

**Charter Revision Commission
Regular Meeting
May 3, 2012
Municipal Center-Council Chamber**

Minutes

Present: Daphne Adams, Robert Cornish, Jo Rosinski, John Gasparini, William Brayne, Robert Michalic

Absent: Robert Berube

Staff Present: Robert Lee, Town Manager, Michael Mastrianni, Town Attorney, Kelly LePage, Transcriber

1. Call to Order

The meeting was called to order at 6:00 p.m. by Chairman Cornish.

2. Meeting Minutes

April 5, 2012 Meeting Minute Changes

- Under the "Budget Town Meeting" section, change the language 'Board of Education Members' to 'Charter Revision Commission Members.'
- Remove guest list from minutes

Motion to approve meeting minutes from April 5, 2012 regular meeting with changes: Mr. Michalic

Second by: Ms. Rosinski

All in Favor 6, All Opposed 0, Motion passed unanimously

April 19, 2012 Meeting Minute Changes

Under "Compensation," one piece omitted was that the Town Attorney gave information on other towns that do not compensate their Town Councils.

Motion to approve meeting minutes from April 19, 2012 regular meeting with changes: Mr. Michalic

Second by: Ms. Rosinski

All in Favor 6, All Opposed 0, Motion passed unanimously

3. Correspondence

No new correspondence

4. Old Business

It was recommended and agreed upon to go through the revised red line copy of the Charter instead of following the meeting's agenda.

Charter of the Town of Plainville

Chapter 1. Incorporation and General Powers

Section 1. Incorporation

No changes made to section 1.

Section 2. Rights and Obligations

No changes made to section 2.

Section 3. General Grant of Powers

No changes made to section 3.

Chapter 2. Offices and Elections

Section 1. Nomination of candidates, general municipal elections, minority representation.

a. Nomination of Candidates

No changes made to section a.

b. Municipal Elections

No changes made to section b.

c. Minority Representation

No changes made to section c.

d. Town Council

No changes made to section d.

e. Board of Education

No changes made to section

f. Board of Library Trustees

Language was changed from 'Directors' to 'Trustees'

Kept as an elected position

Changes were accepted

g. Other Offices

Original changes were made to remove Constables, Registrar of Voters and Judge of Probate from this section in the Charter. Following a discussion, it was decided to put Constables and Registrar of Voters back into this section of the Charter.

Motion to approve section g, Other Offices, with revisions by Ms. Rosinski

Second by Ms. Adams

All in Favor 6, All Opposed 0, Motion passes unanimously.

Section 2. Unaffiliated Voters

No changes made to section 2.

Section 3. Breaking a Tie

No changes made to section 3.

Section 4. Eligibility

No changes made to section 4.

Section 5. Vacancies

No changes made to section 5.

Section 6. Voting Districts

No changes made to section 6.

Chapter 3. Town Council

Section 1. Powers

Five lines from the bottom of the section, a sentence starts, "It shall further have power to make, alter and repeal ordinances or resolutions not inconsistent with this charter and the general laws..."

The word 'not' needs to be removed.

Section 2. Composition

No changes made to section 2

Section 3. Compensation

Discussion followed about the November 1st being the date Town Council members would receive stipend for the year. It was approved.

Motion to approve section 3, Compensation, as changed by Mr. Michalic

Second by Mr. Brayne

All in Favor 6, All Opposed 0, Motion Passes Unanimously

Section 4. Organization

No changes made to section 4.

Section 5. Procedure

No changes made to section 5.

Section 6. Other Offices

No changes made to section 6.

Section 7. Introduction of Ordinances and Resolutions

No changes made to section 7.

Section 8. Public Hearings and Passage of Ordinances

Language change for public postings was discussed.

Language was approved

Section 9. Referendum on Ordinances and Resolutions

No changes made to section 9.

Section 10. Emergency Ordinance

Discussion followed about the possibility of changing the wording at the end of the section from, '\$50,000 in one (1) year.' to '\$50,000 per each emergency occurrence.'

Suggestion was agreed upon.

Motion made to strike out 'in one (1) year' and replace it with 'per each emergency occurrence' by Mr. Gasparini

Second by Mr. Michalic

All in Favor 6, All Opposed 0, Motion passes unanimously.

Section 11. Obligatory Referendum on Bond Issues and Appropriations in Excess of One Million Dollars

Language was changes regarding the dollar amount.

Changes approved.

Section 12. Initiative

No changes made to section 12.

Section 13. Removals

No changes made to section 13.

Section 14. Investigation

A discussion began as to whether to add additional language to paragraph two to include, "in respect to financial documents," as clarification. It was discussed that besides financial records, the only other records available are personnel, which are open but pieces of them are private. It was concluded that the current language should stay and no additional changes need to be made.

Chapter 4. Manager

Section 1. Qualifications, Appointment and Tenure

No changes made to section 1.

Section 2. Compensation

No changes made to section 2.

Section 3. Duties

No changes made to section 3.

Section 4. Powers

No changes made to section 4.

Section 5. Acting Manager

No changes made to section 5.

Chapter 5. Officers and Boards Directly Responsible to the Town Council

Section 1. Town Treasurer

No changes made to section 1.

Section 2. Town Attorney

No changes made to section 2.

Section 3. Town Planning and Zoning Commission

Discussion followed about changes on language.

A question was asked to the Town Manager, whether wording should be added that was previously discussed such as, "The program of public improvements for the ensuing five years, be approved as per section 8-24 of the CT statutes." Town Manager states that it is a statutory requirement that you need to make a referral, so adding it would be redundant. It was deemed unnecessary to add.

Changes approved.

Section 4. Zoning and Board of Appeals

No changes made to section 4.

Section 5. Board of Assessment Appeals

No changes made to section 5.

Section 6. Board of Building Appeals

No changes made to section 6.

Section 7. Ethics Commission

A discussion followed on the term length. It was discussed that the ordinance currently states the length as three staggered terms.

Language left as is.

Motion to approve the addition of Section 7, Ethics Commission, to the Charter by Ms. Rosinski.

Second by Mr. Michalic

All in Favor 6, All Opposed 0, Motion passes unanimously.

Section 8. Appointments and Vacancies

No changes made to section 8.

Chapter 6. Administrative Departments and Officers Under the Manager

Section 1. Town Clerk

No changes made to section 1.

Section 2. Department of Finance

Additional language added into section 2 of the Town Charter.

Motion to approve section 2 as amended by Mr. Michalic.

Second by Mr. Gasparini

All in Favor 6, All Opposed 0, Motion passes unanimously.

Section 3: Department of Safety

No changes made to section 3.

a. Division of Police

Language was changed from 'Dog Warden' to 'Animal Control Officer'
Changes were approved.

b. Division of Fire

Clerical Error

No other changes made to section b.

c. Safety Committee

No changes made to section c.

Section 4. Department of Public Works

Clerical Error

No other changes made to section 4.

Section 5. Department of Recreation and Parks

No changes made to section 5.

Section 6. Department of Health

A discussion followed about adding an addition sentence at the end stating...
"Nothing in this section should preclude the town from participating in a regional health district."

Motion to approve changes made to section 6 in the Charter to add an additional sentence regarding the Regional Health District by Ms. Rosinski.

Second by Ms. Adams

All in Favor 6, All Opposed 0, Motion passes unanimously.

Section 7. Other Departments, Offices and Agencies

No changes made to section 7.

Chapter 7. Financial Provisions

Section 1. Fiscal Year

No changes made to section 1.

Section 2. Department Estimates

No changes made to section 2.

Section 3. School Budget

No changes made to section 3.

Section 4. Duties of Manager on Budget

No changes made to section 4.

Section 5. Duties of Town Council on Budget

It was suggested to move language around. The language change would include moving the two sentences after the strike-out up under the bold section. This would keep all of the discussion of the meeting together.

Another question followed in regards to the wording of twenty and twenty-five days and whether they need to be switched. The Town Attorney stated he will look into the language again.

The Town Manager was asked about this section affecting open space. The Town Manager reported that there is a separate ordinance for open space, but that it may be a good idea to add language to say, "Excluding the land acquisition fund."

Motion to accept changes to move sentences, look into the number counts, and adding the extra language in section 5, by Mr. Michalic.

Second by Ms. Adams

All in Favor 6, All Opposed 0, Motion Passes Unanimously

Section 6. Budget Town Meeting

- Third sentence needs to be bold

- Sixth sentence needs to be bold

- Line six, adding the word 'separately' to clarify. It will then read, "The Town Budget and the Board of Education Budget shall be adopted separately by a majority vote of those attending and entitled to vote."

- Clerical Errors

- Fourth paragraph, after the bold word 'meeting,' add the word 'called.'

- Discussion began about language choice with using town meeting vs. all day vote. It was discussed that they need to stay away from the word referendum. The Town Attorney will check on statutes for that question.

- Fifth paragraph, first sentence should change the word 'a' to 'both' so it represents both budgets.

- Sixth paragraph, first sentence should change the word 'a' to 'one or both' to represent both budgets.

Motion to approve section 6, Budget Town Meeting by Ms. Rosinski

Second by Mr. Michalic

All in Favor 6, All Opposed 0, Motion passes unanimously

A point was brought up whether to add in a section about who has the right to vote. An example section was shared. It would state...

"Pursuant to Section 7-6 of the General Statutes, as amended, the following individuals are eligible to vote in any town meeting: any person who is an elector of the Town of

Plainville and any United States citizen who is at least eighteen years of age who, jointly or severally, is liable to the Town of Plainville for taxes assessed against him or her on an assessment of one thousand dollars or more on the last completed grand list of the Town of Plainville, or who would be so liable if not entitled to an exemption as outlined in Section 7-6 of the General Statutes.”

Motion to amend section 6 and add who has the right to vote by Mr. Gasparini.

Second by Ms. Rosinski

All in Favor 6, All Opposed 0, Motion Passes Unanimously

Section 7. Transfer of Appropriations

No changes made to section 7.

Section 8. Effect of Appropriations

No changes made to section 8.

Section 9. Lapse of Appropriations

A discussion followed about adding an additional sentence that states, “exclusive of the land acquisition trust fund.”

Motion to approve section 9 with the changes made to add the additional sentence by Mr. Michalic.

Second by Ms. Rosinski

All in Favor 6, All Opposed 0, Motion passes unanimously.

Section 10. Purchasing

A question was asked, “Why exempt the Board of Education and Library Board?” It would only exempt them if the board would need to order something particular to them. It was determined that even with the finance department, the BOE and library board have authority to allocate their money to where they see fit. No other questions.

Motion to approve changes made to section 10 in the Town Charter by Ms. Rosinski.

Second by Mr. Michalic

All in Favor 6, All Opposed 0, Motion passes unanimously.

Section 11. Purchasing Procedure

No changes made to section 11.

Section 12. Payment of Claims

Discussion followed about auditing which was removed. After discussion a suggestion was made to re-insert the first part of the strike-out and still leave out the second half. (Put a period after ‘may provide’) This will leave the auditing process still in place.

**Motion to approve changes made in section 11 in the Town Charter by Ms. Adams.
Second by Ms. Rosinski
All in Favor 6, All Opposed 0, Motion passes unanimously**

Section 13. Fees Collected by Town Officers and Employees
No changes made to section 13.

Section 14. Bonding of Officials
No changes made to section 14.

Section 15. Penalties for Violation of the Provisions of this Chapter
No changes made to section 15.

Section 16. Annual Audit
No changes made to section 16.

Chapter 8. The Merit System
Section 1. Merit System Established
No changes made to section 1.

Section 2. The Classified Service
Language changes/removal
Changes approved.

**Motion to approve changes in section 2 of the Town Charter by Mr. Brayne.
Second by Mr. Michalic
All in Favor 6, All Opposed 0, Motion passes unanimously**

Section 3. Retirement of Municipal Employees
No changes made to section 3.

Chapter 9. Town Meetings
Section 1. Procedure
Removed.

**Motion to remove chapter 9 Town Meetings from the Charter by Mr. Michalic.
Second by Ms. Rosinski
All in Favor 6, All Opposed 0, Motion passes unanimously**

Chapter 9. Transition and Miscellaneous Provisions
Section 1. Transfer of Powers
No changes made to section 1.

Section 2. Tenure Rights
No changes made to section 2.

Section 3. Transfer of Records and Property

No changes made to section 3.

Section 4. Contributions

Language changes.

Changes approved.

Motion to approve changes in section 4, Contributions, in the Town Charter by Ms. Rosinski.

Second by Mr. Michalic

All in Favor 6, All Opposed 0, Motion passes unanimously

Section 5. Legal Proceedings

Language changes.

Changes approved.

Motion to approve changes in section 5, Legal Proceedings, in the Town Charter by Ms. Adams.

Second by Mr. Michalic

All in Favor 6, All Opposed 0, Motion passes unanimously

Section 6. Existing Laws and Ordinances

Language changes.

Discussion followed that it should be reviewed every ten years.

Changes approved.

Motion to approve changes in section 6, Existing Laws and Ordinances, in the Town Charter by Ms. Adams.

Second by Mr. Michalic

All in Favor 6, All Opposed 0, Motion passes unanimously

Section 7. Amendment of Charter

No changes made to section 7.

Section 8. Ethics

No changes made to section 8.

Section 9. Gender

No changes made to section 9.

Section 10. Saving Clause

No changes made to section 10.

5. New Business

Two possible additions to the Town Charter-

1. Grants- does not apply
2. Taking property by eminent domain
 - Protects homeowners
 - Commission would like more information about language, laws and statutes. Town Attorney will check legality.

Motion to approve eminent domain as a concept to add to the Town Charter by Ms. Adams.

Second by Mr. Michalic

All in Favor 6, All Opposed 0, Motion passes unanimously

A discussion followed regarding the rights of people to be able to hold spots on multiple commissions. It was brought up that by limiting people to one, it allows more points of view and does not exclude others. It was suggested that if there was an open seat on a commission and no one to fill it, someone on another commission should have the right to fill it if they wish, if not just for a temporary period of time.

6. Adjournment

Motion to adjourn by Ms. Rosinski

Second by Mr. Michalic

All in Favor 6, All Opposed 0, Motion passes unanimously

Meeting adjourned at 8:00 p.m.

RECEIVED

JUN 07 2012

Carol A. Skutumpah
TOWN CLERK

APPROVED

Minutes are a summary of the meeting held and therefore may not include all aspects of the meeting.