

CHARTER REVISION COMMITTEE

SPECIAL MEETING

JUNE 16, 2016

MINUTES

PRESENT: Vice-Chair Christina Tatta, acting as Chair; Patricia Kohl; Jim Seichter; Tom Corrigan; Robert Swick; Gina Morgenstein; Jim Pyskaty; Mark Gingras. Members of the Public-Fire Chief Richard Heidgerd; Tom Laffin, Vice-Chair, Town Council.

NOT PRESENT: Chair Stephen Knight; Jonathan Chappell; Samuel Carmody.

Acting-Chair Tatta called the Meeting to order at 6:32 p.m. and the Pledge of Allegiance was recited.

1. Approval of Minutes: May 12, 2016.

Mr. Gingras made a motion to approve the May 12, 2016 Meeting Minutes as presented. Mr. Pyskaty seconded the motion.

Vote: unanimous with Mr. Seichter abstaining.

Approval of Minutes: May 26, 2016

Mr. Swick made a motion to approve the May 26, 2016 Meeting Minutes as presented. Mr. Pyskaty seconded the motion.

Vote: unanimous

2. Timelines and deadlines for Charter review

Acting-Chair Tatta noted that Corporation Counsel Janis Small had sent a memorandum stating the deadline for the draft report as given by the Town Council which was to be submitted to the Town Clerk would be June 30, 2017 would probably make it impossible for the Charter Revisions to be on the ballot for November 2017. She said Corporation Counsel Janis Small suggested the deadline for submitting the draft be moved. Acting-Chair Tatta went over Atty. Small's memo which stated after 45 days of receipt, the Town Council must conduct at least one public hearing and within 15 days of the last public hearing, the Council must make any recommendations for changes. The memo noted that if the Council makes no recommendations, the report is final and must be acted upon; if recommendations are made by the Council, The Charter Revision Committee must consider them within 30 days of receiving such recommendations and within 15 days after receiving the final report, the Council must act.

Atty. Small's memo also noted that no later than 30 days after approval, publication in the paper is required and a regular or special election must take place within 15 months of approval. Atty. Small recommended the Committee target the end of April 2017 as the approximate completion date. Mr. Swick commented that April 2017 would be a more realistic date. Ms. Kohl said that if the Committee submits its report by the end of April 2017, the budget hearings will be just about over. She said the Committee could decide tonight to make the date for April 30, 2017, and if the Committee completes their task earlier, so be it.

Acting-Chair Tatta entertained a motion at this time.

Ms. Kohl made a motion to submit the draft report by April 30, 2017. Mr. Gingras seconded the motion.

Vote: unanimous.

3. Fire Marshal position

Acting-Chair Tatta said this topic relates to Charge #7 – Chapter X Section 4 – Consider a process of the hiring of the Fire Marshal by the Fire Chief. Ms. Kohl said this makes sense and noted the last Charter Revision Committee thought the same. In answer to Mr. Seichter's question, Ms. Kohl noted that the Town Council currently hires the Fire Marshal. Acting-Chair Tatta said the Committee could consider having the Fire Chief hire the Fire Marshal and then approved by the Town Council, or simply hired by the Fire Chief with no Council approval. Mr. Gingras asked the Fire Chief about staff hiring. Fire Chief Heidgerd said he currently hires the Assistant Chief with no involvement by the Town Council. He noted the Dep. Fire Chief and the Fire Marshal positions are the only two which are hired outside the Department.

Mr. Gingras asked how this is currently done. Fire Chief Heidgerd noted the Council works with the Personnel Dept. and comes up with an eligibility list, and then the Fire Dept. makes a recommendation to follow the Charter back to the Council for them to appoint. Mr. Corrigan asked what type of questions the Town Council asks. Chief Heidgerd said there is a preliminary interview with Personnel following a normal hiring process, and this list gets narrowed down so when the Town Council does their interviews, it's a more focused group which can ask a variety of personnel questions which are not technical. He said the Dept. has worked closely with the Town Council in the hiring process and noted the Council has the final say because of the current Charter.

Mr. Seichter said he felt comfortable having the Fire Chief appoint or hire both positions. The Committee concurred.

Acting-Chair Tatta entertained a motion at this time.

Ms. Morgenstein made a motion to change the wording of Chapter 10, Section 4 to read “the Fire Chief shall appoint a Fire Marshal and the Deputy Fire Marshal. Ms. Kohl seconded the motion.

Roll Call Vote: Kohl-yes; Seichter-yes; Tatta-yes; Corrigan-yes; Swick-yes; Morgenstein-yes; Pyskaty-yes; Gingras-yes.

Motion passes.

4. Town Clerk position

Acting-Chair Tatta said this item correlates with Charge #2 – Chapter IV Section 1 – Consider the appointment/hiring process for the Town Clerk. Acting-Chair Tatta noted that currently, the Town Clerk position is appointed by the Town Council.

Mr. Seichter pointed out that from a standpoint of consistency, the Town Clerk should be more of a classified position and hired from a normal hiring process through Personnel. He said he is certain there have been talented and skilled people in the Town Clerk’s office, but noted there can be a ping-pong effect, where someone is in for two years, then out for two years, and the same person may come back. He said for running the office and for an administrative standpoint this is important. He said it is better to have consistency and not subject to every two years it may change. Mr. Pyskaty said the Town Clerk position has a lot of responsibility, and noted it takes time for a new person to get acclimated.

Ms. Morgenstein said the present Town Clerk made good points about why this matters and referred to other communities. Ms. Morgenstein noted the current Town Clerk was appointed, and no one has any intent of her leaving, but wondered what would happen to the current Town Clerk if the Charter was changed to a hired position. Acting-Chair Tatta said this is a question for the Law Office. Ms. Morgenstein said if the Charter were changed, wording might have to be put into her employee file that the current Town Clerk was retained. Ms. Morgenstein asked if there was any way to delay the wording or change on this issue until Atty. Small is consulted.

Ms. Morgenstein clarified that her concern is that the Committee wants the Town Clerk position to be full-time hired position, but currently the position is filled by someone appointed by the Council and this may not be the way moving forward. Mr. Seichter spoke about the current Town Clerk’s position possibly being grandfathered up until the time of the next election. Ms. Morgenstein noted that she wants to make sure the current Town Clerk’s position doesn’t come into question because she was appointed, and that is being taken away. Mr. Seichter noted the intention would be to have this on the ballot in 2017 which is a municipal election, but said it was a good point to consult with the Atty. Small. Mr. Gingras asked what would be the argument for having it the way it has been. Acting-Chair Tatta said as long as the Committee

decides what they want to do regarding the Town Clerk position, Atty. Small will come up with the appropriate wording.

Acting-Chair Tatta entertained a motion.

Mr. Seichter moved that the Town Clerk position be made a classified position rather than an appointed position by the Town Council. Mr. Gingras seconded the motion.

Roll Call Vote: Kohl-yes; Seichter-yes; Tatta – yes; Corrigan-yes; Swick-yes; Morgenstein-yes; Pyskaty-yes; Gingras-yes

Motion passes

5. Board of Tax Review

Acting-Chair Tatta read the memo by Atty. Small who noted that pursuant to CT. Gen. Statute 9-199, the Board is required. She noted that Chapter IV, Section 3 provides for the appointment of the Board and it is necessary to keep the Board in the Charter, otherwise the Board would need to be elected. Atty. Small noted in her memo that the Board of Tax Review is now called the Board of Assessment Appeals and the name should be changed in the Charter.

Acting-Chair Tatta entertained a motion.

Ms. Kohl made a motion to change the Board of Tax Review to the Board of Assessment Appeals. Mr. Swick seconded the motion.

Roll Call Vote: Kohl-yes; Seichter-yes; Tatta-yes; Corrigan-yes; Swick-yes; Morgenstein-yes; Pyskaty-yes; Gingras – yes.

Motion passes

6. Consideration of Town Council charge items

Acting-Chair Tatta said she and Chairman Knight met with Atty. Small and she recommended that a vague agenda item be added to each agenda, so the Commission is not limited to what is on the agenda.

The Commission agreed to discuss Term Limits under Charge Item #1 Chapter 11 Section 2 – Consider the term for all elected officials to be four years.

Ms. Morgenstein said when the terms are even years, there is never a local election that occurs with anyone getting elected besides local officials, that results in the turnout being horrendous. She recommended three years. She asked why the term went from four years to two years. She noted during the last charter revision, it was four years. Ms. Kohl pointed out she believed it was just the Board of Education that was a four year term. She said the Mayor and Town

Council were two year terms. Ms. Kohl noted she believed there was a time when everyone was two years and then at some point in time, the Board of Education became four years and she believed this was staggered until they all reached four years and at that some point, everyone was put back to two years. Ms. Morgenstein said elections are conducted and money is spent opening and closing the schools and we get 20% turnout because it is a local election. Mr. Corrigan said he likes the two year, odd year, because it sets us apart from the Congressional elections and doesn't see an issue with how things are set up now. Ms. Kohl agreed stating that if this were to follow on a Presidential year, the ballots would be outrageously long. Mr. Seichter said he feels comfortable the way it is now. He said he wants to encourage people to vote, but can't force them. He said he wants people to come out to vote who are interested and active. He said he feels comfortable with what we now have. Acting-Chair Tatta said the Committee could vote on the item or continue the discussion. Mr. Gingras said he wasn't comfortable voting on this item unless more Commissioners were in attendance. He said he welcomed the discussion. Mr. Swick said he personally believed the Registrar of Voters would be overwhelmed with the amount of candidates if they were all at once. He said it was more functional for an individual to run as a standalone candidate. He said he believed this would hurt the local candidate more. He said he believes two years works.

Mr. Seichter said the local candidate can be overshadowed by the national election and Mr. Swick made a valid point.

ITEM TABLED

Charge Item #12 – Consider amending the language of the Charter to be gender inclusive where appropriate

Ms. Kohl said Mr. Chappell, in his memo, made a good suggestion that a disclaimer should be included in the Charter stating that anywhere there are the words "he" or "him", it is understood to be gender neutral this way no one has to go through the Charter line by line and risk missing something.

Ms. Morgenstein said in this day and age, there are enough issues with gender, and to still have a document that still says "he" and "him" and to put a disclaimer could be thought of as insulting and noted one risks offending people especially if it was preliminarily done. Mr. Gingras said he agreed with Ms. Morgenstein and will take time to go through each line but should be done this way. Mr. Seichter agreed noting it was the easy way out to just put in a disclaimer. He said if the Charter is being revised, this should be done thoroughly.

Acting-Chair Tatta entertained a motion at this time.

Mr. Gingras made a motion to amend the Charter to be gender inclusive where appropriate. Ms. Morgenstein seconded the motion.

Roll Call Vote: Kohl-yes; Seichter-yes; Tatta-yes; Corrigan-yes; Swick-yes; Morgenstein-yes; Pyskaty-yes; Gingras-yes.

Motion passes

Charge Item #11 – Consider integrating electronic publication into the Charter where appropriate.

Mr. Laffin said there was concern the current Charter language was too limiting. Ms. Morgenstein said there is an argument that many people don't read the newspapers where the Legal Notice is printed. Mr. Laffin noted that 20 years from now, it could be something different. Mr. Swick asked if the Legal Dept. could give an opinion. Acting-Chair Tatta said if the Committee is in agreement, the Law Dept. could come up with the wording. Mr. Gingras said he liked the idea of the generalization where the Town has a choice.

The Committee reached a consensus and will pass this along to the Law Dept.

Ms. Morgenstein noted the last time the Charter was voted on, it was voted down. She asked if there was flexibility that when items get voted on or is it is just a yes or no vote with the Town Council approving the revisions. Acting-Chair Tatta said she would check with Atty. Small but understood it would be a yes or no vote.

Mr. Seichter commented that he would prefer some additional background information on Items 4, 5 & 8 to get a better understanding. Acting-Chair Tatta said she was thinking to inform the Board of Selectmen and Constables that their positions will be addressed. She noted the next meeting will take place on Thursday, June 23, 2016 in Room 315 at 6:30 p.m.

Adjournment

Mr. Seichter made a motion to adjourn the Meeting at 7:20 p.m. Ms. Kohl seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary

