference "or a special appropriation" is refers to \$75,000 that is a special appropriation that is done by ordinance so that does not allow public participation. This would be for something like suppose we pass the Blight Ordinance and somebody says I don't like the Blight Ordinance I want to put a whatever in my front yard and we don't like so this is a petition by the public against an ordinance the Town has passed. Therefore the last part of that "the ordinance will not become effective until the same has bee approved." This is not to approve an ordinance by the public, this is to oppose an ordinance. An ordinance that is passed by the Council does not require public opinion. This petition is to oppose the ordinance that was passed. [inaudible]

SPEAKER asks if anyone else from the public wishes to speak. NONE.

V MINUTES

A 4/18/12 MEETING

Move to Accept, second. A short discussion followed regarding the Commission on Aging and the Department of Human Services. They are already separate they are to stay separate.

Motion to accept. Second. Unanimous vote.

Minutes accepted to be changed.

VI MATTERS TO BE CONSIDERED

A Discussion of proposed language in Charter Revision regarding the Board of Parks and Recreation.

We have Mr. Donald Woods who is the Chair of the Board of Parks and Rec. Please step forward. We are talking here about § 605. Thank you for coming.

Donald Woods, 82 Ivy Lane, I am here representing the Parks and Rec. Board as Chairman.

SPEAKER: § 605 about the Board of Parks and Rec. and the language that was in there that we did two years ago and want to take out states that "The manager shall appoint, in concurrence with the Board, a Superintendent of Parks and Recreation and such other full time employees as the Council may determine in accordance with Article IV of this Charter." Now it is coming out and the Commissioners here discussed that and wanted to hear opinions of the Board itself and/or the Superintendent if he had anything to add.

Don Woods: The consensus of the Board is that it should be taken away. However, the Parks & Rec Board would like to be part of the interviewing process for a Superintendent.

B. Discussion of Articles IX and X.

Article IX - Personnel

§ 901 - No changes

§ 902 - No changes

§ 903 - No changes

§ 904 - **Prohibitions.** The last sentence to be removed due to contradiction of CT law.

§ 905 - Sentence removed last time. Still to be removed.

§ 906 - No changes.

Article X

§ 1001 - No changes

§ 1002 - No change

§ 1003 - **Existing Office Holders.** The entire section is brand new with language consistent throughout the Charter. This section was entered as a practical matter to ensure that Boards and Commissions continue to operate.

Note: The recording of the meeting ends at this point.

Respectfully Submitted,

Susan Gibbon 

Susan Gibbon
Clerk – Charter Revision Commission

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2012 MAY - 3 A 8: 52

VOLUME
BY *Tanya Lane* PAGE
TOWN CLERK

MINUTES

CHARTER REVISION COMMISSION

MAY 9, 2012

I. CALL TO ORDER

Chairman Nafis called this meeting to order at 6:31 PM in Room L-100 of the Newington Town Hall.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Commissioners Present

Alan Nafis - Chair

Donna Clark

Mike Lenares

Paul Vessella

Also Present

John Salomone, Town Manager

Stephen Woods, Mayor

Peter Boorman, Town Attorney

Jaime Trevethan, Executive Assistant to Town Manager

Susan Gibbon, Commission Clerk

*(*These minutes are a brief overview of the meeting held on May 9, 2012. Please refer to tapes for full transcript.)*

IV PUBLIC PARTICIPATION

None

V MINUTES

A 4/25/12 MEETING

Move to Accept by Commissioner Vesella , second by Commissioner Lenares .
Unanimous vote.

VI MATTERS TO BE CONSIDERED

A Discussion of proposed language in Charter Revision re: Various Sections.
1. John Salomone, Town Manager

John Salomone - Thank you Mr. Chairman, I am appreciative to come here tonight to give my opinions and recommendations to the Commission. As you know the Charter has not been successfully revised in 20 years and there are a lot of items that we think

RECEIVED & RECORDED IN
NEWINGTON TOWN RECORDS

2012 MAY 15 A 9:38

VOLUME
BY Tommy Lane
PAGE

TOWN CLERK

the Charter Revision can look to reconsider language and make things more clear. The Charter basically is a very sound document, and a lot of thought went into it and much of it I wouldn't change. However, it doesn't mean that it shouldn't be updated or modernized, so I have a couple of things. It may be repetitive, just let me know. I am going to start in order, and give you my reasons for change. If you have questions please let me know.

§ 403 - Organization re: Deputy Mayor. I don't suggest language change. When Mayor Wright resigned and Mike Lenares became acting Mayor, this language was vague with regard to what the actual transition is. It says that the Deputy Mayor is acting Mayor or the Mayor in the absence of the Mayor. I don't think the intent was to make this a permanent situation, however, I think the language should be more specific. When a resignation of the Mayor is received, the Deputy Mayor becomes the Mayor.

A discussion was held and it was agreed that the Commission would consider this matter further.

§ 404 B. I don't think this is necessary. We have two meetings per month. If we have a special meeting, we call it a special meeting. We take action on issues as they are introduced under the Council's rules and regulations. I am not sure why it is in the Charter. I mentioned this because we don't use it.

A discussion was held and it was agreed that the Commission would consider this matter further.

§ 407. Concur with recommendation by Ann Harter, Director of Finance.

§ 408. Concur with recommendation by Ann Harter, Director of Finance. Maybe have language about indexing every 10 years.

A discussion was held and it was agreed that the Commission would consider this matter further.

§ 410. In my opinion I believe that that should be a minimum voter turnout. I think that there should be a threshold that you have a minimum amount of voters participate. The reason is that you don't want a small group of people passing legislation. I think it was 10% before and I think it should stay. It is a policy issue and the Commission and the Council need to discuss this. Not a large threshold and it should not be any less. (10% is approximately 1,700 voters.)

A discussion was held and it was agreed that the Commission would consider this matter further.

§ 501. Should stay at 6 months, but give flexibility and discretion for another 6 months if necessary by Council. I firmly believe in residency for the Town Manager.

A brief discussion was held and it was agreed that the Commission would consider this matter further.

§ 503. The words "full time" should be removed. This was agreed by all.

§ 605. The last sentence of this section "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" should be removed in its entirety. This was agreed by all.

Chairman Nafis - Don Woods with the Park & Rec. Board agrees that they don't need the concurrence but they would like to be part of the interviewing process of the Superintendent.

Attorney Boorman suggested that the Town Manager issue a statement to the Parks & Rec. Board that he will work with them on the position of Superintendent.

§ 609. Concur with recommendation by Ann Harter, Director of Finance.

§ 611. [Town Planner]. Need consistency *[discussion inaudible]*

§§ 701-708. A lot of these departments need to be updated. Many exist with different titles now.

A brief discussion was held and it was agreed that the Commission would consider this matter further.

§ 803. Comfortable with the time frame we have now.

Attorney Boorman stated that some Council members complained that there is not enough time.

Commissioner Lenares made the suggestion that the process start earlier.

Mr. Salomone responded by saying he doesn't think more time is needed and from a fiscal standpoint there is no reason.

Mayor Woods made the suggestion that the budget process be started informally.

More discussion was held and it was agreed that the Commission [and Council] would consider this matter further.

§ 808. Recommend stay with six months for general funded appropriations, but with capital projects have more flexibility. Use language proposed by Ann Harter.

§ 812. Not necessary.

A brief discussion was held and it was agreed that the Commission would consider this matter with further input from Ann Harter.

Chairman Nafis had a question regarding § 811. John Salomone explained that this allows you to borrow money without a referendum. Like an "advance" on next years budget. Reference between § 408 and § 811 for checks and balance.

§ 814. Suggest expenditure purchase be increased to \$30,000. Council has had discussion on the waiving of bids, advertising, email bids though secure mailbox. Not

necessary for Charter, but this Charter represents 1970's technology and would like to work on language.

Sealed Bids: Is an envelope with a sealed bid. But there is a program available where bids can be submitted electronically. This would encourage more bidding, lower costs, open bid with Skype, have electronic bid opened. Create language that opens up the bidding process for the ability to take advantage of new technologies.

§ 815. Posting of public notice to be posted in newspapers (very expensive), and on the Town bulletin board (outside Town Clerk's office) very archaic. Need to add language "and website". Question need for posting in newspaper.

Mr. Salomone would like to add a section concerning the waiving of bids in emergency situations. Must be very specific and in accordance with State Law.

Attorney Boorman stated that state statutes now require posting in newspapers. State is reviewing this.

§ 815 - New Subsection for disallowance of bidders. This would be for prequalification. Declare certain firms non-responsive. No policy in place. Need to have better prequalification

A discussion was held and it was agreed that the Commission would consider this matter further.

§ 818. Not necessary to have official bonds. You can eliminate or amend to include insurance policy in lieu of bonds. Right now we are paying for bonds (which are expensive) and not necessary. The taxpayer is protected through the insurance. You can eliminate 818.

Mr. Salomone. That is it for my comments, my specifics.

Chairman Nafis. I have a question [for John Salomone] regarding § 905. Should we take out "elect to participate in the Connecticut Municipal Employees Retirement Fund?"

Mr. Salomone suggests the language stay in, although we don't use the fund.

§ 711 - Civilian control over police department.

Attorney Boorman would like to discuss "Public Safety Director"; cannot find in Charter, will come back to it.

Mr. Salomone leaves the meeting.

Chairman Nafis. Heard from the Fire Chief and he has nothing to add.

Jaime Trevethan. The Conversation Commission chair is reviewing the Charter and will be getting back with comments.

VI MATTERS TO BE CONSIDERED

Chairman Nafis. Good shape, take our time. Formalize agreements on changes.

Discussion follows (inaudible)

Commissioner Vassella suggested that we have a clean copy of Charter to work from.

Commissioner Clark asked to review a couple sections regarding language changes.

Attorney Boorman suggests there not be a meeting on May 16 and have the next meeting on May 23 so that Tanya Lane can complete all changes to the Charter and get an updated copy of the Charter to the Commission.

Commissioner Clark would like to review §§ 204 and 403.

Attorney Boorman reads, in their entirety, §§ 204 and 403. § 403 deals with absences and § 204 deals with vacancies.

A discussion was held and it was agreed that §§ 204 and 403 remain as is.

Chairman Nafis would like to review § 404B.

A discussion was held and it was agreed that § 404B remain as is.

Commissioner Clark would like to review § 410 and language proposed by Mr. Salomone regarding a 10% threshold.

Attorney Boorman interpreted Mr. Salomone's suggestion that "unless 10% participate" regardless of outcome. It is commonplace to have a threshold in place. Carries on to § 411.

Chairman Nafis has concerns about 10% threshold and what happens if 10% don't participate.

A discussion was held and it was agreed that the Commission would consider this matter further.

Commissioner Clark would like to review § 818 and Mr. Salomone's suggestion to remove.

Chairman Nafis - our Charter requires bonds for officials working for the Town [inaudible].

Attorney Boorman - a Bond is an insurance product and is commonplace.

Change language to "Bond or adequate insurance as approved by the Council."

Commissioner Clark would like to review § 501. Agree with language proposed by Mr. Salomone.

Chairman Nafis. § 505. No comments, no change.

Chairman Nafis. Skipping next week, meeting in 2 weeks. As of this point we have nobody scheduled, although we might hear from [inaudible]

Attorney Boorman. At the rate we are going, after that meeting, there's a good possibility [inaudible]

VII ANOTHER OTHER BUSINESS PERTINENT TO THIS COMMISSION

None

VIII WRITTEN COMMUNICATION FROM THE PUBLIC

Jaime Trevethan received an email from Chris Schroeder, Fire Marshall with no comments.

IX PUBLIC PARTICIPATION

Myra Cohen, 42 Jeffrey Lane, Town Councilor, speaking for self, regarding §§ 410 and 411. One, an ordinance does not require a referendum. An ordinance has public participation but the Council votes. § 410 is a challenge to that ordinance, that's all it is. As it is in the Charter right now is the way it should stay. § 411 the only change - "Such the adopted ordinance shall take effect immediately following the referendum". An ordinance that passes takes 15 days to become effective, that gives the public 15 days to petition or challenge the ordinance. § 411 is an initiative of the public, so when that passes the referendum that the public requested, it doesn't need 15 days to allow the public to challenge because the public just voted saying that's what we want. No wait necessary.

§ 707. [inaudible]

As far as the budget. It would be nice if the Council was given more time to review the budget. Not sure what can be done, but any additional time would be helpful.

Clarke Castelle, Town Council, § 410 and 411. I do want to argue very strongly for a 10% threshold. [inaudible]. Time frame for budget. The later you make your budget, the longer time you have to make more fiscally accurate decisions. Also, I wanted to comment on the discussion about the procurement process. It will be nice to have clear guidance.

Rose Lyons, 46 Elton Drive. This is for the Charter Revision Commission itself. As a member of the public who had attended most of the meetings the last time the Charter was reviewed, I find it to be very offensive to the public and I know that it's probably state statute that you have a public hearing and then you have to come up with your draft for the Town Clerk's office, but several people came out and spoke and the Commission never even left the room. They had their minds made up, they didn't take into any consideration, in my opinion, what the public had to say and they just went forward and pushed it through to the Town Clerk's office. Following the meeting of the Town Council, one of the members of the Commission came up and spoke and said he had some second thoughts about the Education Circuit Breaker and the wording and he was forced away, and was told to "forget it, we want to go on with this and put it to bed."

I hope that this Commission does not do the same thing. Many people came out and spoke, Myra [Cohen], had several recommendations and they were just ignored. I just hope that that doesn't happen again. As an aside, the Town Manager stopped into the TPC meeting with all new equipment in that room, asked how everything was and they said fine but the recorders stink. So let's try and get some new recorders for everybody. Thank you.

Michael Rosenkrantz, 38 Sunnybrook Drive. Concerned about the 10% threshold. What if there is a low turnout due to weather. What if someone intentionally tries to suppress voter turnout.

Mr. Nafis asked if any other comments from the public. None.

XI ADJOURNMENT

Commissioner Lenares moved to adjourn the meeting at 8:53 p.m., motion seconded by seconded Commissioner Clark; it was unanimously voted to adjourn.

Respectfully Submitted,

Susan Gibbon

Mrs. Susan Gibbon
Clerk – Charter Revision Commission

MINUTES
CHARTER REVISION COMMISSION

MAY 23, 2012

I. CALL TO ORDER

Chairman Nafis called this meeting to order at 6:35 p.m. in Room L-100 of the Newington Town Hall.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Commissioners Present

Alan Nafis - Chair

Donna Clark

Paul Vessella

Vincent Camilli

Also Present

Peter Boorman, Town Attorney

Tanya Lane, Town Clerk

Susan Gibbon, Commission Clerk

*(*These minutes are a brief overview of the meeting held on May 23, 2012. Please refer to tapes for full transcript.)*

IV PUBLIC PARTICIPATION

Myra Cohen, 42 Jeffrey Lane, Town Councilor, speaking for self, regarding § 410, you need to go back to original language in current charter "such majority consisting of at least 10% ..." Wondering where it talks about if the vote is negative. This is a challenge to an ordinance and I was wondering if we should be more specific, negative meaning that if they vote in opposition to the ordinance is what the referendum was about. Need clarification, could be taken the wrong way. § 411 the sentence [in red] "Such adopted ordinance shall take effect immediately following the referendum" should remain in.

Philip Block, 58 Fleetwood Road, Chairman, Newington Conservation/Wetlands Commission. Thank you, I appreciate the last minute call. Our prior Town Engineer and wetlands agent, Tony Farrero brought to your attention the fact that the Charter does not contain any reference to the Inland Wetlands Commission and that the Commission has been serving under the authorization of an ordinance. It was pointed out at a meeting long ago that this was not appropriate and that there should be some reference in the Charter itself as to the Inland Wetlands Commission and Watercourses Commission. He had sent a memo based upon the old Charter and Ordinance number which I have revised and forwarded as a memo to Ms. Lane which she received today which addresses the issue by adding a sentence to the Charter § C-607 to the effect that "the Conservation Commission shall serve as the Inland Wetlands and Watercourse Commission in accordance with the authority of CT General Statutes Chapter 444, as

RECEIVED & RECORDED IN
NEWINGTON TOWN RECORDS

2012 MAY 25 P 2:21

PAGE
VOLUME
BY Tanya Lane
TOWN CLERK

amended." I think [Attorney Boorman will agree] that the language should suffice to give appropriate authority to our actions.

Commission Nafis: Is there an intended name change? Right now we are calling it Conservation/Inland Wetlands Commission.

Mr. Block - I see no harm in that, the only question that might arise is the differentiation in the authority of the two. The Conservation Commission is only able to make recommendations and be advisory, whereas the Inland Wetlands Commission has specific obligations and authority. As long as the contents of the Charter reflects both those positions I don't think there will be any challenge to that title.

I would like to raise one other brief point, and that is "the Commission shall advise and make recommendation to the Manager, the Council and other boards and commission of the Town..." Here I am speaking more a historic issue rather than anything which is currently causing a problem. The question is some of the activities of other Town departments may have on occasion in the past not taken heed of the duel nature of our concerns. I question as to whether or not - does it need to go "through the Manager" as specified or should it also include other departments of the Town so there is a direct relationship between the two. Certainly when the Town is acting under the authority of the Wetlands statute the Town has been coming before us, but there are other instances which the recommendation via the Conversation Commission might be significant and we would like to have that higher degree of integration with other departments of the Town.

A discussion was held and it was agreed that the Commission would consider this matter further

Mr. Block. Other than that, I haven't had the opportunity to review the Charter any further, but I really don't know of any issues that have been raised. If there are any, I am more than happy to respond.

Commissioner Camilli. What language would you recommend adding to [the Charter] to "the Manager"

Further discussion was held and it was again agreed that the Commission would consider this matter further.

Peter Arbor. I am not sure if this is the correct place to go. Does the Charter handle the budget hearing process for the Town Council. I would like to bring two points to the table. One is that there is a fixed schedule as to when meetings are held and this year the Council's public hearing was held on Holy Thursday which meant I had to make a choice of going to services or attending the Council meeting. I chose to go to services. I would think you might consider putting it in the Charter, so that there is a conflict with a religious holiday, such as Holy Thursday, the meeting date could be scheduled for another day so that persons like myself don't have to make a decision [about going to meeting or church service.] The second item has to do with the Town Council. Briefly, the process is the Manager gives his budget and then there is a time for public comment. The public gets up, makes comments, asks questions and there is no comment back. Sometimes there are legitimate question are asked and not answered. On the surface there is public participation but if a person has a legitimate question, I

think there should be an answer to it and not just "we hear you" and that's it. I think the Council should answer the citizen if there is a legitimate question and not remain silent.

Commission Camilli. You think that the answer should be on the same night? Give and take or is this something they should respond to in the future.

Mr. Arbor. No. I don't believe it should be give and take if it's a proper answer. I raised a question about Consulting Services that were in the Parks and Grounds. The department head put in \$40,000 and the council raised it to \$340,000 and I posed the question "What is it for?" I think questions that require clarification or answers should be considered.

Further discussion was held and it was again agreed that the Commission would consider this matter further.

Rose Lyons, 46 Elton Drive. I agree with Mr. Block and Mr. Arbor. As far as they Inland Wetlands, having attended a lot of meetings of different commissions and boards in this Town. There are too many inconsistencies has to how they run and I am sure it is by whatever rules that they have all set up. My biggest problem once again too, and I know that you are not going to address this, is the dialogue, or lack of dialogue, with the Town Council and I think that there is a lack of communication between the boards and the commissions. I don't know how fit that into the Charter, but the Inland Wetlands is to make recommendations and so forth and all I can say is that I agree with Mr. Block. You can make recommendations but you never hear anything and don't get feedback. I don't know how you can enforce that or make the change, but I just had to say I agree with what the two of them had to say.

Attorney Boorman: What I am hearing from all you is that public participation is in a manner that you think is not conducive to public participation to raise an issue.

Ms. Lyons. Correct. Mr. Arbor got up during one of the budget hearings, asked a question, wanted an answer in order to further speak to the issue that he had. But there is no dialogue so why participate, why have public participation. You are handed something 15-20 minutes before the public hearing, you may have a question, you are not going to get an answer and they are going to make their decision no matter what you say. They pick and choose what they want to answer. It doesn't lend to people coming out and asking questions because you are not going to get an answer anyway. When you ask the Board of Education a question, they don't give you an answer but 3 days later you get a letter in the mail answering the question that you presented. The Town Manager, to my knowledge, has been asked on numerous occasions to answer questions presented by the public and it doesn't get done. Not that you can do anything, but I have to agree with what they are saying. I would like to see more communication, not only between the public and the people we elect but also the volunteers that sit night after night and try to come up with some legitimate recommendations. Give an acknowledgement. Thank you.

Clarke Castelle, 167 Connecticut Avenue, Town Councilor. Listening to Mr. Arbor and Ms. Lyons. I have been on both sides. I feel the same frustration. The rules under which the Town Council operates would be the place to address this. I am head of the rules committee and we are working on revising the rules right now. It is something I would speak to Mayor Woods about to see if under some circumstances it might not be

appropriate to have more dialogue. It has taken place accidentally. Sometimes you can't answer, sometimes it might be that there are too many people expressing too many points of view. But under some circumstances, it might be possible. When I looked at the rules, there is no rule that we cannot respond. Under prior administrations they have been saying "as you know, we cannot answer." That's not true. The rules are completely silent on that and I think it is something we might be able to partially remedy under certain circumstances.

V MINUTES

A 5/9/12 MEETING

Tabled until they can be reviewed.

VI MATTERS TO BE CONSIDERED

A Discussion, as time allows, proposed language for Charter Revision

Chairman Nafis. At this point we should go through and finalize some things. I know that there was some hope that we might finish this tonight. It would be nice if we can do that. Let's go through the Charter and see what we can get consensus on. We will review the Charter from beginning to end and iron out questions as we go.

The copy of the Charter we will be reviewing has the changes we have discussed in the past couple of months.

§§ 101-103. No changes.

§ 201. All concur that "election" be changed to "elections"

§ 202 A. All concur that the "elected" be changed to "chosen."

§ 202 B. All concur that "which" be changed to "who". Language ["The Board is specifically authorized to delegate authority to the Fire Chief(s)"] is from the last Charter Revision. All concur that it should remain.

§ 202 B(a). All concur that the language "for personnel matter from within the Fire Department". This function shall not be delegated" remain.

§ 203. No changes.

§ 204. Recommending one change. Remove the word "elected" and replace with the word "chosen". All concur.

§ 205. Removed language that is no longer in accordance with the CT General Statutes. Concur that new language remain.

§ 205. No changes.

§ 207. No changes.

§ 301. All concur that "elected" be replaced with the word "chosen"

§ 302. No changes

§ 303. Added the language "and both shall serve at the pleasure of the Mayor." All concur with change.

§§ 303 A-1 and A-2. All concur with changed language.

§ 401. No changes

§ 402. No changes

§ 403. No changes

§ 404-A. No changes

§ 404-B. Added language "except to adjourn or to go into executive session". This language is required by FOI.

§ 405. Add language "website, and". All concur.

§ 406. All concur that the words "voted upon" replace passed; add the words "and website" and replace "passing" with "voting upon."

§ 407. Removed the last sentence "Tax anticipation notes ..." All concur.

§ 408. Used amounts recommended by Ann Harter; remove "special election" and replace with "referendum." Discussion held, all concur with updated language.

§ 409. No changes.

§ 410. Put back deleted language. Change "shall vote in the negative" with "shall vote in opposition to the ordinance."

§ 411. Language "Such adopted ordinance shall take effect immediately following the referendum" should remain in Charter.

§ 412-A. No changes.

§ 412-B. Replace "serve" with "serving"; add "that constitute cause where required in subsection A."

§ 413. No changes.

§ 414. All concur with added language "with the approval of the Council."

§ 415. All concur with changes. Reference to Article VI, § 612 [Consultant Services], should this be changed to Article VI, § 610 [Other commissions, boards, departments, agencies and offices]?

§ 501. Add language "with the possibility of an extension of 6 months at the discretion of the Town Council"

§ 502-A. No changes.

§ 502-B. No changes

§ 503. Deleted the words "full time". All concur with change.

§ 504-A. No changes.

§ 504-B. No changes.

§ 505. No changes.

§ 601. Reference to Article in Charter updated.

§ 602. Reference to Article in Charter updated.

§ 603. Replaced the words "directors" with "Trustees" as recommended by the Library Board. All concur with change.

§ 604. Replaced the words "Tax Review" with the words "Assessment Appeals." All concur with change.

§ 605. Removed the last sentence "The Manager shall appoint..." in its entirety. All concur with changes.

§ 606. Reference to Article in Charter updated.

§ 607. Added "Inland Wetlands" where appropriate. Attorney Boorman to review language proposed by Mr. Block. All concur with change.

§ 608. Reference to Article in Charter updated.

§ 609. "Town Treasurer" changed to "Auditor." Removed entire language "There shall be a Town Treasurer..." ["Auditor" was previously § 610]. No changes to language. All concur with changes.

§ 610. Replaced the word "determine" with the word "create." All concur with change.

§ 611-A. Add the words "Library Trustees"; changed "Board of Tax Review" to "Board of Assessment Appeals"; changed "Conservation Commission" to "Conservation/Inland Wetlands Commission." All concur with changes.

§ 611-B. Deleted "determine according to § C-612"; added "create in accordance with this Charter." All concur with changes

§ 611-C. Replaced the word "two" with "eight" and replaced the word "terms" with "years." All concur with changes.

§ 612. No changes.

§ 701. New Section. All concur with changes

[Section 702 was previously High Department and Engineering Department, these have been split and are now new §§ 704 and 705.]

§ 702. Add the word "generally"; replace "as" with "that" All concur with changes

§ 703. Town Planner. All concur with change..

§ 704. New section - Highway Department. All concur with change.

§ 705. New section - Engineering Department. All concur with change.

§ 706. New section - Tree Warden. All concur with change.

§ 707. [There is a typo § C-70-7, removed hyphen between 0 and 7] Last line to read "shall have such powers and duties that are prescribed by the Council or by the Manager." All concur with change.

§ 708. Section now to read as follows [new language in red]: There shall be a Department of Human Services consisting of the Director of Human Services and such other employees as the Council may determine. The Department of Human Services shall administer and coordinate all forms of public assistance, social and youth services, except those which the Council determines shall be administered by other commissions. The Director of Human Services shall supervise the Department and shall have such powers and duties as conferred by the Connecticut General Statutes and shall have such additional powers and duties that are prescribed by the Council or by the Manager. All concur with change.

§ 709. Section now to read as follows [new language in red]: There shall be a Department of Senior and Disabled Center Services consisting of the Director of Senior and Disabled Center Services and such other employees as the Council may determine. The Director of Senior and Disabled Center Services shall supervise the Department and shall have such powers and duties as conferred by the Connecticut General Statutes and shall have such additional powers and duties that are prescribed by the Council or by the Manager. The Director of Senior and Disabled Center Services shall be responsible for the overall administration of a senior and disabled citizens center and the programs, services and staff provided at or by the Department of Senior and Disabled Center Services. The Director of Senior and Disabled Center Services shall be the Town's municipal agent for elderly persons. All concur with change.

§ 710-A. Removed "director", added "Director of the Department of Police" All concur with change.

§ 710-B. No changes

§ 710-C. No changes

§ 711. No changes.

§ 711-A. Section now to read as follows [new language in red]: The Director of Finance shall have direct supervision over the Department of Finance. The Director of Finance shall have such powers and duties as conferred by the Connecticut General Statutes and shall have such additional powers and duties that are prescribed by the Council or by the Manager. The Director of Finance shall also serve as the Town Treasurer as prescribed by the Connecticut General Statutes. All concur with changes.

§ 711-B. Section now to read as follows [new language in red]: The Revenue Collector shall have such powers and duties as conferred by the Connecticut General Statutes and shall have such additional powers and duties that are prescribed by the Council or the Manager. All concur with changes

§ 711-C. Section now to read as follows [new language in red]: The Assessor shall have such powers and duties as conferred by the Connecticut General Statutes and such additional powers and duties that are prescribed by the Council or the Manager. All concur with changes

§ 801. No changes.

§ 802. No changes.

§ 803. No changes.

§ 804. Add "and a copy on the website"

§ 805-A. Change "within 10 days" to "within 20 days". All concur with changes.

§ 805-B. No changes.

§ 806. No changes.

§ 807. No changes

§ 808. Add last line: "Transfers among any capital projects funds may occur at any time and are not subject to the six-month limitation stated above." All concur with changes.

§ 809. Replace "obligation" with "obligated. All concur with changes.

§ 810. No changes.

§ 811. No changes.

§ 812. Remove in its' entirety [per Anne Harter and John Salomone] All concur with change.

§ 813. No changes.

§ 814-A. Change "expenditure of \$10,000" to "expenditure of \$30,000." All concur with changes.

§ 814-B. No changes.

§ 814-C. No changes.

§ 814-D. New section. "During a state of emergency, the procurement of a competitive bid may be waived." Approved with additional changes discussed during meeting.

§ 815. [Typo is sixth line of this section : days' - remove ']. Change "expenditures of \$10,000" to "expenditures of \$30,000" All concur with changes.

§ 816. Remove "Director of Finance" and replace with "Town Treasurer" or "Manager" throughout. Add "who shall only serve in this role to verify the amount of funds to cover such payments." All concur with changes.

§ 817. No changes.

§ 818. No changes.

§ 819. No changes.

§ 820. Reference to Article and Section of Charter updated.

§ 901. No changes.

§ 902. No changes.

§ 903. No changes.

§ 904. Removed last line "Any employee in the classified service..." All concur with changes.

§ 905. No changes.

§ 906. No changes.

§ 1001. Add "it" and "60 days thereafter" to sentence. All concur with change.

§ 1002. No changes.

§ 1003. New section. Existing office holders. The Mayor, Manager, members of the Council, as well as all members of Boards and Commissions, and any other public official holding office as of the date of the adoption of this Charter, shall continue to hold such office until the expiration of their previously authorized term, and until their successors have been chosen and qualified, except insofar as the holding of such office is inconsistent with the provisions of this Charter.

§ 1004. No changes.

§ 1005. No changes.

§ 1006. Add "the Constitution of the United States, the Constitution of the State of Connecticut or the" All concur with changes.

Commissioner Nafis. Anything anyone would like to discuss with Articles 1 though 10? [No] Let's move on. Next meeting we will wrap this up and set date for public hearing. Let's keep that in mind.

VII ANOTHER OTHER BUSINESS PERTINENT TO THIS COMMISSION

None

VIII WRITTEN COMMUNICATION FROM THE PUBLIC

Tanya Lane received an email from Philip Block, Chairman, Newington Conservation Commission with suggested language changes to the Charter. A copy of that communication is attached hereto.

IX PUBLIC PARTICIPATION

Myra Cohen, 42 Jeffrey Lane, Town Councilor, speaking for self. Council is very receptive to concerns about meeting dates. If there is a conflict, contact council. Calendar can be moved around.

§ 415. It a was my understanding that this was meant to refer to an elected official or member of the council could serve on another board as a member representing that council but not as a member of the public. This has never been stated or discussed but it seems to be that this is something that has been followed for years and years until recently. Members of the Board of Education also have been appointed to public member positions of other boards. I don't know if this is something that should be addressed or not by the Charter or the Town Council, but someone should tell the Board [of Education] that you can't be an elected official and take a public spot.

Conservation Commission. The Conservation Commission was established somewhere way back by ordinance. Somewhere in the State Statutes we acquired a Wetlands Commission so it was put in the Charter as the Conservation Commission. It referred to Wetlands but never defined Conservation Commission.

As far as the budget. Any additional time given to the Council to review the budget is appreciated, whether it is before or after the 2nd public hearing.

I would also like to say thank you to this Commission, you did a phenomenal job on this. I never believed that you could get this time in the time given.

Rose Lyons, 46 Elton Drive. I just have one question where it says DELETED: Amended effective 1-1-1992. Will that be deleted throughout the Charter? Is the Manager's proposed budget published in the paper? I don't get the paper, can you add, on the website?

Clarke Castelle, Town Council, § 410 and 411. Thank you for your hard work. It has been fascinating listening to you discuss these issues.

Nafis asked if any other comments from the public. None.

[Tapes end here]

Chairman Nafis thanked the Commissioners for their hard work. He also thanked the members of the public, Tanya Lane and Susan Gibbon as well.

XI ADJOURNMENT

Commissioner Vessella moved to adjourn the meeting at 8:53 p.m., motion seconded by seconded Commissioner Camilli; it was unanimously voted to adjourn.

Respectfully Submitted,

Susan Gibbon *mc*

Mrs. Susan Gibbon
Clerk - Charter Revision Commission

Lane, Tanya D.

From: Philip Block [Philipblock@snet.net]
Sent: Wednesday, May 23, 2012 3:29 PM
To: Lane, Tanya D.
Cc: Greenlaw, Chris
Subject: Suggested Charter Revisions

Memorandum

To: Town Clerk Tanya Lane

From: Philip M. Block, Chairman Newington Conservation Commission

Date: May 23, 2012

Re: Suggested Charter Revisions

In regard to the prior Town Engineer's concerns, I have read Charter Section C-607 and Ordinance 427-1, I agree with his concern and suggest that if the following was added to C-607, it would resolve this problem:

The Conservation Commission shall serve as the Newington Inland Wetlands and Watercourse Commission in accordance with the provisions and authority of Chapter 440 of the Connecticut General Statutes as amended.

Please inform me whether the Charter Review Commission would have time to consider this early tonight? If so, let me know and I will attend. If not, I could be available next week.

Thank you

Philip Block

Lane, Tanya D.

From: Lane, Tanya D.
Sent: Wednesday, April 25, 2012 8:10 PM
To: Greenlaw, Chris
Cc: naf50@aol.com; Peter J. Boorman (law.office.pjb@snet.net)
Subject: Conservation Commission

Hi Chris:

At tonight's meeting of the Charter Revision Commission, I was reminded that the Commissioners would like to invite Phil Block to be a guest to share his thoughts, comments and insight concerning the Conservation Commission.

The former Town Engineer, Tony Ferraro, had communicated his concerns regarding the administrative role of the Conservation Commission as expressed in his email below:

"I'm not sure what the status of The Charter Revision Commission is as to whether they are still meeting with the department heads or not. If they are still active, the Conservation Commission has recently raised an issue regarding their role with administering the wetlands. Section 6.16 of the Town Ordinances gives the Commission its authority to regulate the Town wetlands. However, there is no reference in Section 607 (Conservation Commission) of the Town Charter as to the Commission's authority to regulate Town Wetlands. The Commission, therefore, would like to bring this up to the attention of the Charter Revision Commission to see if the Charter needs to be revised so that the Commission's authority to regulate wetlands is properly documented."

The current Commission has expressed similar concerns regarding the Conservation Commission and Inlands/Wetlands.

Will you please contact Mr. Block for the purpose of inviting him to a Charter Revision Commission meeting possibly on May 9th (the Town Manager is scheduled for that evening also) or on May 16th.

I will be away until May 14th. Please contact Jaime as soon as you know which meeting Mr. Block will be attending. We will need to note this on the agenda.

Thank you.
Tanya

Tanya D. Lane, MMC
Town Clerk
Town of Newington
131 Cedar Street
Newington, CT 06111
860-665-8545



TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

(Please Publish Forthwith—Once Only—Zoned Legal Ad)

TOWN OF NEWINGTON LEGAL NOTICE

This is to give notice that the Charter Revision Commission for the Town of Newington will hold a Public Hearing on Monday, June 18, 2012 at 6:30 PM in Room L-101 in the Town Hall, 131 Cedar Street, Newington, CT, in accordance with Connecticut General Statutes § 7-191 (a), regarding its draft report to the Newington Town Council that has been completed, but not submitted.

Copies of the draft report are available in the Town Clerk's office, and online at www.newingtonct.gov.

Dated at Newington, CT this 7th day of June, 2012.

Alan Nafis, Chairman
Charter Revision Commission

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2012 JUN -8 P 2:43

PAGE
BY *Tanya J. Lane*
TOWN CLERK

MINUTES

CHARTER REVISION COMMISSION

JUNE 6, 2012

I. CALL TO ORDER

Chairman Nafis called this meeting to order at 6:32 p.m. in Helen Nelson Room of the Newington Town Hall.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Commissioners Present

Alan Nafis - Chair

Donna Clark

Paul Vessella

Mike Lenares

Vincent Camilli

Also Present

Peter Boorman, Town Attorney

Tanya Lane, Town Clerk

Susan Gibbon, Commission Clerk

(*These minutes are a brief overview of the meeting held on June 6, 2012. Please refer to tape for full transcript.)

IV PUBLIC PARTICIPATION

Myra Cohen, 42 Jeffrey Lane, Town Councilor, speaking for self. Thank you, Tanya for your hard work, very good. I have two items. Number 707, the last sentence reads "by the Council or Mayor" should it read "by the Council or Manager?" [all agree, to be changed.] § 709 - why was boards or agencies removed from 5th line?

V MINUTES

a. 5/9/12 MEETING

Move to accept by Commissioner Vessella, second by Commissioner Lenares. Unanimous vote.

b. 5/23/12 MMEETING

Move to accept by Commissioner Vessella, second by Commissioner Clark. Unanimous vote.

VI MATTERS TO BE CONSIDERED

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2012 JUN 11 P 3:02

PAGE
BY Tanya Lane
TOWN CLERK

- a. Discussion and approval of § 707 Department of Park and Recreation.

The Commission determined that this language has been agreed upon by all.

- b. Discussion - review/comparison of proposed revisions to Original Charter.

Tanya Lane reviewed discrepancies, inconsistencies and typos throughout the current Charter. All agree with changes. [Attached hereto.]

Tanya Lane spoke with General Code ("GC") who is the vendor that produces the Charter for printing. The Editor's Notes are historical references added by GC, not done by people who draft the Charter. GC also corrects capitalization and minor punctuation.

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

§ 709 - Past Charter Revision suggested language. Do not remove "boards or agencies."

§ 607 - Conservation/Inland Wetlands Commission. Language drafted by Attorney Boorman. All ok with language.

- d. Discussion and possible decision to set Public Hearing date.

A public hearing is scheduled for Monday, June 18, 2012 at 6:30 p.m.

VII ANOTHER OTHER BUSINESS PERTINENT TO THIS COMMISSION

None

VIII WRITTEN COMMUNICATION FROM THE PUBLIC

None

IX PUBLIC PARTICIPATION

Myra Cohen, 42 Jeffrey Lane, Town Councilor, speaking for self. Regarding § 410, you need to go back to original language in current charter "such majority consisting of at least 10% ..."

Commissioner Nafis asked if any other comments from the public. None.

Chairman Nafis thanked the Commissioners for their hard work. He also thanked Tanya Lane for all her hard work and Channel 14 for airing the hearings.

XI ADJOURNMENT

Commissioner Vessella moved to adjourn the meeting at 7:25 p.m., motion seconded by Commissioner Camilli; it was unanimously voted to adjourn.

Respectfully Submitted,

Susan Gibbon

Mrs. Susan Gibbon
Clerk – Charter Revision Commission



TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

(Please Publish Forthwith—Once Only—Zoned Legal Ad)

TOWN OF NEWINGTON LEGAL NOTICE

This is to give notice that the Charter Revision Commission for the Town of Newington will hold a Public Hearing on Monday, June 18, 2012 at 6:30 PM in Room L-101 in the Town Hall, 131 Cedar Street, Newington, CT, in accordance with Connecticut General Statutes § 7-191 (a), regarding its draft report to the Newington Town Council that has been completed, but not submitted.

Copies of the draft report are available in the Town Clerk's office, and online at www.newingtonct.gov.

Dated at Newington, CT this 7th day of June, 2012.

Alan Nafis, Chairman
Charter Revision Commission

TOWN OF NEWINGTON
LEGAL NOTICE

This is to give notice that the Charter Revision Commission for the Town of Newington will hold a Public Hearing on Monday, June 18, 2012 at 6:30 PM in Room L-101 in the Town Hall, 131 Cedar Street, Newington, CT, in accordance with Connecticut General Statutes § 7-191 (a), regarding its draft report to the Newington Town Council that has been completed, but not submitted.

Copies of the draft report are available in the Town Clerk's office, and online at www.newingtonct.gov.

Dated at Newington, CT this 7th day of June, 2012.

Alan Nafis, Chairman
Charter Revision Commission

Appeared in: **Hartford Courant** on Tuesday, 06/12/2012

[Home](#)

Powered by myPublicNotices.com

[Back](#)

MINUTES

CHARTER REVISION COMMISSION

JUNE 18, 2012

PUBLIC HEARING/SPECIAL MEETING

I. NOTICE OF HEARING

Chairman Nafis read the Town of Newington - Legal Notice which was published on June 12, 2012 (a copy of such Notice is attached hereto.)

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Commissioners Present

Alan Nafis - Chair

Paul Vessella

Mike Lenares

Vincent Camilli

Also Present

Peter Boorman, Town Attorney

Tanya Lane, Town Clerk

Susan Gibbon, Commission Clerk

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

PAGE
2012 JUN 25 A II: 11
VOLUME
BY Tanya Lane
TOWN CLERK

(*These minutes are a brief overview of the public hearing/meeting held on June 18, 2012. Please refer to tape for full transcript.)

IV. PUBLIC PARTICIPATION

Myra Cohen, 42 Jeffrey Lane, Town Councilor, speaking for self. § 410, replace language that was deleted, put back and take out new proposed language. Type in line 3 - should be "or" not "on." § 411 ok with new language.

Andrew Brecher, 120 Stage Coach Lane, as self and as new Economic Development Director for the Town of Newington. (A copy of Mr. Brecher's remarks are attached hereto.)

Chairman Nafis closed the public hearing at 6:39 p.m.

I. CALL TO ORDER

Chairman Nafis called this meeting to order at 6:40 p.m. in Room L101 of the Newington Town Hall.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV PUBLIC PARTICIPATION

Rose Lyons, 46 Elton Drive. Thank you.

V MINUTES

a. 6/6/12 MEETING

Move to accept by Commissioner Camilli, second by Commissioner Vessella. Unanimous vote.

VI MATTERS TO BE CONSIDERED

a. Discussion -to consider Amending Draft Report discussed at the 6/18/12 Public Hearing pursuant to Connecticut General Statutes § 7-191(a)

§ 410. Put back previous language, change to "in the negative" to "shall vote in opposition to".

§ 411. Leave in new language.

Commissioner Nafis reviewed remarks by Andrew Brecher. Commissioner Camilli mentioned that many of these items are already in Charter and part of the Zoning Board.

Attorney Boorman reviewed comments, all provided for by Statute and Charter.

b. Discussion - to consider submitting the proposed Draft Report discussed at the 6/18/12 Public Hearing to the Town Clerk for transmission to the Newington Town Council as a draft report pursuant to Connecticut General Statutes § 7-191(b).

Attorney Boorman: Provide Town Council with both a Draft copy and a Redline Draft copy for review. Next Town Council meeting scheduled for June 26, 2012.

All in favor of providing report to Town Council.

VII ANY OTHER BUSINESS PERTINENT TO THIS COMMISSION

None

VIII WRITTEN COMMUNICATION FROM THE PUBLIC

Myra Cohen provided the Commission with a written note to be read if she were unable to attend hearing. (A copy of these notes can be found in the Town Clerk's office.)

IX PUBLIC PARTICIPATION

Myra Cohen, 42 Jeffrey Lane, Town Councilor, speaking for self. Thank you. You did a fabulous job.

Clark Castille, 167 Connecticut Avenue, Town Councilor, speaking for self. Thank you. Great experience. Great dialogue. This is the way Town Government should function.

Commissioner Nafis asked if any other comments from the public. None.

X COMMENTS BY COMMISSIONERS

Commissioner Vessella: I want to echo what people said here. I found this to be a phenomenal learning experience. Being involved and looking at the Town Government from inside-out. Camaraderie and non-partisanship showed what Town Government should be.

Commissioner Camilli. Thank you.

Commissioner Lenares. Great job.

Attorney Boorman. Thank you all Commissioners. Everybody worked together, congratulate everyone for being so positive and looking to promote what is best for the Town of Newington. Thank staff. Thank the people that participated - your comments were invaluable and helped guide us at times.

Chairman Nafis. Thank all the Commissioners. We stayed on topic and subject. We did what the Council asked us to do within the time they asked us to do it. Thank you Susan. Tanya, thank you for your knowledge and history. Peter, thank you for your knowledge and explanations. I hope more people were watching on TV because they would have gotten a good education of what our Charter is about, why we have it and what it does for us. Thank you for all the people that came out. I think that the Council will be happy with the document we will be providing to them.

XI ADJOURNMENT

Commissioner Camilli moved to adjourn the meeting at 7:05 p.m., motion seconded by Commissioner Vessella; it was unanimously voted to adjourn.

Respectfully Submitted,

Susan Gibbon *TDC*

Mrs. Susan Gibbon
Clerk – Charter Revision Commission

Myra Cohen
42 Jeffrey Lane

Public Hearing
Charter Revision

In the event I am late for your public hearing, please enter this into your records.

Section C-410

Line 3

emergency ordinance, or a special appropriation
(delete "or")

Last 5 lines

Remove new proposed language and
put back deleted language

Change "shall vote in the negative"
with "shall vote in opposition to the
ordinance"

Section C-411

"Such adopted ordinance shall take effect
immediately following the referendum"
remains

JUNE 18, 2012

REMARKS TO THE NEWINGTON, CT CHARTER REVISION COMMISSION

Chairman Nafis and Commissioners Clark, Vessella, Lenares and Camilli:

First, I want to thank you for your efforts to modernize and bring our town's Charter up to date.

Second, I want to apologize for raising a new topic at this late date in the Charter Revision process. However, as I was only recently hired as Newington's Economic Development Director, this is my first opportunity to address the Commission. And since Charter Revision occurs infrequently, I felt it was important to use this opportunity to confirm the following concerns had been properly considered.

My appearance this evening has only one purpose—to ensure Newington is properly positioned to use all the tools available to support present day economic development initiatives. Those include:

- All rights and powers granted by the State of Connecticut General Statutes and Special Acts, particularly those addressing Economic Development incentives and programs.
- The right to buy, lease, sell, exchange or grant lands and rights-of-way in pursuit of Economic Development objectives.
- The ability to designate Special Development Districts, Targeted Economic Development Zones, Industrial Development Parks and similarly named geographic areas where specific Economic Development incentives might be applied.
- The right to grant Tax Exemptions, Abatements and Credits.
- The right to provide Tax Increment Financing for individual development projects, consistent with the rights and powers granted by the State of Connecticut.
- The right to make infrastructure investments, and to maintain such investments, that would promote Economic Development in general, as well as to advance specific development projects, including, but not limited to, roads, bridges, walkways, parking, site preparation, drainage, soil stabilization, lighting and utilities, either within a development area or which would improve service to a development area.

If the Commissioners are satisfied all of the above powers are adequately addressed in the Proposed Revised Charter, no additional revisions need be considered. However, if it is unclear that General Powers and Financial Provisions Articles are sufficient, please revise subsections, or add new subsections, as you determine appropriate.

Thank you,



Andrew A. Brecher
Newington Economic Development Director

MINUTES

CHARTER REVISION COMMISSION

JUNE 21, 2012

I. CALL TO ORDER

Chairman Nafis called the meeting to order at 5:30 p.m. in Room L-101 of the Newington Town Hall.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Commissioners Present

Alan Nafis - Chair
 Donna Clark
 Paul Vessella

Commissioners Absent

Mike Lenares
 Vincent Camilli

Also Present

Peter Boorman, Town Attorney
 Tanya Lane, Town Clerk

IV. PUBLIC PARTICIPATION

None

V. MATTERS TO BE CONSIDERED

a. Discussion and potential amendment to § 203A of the Charter.

Attorney Boorman gave a brief summary of why this section needed to be amended. Currently § 203A states that "...no elector shall vote for more than **two** Constables..." This is incompatible with Connecticut General Statutes and should state that, "...no elector shall vote for more than **one** Constable..."

Tanya Lane stated that there were a few more grammatical changes to address:

1. § 501—line 7: "state" should be "State"
2. § 816—states, "Fees Collected by the Town Officials and Employees". This should be changed to: "Fees Collected by Town Officials and Employees".
3. § 202A—states that "...members in office on the effective date of this revision shall be continued in office..." This should be corrected to say, "...members in office on the effective date of this revision shall continue in office..."
4. All § headings were capitalized for consistency.

RECEIVED & RECORDED IN
 NEWINGTON TOWN RECORDS

2012 JUN 25 P 3:35

PAGE
 BY Tanya Lane

TOWN CLERK

By consensus, the Commission voted to make these changes.

b. Discussion—to consider submitting the proposed Draft Report to the Town Clerk for transmission to the Newington Town Council as a draft report pursuant to Connecticut General Statutes § 7-191.

Motion was made, seconded and by a voice vote it was unanimously agreed to send the Draft Charter and Draft Report to the Town Council.

VI. ANY OTHER BUSINESS PERTINENT TO THIS COMMISSION

None

VII. WRITTEN COMMUNICATION FROM THE PUBLIC

None

VIII. PUBLIC PARTICIPATION

None

IX. ADJOURNMENT

Commissioner Vessella moved to adjourn the meeting at 5:37 p.m., motion seconded by Commissioner Clark; it was unanimously voted to adjourn.

Respectfully Submitted,



Tanya Lane, Town Clerk
Staff Liaison



John Salomone
Town Manager

TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

Office of the Town Clerk

Tanya D. Lane MMC
Town Clerk

Memorandum

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

FROM: Tanya Lane, Town Clerk

DATE: June 25, 2012

SUBJECT: Draft Charter

Tanya Lane

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



TOWN OF NEWINGTON

131 Cedar Street Newington, Connecticut 06111

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

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2012 JUN 25 P 1: 14

PAGE
VOLUME
BY *Tonya J. Lane*

TOWN CLERK

DRAFT REPORT 2012 CHARTER REVISION COMMISSION

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

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

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

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

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

The Commission was specifically charged to:

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

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

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

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

Additionally, the following Town officials appeared before the Commission:

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

Written comments and suggestions were received from:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§609—Treasurer—was eliminated.

§609—is now “Auditor”.

§611—Town Planner—eliminated from this section.

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

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

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

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

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

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

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

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

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

Peter Boorman, Town Attorney

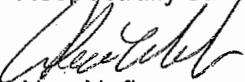
Tanya Lane, Town Clerk

Susan Gibbon, Commission Clerk

Jaime Trevethan, Executive Assistant to the Town Manager

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

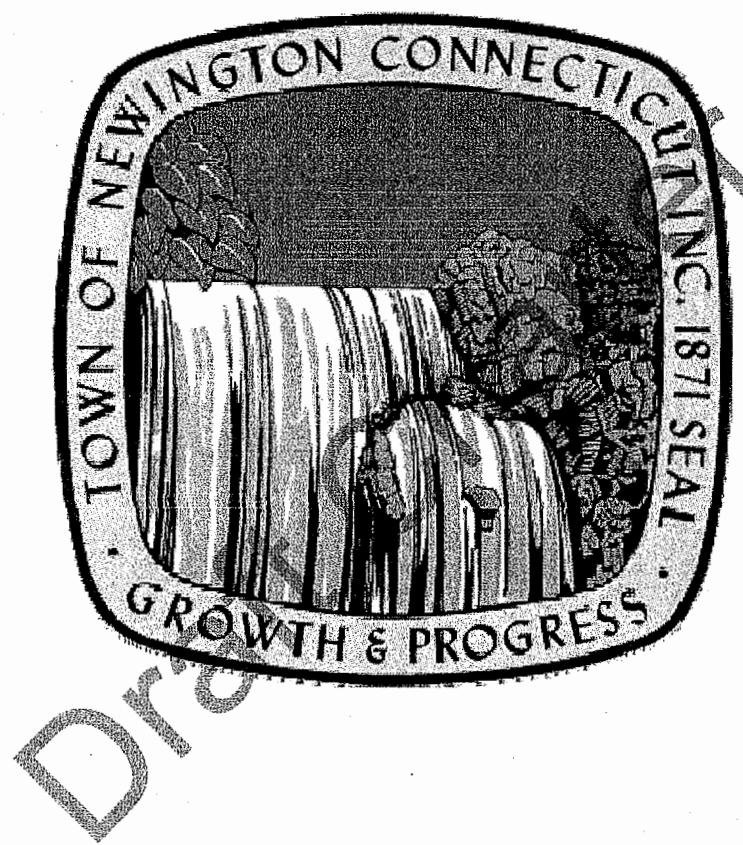
Respectfully submitted,



Alan Nafis

Chair, Charter Revision Commission

CHARTER



Town of Newington

Chapter C

[HISTORY]:.....	5
ARTICLE I. INCORPORATION AND GENERAL POWERS	5
§ C-101. INCORPORATION	5
§ C-102. RIGHTS AND OBLIGATIONS.....	5
§ C-103. GENERAL GRANT OF POWERS.....	5
ARTICLE II. ELECTION.....	6
§ C-201. REGULAR TOWN ELECTIONS	6
§ C-202. ELECTED OFFICIALS	6
§ C-203. MINORITY REPRESENTATION.....	7
§ C-204. VACANCIES IN ELECTIVE OFFICES.....	7
§ C-205. INDEPENDENT CANDIDATES	8
§ C-206. QUALIFICATIONS	8
§ C-207. VOTING DISTRICTS.....	8
ARTICLE III. THE MAYOR	8
§ C-301. ELECTION AND QUALIFICATION.....	8
§ C-302. DUTIES.....	8
§ C-303. APPOINTMENTS.....	8
ARTICLE IV. THE COUNCIL	10
§ C-401. COMPOSITION	10
§ C-402. POWERS	10
§ C-403. ORGANIZATION.....	10
§ C-404. PROCEDURES	10
§ C-405. INTRODUCTION OF ORDINANCES	11
§ C-406. PUBLIC HEARINGS AND PASSAGE OF ORDINANCE.....	11
§ C-407. BORROWING	11
§ C-408. OBLIGATORY REFERENDUM AND ORDINANCE.....	12
§ C-409. EMERGENCY ORDINANCE	12
§ C-410. RIGHT OF REFERENDUM ON ORDINANCES	12
§ C-411. INITIATIVE	13
§ C-412. REMOVALS AND SUSPENSIONS	13
§ C-413. INVESTIGATION.....	14
§ C-414. COMPENSATION	14
§ C-415. CONCURRENT OFFICES	14
ARTICLE V. THE MANAGER.....	14
§ C-501. APPOINTMENT, QUALIFICATION AND TENURE.....	14
§ C-502. POWERS AND DUTIES.....	14
§ C-503. APPOINTMENTS.....	15
§ C-504. ACTING MANAGER	15
§ C-505. COMPENSATION.....	16
ARTICLE VI. OFFICIALS AND BOARDS RESPONSIBLE TO THE COUNCIL.....	16
§ C-601. TOWN PLAN AND ZONING COMMISSION	16
§ C-602. ZONING BOARD OF APPEALS	16
§ C-603. LIBRARY TRUSTEES	16
§ C-604. BOARD OF ASSESSMENT APPEALS	16
§ C-605. BOARD OF PARKS AND RECREATION	17
§ C-606. DEVELOPMENT COMMISSION.....	17
§ C-607. CONSERVATION/INLAND WETLANDS COMMISSION.....	17

§ C-608. COMMISSION ON AGING AND DISABLED.....	17
§ C-609. AUDITOR	18
§ C-610. OTHER COMMISSIONS, BOARDS, DEPARTMENTS, AGENCIES AND OFFICES.....	18
§ C-611. TERMS OF OFFICE AND VACANCIES.....	18
§ C-612. CONSULTANT SERVICES.....	18
ARTICLE VII. ADMINISTRATIVE OFFICES AND DEPARTMENTS UNDER MANAGER.....	19
§ C-701. APPOINTMENT AND REMOVAL BY MANAGER.....	19
§ C-702. TOWN CLERK.....	19
§ C-703. TOWN PLANNER.....	19
§ C-704 HIGHWAY DEPARTMENT.....	19
§ C-705. ENGINEERING DEPARTMENT.....	20
§ C-706. TREE WARDEN.....	20
§ C-707. DEPARTMENT OF PARKS AND RECREATION.....	20
§ C-708. DEPARTMENT OF BUILDING INSPECTION.....	20
§ C-709. DEPARTMENT OF HUMAN SERVICES.....	20
§ C-710. DEPARTMENT OF SENIOR AND DISABLED CENTER SERVICES.....	20
§ C-711. DEPARTMENT OF POLICE.....	21
§ C-712. DEPARTMENT OF FINANCE.....	21
§ C-713. PURCHASING AGENT	22
ARTICLE VIII. FINANCIAL PROVISIONS.....	22
§ C-801. FISCAL YEAR.....	22
§ C-802. GENERAL FORM OF BUDGET PREPARATION.....	22
§ C-803. DEPARTMENTAL ESTIMATES.....	22
§ C-804. DUTIES OF THE MANAGER ON THE BUDGET.....	23
§ C-805. DUTIES OF THE COUNCIL ON THE BUDGET.....	23
§ C-806. EFFECT OF ADOPTION OF TOWN BUDGET.....	24
§ C-807. SPECIAL APPROPRIATIONS.....	24
§ C-808. TRANSFER OF APPROPRIATION.....	24
§ C-809. EFFECT OF APPROPRIATION.....	24
§ C-810. LAPSE OF APPROPRIATION.....	25
§ C-811. BORROWING TO MEET EMERGENCY APPROPRIATIONS.....	25
§ C-812. NOTES REDEEMABLE PRIOR TO MATURITY.....	25
§ C-813. COMPETITIVE BIDDING.....	25
§ C-814. CONTRACTS FOR PUBLIC WORKS.....	26
§ C-815. PAYMENTS OF CLAIMS.....	26
§ C-816. FEES COLLECTED BY TOWN OFFICIALS AND EMPLOYEES.....	26
§ C-817. OFFICIAL BONDS.....	26
§ C-818. PENALTIES FOR VIOLATION OF ANY PROVISION OF THIS CHARTER.....	27
§ C-819. ANNUAL AUDIT	27
ARTICLE IX. PERSONNEL.....	27
§ C-901. MERIT SYSTEM.....	27
§ C-902. CLASSIFIED SERVICE.....	27
§ C-903. PERSONNEL DIRECTOR.....	28
§ C-904. PROHIBITIONS.....	28
§ C-905. RETIREMENT.....	28
§ C-906. CONFLICT OF INTEREST	29

ARTICLE X. MISCELLANEOUS	29
§ C-1001. EFFECTIVE DATE	29
§ C-1002. EXISTING LAWS, ORDINANCES, RULES AND REGULATIONS AND SPECIAL ACTS	29
§ C-1003. EXISTING OFFICE HOLDERS	29
§ C-1004. TRANSFER OF RECORDS AND PROPERTY	30
§ C-1005. AMENDMENT	30
§ C-1006. SEVERABILITY	30

Draft Charter

[HISTORY]: Adopted by the Town of Newington at a regular election on 11-5-1985, effective 1-1-1986. **Editor's Note: The 1985 Charter supersedes the original Charter, effective September 27, 1966, and readopted and amended effective November 3, 1970, and January 1, 1977.** Amendments noted where applicable.]

Article I. INCORPORATION AND GENERAL POWERS

§ C-101. Incorporation.

All the inhabitants dwelling within the territorial limits of the Town of Newington, as heretofore constituted, shall continue forever hereafter to be a body politic and corporate under the name "Town of Newington," hereinafter called "the Town," and as such shall have perpetual succession and may hold and exercise all the powers and privileges heretofore exercised by the Town and not inconsistent with the provisions of this Charter, the additional powers and privileges herein conferred, and all powers and privileges conferred upon towns under the laws of the State of Connecticut.

§ C-102. Rights and Obligations.

All property, both real and personal, all rights of action and rights of every description and all securities and liens, vested or inchoate, in the Town as of the effective date of this Charter, are continued in the Town. The Town shall continue to be liable for all debts and obligations of every kind, whether or not accrued, for which the Town shall be liable on said date. Nothing herein shall be construed to affect the rights of the Town to collect any assessment, charge, debt or lien. Any contract that has been entered into by the Town prior to the effective date of this revision, or any bond or undertaking that has been given by or in favor of the Town, which contains provision that the same be enforced by any commission, board, department or office therein named but abolished by the provisions of this Charter, shall be in no manner impaired, but said contract, bond, or undertaking shall continue in full force and effect, with reference to the same upon any such commission, board, department or office shall, except as otherwise provided in this Charter, thereafter be exercised and discharged by the Council.

§ C-103. General Grant of Powers.

In addition to all powers granted to towns under the Constitution of the State of Connecticut, Connecticut General Statutes and Special Acts, the Town shall have all powers specifically granted by this Charter, all power fairly implied in or incident to the powers expressly granted, and all other powers relating to the property, government and affairs of the Town, the exercise of which is not in conflict with the Constitution and Connecticut General Statutes. The enumeration of particular powers in this and any other article of this Charter shall not be construed as limiting this general grant of power but shall be considered as an addition thereto.

Article II. ELECTION

§ C-201. Regular Town Elections.

Regular Town elections shall be held on the first Tuesday after the first Monday in November in each odd-numbered year. All officials duly elected at such regular Town elections, upon qualification, shall take office on the Tuesday following their election and they shall hold offices until their successors have been chosen and qualified. All elected Town officials and all members of boards and commissions shall have the powers and duties prescribed by law except as otherwise provided in this Charter.

§ C-202. Elected Officials.

At each regular Town election there shall be elected in accordance with the provisions of the Connecticut General Statutes for a term of two years the following: a Mayor, eight Councilors, two Constables, and as hereinafter defined, a Board of Education and a Board of Fire Commissioners.

A. Board of Education. The Board of Education shall continue to have such powers and duties as are or may be imposed or vested by the Connecticut General Statutes upon boards of education in the several towns, which statutes shall prevail over any provisions of this Charter in event of conflict, and it shall have the power to appoint and remove its nonprofessional employees in accordance with Article IX of this Charter. There shall be nine members of the Board of Education. Members in office on the effective date of this revision shall continue in office until their terms expire. At each regular biennial Town election, nine members of the Board of Education shall be elected for a term of two years and until their successors are chosen and qualified, in accordance with provisions of Section 9-204 of the Connecticut General Statutes.

B. Board of Fire Commissioners. There shall be a Board of Fire Commissioners consisting of three members who shall have the powers and duties vested in it by this Charter and such as have been or may hereafter be conferred on it by the Connecticut General Statutes or by ordinance. The Board is specifically authorized to delegate authority to the Fire Chief(s). Members shall serve for four-year staggered terms and until their successors are chosen and qualified.

1. The Board of Fire Commissioners shall supervise, maintain and care for all Fire Department buildings and fire equipment of said Department; shall appoint fire chief(s) and such other officers and personnel as it deems necessary; shall recommend the purchase of additional apparatus and equipment when needed; shall purchase additional apparatus and equipment when duly authorized; and shall annually prepare and submit to the Manager a budget for the maintenance and care of the equipment and buildings of said Fire Department. The Board of Fire Commissioners' role

shall include acting as final board of appeal for personnel matters from within the Fire Department. This function shall not be delegated.

2. The members of said Commission shall make inspections of the Department at least twice a year and shall make an annual report to the Town of the Department's operations during the preceding year, and shall include in such report a statement of the operative status condition of the Fire Department as determined by such inspections.
3. The members of said Commission, when possible, should attend all fires that occur in Town, to observe the condition of the apparatus and the efficiency of said Department. They shall have no authority, other than that specifically provided herein, to direct the operation of the Department at any time. The Fire Department may take apparatus out of Town with approval of at least one Commissioner. The Board may delegate this authority to the Fire Chief.

§ C-203. Minority Representation.

- A. At each regular Town election no political party shall nominate and no elector shall vote for more than the Mayor, five members of Council, and the number of members of the Board of Education and of the Board of Fire Commissioners as shall be determined by the provisions of this Charter and the Connecticut General Statutes. Each political party shall nominate 1/2 of the total number of Constables as are to be elected and no elector shall vote for more than one Constable, and, unless there are independent candidates for these offices, one vote shall be sufficient to elect them.
- B. Election of all officials mentioned in this section, except the Mayor, shall be determined in accordance with minority representation provisions of the Connecticut General Statutes.

§ C-204. Vacancies in Elective Offices.

Vacancies in elective offices, except in the Board of Education, from whatever cause arising, shall be filled by the Council for the period until the end of the vacated term. Vacancies in the Board of Education shall be filled by the Board of Education for the period until the end of the vacated term. In filling any vacancy the Council, and the Board of Education, shall select a person of the same political party as that of the former incumbent. If said former incumbent was elected as an independent candidate, the vacancy shall be filled by an elector not enrolled in any political party except as provided otherwise by the Connecticut General Statutes. Any member of the Board of Fire Commissioners elected to fill a vacancy at a regular Town election shall serve for the remaining term of the former incumbent and until the successor has been chosen and qualified.

§ C-205. Independent Candidates.

In addition to the procedure for the nomination of candidates provided for in this Charter and the Connecticut General Statutes, any elector of the Town may have his or her name appear on the ballot in a line designated "Independent" provided the elector follows the requirements for such candidates as set forth in the Connecticut General Statutes.

§ C-206. Qualifications.

Each candidate for elective office shall be a resident and an elector of the Town, and if any elected official at any time shall cease to be a resident of the Town said elected official shall be deemed to have vacated the office.

§ C-207. Voting Districts.

The Council shall determine by ordinance the number and geographical boundaries of the districts. *Editor's Note: See Ch. 121, Voting Districts, of the Town Code, and its accompanying Voting Districts Map.*

Article III. THE MAYOR

§ C-301. Election and Qualification.

At each regular Town election a Mayor shall be separately elected by the electors and shall serve until a successor shall be chosen and qualified. The Mayor shall take office on the Tuesday following the Town election.

§ C-302. Duties.

The Mayor shall be a member and the presiding official of the Council and shall have one vote, but only one vote, on each matter voted upon by the Council. The Mayor shall be recognized as the official head of the Town for ceremonial purposes and for military purposes. The Mayor shall keep informed on Town matters and may make reports and recommendations to the Council and electors of the Town on matters of legislative concern and general Town policy. The Mayor may attend any meeting of any board, commission or other governmental body of the Town and shall receive such advance notification of any such meeting as is given to the members of said bodies and shall have the full right of participation in discussions but shall not have the right to vote.

§ C-303. Appointments.

A. Salaried Officials. The Mayor shall appoint the Town Attorney and the Clerk of the Council and both shall serve at the pleasure of the Mayor.

1. **Town Attorney.** There shall be a Town Attorney, appointed by the Mayor, who shall be an attorney at law admitted to practice in this State. The Town Attorney shall be paid an annual retainer under terms and conditions as set by the Council. The Town Attorney shall be the legal advisor to the Council, Manager, and all commissions, boards, departments and offices of the Town; shall represent the Town in any action or proceeding in which the Town or any commission, board, department or office is a party or has an interest; and shall prepare, on written request of the Manager, the Council, or any member thereof, ordinances and resolutions for consideration by the Council. If the Town Attorney is a member of a law firm, other members of that firm may, with the written approval of the Mayor, perform any legal services for the Town. The Town Attorney shall have such assistants as the Mayor may determine. All nonprofessional assistants shall be appointed by the Manager in accordance with and subject to the provisions of Article IX of this Charter. The Mayor shall appoint all professional assistants and shall appoint substitute attorneys to serve in any case where the Town Attorney has a conflict of interest. In the event there shall be a dispute, except one involving suspension or removal, between the Council and any board, commission or office, as shall require that each side of the dispute shall have legal representation, the Town Attorney shall represent the Council, and the board, commission or office shall have the power to retain an attorney to represent it. In the event there shall be a dispute, except one involving suspension or removal, between or among the boards, commissions, or offices of the Town as shall, in the opinion of the Council, require that each side of the dispute shall have legal representation, the Council shall assign the Town Attorney to represent one of the boards, commissions or offices and retain an attorney to represent the other board, commission or office. In either event the Council shall provide for the payment of all such fees.

The Town Attorney shall not be required to give full time to his/her duties unless the Council by ordinance shall determine otherwise.

2. **Clerk of the Council.** The Mayor shall appoint a Clerk of the Council who shall be responsible for maintaining a record of all regular and special meetings of the Council. The Clerk shall receive such compensation as the Council may determine and shall have such assignments as set forth by the Council.

B. **Subcommittees of the Council.** The Mayor, as directed by the Council, shall appoint such special subcommittees of the Council as are required but shall in no way have the power to make appointments which are the responsibility of the Council or the Manager.

Article IV. THE COUNCIL

§ C-401. Composition.

The Council shall consist of the Mayor and eight members who shall be elected from the Town at large at each regular Town election for terms of two years as provided herein.

§ C-402. Powers.

The Council shall be the governing and legislative body of the Town and shall have, exercise and perform all the rights, powers, duties and obligations which are conferred by law or may hereafter be conferred by the Connecticut General Statutes. The Council shall adopt the budget and fix the tax rate except as otherwise provided in this Charter. It shall further have the power to make, alter and repeal ordinances or resolutions not inconsistent with this Charter and the general laws of the State for the execution of the powers vested in the Town, for the government of the Town and the management of its business, and for the preservation of good order, peace, health and safety of the Town and its inhabitants.

§ C-403. Organization.

Each newly elected Council shall meet in the Town Hall at 8:00 p.m. on the Tuesday following its election. The meeting shall be called to order by the Town Clerk who shall administer the oath of office to all members. In the absence of the Town Clerk the meeting may be called to order and the oath administered by any elector of Newington authorized by law to administer oaths. The newly elected Mayor shall then assume the chair as presiding official of the Council and shall designate a Deputy Mayor from among the members of the Council to preside in the absence of the Mayor. In the event that both the Mayor and the Deputy Mayor are absent or unable to perform their duties, such duties shall be performed during the period of their absence or disability by a member chosen by the Council. The presiding official, whether the Mayor, Deputy Mayor, or member chosen by the Council, shall have one vote, but only one vote, on each matter voted by the Council. The rules adopted by the preceding Council shall be the rules of the newly elected Council until the adoption of permanent rules.

§ C-404. Procedures.

- A. The Council shall fix the time and place of its regular meetings and provide a method for calling special meetings. Only business, notice of which has been included in the call for such special meeting, shall be acted upon at any special meeting. The Council shall adopt its own rules of procedure except as specifically provided in this Charter. The presence of five members shall constitute a quorum, and no ordinance, resolution or vote, except a vote to adjourn or to fix the time and place of the next meeting, shall be adopted by less than five affirmative votes. The Council shall keep for public inspection a journal, which shall be the official record of its meetings, a copy of which

shall be filed in the office of the Town Clerk in accordance with the provisions of the Connecticut General Statutes. The journal shall also contain the rules of procedure of the Council. No ordinances or resolutions shall be adopted except at a regular or special meeting of the Council open to the public.

B. The Council may call at its discretion "work session" meetings to discuss and review pending legislation and may consider other items of concern to the Town or its citizenry. The Council's rules of procedure will determine the conduct of these meetings. No votes may be taken at a work session meeting except to adjourn or to go into executive session.

§ C-405. Introduction of Ordinances.

All ordinances, together with a written statement of purpose, shall be introduced at a regular or special meeting of the Council in written form by a member of the Council. It shall be the duty of the Clerk of the Council immediately upon each introduction to file a copy of such proposed ordinance with the Town Clerk. It shall be the duty of the Town Clerk or his/her designee immediately upon receipt of such proposed ordinance to prepare sufficient copies of such ordinance, one copy of which shall be retained in the Town Clerk's office for public inspection, one copy posted on the Town bulletin board and website, and one copy distributed to each member of the Council and to the Manager. No discussion shall be had upon a proposed ordinance at the meeting at which it is introduced, except for an explanation by the Councilor moving such ordinance.

§ C-406. Public hearings and Passage of Ordinance.

Before an ordinance, except an emergency ordinance, shall be voted upon, the Council shall hold at least one public hearing, five days notice of which shall be given by publishing the notice and the proposed ordinance in full at least once in a newspaper having circulation in the Town and by posting the notice and the proposed ordinance in full on the Town bulletin board and website with the full proposed ordinance also available in the Town Clerk's office. After such public hearing, the Council may make such changes as it considers advisable before voting upon said ordinance. Notice of the passage of an ordinance, described by title or subject matter and statement of purpose, together with such changes in the proposed ordinance, shall be published at least once in a newspaper having a circulation in the Town, and an ordinance, except an emergency ordinance, shall become effective 15 days after such notice is published, provided that, if a petition for a referendum is filed with the Town Clerk within the time specified in § C-410, the ordinance shall not become effective except in accordance with the provisions of § C-410. All adopted ordinances shall be filed with the Town Clerk and kept as a public record in the form of a suitably indexed volume or volumes of ordinances.

§ C-407. Borrowing.

The Town shall have the power to incur indebtedness by issuing its bonds and notes as provided by Connecticut General Statutes and the provisions of this Charter. The

issuance of bonds and notes shall be authorized by resolution adopted in the same manner as provided by § C-406 of this Charter, insofar as § C-406 relates to public hearings.

§ C-408. Obligatory Referendum and Ordinance.

No resolution authorizing the issuance of bonds or notes, other than notes in the amount of \$375,000 or less, and no resolution making a special appropriation in excess of \$975,000, shall become effective until the same has been approved by a majority of the qualified electors voting thereon at a regular election or referendum called by the Council for that purpose. Any special appropriation of \$975,000 or less but in excess of \$375,000 shall be passed by ordinance. A referendum shall not be mandatory when such bond or note authorization, or such special appropriation, shall be for an emergency purpose to protect the public peace, health and safety, or shall be to finance a street, sewer or other improvement to be paid for by a special assessment and not by general taxation; provided however, that such bond or note authorization or special appropriation for emergency purposes shall require not less than six affirmative votes of the Council.

§ C-409. Emergency Ordinance.

An emergency ordinance shall be only for the immediate preservation of the public peace, health and safety; shall contain an explicit statement of the nature of the emergency; shall be adopted by not less than six affirmative votes in the Council; and shall take effect immediately. Every such emergency ordinance including any amendment thereto shall automatically stand repealed at the termination of the 61st day following the passage of said ordinance unless sooner repealed. In no event shall the annual budget constitute an emergency appropriation.

§ C-410. Right of Referendum on Ordinances.

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, or a special appropriation in the amount of \$375,000 or more. A referendum must be held when there shall be filed with the Town Clerk, within 15 days of the published notice of the passage of the ordinance, a petition signed by qualified electors in number equal to 5% or more of the total number of electors whose names appear upon the last completed Registry List, which petition shall be filed with the Town Clerk who shall within 10 days determine whether or not the petition contains a sufficient number of valid signatures, and if it does, shall so certify to the Council. The ordinance shall not then take effect until the Council has submitted it to a referendum, which shall be held not less than 20 nor more than 30 days after the filing of such petition, except this referendum may be held at a Town election or general election if the same occurs not less than 10 days nor more than 30 days after the filing of the petition. The ordinance shall be null and void in the event that a majority of the electors voting thereon, such majority consisting of at least 10% of the qualified electors of the Town, shall vote in opposition to the ordinance. Otherwise it shall take effect immediately following the referendum.

§ C-411. Initiative.

The electors shall have the power to propose to the Council any ordinance, except an ordinance appointing or removing officials, specifying the compensation or hours of work officials and employees, adopting the annual budget, authorizing the levy of taxes, or fixing the tax rate. The ordinance shall be proposed by a petition to the Council, in accordance with and subject to the provisions of the Connecticut General Statutes, setting forth the proposed ordinance and requesting its adoption, which petition shall be signed by qualified electors of the Town, in number equal to 5% or more of the total number of qualified electors whose names appear upon the last completed Registry List. The petition shall be filed with the Town Clerk who shall within 10 days determine whether or not the petition contains the required number of valid signatures, and if it does, the Town Clerk shall so certify to the Council at its next regular meeting. The Council shall within 60 days after certification either adopt the proposed ordinance after a public hearing or submit the same to the electors at a special election to be held within 90 days from the date of the Town Clerk's certification, provided that if a general election or a Town election is to occur within four months of such certification, the ordinance may be submitted at such election. The ordinance shall be adopted if a majority of those voting vote in the affirmative and such majority consists of 10% or more of the total number of qualified electors whose names appear upon the last completed Registry List. Such adopted ordinance shall take effect immediately following the referendum. No ordinance which shall have been adopted in accordance with the provisions of this section shall be repealed or amended by the Council except by vote of the electors.

§ C-412. Removals and Suspensions.

- A. The Council shall have the power with not less than six affirmative votes by resolution, in its sole discretion with or without cause, to remove or suspend the Manager and shall have the power, for cause, to remove or suspend any person appointed to any other office or position by the Council.
- B. The Council shall act first by suspending such person and promptly serving such person with a copy of the resolution of suspension together with the reasons that constitute cause where required in Subsection A. If within 10 days after service of said resolution such person shall file a request in writing with the Town Clerk for a public or private hearing before the Council, the hearing requested shall be held at a time and place set by the Council, not less than five days nor more than 15 days after the filing of the request. At such hearing the person may be represented by counsel. 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. During the period of suspension any such person shall be ineligible to perform the duties of the office or employment. Compensation, if any, shall be continued during the period of suspension or for 30 days from the date of suspension, whichever is longer. There shall be no appeal from the decision of the Council.

§ C-413. Investigation.

The Council shall have the power to investigate any and all Town officials, commissions, boards, departments and offices. The Council shall have the power, for the purposes of such investigation, to issue subpoenas.

§ C-414. Compensation.

The members of the Council shall serve without compensation, but shall be entitled to reimbursement for their legitimate expenses incurred in the performance of their official duties, with the approval of the Council.

§ C-415. Concurrent Offices.

Neither the Mayor nor any member of the Council or Board of Education shall hold any elective office, appointive office, or serve on any board or commission pursuant to Article VI as a voting member thereof, unless specifically authorized to hold such office or serve under this Charter or unless specifically authorized to do so by resolution of the Council for a board or commission created pursuant to Article VI, §610. This section shall not be construed to prevent the Mayor or members of the Council or Board of Education from representing the Town as members of intertown or regional bodies or agencies or from serving in a position pursuant to the Connecticut General Statutes that contemplates such service.

Article V. THE MANAGER

§ C-501. Appointment, Qualification and Tenure.

The Town Manager, hereinafter referred to as the Manager, shall be appointed and may be removed or suspended by the Council. Said appointment, removal or suspension shall be with no less than six affirmative votes by resolution. The Manager shall be chosen on the basis of professional experience, training, and executive and administrative qualifications. The Manager shall serve for an indefinite term at the pleasure of the Council. At the time of appointment the Manager need not be a resident of the Town or State, but while in office shall reside within the Town within a period of no more than six months from the first date of work as Manager with the possibility of an extension of up to six months at the discretion of the Council. The Manager shall devote full time to the duties of the office.

§ C-502. Powers and Duties.

- A. The Manager shall be the chief executive of the Town and shall have the powers and duties conferred upon chief executive officers of towns by the Connecticut General Statutes, except such powers as may be delegated to others by this Charter. The Manager shall be directly responsible to the Council for the supervision and

administration of all commissions, boards, departments, offices and agencies of the Town except those elected by the people, appointed by the Council, appointed by the Mayor, or appointed by regional, state or federal authority, unless such responsibility is expressly delegated by the appointing authority. The Manager shall perform the duties of any office over which he/she has a power of appointment until he/she has made such appointment. The Manager shall see that all laws and ordinances governing the Town are executed faithfully; shall make periodic reports to the Council and shall attend its meetings with full right of participation in its discussions but without the right to vote; shall prepare and cause to be printed an annual report at the close of the fiscal year; shall recommend to the Council such measures as may be deemed necessary or expedient and shall keep the Council fully advised as to the financial condition of the Town.

- B. The Manager shall prepare and submit to the Council an annual budget and shall exercise such other powers and perform such other duties as may be required by ordinance, resolution or vote of the Council, unless inconsistent with this Charter. The Council shall not diminish by ordinance, vote or otherwise the powers and duties of the Manager granted by this Charter.

§ C-503. Appointments.

The Manager, except as otherwise specifically provided in this Charter, shall appoint all department heads and all employees of the Town and may remove all those over whom the Manager has the power of appointment. The Manager shall not appoint an immediate relative to any position. All appointments and removals of classified service employees shall be in accordance with the provisions of Article IX of this Charter.

§ C-504. Acting Manager.

- A. During the period of a vacancy or a suspension in the office of Manager, the Council shall appoint by resolution a person, other than a Council member, as Acting Manager, for a period not to exceed 90 days. He/She shall have all powers and duties of the Manager provided for herein.
- B. The Manager may designate a Town employee to serve as temporary Acting Manager during the period of the Manager's temporary absence or disability. In the event that the Council shall determine that it is reasonably probable that the absence or disability shall be longer than one month, the Council shall by resolution appoint a Town employee to perform the duties of the temporary Acting Manager, for a period not to exceed 90 days. Said temporary Acting Manager shall have all the powers and duties of the Manager.

§ C-505. Compensation.

The Council shall fix the compensation of the Manager and of any acting or temporary Acting Manager. The compensation of the Manager may be decreased with not less than six affirmative votes by resolution, such vote being taken at least 30 days prior to the beginning of the fiscal year.

Article VI. OFFICIALS AND BOARDS RESPONSIBLE TO THE COUNCIL

§ C-601. Town Plan and Zoning Commission.

There shall be a Town Plan and Zoning Commission consisting of seven regular members and three alternate members which shall have the powers and duties conferred upon it by the Connecticut General Statutes or by ordinance. Members and alternates of the Town Plan and Zoning Commission shall be appointed by the Council for staggered terms of four years. The Town Plan and Zoning Commission shall have such professional, technical and clerical assistance as the Council may determine, to be appointed in accordance with the provisions of Article IX of this Charter.

§ C-602. Zoning Board of Appeals.

There shall be a Zoning Board of Appeals consisting of five regular members and three alternate members which shall have all the powers and duties conferred upon it by the Connecticut General Statutes or by ordinance. Members and alternates of the Zoning Board of Appeals shall be appointed by the Council for staggered terms of five years. The Zoning Board of Appeals shall have such professional, technical and clerical assistance as the Council may determine, to be appointed in accordance with provisions of Article IX of this Charter.

§ C-603. Library Trustees.

The six members of the Board of Trustees of Lucy Robbins Welles Library, Inc., selected by the Town shall have the powers and duties prescribed for library trustees by the Connecticut General Statutes or by the Council as per agreement of August 16, 1939, between Lucy Robbins Welles Library, Inc. and the Town of Newington. Members shall be appointed by the Council for terms of six years. The Library Director shall be appointed and may be removed by the Manager in accordance with the provisions of Article IX of this Charter and with the concurrence of a majority of the full Board of Trustees.

§ C-604. Board of Assessment Appeals.

There shall be a Board of Assessment Appeals consisting of three members which shall have all the powers and duties conferred upon it by the Connecticut General Statutes or

by ordinance. Members shall be appointed by the Council for staggered terms of four years. The members of the Board of Assessment Appeals shall receive such per diem compensation as the Council may determine consistent with the Connecticut General Statutes.

§ C-605. Board of Parks and Recreation.

There shall be a Board of Parks and Recreation consisting of 11 members which shall determine the uses of Town parks and public greens, and such other public grounds as the Council may direct; shall recommend to the Council the acquisition and development of new parks and recreational places; shall plan and arrange recreational facilities and programs for the Town; and shall have such other powers and duties as may be conferred upon it by ordinance. Members shall be appointed by the Council for staggered terms of four years.

§ C-606. Development Commission.

There shall be a Development Commission consisting of nine regular members and three alternate members which shall have the powers and duties conferred upon it by the Connecticut General Statutes or by ordinance. Members shall be appointed by the Council for staggered terms of three years. The Development Commission shall have such professional, technical and clerical assistance as the Council may determine, to be appointed by the Manager in accordance with Article IX of this Charter.

§ C-607. Conservation/Inland Wetlands Commission.

There shall be a Conservation/Inland Wetlands Commission consisting of seven regular members and three alternate members appointed by the Council for staggered terms of four years. This Commission shall have the powers and duties conferred upon it by Connecticut General Statutes and the Council. This Commission shall advise and make recommendations to the Manager, the Council and other boards and commissions of the Town regarding conservation and inland wetlands issues. This Commission shall have such professional, technical and clerical assistance as the Council may determine, to be appointed by the Manager in accordance with Article IX of this Charter.

§ C-608. Commission on Aging and Disabled.

There shall be a Commission on Aging and Disabled consisting of nine members whom shall have the powers and duties conferred upon it by ordinance. The Commission on Aging and Disabled shall have such clerical assistance as the Council may determine, to be appointed in accordance with the provisions of Article IX of this Charter.

§ C-609. Auditor

The Council shall annually appoint an independent public accountant or firm of independent public accountants to examine and certify the financial records of the Town in accordance with the provisions of the Connecticut General Statutes. The independent public accountant or firm of independent public accountants shall receive such compensation and shall perform such other duties and render such other reports as the Council may determine.

§ C-610. Other Commissions, Boards, Departments, Agencies and Offices.

There shall be such other commissions, boards, departments, agencies, offices and alternate members of boards and commissions as the Council may create by ordinance. Any professional, technical and clerical assistance as the Council may determine shall be appointed by the Manager in accordance with Article IX of this Charter.

§ C-611. Terms of Office and Vacancies.

- A. The terms of members of the Town Plan and Zoning Commission, Zoning Board of Appeals, Library Trustees, Board of Assessment Appeals, Board of Parks and Recreation, Development Commission and Conservation/Inland Wetlands Commission shall run from the first of December in the year of appointment to the 30th of November in the year of expiration. Such members shall hold offices until their successors have been chosen and qualified. Vacancies on boards, commissions or any similar bodies shall be filled by the Council in accordance with the Connecticut General Statutes for the balance of unexpired terms. Members of these boards and commissions, with the exception of the members of the Board of Assessment Appeals, shall receive no compensation.
- B. The terms of office of members of such other commissions, boards, departments, agencies, or offices as the Council may create in accordance with this Charter shall also be from the first of December in the year of appointment to the 30th of November in the year of expiration.
- C. No person shall serve more than eight consecutive years as chairperson of any appointed board, commission or similar body.

§ C-612. Consultant Services.

The Council may retain such technical and professional consultant services as it shall deem necessary to obtain expert opinion and recommendations.

Article VII. ADMINISTRATIVE OFFICES AND DEPARTMENTS UNDER MANAGER

§ C-701. Appointment and Removal by Manager

All positions enumerated in this article, including but not limited to, the Town Clerk, the Town Planner, the Superintendent of Highways, the Town Engineer, the Tree Warden, the Superintendent of Parks and Recreation, the Building Official, the Director of Human Services, the Director of Senior and Disabled Center Services, the Chief of Police, the Director of Finance, the Revenue Collector, the Assessor, the Purchasing Agent and all other employees who are employed pursuant to Article VII of this Charter shall be appointed and may be removed by the Manager in accordance with the provisions of Article IX of this Charter. Any positions added to Article VII of this Charter subsequent to the adoption of this section shall also be appointed and may be removed by the Manager in accordance with the provisions of Article IX of this Charter, and where applicable, by Connecticut General Statutes. Any positions, departments, agencies and/or offices created by the Council subsequent to the adoption of this section shall also be appointed and may be removed by the Manager in accordance with the provisions of Article IX of this Charter.

§ C-702. Town Clerk.

The Town Clerk shall have the powers and duties conferred or imposed by law on town clerks generally and shall have such other powers and duties that are prescribed by the Council or by the Manager. The Town Clerk shall have such deputies, clerks, and other assistants to be appointed in accordance with the provisions of Article IX of this Charter. All fees collected by the Town Clerk shall be paid into the Town treasury.

§ C-703. Town Planner.

There shall be a Town Planner with professional qualifications for the position. The Town Planner shall be the administrative officer for the Town Plan and Zoning Commission until the Council shall determine otherwise. The Town Planner shall have such powers and duties that are prescribed by the Council or by the Manager.

§ C-704 Highway Department.

There shall be a Highway Department consisting of the Superintendent of Highways and such other employees as the Council may determine. The Highway Department shall have such powers and duties as are inherent in a Highway Department relating to the construction, maintenance and repair of Town streets and shall perform such other duties that are prescribed by the Council or by the Manager.

§ C-705. Engineering Department.

There shall be an Engineering Department consisting of the Town Engineer and such other employees as the Council may determine. The Engineering Department shall have such powers and duties that are prescribed by the Council or by the Manager.

§ C-706. Tree Warden.

There shall be a Tree Warden who shall have all the powers and duties that are or may be conferred upon tree wardens by the Connecticut General Statutes, the Council or the Manager.

§ C-707. Department of Parks and Recreation.

There shall be a Department of Parks and Recreation consisting of a Superintendent and such other employees as the Council may determine, and shall have such powers and duties that are prescribed by the Council or by the Manager.

§ C-708. Department of Building Inspection.

There shall be a Department of Building Inspection consisting of the Building Official and such other employees as the Council may determine. The Building Official shall be the administrative officer of the Zoning Board of Appeals until the Council shall determine otherwise. The Building Official shall enforce the provisions and perform the duties of the Building Code and Zoning Regulations and shall have such powers and duties that are prescribed by the Council or by the Manager.

§ C-709. Department of Human Services.

There shall be a Department of Human Services consisting of the Director of Human Services and such other employees as the Council may determine. The Department of Human Services shall administer and coordinate all forms of public assistance, social and youth services, except those which the Council determines shall be administered by other commissions, boards or agencies. The Director of Human Services shall supervise the Department and shall have such powers and duties as conferred by the Connecticut General Statutes and shall have such additional powers and duties that are prescribed by the Council or by the Manager.

§ C-710. Department of Senior and Disabled Center Services.

There shall be a Department of Senior and Disabled Center Services consisting of the Director of Senior and Disabled Center Services and such other employees as the Council may determine. The Director of Senior and Disabled Center Services shall supervise the Department and shall have such powers and duties as conferred by the Connecticut General Statutes and shall have such additional powers and duties that are prescribed by the Council or by the Manager. The Director of Senior and Disabled Center Services

shall be responsible for the overall administration of a senior and disabled citizens center and the programs, services and staff provided at or by the Department of Senior and Disabled Center Services. The Director of Senior and Disabled Center Services shall be the Town's municipal agent for elderly persons.

§ C-711. Department of Police.

- A. There shall be a Department of Police. The Manager shall be the Director of the Department of Police until the Council shall determine otherwise and shall be the traffic authority as defined in the Connecticut General Statutes.
- B. The Department of Police shall consist of the Chief of Police and such other officers and employees of such rank and grades as the Council may determine. The Department of Police shall be responsible for: the preservation of the public peace; prevention of crime; apprehension of criminals; regulation of traffic; protection of rights of persons and property; and enforcement of laws of the State, the ordinances of the Town and all rules and regulations made in accordance therewith.
- C. All police officers of the Department shall have the same powers and duties with respect to the service of criminal process and enforcement of criminal laws as are vested in police officers by the Connecticut General Statutes. The duties of Dog Warden as provided in the Connecticut General Statutes shall be under the jurisdiction of the Department of Police. The Chief of Police shall appoint and may remove the Dog Warden in accordance with the provisions of the Connecticut General Statutes. The Chief of Police shall be the executive officer of the Department of Police; with the approval of the Manager he/she shall appoint and may remove, in accordance with and subject to the provisions of Article IX of this Charter, all other officers and employees of the Department and make rules and regulations concerning the operation of the Department and the discipline and the conduct of all officers and employees thereof.

§ C-712. Department of Finance.

There shall be a Department of Finance consisting of the Director of Finance, the Revenue Collector, the Assessor and such other employees as the Council may determine. The Department of Finance shall be responsible for the keeping of accounts and financial records, for the assessment and collection of taxes, special assessments and other revenues and for the administration of the financial affairs of the Town, and shall have such other powers and duties relating to finance as may be prescribed by the Council.

- A. **Director of Finance.** The Director of Finance shall have direct supervision over the Department of Finance. The Director of Finance shall have such powers and duties as conferred by the Connecticut General Statutes and shall have such additional powers and duties that are prescribed by the Council or by the Manager. The Director of

Finance shall also serve as the Town Treasurer as prescribed by the Connecticut General Statutes.

- B. **Revenue Collector.** The Revenue Collector shall have such powers and duties as conferred by the Connecticut General Statutes and shall have such additional powers and duties that are prescribed by the Council or by the Manager.
- C. **Assessor.** The Assessor shall have such powers and duties as conferred by the Connecticut General Statutes and shall have such additional powers and duties that are prescribed by the Council or by the Manager.

§ C-713. Purchasing Agent

All supplies, materials, equipment and services required by all commissions, boards, departments and offices of the Town, except the Board of Education, and except the Library Board with respect to the purchase of books and other materials peculiar to libraries, shall be purchased by the Purchasing Agent. The Board of Education and the Library Board may avail themselves of the Purchasing Agent's services in purchasing any commodity or service. The Purchasing Agent shall have such additional powers and duties that are prescribed by the Council or by the Manager.

Article VIII. FINANCIAL PROVISIONS

§ C-801. Fiscal Year.

The fiscal year of the Town shall be the Uniform Fiscal Year as defined by the Connecticut General Statutes.

§ C-802. General Form of Budget Preparation.

The Manager may, or at the request of the Council shall, require each department, office or agency of the Town supported wholly or in part by Town funds, or for which specific Town appropriation is made, including the Board of Education, to set forth, in narrative or such other form as the Manager may prescribe, a program or programs showing services, activities and work accomplished during the current year and to be accomplished during the ensuing fiscal year.

§ C-803. Departmental Estimates.

The Manager shall compile preliminary estimates for the annual budget. The head of each department, office or agency of the Town as described in § C-802 shall, at least 150 days before the end of the fiscal year, except the Board of Education which shall, at least 120 days before the end of the fiscal year, file with the Manager on forms prescribed and provided by the Manager's office a detailed estimate of the expenditures to be made by said department, office or agency and the revenue, other than tax revenues, to be

collected thereby in the ensuing fiscal year and such other information as may be required by the Council or by the Manager. Each commission, board, department and office shall be entitled to an opportunity to be heard by the Manager with respect to its estimates.

§ C-804. Duties of the Manager on the Budget.

Not later than 105 days before the end of the fiscal year, the Manager shall present to the Council the proposed budget for the ensuing fiscal year for all commissions, boards, departments and offices, including the Board of Education, such budget hereinafter referred to as the Manager's Proposed Budget. At the time of its submission to the Council, the Manager shall file a copy in the office of the Town Clerk as a public record and a copy on the website and within 10 days thereafter shall cause sufficient copies of the proposed budget, including the Board of Education budget, to be prepared in order that they may be available to interested persons.

§ C-805. Duties of the Council on the Budget.

- A. The Council shall hold two public hearings at which any elector or taxpayer may have the opportunity to be heard regarding appropriations for the ensuing fiscal year. The first such hearing shall be held not later than 15 days following the presentation of the proposed budget of the Manager. The Council, at least five days prior to the aforementioned first public hearing, shall cause to be published on the website and in a newspaper having circulation in the Town a notice of such public hearing and a summary of said Manager's Proposed Budget showing anticipated revenues by major sources, and proposed expenditures by functions or departments in the same form as prescribed for the budget estimates in § C-803, and shall also show the amount proposed to be raised by taxation. After consideration of the budget and within 30 days after holding the first public hearing, the Council shall hold the second public hearing. The Council, at least five days prior to the aforementioned second public hearing, shall cause to be published on the website and in a newspaper having circulation in the Town, a notice of such public hearing and summary of the tentative Town budget which it proposed to adopt in the same form as prescribed herein for publication of the Manager's Proposed Budget. Within 20 days after holding such second public hearing, the Council shall complete its consideration of the budget, and after making such modifications and amendments to said budget as it may deem advisable, it shall adopt the Town budget by a majority vote of all its members. The Council shall simultaneously fix the tax rate in mills which shall be levied on taxable property in the Town for the ensuing fiscal year. In the event the Council shall fail to adopt the Town budget on or prior to the date provided, the Manager's Proposed Budget as submitted to the Council shall be deemed to have been finally adopted by the Council as the Town budget, and thereafter expenditures shall be in accordance with said budget. In the event the Council shall fail to fix the tax rate on or prior to the date prescribed, the Manager shall fix said tax rate in mills.
- B. In accordance with the Connecticut General Statutes, the Council shall be deemed to be the budget-making authority and the legislative body of the Town and shall have

all the powers and duties contained in said statutes for the creation of a "Reserve Fund for Capital and Nonrecurring Expenditures."

§ C-806. Effect of Adoption of Town Budget.

The adoption of the Town budget shall constitute the appropriation to each commission, board, office and department, or major subdivision thereof when so indicated in the budget, of the sum estimated in the budget to be expended by each unit respectively, except that the Board of Education shall have the authority to expend the total sum appropriated to it in accordance with the Connecticut General Statutes.

§ C-807. Special Appropriations.

The Council may appropriate subject to the limitations imposed in Article IV, § C-408, of this Charter, any unappropriated and unencumbered balance in the Town treasury, provided there shall be attached to the resolution or ordinance making such appropriation the certificate of the Director of Finance that such balance actually exists free from encumbrances.

§ C-808. Transfer of Appropriation.

The Manager may at any time transfer any unencumbered appropriation balance or portion thereof from one classification to another within the same department, office or agency, except within the Board of Education. The Council may transfer the whole or any part of the unencumbered balance of any appropriation, except the appropriation of the Board of Education, to any other purpose which the Council may legally appropriate money, provided that such a transfer may be made from budget appropriations only in the last six months of the fiscal year and that there shall be attached to the resolution making the transfer the certificate of the Director of Finance that such balance exists free from encumbrances. Transfers among any capital project funds may occur at any time and are not subject to the six-month limitation stated above.

§ C-809. Effect of Appropriation

No money from any Town fund, including but not limited to the general fund, shall be expended or obligated for any expenditure incurred by any commission, board, department or office of the Town except in accordance with an appropriation by the Council. No contract, work order, purchase order or other authorization to spend money by any commission, board, department or office, except the Board of Education, shall be valid until the Director of Finance certifies in writing that there is an unexpended and unencumbered balance of an appropriation sufficient to meet the estimated cost thereof. The Director of Finance after such certification shall immediately encumber the appropriation with the estimated cost. The Board of Education shall set up its own system of budgetary control and certification of the sufficiency of unexpended and unencumbered balance of an appropriation.

§ C-810. Lapse of Appropriation.

The unencumbered balance of all general fund appropriations shall lapse at the end of the fiscal year for which they were made, and any such balance shall be credited to the general fund.

§ C-811. Borrowing to Meet Emergency Appropriations.

In the absence of unappropriated funds to meet emergency appropriations under the provisions of Article IV, § C-408, of this Charter, the Council may by resolution authorize the issuance of notes, each of which shall be designated "Emergency Note" and may be renewed from time to time, but all such notes of any fiscal year and any renewals thereof shall be paid not later than the last day of the fiscal year next succeeding the fiscal year in which the emergency appropriation was made.

§ C-812. Notes redeemable Prior to Maturity.

No notes shall be made payable upon demand. Any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

§ C-813. Competitive Bidding.

- A. The Council, the Board of Education, and the Library Board shall each establish rules and regulations covering purchases of goods and services for the Town, schools, and library respectively. Sealed bids or proposals shall be invited by the respective purchasing authority for any purchase or contract for purchasing, including a continuing order or contract for the purchase of the same commodity or services over a period of one year involving the expenditure of \$30,000 or more. Invitation for sealed bids or proposals shall be by giving 10 days public notice thereof by publication at least once in one newspaper having a circulation in the Town and by posting on the Town bulletin board and on the website.
- B. Sealed bids or proposals shall not be required for professional services when professional requirements or ethics prohibit such bidding, or when the Council, the Board of Education, or the Library Board shall determine, for reasons expressly stated, that sealed bids or proposals for a matter before that body are unnecessary or not in the best interests of the Town.
- C. The purchase or contract shall be let to the lowest responsible bidder, or all bids or proposals shall be rejected. All sealed bids or proposals shall be opened publicly and shall be kept for a period of one year thereafter in the office of the Purchasing Agent or the Board of Education or the Library Board, as applicable, where they shall be available for public inspection.
- D. During a state of emergency, the procurement of a competitive bid may be waived by the Town Manager to address issues of public health, safety and welfare.

§ C-814. Contracts for Public Works.

Contracts for the construction of streets, sewers, Town and school buildings and other public works with any private contractor shall be made in accordance with relevant provisions of the Connecticut General Statutes and under such rules and regulations as may be established by the Council or the Board of Education, whichever has jurisdiction. However, on any contract involving the expenditures of \$30,000 or more, sealed bids or proposals shall be invited and 10 days public notice given thereof by publication at least once in one newspaper having circulation in the Town, and by posting on the Town bulletin board and on the website, unless the Council or the Board of Education or Project Building Committee, whichever has jurisdiction, shall determine for reasons which it shall expressly state that sealed bids are not in the best interest of the Town. The purchase or contract shall be let to the lowest responsible bidder, or all bids or proposals shall be rejected. All sealed bids or proposals shall be opened publicly and shall be kept for a period of one year thereafter in the office of the Purchasing Agent or the Board of Education where they shall be available for public inspection.

§ C-815. Payments of Claims.

Payrolls, bills or other claims against the Town, except those of the Board of Education, shall not be paid until the same have been verified for correctness and legality by the Director of Finance, and all payments shall be made by check drawn on a Town bank account signed by the Town Treasurer and countersigned by the Manager. All payrolls, bills or other claims against the Board of Education shall be verified as such Board may provide, and payment shall be made by check signed by an agent designated by the Board of Education and countersigned by the Town Treasurer who shall only serve in this role to verify the amount of funds to cover such payments. The Manager and the Treasurer, on approval of the Council and the Board of Education shall each designate a deputy or deputy agent covered by the bond of said principal, who may sign or countersign certificates, payrolls, bills, claims and checks.

§ C-816. Fees Collected by Town Officials and Employees.

All fees collected by officials and employees of the Town in their official capacities shall be paid into the Town treasury, except witness fees payable to police officers and fees payable to Constables and Justices of the Peace.

§ C-817. Official Bonds.

The Manager, Town Clerk, Director of Finance, agent of the Town deposit fund, Revenue Collector, Building Official and persons authorized to sign and countersign Town checks and such other officials and employees as may be determined by the Council, shall before entering on their respective duties, execute to the Town, in the form prescribed by the Council and approved by the Town Attorney, and file with the Town Clerk, a surety bond or other adequate insurance to be fixed by the Council, conditioned

upon the honest and faithful performance of such official duties. The Council, if it deems it to be in the best interest of the Town, may prescribe a name schedule bond, schedule position bond or blanket bond, or may designate which commissions, boards, departments, offices and agencies shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the Town.

§ C-818. Penalties for Violation of any Provision of this Charter.

Any person or persons who make or cause to be made any payment from Town monies in violation of the provisions of this Charter, or who receive such payment shall be jointly and severally liable to the Town for the full amount of such payment. Any contract, verbal or written, made in violation of this Charter shall be null and void. Any person or employee of the Town who violates any of the provisions of this Charter shall be subject to a penalty in such amount as shall be determined by ordinance, and such a violation may be grounds for removal.

§ C-819. Annual Audit.

The Council shall cause an audit of the Town accounts, including those of the Board of Education, to be made once a year, or more often if deemed necessary, by the Town Auditor as provided for in Article VI, § C-609. The report of such audit shall be public record and available for public inspection.

Article IX. PERSONNEL

§ C-901. Merit System.

Officials and employees in the classified services of the Town as described in § C-902 below shall be appointed, promoted and removed solely on the basis of merit and fitness demonstrated by examination or other evidence of competence. The Council shall, by ordinance, establish a classified service system, including a grievance procedure, for all Town employees, except the following: elected officials and persons appointed to fill vacancies in elective offices; members of boards and commissions and other officials appointed by the Council; certified employees of the Board of Education; persons employed in professional capacity to make or conduct a temporary or special inquiry, study or investigation; part-time personnel and persons employed for a temporary period not exceeding three months.

§ C-902. Classified Service.

The classified service shall include appointees to all positions now or hereafter created except those noted in § C-901. It shall be the duty of the Personnel Director to cause to be prepared a statement of the duties and responsibilities of each position in the classified service and of the minimum qualifications for appointments to such positions. These statements shall comprise the classification plan of the Town, which shall become

effective upon approval by resolution of the Council and which may be amended, upon recommendation of the Personnel Director, by resolution of the Council. New or additional positions in the classified service may be created and changes in the duties and responsibilities of existing positions may be made by resolution of the Council upon recommendation of the Personnel Director. A pay plan for all positions in the classified service shall be similarly prepared, adopted and amended. The Personnel Director shall also cause to have prepared a set of personnel rules which shall provide, among other things, for the method of holding competitive examinations, administration of the classification plan, probationary periods of employment, hours of work, vacations, sick leave and other leaves of absence, removals, and such other rules as may be necessary to provide an adequate and systematic procedure for the handling of the personnel affairs of the Town. Such rules and amendments thereto become effective upon being filed by the Personnel Director with the Town Clerk. Copies of such rules and any amendments thereto shall be distributed to all members of the classified service.

§ C-903. Personnel Director.

The Personnel Director shall be the Manager or, when the Council shall so determine, a person qualified in personnel administration shall be appointed by the Manager, in accordance with this article. The Personnel Director shall be responsible for administering the personnel affairs of the Town and for making recommendations respecting personnel matters to the Council and the Manager.

§ C-904. Prohibitions.

Except in the case of a bona fide occupational qualification or need, no Town employee or applicant for employment by the Town shall be appointed, promoted, reduced, removed, or in any way favored or discriminated against for reasons set forth in Connecticut General Statutes or because of any reason unconnected with the performance of the duties of the position.

§ C-905. Retirement.

The Council may provide by ordinance a system of retirement allowances for the Town's regular full-time paid employees and for contributions by employees and the Town to a fund from which such allowances shall be paid. The Town may: enter into contract with any company or institution authorized to do business in this State for the purpose of insuring the whole or any part of this retirement plan; elect to participate in the Connecticut Municipal Employees Retirement Fund; elect to participate in the old-age and survivors insurance system under Title II of the Social Security Act, in accordance with the provisions of the Connecticut General Statutes; or elect any combination thereof. The Council may authorize the transfer of the management and investment of the Town's pension funds to any fiduciary institution chartered or licensed to operate in the State of Connecticut under the provisions of the Connecticut General Statutes.

§ C-906. Conflict of Interest.

Any elected or appointed Town official, or any Town employee, who has a personal or financial interest in any matter to be acted upon or coming before his/her board, commission, or office shall make full record disclosure in writing of that interest which shall be incorporated in the minutes of the particular board, commission or office, and a full copy of such minutes shall be filed in the office of the Town Clerk, and such person shall be disqualified to act in any way upon such matter. Violation of this section with knowledge, expressed or implied, will make said decision voidable. *Editor's Note: See § 32-5, Conflict of interest.*

Article X. MISCELLANEOUS*§ C-1001. Effective Date.*

In the event that this Charter shall be ratified by the electors of the Town, it shall become effective 60 days thereafter.

§ C-1002. Existing Laws, Ordinances, Rules and Regulations and Special Acts.

As of the effective date of this Charter, all general laws and special acts applying to the Town, all ordinances and bylaws of the Town, and all rules and regulations of commissions, boards, departments and agencies of the Town shall continue in force, except insofar as they are inconsistent with the provisions of this Charter or are repealed.

§ C-1003. Existing Office Holders.

The Mayor, Manager, members of the Council, as well as all members of boards and commissions, and any other public official holding office as of the date of the adoption of this Charter, shall continue to hold such office until the expiration of their previously authorized term, and until their successors have been chosen and qualified, except insofar as the holding of such office is inconsistent with the provisions of this Charter.

§ C-1004. Transfer of Records and Property.

All Town records, property and equipment of any commission, board, department, or office or part thereof, all powers and duties of which are assigned to any other commission, board, department or office by this Charter shall be transferred and delivered intact to the commission, board, department or office to which such powers and duties are so assigned. If part of the powers and duties of any commission, board, department or office or part thereof are by this Charter assigned to another commission, board, department or office, all Town records, property and equipment relating exclusively thereto shall be transferred and delivered intact to the commission, board, department or office to which such powers and duties are so assigned.

§ C-1005. Amendment.

This Charter may be amended in the manner prescribed by the Connecticut General Statutes.

§ C-1006. Severability.

If any portion of this Charter shall be found inconsistent with the Constitution of the United States, the Constitution of the State of Connecticut or the Connecticut General Statutes by a court of competent jurisdiction, such finding shall not affect the remainder of this Charter, and the remainder of this Charter shall remain in full force and effect until amended or repealed.

Attendance RecordBoard/Agency/Commission: Charter Revision CommissionReporting Period: January 1 – June 30, 2012Number of Meetings scheduled or specially called: 10Number of meetings lacking a quorum: 1

Attendance by individual members (include all members, whether they served a complete term or not):

Members (Name)	No. of Meetings Attended	No. of Meetings Absent	% Meetings Attended
Alan Nafis	10	0	100%
Donna Clark	7	3	70%
Paul Vessella	10	0	100%
Mike Lenares	6	4	60%
Vincent Camilli	8	2	80%

The Council is aware that often there are mitigating circumstances which affect a person's attendance (sickness, extensive subcommittee work, etc.). Please use the space below to make any comments on an individual member's attendance you feel are necessary.

Signed:
Address:
Tanya Lane
Town Clerk's Office
Room 101
Title: Town Clerk/Staff Liaison
Phone: 860-665-8550

7/10/12

**TOWN OF NEWINGTON
LEGAL NOTICE**

This is to give notice that the Newington Town Council will hold a public hearing on July 24, 2012 at 6:45 P.M. in the Helen Nelson Room at Town Hall, 131 Cedar Street, Newington, CT to provide an opportunity for interested individuals to express their views regarding the:

**DRAFT REPORT OF THE CHARTER
REVISION COMMISSION**

Copies of the full text of the proposed amendments to the Newington Charter are available in the Town Clerk's office and on the Town's website at www.newingtonct.gov.

Dated at Newington, CT this 13th day of July, 2012.

Attest: John L. Salomone
Town Manager

Appeared in: ***Hartford Courant*** on Tuesday, 07/17/2012

[Home](#)

Powered by myPublicNotices.com

[Back](#)



John Salomone
Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR STEPHEN WOODS

**MINUTES
NEWINGTON TOWN COUNCIL PUBLIC HEARING
CHARTER REVISION**

**HELEN NELSON ROOM – TOWN HALL
6:45 P.M.
JULY 24, 2012**

Mayor Woods called the Public Hearing to order to provide an opportunity for interested individuals to express their views regarding the Draft Report of the Charter Revision Commission.

I PLEDGE OF ALLEGIANCE

II ROLL CALL – Councilors Present

Councilor Borjeson
Councilor Bottalico
Councilor Castelle
Councilor Cohen
Councilor DelBuono

Councilor Klett
Councilor McBride
Councilor Nagel
Mayor Woods

III PUBLIC PARTICIPATION

Larry Jurak, 92 Dowd Street: He thanked the Council for making changes to the Charter and to the Blight Ordinance, which he supported. He stated that he had helped elderly neighbors maintain their homes but he had a neighbor whose property was definitely an eyesore and was told by a realtor that the price of his home was affected negatively by \$20-30k. Mr. Jurak thought this was another tool in Newington's arsenal to keep moving forward.

Madeline Kenny, 53 Crestview Drive: She thanked the Committee members for their work and for being able to arrive at a consensus to benefit the Town.

IV ADJOURNMENT

Councilor DelBuono motioned to adjourn the meeting at 6:50 p.m.

SECONDED BY: Councilor Bottalico

VOTE: 9 – 0

Respectfully submitted,

Linda Irish-Simpson
Clerk of the Council

Cc: T. Lane, Town Clerk

RECEIVED & RECORDED IN
NEWINGTON LAND RECORDS

2012 JUL 27 P 2: 25

Phone: (860) 665-8510 Fax: (860) 665-8507 BY
townmanager@newingtonct.gov
www.newingtonct.gov

VOLUME
PAGE
Tanya Lane
TOWN CLERK

AGENDA ITEM: IV.B.1

DATE: 7-24-12

RESOLUTION NO.: 2012-90

WHEREAS, the Town Council has received a draft report from the Charter Revision Commission, through the Town Clerk pursuant to Connecticut General Statutes § 7-191(b); and

WHEREAS, one public hearing on said draft report was held not later than forty-five days after the submission of the draft report to the Town Clerk; and

WHEREAS, the Town Council has no recommendations for changes in said draft report; and

WHEREAS, the Town Council has complied with all conditions precedent to making said draft report a final report pursuant to Connecticut General Statutes § 7-191;

NOW THEREFORE BE IT RESOLVED, that said draft report is hereby final and the appointing authority shall act on said final report in accordance with Connecticut General Statutes § 7-191.

MOTION BY: Councilor Castelle

SECONDED BY: Councilor Cohen

VOTE: 9 - 0

AGENDA ITEM: IV.B.2

DATE: 7-24-12

RESOLUTION NO.: 2012-91

WHEREAS, the Town Council has before it the final report of the Charter Revision Commission, and

WHEREAS, said final report contains a proposed charter drafted pursuant to and in compliance with Chapter 99 of the Connecticut General Statutes; and

WHEREAS, the Town Council has complied with all conditions precedent to approve said proposed charter pursuant to Connecticut General Statutes § 7-191;

NOW THEREFORE BE IT RESOLVED, that pursuant to Connecticut General Statutes § 7-191 (d) the proposed charter is hereby approved.

MOTION BY: Councilor DelBuono

SECONDED BY: Councilor Nagel

VOTE: 9 - 0

AGENDA ITEM: IV.B.3.& 4.

DATE: 7-24-12

RESOLUTION NO.: 2012-92

WHEREAS, a proposed charter shall be submitted to the electors for approval or rejection at the State Election to be held on November 6, 2012; and

WHEREAS, pursuant to Connecticut General Statutes § 7-191 (f), the proposed charter shall be prepared for the ballot by the Town Council and may be submitted in the form of one question;

NOW THEREFORE BE IT RESOLVED, that the form of the one question on the ballot at the November 6, 2012 election shall be in the following form:

1. "Shall the Town of Newington adopt the proposed charter that was approved by the Town Council on July 24, 2012?"

MOTION BY: Councilor McBride

SECONDED BY: Councilor Castelle

VOTE: 9 – 0

