

**UNAPPROVED**

**Charter Revision Commission  
Special Meeting  
May 31, 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, Michael Mastrianni, Town Attorney, Kelly LePage, Transcriber

**1. Call to Order**

The special meeting was called to order at 6:30 p.m. by Chairman Cornish.

**2. Approval of Minutes**

**Motion to approve meeting minutes from May 3, 2012 organizational meeting: Mr. Gasparini**

**Second: Mr. Michalic**

Chairman Cornish stated that at the end of the meeting, he brought up two topics, grants and eminent domain. He wanted to clarify that the motion was made just for eminent domain.

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

**Motion to approve meeting minutes from May 17, 2012 public hearing: Mr. Michalic**

**Second: Mr. Berube**

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

**2. Correspondence**

- Mr. Mastrianni, Town Attorney, provided the commission with a list of additional proposed changes/comments to be made to the Town Charter.
- Robert Cornish gave copies of the response letter sent to David Koskoff in response to his letter.
- A question was brought up regarding the Bloom Shapiro Study. It was reported that the draft report was shared and favors consolidation. There is a joint public discussion with the Town Council and Board of Education scheduled on June 19th, and there is support on both sides. Based on feedback, it was discussed that the language changes made in the Charter are appropriate considering the results from the study.

#### **4. New Business**

Based on the public hearing, it was suggested to go through the Charter again and reflect on the changes and comments given.

##### **Chapter 3 - Town Council**

##### **Section 1 - Powers**

Change the language back to 'not inconsistent.'

**Motion to change language back to the original by Mr. Berube**

**Second by Mr. Michalic**

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

##### **Section 3 - Compensation**

Due to the comments from the public and the misunderstanding of the intent, it seems that many people feel that this change perhaps will detract from all the good that is being done with the Charter. It was discussed many of the comments from the public with their concerns.

**Motion to remove Compensation for the Town Council by Mr. Berube.**

**Second by Mr. Brayne**

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

A discussion followed about how the language proposal was misunderstood, and it is misunderstood how much work the members on the council really put in.

##### **Section 5 - Procedure**

- line 3- change the language to 'not' inconsistent
- Town Attorney shared language for a suggestion made to change the number of votes to fill a vacancy on the Town Council.
  - Town Manager spoke about problems that could occur with the change, but felt it was unlikely to occur.

**Motion to approve Section 5 as presented with the two changes, language and number of votes required to fill a vacancy on Town Council by Mr. Michalic.**

**Second by Ms. Adams**

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

##### **Section 8 - Public Hearings and Passage of Ordinances**

It was discussed to also include a hard copy in its entirety at the Plainville Public Library.

**Motion to add in full copy at the Public Library by Ms. Rosinski.**

**Second by Mr. Berube**

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

##### **Section 10 - Emergency Ordinance**

- Change language to 'declared emergency occurrence.' The emergency occurrence can be declared by any official, at the Town or State level.

- Town Manager shared that they haven't needed to use this, but the change would add clarity.

**Motion to add 'declared' into the language by Ms. Adams.**

**Second by Ms. Rosinski**

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

#### **Section 11 - Obligatory Referendum on Bond Issues and Appropriations in Excess of One Million Dollars**

- A discussion followed about the possible options for changes in this section. A suggestion of 1% of the Town Budget was given by a commission member. With the current Town budget, the total would be around \$530,000. Discussion continued that a 1% increase wasn't enough and possibly having 1.25% of the budget.
- The current Town Attorney stated when speaking with the previous Town Attorney Robert Michalik, he stated that he felt that the 100% raise was significant due to the previous increase from \$300,000 to \$500,000.
- The point was brought up for a compromise if it isn't passed
- The point was made that if the Town feels they need more, they can always go into a referendum.

**Motion to tie it into a 1% increase of the current budget instead of the million dollars by Ms. Adams.**

**Second by Mr. Michalic**

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

#### **Section 14 – Investigation**

- Discussion began with the comments made at the Public Hearing. Comments made it seem like the intent was being misunderstood.
- Language recommendations from the Town Attorney add in the line stating, 'limited to financial documents.' The change will only be made to the second paragraph. This will add clarification. It was discussed whether the first paragraph should be left the way it was originally drafted.
- Town Attorney also mentioned a clerical error. This error indicated that a period needed to be added after the word 'documents' in the second paragraph.

**Motion made to change the language as recommended to the second paragraph by Ms. Rosinski**

**Second by Ms. Adams**

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

#### **Chapter 5 Officers and Boards Directly Responsible to the Town Council**

##### **Section 3 – Planning and Zoning**

- Discussion began whether to add language stating that it must be in compliance with CT state statute 8-24 to add clarification.

**Motion to add proposed language into the Charter by Mr. Gasparini.**

**Second by Ms. Rosinski**

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

Town Manager stated that this will help the public understand what the Planning and Zoning commission does.

#### **Section 7 – Ethics Commission**

- A discussion about the Ethics Commission followed. There was discussion whether the second sentence should be removed due to the Town Ordinances. By doing that, it will allow change in this area to occur easier then if left in the Charter. The ordinance already dictates that the Ethics Commission shall consist of five members.

**Motion to remove the second sentence from Section 7 stating how many members are on the commission of by Mr. Berube.**

**Second by Ms. Rosinski**

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

#### **Chapter 6 Administrative Departments and Officers Under the Manager**

##### **Section 2 – Department of Finance**

- Many points were brought up during the Public Hearing with concerns regarding this section. These were discussed.
- Two recommendations were addressed regarding the Department of Finance.
  1. Removal of the sentence, “The Department of Finance shall have administrative oversight over all budget accounts and shall be responsible for the disbursement of all monies therefrom.”

**Motion to remove sentence from Section 2 as suggested by Mr. Michalic.**

**Second by Ms. Adams**

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

Discussion followed regarding the original intent of what it meant, but its removal doesn't change the intent of this section.

2. Add ‘Superintendent’ into this section as well due to the organizational chart with the Bloom Shapiro study.

**Motion made to add in Superintendent into this section of the Charter by Mr. Berube.**

**Second by Ms. Adams**

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

- It was brought up that in many locations the word ‘Town’ was not included in from of ‘Manager.’

**Motion to add the word ‘Town’ by Mr. Berube.**

**Second by Mr. Brayne**

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

It was later determined that this was unnecessary due to a statement in Chapter 4, Section 1 that states that from that point on in the Charter, that the Town Manager would be referred to as the Manager.

- A discussion about the Town Treasurer being in this section due to them not being included in this section, although they are listed in the ordinances multiple times. It was later pointed out that the duties were listed in the Charter. A question arose as to whether it should be added. It was discussed that in some communities, there is no Finance Director, and the Town Treasurer is the Finance Director.

## **Chapter 7 Financial Provisions**

### **Section 6 – Budget Town Meeting (Voting Procedures)**

- Discussion about the public's comments at the hearing and whether to keep or make additional changes. The topic of advisory questions was mentioned. The advisory question will only be taken into consideration if voted 'no.'
- It was agreed upon that the way it is currently being offered gives the public the right to decide where they would like to see the money go. It allows them to address both of the budgets closer.

## **Chapter 8 The Merit System**

### **Section 2 – The Classified Service**

- One concern mentioned was whether with the changes in this section of the Charter, if there would be a loss of management rights. This was determined to not be the case. Language will remain as changed.

## **Chapter 9 Town Meetings**

- Within the discussion, there were recommendations to both remove, as well as to leave the section in. It was determined that although it is felt there isn't a need to keep it in the Charter, there is no reason to remove it either.

**Motion to re-add Town Meetings back into the Charter by Mr. Michalic.**

**Second by Ms. Adams**

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

### **Section 4 – Contributions**

- Discussion began about comments made at the public hearing. Many comments made stated that they don't want the Town Council to be able to select charity. The decision was made to remove 'or in kind,' in the first sentence, and in the second sentence, add in the language 'in kind' before 'contributions.'

**Motion made to remove 'or in kind' from the first sentence and add in 'in kind' before contributions in the second sentence by Mr. Berube**

**Second by Ms. Rosinski**

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

### **Section 5 - Legal Proceedings**

- It was recommended and discussed to add back in the original language.

**Motion to change the language in Section 5 back to its original state by Ms. Adams.**

**Second by Mr. Gasparini**

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

## **Section 6 – Existing Laws and Ordinances**

- Keep the proposed language listed on the draft.

## **Section – 10 Saving Clause**

- It was discussed the change needed with the year being amended in this section. It was determined that the change was already made to the draft report, but the bolded font was difficult to see.

## **Eminent Domain**

- A discussion followed in regards to finding an appropriate place in the Town Charter for this section.
- Town Attorney gave examples from Wethersfield's Charter and Seymour's Ordinances regarding eminent domain.
- Chairman Cornish shared Ledyard
- Language- simple majority vote at referendum. Remove the percentage of voters required.

**Motion to accept the Section as amended by Mr. Berube**

**Second by Mr. Gasparini**

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

\*Discussion began about the possibility of another public hearing day. Attorney deemed it necessary to hold a second public hearing.

**Motion to establish a Public Hearing on Wednesday, June 13, 2012 at 7:00 p.m. by Mr. Michalic**

**Second by Ms. Rosinski**

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

## **5. Adjournment**

**Motion to adjourn by Mr. Berube**

**Second by Mr. Gasparini**

**All in Favor 7, All Opposed 0, Motion passes unanimously**

**Meeting adjourned at 8:30 p.m.**

**RECEIVED**

JUN 07 2012

*Carol A. Butler*  
TOWN CLERK

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