

Minutes of the Charter Revision Commission April 9, 2008

Present: Chairman Ernie Petkovich, Dr. Douglas Viets, Rodney Dillman, Bobbie Kling, Elaine O'Brien, Thomas J. Sheridan, Jr., Eric Remington and John P. Murphy. Also present was Town Counsel, Ed McAnaney.

Mr. Petkovich opened the meeting at 7:00 p.m. in the Town Hall conference room.

Citizen Input: None

Minutes: Dr. Viets made a motion, seconded by Eric Remington to accept the Minutes of March 12, 2008. The motion was passed by unanimous vote.

Correspondence:

Chairman Petkovich received a letter from the First Selectman stating that Brenda Bergeron, an Attorney for the Dept. Of Emergency Management and Homeland Security is available to answer questions regarding Emergency Ordinances. When the Commission gets to this section in the Charter, the Commission can use this as a potential resource.

Action Items: The two current action items for the town attorney to present suggested Charter Changes which is due tonight and also the communications plan. These are the only two current items in addition to the Commission's decision making.

Budget:

Last meeting an estimate for the Charter Commission's budget was discussed. The original request was for an outside Attorney for \$10,000; Recording Secretary \$2,500 for a total \$12,500.00. Mr. Petkovich told the First Selectman that the Commission does not know how many specific changes will require expertise beyond what the Town Attorney can provide. When the Board of Selectmen reviewed the Commission's request, a few members of the Board of Selectmen felt the Commission could push back on the budget for an attorney by using an outside consultant instead. Therefore the Board of Selectmen would like the Charter Commission to a formal vote on the proposed budget. Doug Viets felt the line items should state "Professional Services" which could either mean an outside attorney or a consultant.

Doug Viets made a motion, seconded by Elaine O'Brien to recommend to the Board of Selectmen a budget of \$10,000 for Professional Services and \$2,500 for a Recording Secretary and authorize the Chairman to resubmit the budget request for consideration.

Discussion followed. Elaine O'Brien made an amendment to the motion to add after the \$10,000 for Professional Services to also read "as determined by the Charter Revisions Commission". The motion was seconded by Rod Dillman. The amendment was approved by unanimous vote. The original motion with amendment was approved by unanimous vote.

The resulting CRC budget request is: \$10,000 for Professional Services as determined by the Charter Revision Commission and \$2,500 for a Recording Secretary.

Proposed Charter Changes:

Attorney McAnaney was present to discuss his proposed changes to the Charter. Mr. Petkovich has added these items to the Tracking Log.

Charter Section 102 – technical corrections to the first line "right's" change to "rights". Third line change affect to effect; remove comma after the word "affect". Fourth line change "be" to "by". Mr. Viets made a motion, seconded by Mr. Remington to approve the changes. The motion was approved by unanimous vote.

Charter Section 203- add language to the end to read "Except for the Board of Selectmen as provided in Section 402 of this Charter, membership....." Mr. Viets made a motion, seconded by Mr. Remington, to add that language at the beginning of that sentence. The motion was approved by unanimous vote. Mr. Petkovich made a motion, seconded by Doug Viets and approved by unanimous vote, to take off item #2 on the original tracking log because it's a duplicate.

Charter Section 303-Mr. Dillman made a motion, seconded by Mr. Viets, not to eliminate this section and move this to the "Not Recommended" list. The motion was approved by unanimous vote. Ms. O'Brien made a motion, seconded by Mr. Remington to add "East Granby" after Probate District of Suffield. The motion was approved by unanimous vote.

Charter Section 403-Addressing appointed boards, commissions and committees. This issue will be placed on the short list and revisited.

Charter Section 501-Section 7-193(b) permits towns to organize boards, commissions and committees and officers as necessary under the Charter. In other words, you can structure the Town government as the town sees fit, with the concurrence of the electorate. The Town can assign duties and responsibilities to various positions based on how the Town wishes to set it up. Mr. Petkovich suggested this be placed in the "duplicate" category and refer to Item #21 on the original tracking log.

Charter Section 611(b)-line 6 change "time" to "times". Mr. Viets made the motion, seconded by Mr. Remington to accept this change. The motion was approved by unanimous vote.

Charter Section 705-term of office for individuals on appointed boards, commissions and committees. No terms is specified for the Town Attorney or some of the other positions listed in Charter 6, except for the Director of Finance and Constables. This was simply for information. This is a duplicate under the tracking lot and for information only. No action taken.

Charter Section 708-Period of time that a temporary committee should exist. This issue will be placed on the short list and revisited.

Charter Section 802-provisions for seating alternates on the Board of Finance to read: "When the number of regular board members in attendance is four, no more than two alternates shall be seated. When the number of regular board members in attendance is five, no more than one alternate may be seated. When the number of regular board members in attendance is six, no alternate shall be seated." This is duplicate to the original tracking log #36, which will be referenced to #73.

Charter Section 803-1- typo "of" change to "or" second paragraph line 7 , add "and" after the word "year", to now read "and" for five years thereafter. Mr. Dillman made a motion, seconded by Ms. O'Brien, and approved by unanimous vote.

Charter Section 807E-second paragraph line 4 add the word "and" after the word Commissions. Mr. Viets made a motion, seconded by Mrs. Kling and approved by unanimous vote. Ms. O'Brien added that the word "or" in the second sentence of this section should be "for". Mr. Dillman made a motion, seconded by Ms. O'Brien and approved by unanimous vote.

Charter Section 807F-line 3 change "severely" to "severally." Mr. Remington made a motion, seconded by Mr. Viets and approved by unanimous vote.

Charter Section 807H-The Charter is unclear as to what rules applies to the use of the contingency fund. This issue will be placed on the short list and revisited.

Charter Section 1004-Neither the Statutes nor the Charter have quorum requirement for the Town Meeting. Whether this Commission wants to establish a requirement will be up to the CRC. This issue will be placed on the short list and revisited.

Charter Section-1006F-add language to line 4 after the word facilities "or open space". This is an addition to Rod's #53. This issue will be placed on the short list and revisited.

Charter Section 1009-should read just "Referendum" not Referendum by Petition. Mr. Remington made a motion, seconded by Mr. Viets and approved by unanimous vote.

Charter Section 1009A-“The Board of Selectmen shall set the date of such referendum not less than three weeks from the date of the giving of the required notice that the referendum is to be held”. This issue will be placed on the short list and revisited.

Charter Section 302(F) last sentence. The second word “part” to read “party”. Mr. Sheridan made a motion, seconded by Mr. Viets and approved by unanimous vote.

In conclusion, Attorney McAnaney said he is available to the members of the CRC at any time on any of these issues. Ultimately, he will work together with the Commission to resolve the language to the proposed Charter changes. Mr. Petkovich said the commission was concerned if the Commission gets into a scenario where they may need expertise beyond what Attorney McAnaney may have in his wealth of knowledge, how would he recommend approaching that situation. Attorney McAnaney said first in his view that there is not an “expert” lawyer on Charter Revisions because they happened so seldom. There are lawyers who have experience, such as he, who has gone through three Charter Revision changes. But if for some reason he didn’t think it was satisfactory, then he may tell them to speak with someone else on a particular issue.

Mr. Dillman asked if the Charter can amend the activities of Zoning & Planning and are they governed by State Statute. What other Commissions or Boards where State Statute would override anything the CRC might want to do in the Charter. Mr. McAnaney said Conservation Commission. However on the Police Commission, under issues of organization, the Charter can govern how many members on the Police Commission, and whether they are elected or appointed.

Town Charters:

Members were to copy the sections of the various Town Charters concerning the Board of Selectmen and the Town Manager/Administrator. Mr. Sheridan presented the Town of Granby’s Charter. They conduct business through a Town Manager, but also retain a Board of Selectmen and Board of Finance, and Town Meeting. Mrs. Kling felt that since the Commission will be looking at Selectmen v. Town Manager form of government, this is the Charter to review in detail. Mrs. Kling recommended that the members obtain a copy of this Charter. Mr. Petkovich asked Elaine O’Brien to send a copy to all members.

Mr. Petkovich asked members to do their summary of the Charter that they were assigned and at the next meeting will spend at least half of the time on Charter reviews.

Adjournment:

Mr. Dillman made a motion, seconded by Mr. Viets and approved by unanimous vote to adjourn. The meeting adjourned at 9:05 p.m.

Respectfully submitted, Christine Koren, Recording Secretary

NEXT MEETING: May 21st Second Floor Conference Room, Town Hall