

Town of Bethel
Charter Revision Commission
Clifford J. Hurgin Municipal Center
1 School Street, Bethel, Connecticut, 06801

Draft (V3) – January 21, 2014

Final Report of the Charter Revision Commission
Board of Selectmen
January 21, 2014

David Olson, Chairman
Nicholas Hoffman, Vice Chairman
Wendy Smith, Secretary
William Hillman
Paul Improta
Meghan O'Connor
William Shannon

Attorney Nicholas Vitti, Counsel
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Section I – Report of the Commission

1.0 Introduction

The Connecticut General Statutes, Paragraph 7-188, require each municipality in the State to review its Charter every five years. The Town of Bethel Charter, Paragraph C11-7, requires that the Board of Selectmen review the Town’s Charter at least once every five (5) years and appoint a Charter Revision Commission to assist in that process. The Connecticut General Statutes also specify the Board of Selectmen as the “Appointing Authority”. Accordingly, the Town of Bethel Board of Selectmen appointed and convened a Charter Revision Commission at a Special Meeting on September 24, 2012.

At the Special Meeting, the Board of Selectmen appointed William Hillman, Nicholas Hoffman, Paul Improta, Meghan O’Connor, David Olson, Wendy Smith and William Shannon (alphabetical order) to constitute the Commission. The Board of Selectmen charged the Commission with evaluating and recommending certain potential changes to the Charter:

- a. Consider the relationship between the Board of Selectmen and the Board of Finance and propose Charter revisions that would assist in making that relationship more efficient while providing the Board of Selectmen with flexibility in managing the Town’s affairs.
- b. Consider updating the monetary thresholds required for Special Town Meetings.
- c. Consider providing the Board of Selectmen with the ability to execute budget-neutral transfers within the Town’s operating budget.
- d. Consider changing the petition thresholds for the number of voters required to overturn decisions of the Board of Selectmen, Town Meetings and Referenda (except budget referenda) and refer to a referendum.
- e. Review the Charter and propose additional revisions as the Commission deems appropriate

Also at the Special Meeting, the Commission elected officers to serve for the duration of its effort, the results of which were reaffirmed on December 16, 2013. The elected officers are:

David Olson, Chairman
Nicholas Hoffman, Vice Chairman
Wendy Smith, Secretary

Attorney Nicholas Vitti serves as Legal Counsel to the Commission
Deborah Roper serves the Commission as Recording Secretary.

The Commission, as required by the above referenced State Statute, held a Public Hearing on October 22, 2012 early in its deliberations. Input from members of the public, several of whom currently serve on boards and commissions but speaking individually (not on behalf of their board or commission), provided the Commission with an initial list of potential Charter revisions and comments for and against the Selectmen’s charge. Additionally, the Commission members developed a list of potential Charter revisions reflecting today’s financial parameters, previous

omissions, efficiency improvements and clarifications as well as the Selectmen's charge. The list of all items derived from the Selectmen's charge, public input and Commission deliberations, and their disposition, is contained in the document entitled Charter Revision Commission Tracking Document – V8 attached hereto. Each potential Charter revision resulting in a motion and a vote of the Commission is identified by an "Item No." Items receiving a favorable vote by a majority of the Commission are listed and described in Section I of the Tracking Document. These represent the Commission's recommended Charter changes. Items receiving an unfavorable vote by a majority of the Commission are listed and described in Section II of the Tracking Document. Several potential Charter revisions did not result in motions but were considered and decided by consensus of the Commission to remain in Section II of the CRC Tracking Document. The contents of Section II are not recommended by the Commission for Charter revision.

Overall, the Commission recommends sixteen (16) changes to the Town of Bethel Charter. Each recommended change has been reconciled with related language in the actual text changes of Section IV prepared by Counsel.

The following paragraphs (2.0 – 16.0) represent the Commission's recommended Charter revisions. Each paragraph attempts to capture the essence of the Commission's discussion, rationale and logic for its decision in favor of the proposed revision.

2.0 Item 1 – Five (5) Member Board of Selectmen

The Board of Selectmen charged the Commission with consideration of increasing the number of selectmen from three (3) to five (5). The Commission recognized that the number of selectmen has not changed since the Town adopted a town meeting form of government approximately 160 years ago. Much has changed in the interim. Bethel's population has increased at least ten-fold, our society is greatly more complex, the national, state and local regulatory environments are more stringent and the issues coming before the Board of Selectmen are more numerous, demanding, interconnected and reflective of the needs of the community. The Commission believes that a five-member board offers the opportunity to broaden representation of the citizens and address an increased number of issues. A five-member board may create subcommittees without necessarily constituting a quorum. With a five-member board, the minority selectmen may meet also without constituting a quorum. Several speakers at the January 13, 2014 Public Hearing spoke against this Item.

3.0 Item 2 – Four (4) Year Terms Office for Board of Selectmen

Concurrent with considering a five-member board, the Selectmen charged the Commission with consideration of increasing the term of office for selectmen from two (2) to four (4) years. This item engendered the most debate amongst the Commission members. Ultimately, the members voted in favor while recognizing that there is some risk in four-year terms. The majority of the Commission believes that the first year of any newly-elected selectman is dominated by learning the scope and responsibilities of the position, the regulatory environment, developing relationships with surrounding community leaders and state and local officials and establishing priorities for Bethel within our financial resources. An additional consideration of the Commission was the strong desire to make the First Selectman's position a reasonable choice for

well-qualified candidates with more security than a two-year term offers. Several speakers at the Public Hearing spoke against this Item.

4.0 Item 3 – Compensation of Municipal Officials

The Commission strongly believes that the First Selectman is inadequately compensated considering the scope of his/her responsibilities and in comparison with other Connecticut municipalities with a Board of Selectmen/Town Meeting form of government. The Commission also wished to depoliticize the First Selectman's compensation. The Commission researched Bethel's First Selectman's compensation with respect to municipalities with similar populations, those comprising Bethel's Economic Reference Group and those comprising Bethel's Demographic Reference Group. In all three cases, Bethel's First Selectman's compensation falls well below the average and the mid-point of each group. Mr. Kingston, Chairman of the Board of Finance, concurs that the First Selectman's compensation is inappropriately low and should not be politicized. He offered a solution embraced by the Commission and embodied in this Item 3 – namely that the Board of Finance set the annual compensation for the Town's municipal officials including the Registrars of Voters, the Town Treasurer, the Town Clerk, the Selectmen and the First Selectman during the budgeting process preceding the next municipal election, and annually thereafter during the terms.

5.0 Item 4 – Change Date of Annual Town Meeting

The Comptroller and the Tax Collector recommended that the Annual Town Budget Meeting take place during the first seven days of April rather than the first seven days of May to afford sufficient time to prepare tax bills, especially in the event of iteration of the town budget. The Commission agreed. Two people spoke against this Item at the Public Hearing.

6.0 Item 6 – Change Threshold for Actions Requiring a Town Meeting

Currently, \$25,000 is the threshold for actions (bonds, appropriations, grant acceptances) requiring a Town Meeting, events which are generally sparsely attended. The Commission, recognizing that \$25,000 doesn't go as far as it did a numbers of years ago, recommends an increase to this threshold to \$50,000. See note below.

7.0 Item 7 – Sale, Purchase or Other Disposition of Town Real Estate

The Commission, responding in part to the controversy surrounding the demolition of the old town hall and partly for logical consistency, recommends adding the phrase "or other disposition" within Paragraph C6-4C of the current Charter.

8.0 Item 9 – Reference to Full-Time Positions

Certain classified town employee positions are referred to in the current Charter as "full-time" while others are not. The Commission recommends that no positions be referred to as "full-time". Chapter 19 of the Town's Code of Ordinances adequately addresses personnel policies rendering unnecessary any reference to "full-time" or otherwise in the Charter.

9.0 Item 10 – Change Bidding Threshold

Again, recognizing the financial realities of our times, the Commission recommends that the threshold for advertised bidding be increased from \$30,000 to \$50,000. See note below.

10.0 Item 11 – Recognize Fire Companies

Early in its deliberations, the Commission realized that the Bethel Fire Company and the Stony Hill Fire Company are not recognized in the current Charter. The Commission invited the Bethel Fire Chief, Fred Ingram, and the Stony Hill Fire Chief, Ken Parciacepe, to attend a Commission meeting and discuss options ranging from the concept of a new “Public Health & Safety Commission” including Police, Fire and Emergency Services to a new “Fire Commission”. The chief’s were not supportive, at this time, of establishing a new commission. They agreed, however, that appropriate recognition and definition of their reporting relationship to the Town is necessary and desirable, rather than an implied relationship. The Commission recommends a new Charter paragraph recognizing the fire companies, their role in the community, their operating responsibilities and their reporting relationship to the Town. The Commission recommends that a future Charter Revision Commission take up the concept of consolidating emergency services under a single commission.

11.0 Item 12 – Town Department Line Item Budget Review and Approval

Under State Statute, the Board of Finance does not have line item authority with respect to the annual budgets of the Board of Education and the Library Board. The Commission, with input from members of the public, the Board of Selectmen and Chairman Kingston, recommends that Board of Finance authority for individual town department budgets be on a bottom-line basis, not a line item basis, excepting staffing and personnel costs. The Commission’s rationale for this recommendation is that the departments possess the expertise to make the budgetary decisions required to meet Board of Finance bottom-line objectives. Simply stated, the Parks & Recreation Commission and Department are best suited to decide whether a new mower or new truck will best suit their needs given budgetary constraint. Several speakers at the Public Hearing spoke against this Item. A few, including Chairman Kingston, spoke in favor.

12.0 Item 13 – Special Appropriations and Transfers

The Commission agreed that updating of the threshold for Special Appropriations and Transfers from \$25,000 to \$50, 000 is both appropriate and contributes to town operating efficiency. See note below.

13.0 Item 14 – Budget Neutral Transfers

In the interest of management flexibility and operational efficiency, the Commission recommends a new Charter paragraph permitting the Board of Selectmen to make budget-neutral transfers within an individual Town Department up to \$50,000, excepting transfers that would increase the number of Town employees or encumber future budgets, which would require Board of Finance approval.

14.0 Item 17 – Location of Meetings

Public Input and Commission preferences favor requiring that elected and appointed Boards and Commissions hold their regular and special meetings in the Municipal Center or such other town building that is readily available to the public. This item arose with respect to Police Commission meetings regularly held at the Police Department, a not readily accessible facility and intimidating to some.

15.0 Item 18 – Public Utilities Commission

With the objectives of removing politics from the rate-setting process, placing public utilities under the auspices of a board affording the opportunity to appoint knowledgeable members and placing the Board of Selectmen in an advisory and approval role, the Commission recommends that the Public Utilities commission become a wholly appointed commission with responsibility for the water, sewer and transfer station departments. That responsibility extends to operations, staffing, financial viability, infrastructure and recommending rate structures that must, by State Statute, be implemented by the legislative body, that is, the Board of Selectmen.

16.0 Item 20 – Spelling in Chapter C8-13(C-4ii)

“Controller” should be “Comptroller”.

Note: Several speakers at the Public Hearing spoke against or for the “financial threshold” provisions of our recommended Charter revisions, namely: Item 6, Item 10, Item 13 and Item 14. Our recommendation recognizes that previous thresholds are out of date due to inflation and the provisions of this Charter, if adopted must be relevant for six years post-adoption.