

**Charter Revision Commission
Regular Meeting
March 1, 2012
Municipal Center-Council Chamber**

Minutes

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

Absent:

Staff Present: Robert Lee, Town Manager, Kelly LePage, Transcriber

1. Call to Order

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

2. Meeting Minutes

Two corrections needed to be made on the minutes from the February 16, 2012 organizational meeting. The time the meeting was called to order needed to be changed to 6:00 p.m., and the motion to adjourn needed to be edited to show only six people were in attendance and voted on the motion.

Motion to approve changes on the meeting minutes from February 16, 2012 organizational meeting: Mr. Berube

Second by: Ms. Rosinski

All in Favor 7, All Opposed 0, Motion passed unanimously

3. Correspondence

No correspondence was discussed at this time.

4. Old Business

Tabled Items

Minority Representation

Motion to take it off the table by Mr. Gasparini

Second by Mr. Michalic

All in Favor 7, All Opposed 0, Motion Passes Unanimously

It was stated that the commission was still waiting to hear back from the Town Attorney with a confirmation as to how many people can serve on a Board or Commission from one party. It was recommended to table the item of minority representation until confirmation at the State level from the Town Attorney has been received. It was also commented that the Charter states the number of individuals that can be recommended to run from each party for the Council and Board of Education, and we need to determine if the State says anything that can supersede that.

Motion to re-table by Mr. Gasparini

Second by Ms. Rosinski

All in Favor 7, All Opposed 0, Motion Passes Unanimously

Allowing Family Members to Serve on Same Board or Council

Motion to take it off the table by Mr. Gasparini

Second by Ms. Adams

All in Favor 7, All Opposed 0, Motion Passes Unanimously

A discussion followed on family members serving on the same board or council. Mr. Lee was asked to report back after speaking with the Town Attorney. Mr. Lee indicated that we would not be able to restrict family members because it would violate the equal protection clause.

It was requested that although there may be some benefit towards limiting this, we should leave that up to the town committee level, and leave the Charter the way it was written.

Term Limits

Motion to take it off the table by Mr. Berube

Second by Ms. Rosinski

All in Favor 7, All Opposed 0, Motion Passes Unanimously

The commission began to discuss term limits. Mr. Lee was asked to report on what information was gathered from the Town Attorney. He reported that the Town Attorney indicates that communities do have the authority to set term limits.

One thought given by a commission member was that we should not set term limits on the town level because it can be difficult to get candidates to run. They continued to say if there is someone good who wishes to run again, they should be able to do so.

It was discussed that they be voted off if electors feel they aren't doing their job.

Another thought given was that on the Board of Education, it might be beneficial to set term limits of 8 years or 3 terms to encourage new voices and to see changes in the position.

The commission agreed to not impose any term limits within the Charter.

Various Elected Positions

Mr. Lee was asked to discuss the results from speaking with the Town Attorney. He opined that we can't limit the number of people who chose to run unaffiliated if they are qualified. It was also determined that the term 'unaffiliated' meant that it was not a party. A discussion followed on minority representation, the parties running in elections and the possibility of checks and balances. It was determined that the commission can not do anything to limit the number of unaffiliated candidates running for an election.

The Board of Library Directors

Library Board has not had the chance to meet to make any decisions regarding the change in the State Statute in 2007. The commission will wait to hear from the Library Board of Directors before making a decision.

Constables

A discussion followed on Constables, and how many candidates would be appointed to run, and how they would be appointed. It was suggested by a commission member to limit the two major parties (Republicans and Democrats) to five candidates, and to allow the Town Management to select five qualified unaffiliated candidates.

The committee discussed their views on appointed vs. elected Constables.

Motion to change the Charter to make the Town Constable from an elected to an appointed position by Mr. Berube.

Second by Mr. Gasparini

It was also added to appoint equal numbers from the parties as well as those unaffiliated.

All in Favor 7, All Opposed 0, Motion Passes Unanimously

Judge of Probate

It was discussed that although it will still be a voted position, it will be in a state election instead of a local one. Due to this, it was said that there was a possibility of being able to remove from the Charter. The commission will not make any changes until they have a legal opinion from the Town Attorney.

Registrar of Voters

A discussion followed on the Registrar of Voters. The question came up as to whether they need to be elected by state statute. This will be a question brought up with the Town Attorney.

Motion to table Registrar of Voters and Judge of Probate by Mr. Brayne

Second by Ms. Rosinski

All in Favor 7, All Opposed 0, Motion Passes Unanimously

Justice of the Peace

Commission decided to remove Justice of the Peace from the Charter. It was discussed that it has become appointed position by ordinance.

Motion to remove Justice of the Peace from Section G, Other Offices by Mr. Brayne

Second by Mr. Berube

All in Favor 7, All Opposed 0, Motion Passes Unanimously

Section 3 Breaking a Tie

Voting Machines

It was determined that the devices currently used for voting are considered voting machines.

No changes are needed to this section.

Section 4

Eligibility

No changes were recommended

Section 5

Vacancies

A question was brought up about vacancy in an elected office being filled and then being voted upon before the term was fulfilled. It was brought to attention that in the Charter, the position would be appointed to someone until the term was expired or the next biennial election, whichever was sooner.

No changes needed regarding this section.

Section 6

Voting Districts

No changes within voting districts needed.

5. New Business

Chapter 3 - Town Council

Section 1 – Powers

A discussion followed about the Board of Education and the Town Council in regards to the old Linden Street School building. It was discussed how the Board of Education handed the old building, and financial responsibility back to the town when they had no more use of it. Mr. Lee pointed out that the Board of Ed determined that Old Linden would no longer be needed for educational purposes, so it defaults back on the Town of Plainville to be responsible for it.

Following, was a discussion on the financial responsibilities and up-keep for the buildings within the town including the schools.

Section 2 – Composition

No changes needed

Section 3 – Compensation

A discussion began about how being on a council is a lot of time and effort. Stipends, travel expenses and tax breaks (which was determined not to be a possibility), were mentioned and discussed for possible compensation.

It was stated that some trips, depending on the person's title, may require them to go, and they are then reimbursed for their expenses.

The question still remains as to how much, or what they would be compensated with.

When the commission was asked whether they would like to further look into compensation for the Town Council, 6 said yes, and 1 abstained. The point was then brought up as to whether other boards in town would also receive a stipend.

Commission decided to look into how other towns compensate their councils.

Motion to table Mr. Michalic

Second by Ms. Adams

All in Favor 7, All Opposed 0, Motion Passes Unanimously

Section 5 – Procedure

It was brought to the attention of the commission that a recommendation would be to change the Town Council vote from 5 affirmative votes to pass, to 4 affirmative votes or simple majority. If the Charter states that in order to pass, it would need to be simple majority of all council members, then it would still require 4 votes.

The commission decided to leave the section in the Charter the way it was, with a five-two vote.

Section 6 – Other Offices

All agreed section 6 could remain the same.

Section 7 – Introduction to Ordinances and Resolutions

All agreed section 7 needed no changes.

Section 8 – Public Hearings and Passage of Ordinances

A discussion about the publication of ordinances in the paper was brought up. It was recommended because of the expense, a general summary be published in the newspaper and then a notice where you can find the ordinance in its entirety be listed.

All in Favor 7, All Opposed 0, Motion Passes Unanimously

Section 9 – Referendum on Ordinances and Resolutions

A commissioner brought to the attention, the possibility of a change in the wording for the percentage of the majority vote, to match that within another section (11) in the Charter.

After the discussion, it was determined that no changes needed to be made.

Section 10 – Emergency Ordinance

A discussion followed regarding the \$50,000 amount, and whether it needed to be increased. When Mr. Lee was questioned, he felt it hasn't been an issue in the past years. No changes were made.

Section 11- Obligatory Referendum on Bond Issues and Appropriation in Excess of Five Hundred Thousand Dollars

It was discussed and decided among the commissioners to increase the amount from \$500,000 to \$1,000,000.

Motion to increase amount from \$500,000 to \$1,000,000 by Mr. Michalic

Second by Mr. Berube

All in Favor 7, All Opposed 0, Motion Passes Unanimously

Section 12- Initiative

Commission decided no change was required.

Section 13- Removals

Commission decided no change was required.

Section 14- Investigation

The Town Manager was questioned whether the Board of Education was included in this section as well. Mr. Lee stated that the Town Attorney said that the Board of Education is a board of the town and therefore is included.

It was discussed to consider changing the wording to 'making inquires' in place of 'investigating.'

The commission decided to get legal advice in regards to the word change.

Motion to Table Mr. Berube

Second by Mr. Michalic

All in Favor 7, All Opposed 0, Motion Passes Unanimously

Chapter 4 Manager

Section 1 – Qualifications, Appointment and Tenure

It was noted that although the Town Manager does not need to live in Plainville upon being appointed, it is a requirement during their tenure in office.

No change needed to section 1.

Section 2- Compensation

No change needed to section 2.

Section 3 – Duties

No change needed to section 3.

Section 4 – Powers

No change needed to section 4.

Section 5 – Acting Manager

No change needed to section 5.

Chapter 5 Officers and Boards Directly Responsible of the Town Council

Section 1 – Town Treasurer

It was pointed out that the Treasurer doesn't do all that the Charter states. The Finance Director does take on some of the responsibility although the Treasurer oversees it.

The commission feels there is no need to make any changes.

Section 2- Town Attorney

It was discussed how the Town Attorney does not need to be a resident of the Town. The current Town of Plainville's Attorney is not a resident. This was discussed in reference to an article posted in the paper.

Following, it was discussed that he is not required to be at all of the town meetings unless necessary.

No other questions or changes needed on section 2.

Section 3 – Town Planning and Zoning Commission

Mr. Lee, Town Manager, recommends to remove the language that states they prepare the plan, from section 3 (Sentence 4), because of State Statutes (8-24) which reviews what money is spent on for larger capital projects. He also stated that you could add wording such as, "that the Program of Public Improvement for the ensuing 5 years shall be approved as per 8-24 of the CT State Statutes."

Motion to Approve by Mr. Michalic

Second by Ms. Rosinski

All in Favor 7, All Opposed 0, Motion Passes Unanimously

Section 4 – Zoning and Board of Appeals

No changes needed to section 4.

Section 5 – Board of Assessment Appeals

No changes needed to section 5.

Section 6 – Board of Building Appeals

No changes needed to section 6.

Section 7 – Appointment and Vacancies

Council discussed adding the ethics board to chapter 5 of the Charter. Members discussed making the Ethics Board section 7 and the Appointment and Vacancies Section 8.

Commission voted to approve change and will come up with the language in the future.

Motion to put Section 7 into the Charter as Ethics Board by Mr. Berube

Second by Mr. Michalic

All in Favor 7, All Opposed 0, Motion Passes Unanimously

Chapter 6 – Administrative Departments and Officers Under the Manager

Section 1 – Town Clerk

No changes were needed in section 1.

Section 2 – Department of Finance

It was discussed to review Chapter 7 prior to reviewing/discussing this section.

Motion to Table Section 2 Ms. Rosinski

Second by Ms. Adams

All in Favor 7, All Opposed 0, Motion Passes Unanimously

Section 3 – Department of Safety

3a. Division of Police

It was discussed to change the language of Dog Warden to Animal Control Officer.

Motion to Change Language to reflect Animal Control Officer Mr. Berube

Second by Mr. Michalic

All in Favor 7, All Opposed 0, Motion Passes Unanimously

Another discussion followed about Police Commissions, and Plainville not having one. Plainville instead is commissioned by the Town Council.

3b. Division of Fire

No changes needed.

3c. Safety Committee

No changes needed.

Section 4 – Department of Public Works

Commission discussed positions within the listed Charter. It was determined to keep the language the same.

Section 5- Department of Recreation and Parks

No changes needed in section 5.

Section 6 – Department of Health

A change from last year was discussed to change the language regarding the Health Department.

The Commission feels there needs to be a change in the language to make it clearer. The language would be changed so it would be an option. By changing it, it wouldn't require the town remain in a health district forever.

Motion to add language to Section 6 by Ms. Rosinski

Second by Ms. Adams

All in Favor 7, All Opposed 0, Motion Passes Unanimously

Section 7 – Other Departments, Officers and Agencies

No changes needed in section 7.

Review Aspects of Other Charters

Glastonbury Code

Mr. Lee gave an overview of the Glastonbury Code. He stated that the Town Council adopts a budget and sets the mill rate. If the public wasn't happy, they could petition for a budget referendum within 21 days. They are required to get 8 percent of the voters to sign it. There is a maximum of 1 referendum that can be held from the petition. If they reach qualifications, a referendum is held. It could end with the budget raising, lowering or remaining the same. This model allows the people to give direction to the council.

Farmington

Mr. Lee reports upon Farmington. They incorporate an annual town meeting before it goes to referendum. The Town Manager submits a budget to the Town Council, Town Council considers it, and prepares it for post budget. The Town council then conducts a public hearing and then finalizes the budget. Budget goes to a town meeting. It can be

amended at this time. All amendments must be approved by a two-thirds majority of those attending the yearly town meeting as long as there are 300 people present. It can only be rejected if 15% of registered voters vote and majority is no. If rejected, it goes through the process again and the budget must be lowered.

Berlin

Town estimates and prepares budget. The Town council presents at a public hearing, Town council is submitted to an annual town budget referendum. If rejected it is returned to the Town council, which shall further consider, act on and adopt the Town Budget. If approved, budget doesn't change.

6. Adjournment

Motion to adjourn by Mr. Michalic

Second by Mr. Gasparini

All in Favor 7, All Opposed 0, Motion Passes Unanimously

Meeting adjourned at 8:46 p.m.

RECEIVED

MAR 8 2012

Candace Skelly
TOWN CLERK

UNAPPROVED