



CHARTER REVISION COMMISSION

CJH Municipal Center – 1 School Street – Bethel, CT 06801
(203) 794-8501 – Fax: (203) 778-7520

MINUTES OF REGULAR MEETING

Monday, November 18, 2013
7:00 p.m.
CJH Municipal Center – Meeting Room “A”

RECEIVED

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TOWN OF BETHEL
TOWN CLERK

PRESENT: David Olson, Chairman, Nicholas Hoffman, Meghan O'Connor, William Hillman, Wendy Smith and William Shannon. Also in attendance was Attorney Nicholas Vitti.

CALL to Order / Pledge of Allegiance to the Flag: David Olson called the regular meeting to order at 7:00 p.m.

Approval of Minutes: Wendy Smith made a motion which was seconded by William Hillman, to accept the minutes from the August 19, 2013 meeting. Vote all in favor, motion was unanimously approved.

Approval of Invoices: David Olson made a motion, which was seconded by William Shannon, to approve payment of the invoice Cacace, Tusch & Santiagata, Attorneys at Law, in the amount of \$238.00 for legal services through November 1, 2013. Vote all in favor, motion was unanimously approved.

Correspondence: Attorney Vitti provided written documentation (dated November 14, 2013) of his research into William Hillman's request for clarification on whether a "Town Meeting" has the ability to enact ordinances. The conclusion: The Charter for the Town of Bethel vests the sole power to enact ordinances with the BOS; a "Town Meeting" has no ability to enact the same.

Public Comment:

Phil Gallagher – Sunset Hill Road: Among other comments, he questioned why the committee had not met in several months and stated that the minutes from the August 19, 2013 were not inclusive enough. He also restated his opinion that the term for Selectmen does not need to be raised from 2 to 4 years, that the Selectman's salary should not be put into the Charter and that the Library Board, Park & Rec and Utilities Board should be elected positions.

Matt Paulsen – Hearthstone Drive: Asked the Commission to introduce themselves as he was new to the meetings.

Mr. Glahn – Elizabeth Street: Among other comments, he would like to have the Board of Selectmen meetings video recorded and shown on Channel 23. He feels that the public would benefit from seeing/hearing the proceedings in this format.

Billy Michael – Fleetwood Avenue: Among other comments, feels that the Commission is entertaining dramatic changes to the Charter and is concerned that if these changes are adopted there will be a shift of power away from the people creating an imbalance of power. He is

against a 4 year term for the BOS and the addition of 2 Selectman. With reference to the Petitions to Overrule, he would like to see the requirements stay the same.

Budget Neutral Transfers – Board of Education: Attorney Vitti explained that according to State Statute 10-248, the power (right) goes to the Board of Finance. They can create the fund.

Tracking Document Update 11/18/13: Please see attached document (4 pages).

Affirmation of Previous Tentative Decisions – the Commission reviewed their previous decisions and agreed with the information as it appears on the Tracking Document.

Section I – Items Tentatively Agreed Pending Counsel’s Charter Revision Language

David Olson made a motion to adopt Section 1;

Item #1 – seconded by W. Shannon. Vote 5-1. W. Shannon, M. O’Connor, W. Smith, D. Olson W. Hillman in favor and N. Hoffman opposed. Adopted.

Item #4 – seconded by W. Smith. Vote 6-0. All in favor - Adopted.

Item #5 – (taking out C3-16) – seconded by W. Shannon. Vote 3-3 W. Smith, M. O’Connor, W. Shannon in favor and D. Olson, W. Hillman, N. Hoffman opposed. Failed.

Item #6 – seconded by W. Shannon. Vote 6-0. All in favor -Adopted.

Item #7 – seconded by W. Hillman. After discussion, defer to Counsel.

Item #9 – seconded by W. Shannon. After discussion, defer to Counsel.

Item #10 – seconded by W. Shannon. Vote 6-0. All in favor - Adopted.

Item #11 – seconded by W. Shannon. Vote 6-0. All in favor - Adopted.

Item #12 – seconded by N. Hoffman. Vote 5-1. W. Hillman opposed - Adopted.

Item #13 – seconded by W. Smith. Vote 6-0. All in favor - Adopted.

Item #17 – seconded by W. Smith. Vote 6-0. All in favor - Adopted.

Section II – Items Tabled for Further Review and Discussion

Item #2 – Will be discussed in Section III - Chairman’s Motions

Item #3 – B. Hillman made a motion, which was seconded by D. Olson, to table the item for next meeting. Vote 6-0. All in favor - Tabled.

Item #8 – Will be discussed in Section III - Chairman’s Motions

Item #14 – B. Shannon made a motion, which was seconded by W. Smith. Vote 6-0. All in favor – Adopted.

Item #15 – The commission is no longer considering this item.

Item #16 – W. Smith made a motion, which was seconded by B. Shannon. Vote 6-0. All in favor – Adopted.

Section III – Chairman’s Motions

Item#2 – seconded by W. Smith. After much discussion the motion was withdrawn and this discussion will be deferred to the next meeting - Tabled.

Item #3 – Discussion is deferred to the next meeting – Tabled.

Item #5 – seconded by W. Smith. Vote 6-0. All in favor – Adopted.

Item #8 – D. Olson made a motion, which was seconded by W. Shannon, to adopt this item. After much discussion the motion was withdrawn and this discussion will be deferred to the next meeting – Tabled.

Item #16 – The Commission had previously voted in favor of this item.

Item #18 – seconded by W. Shannon. Vote 6-0. All in favor – Adopted.

Item #19 – seconded by W. Smith. Vote 6-0. All in favor – Adopted.

Section IV – Items Deferred by this Commission

B. Hillman made a motion, which was seconded by N. Hoffman, to reconsider making the Library Board elected officials. Vote 1-5 - B. Hillman in favor. D. Olson, W. Smith, M. O'Connor, N. Hoffman and W. Shannon opposed - Failed.

General Discussion:

Attorney Vitti explained to the Commission that the deadline to complete their 'draft report' and submit it to the Board of Selectmen is January 24, 2014. There will need to be one additional Public Hearing with 10 days notice to the public.

Meeting Schedule:

W. Hillman made a motion, which was seconded by N. Hoffman to set the next CRC meetings as follows:

Monday, December 9, 2013

Monday, December 16, 2013 – Final Decisions/Recommendations

Monday, January 6, 2014 – Suggested date for the Public Hearing with 10 days notice

Wednesday, January 13, 2014 – CRC follow-up meeting after the Public Hearing

Vote, all in favor – Approved

Tuesday, January 21, 2014 – The Commission will submit the draft report to the BOS to meet the deadline of January 24, 2014.

Adjourn: As there was no further business, W. Hillman made a motion, which was seconded by N. Hoffman to adjourn. All in favor – meeting adjourned at 9:00 pm.

Respectfully submitted,


Debra Roper, Recording Secretary

Charter Revision Tracking Document

11/18/2013 - Prepared by the Chairman

References: Minutes of 13 May 13 Regular Meeting, Tracking Document V2

Section I - Items Tentatively Agreed Pending Counsel's Charter Revision Language

Notes

Item 1 - Para C3-4A - Increase the Board of Selectmen from three (3) to five (5) members.

Item 4 - Para C6-3A(1) - The Annual Town Budget Meeting shall be held on one (1) of the first seven (7) days of April.

Item 5 - Para C3-9, Para C3-11, Para C3-15 and C3-16 - Change these positions from elected to appointed.
See Chairman's Motion

Item 6 - Para C6-4 and C6-4B - Change the threshold for Actions Requiring a Town Meeting from \$25,000 to \$50,000.

Item 7 - Para C6-4C - Add "demolition" to the "sale or lease" of Town-owned property.

Item 9 - Paras C8-3, C8-5, C8-6, C8-10, C8-11 - The Tax Collector, Director of Civil Preparedness and Fire Marshall, Director of Health Town Engineer and Building Official shall be full-time Town employee positions.

Item 10 - Para C8-13C4i - Change the advertised bidding threshold from \$30,000 to \$50,000.

Item 11 - Para C8-14 (New Paragraph) - a) Two volunteer fire companies provide fire-fighting, rescue and emergency services throughout the Town; the Bethel Volunteer Fire Company, Inc. and the Stony Hill Fire Company, Inc. and b) The aforesaid volunteer fire companies shall operate and provide fire-fighting, rescue and emergency services in accordance with their adopted By-Laws and their Mutual Aid Agreements and in accordance with the General Statutes of the State of Connecticut, including but not limited to Chapter 104 and c) Each Fire Chief shall be the chief administrative officer of their respective fire company and shall be responsible to the First Selectman for the operation of said company.

Item 12 - Para C10-2D - Within the annual budget process, the Board of Finance shall review the Selectmen's recommended individual Town Department budgets on a line item basis but shall not eliminate, reduce or increase individual line item amounts. Town Department budgets may be individually increased or reduced by the Board of Finance on a bottom-line basis, with implementation of reductions or increases left to the discretion of the individual Departments and Commissions.

Item 13 - Para C10-4B - Special Appropriations and Transfers of Appropriations
The Board of Selectmen, when requested by any Town Agency and after approval of the Board of Finance, may make special appropriations from any Town Agency surplus or an approved contingency fund in amounts not to exceed in total for any individual Town Agency

fifty thousand dollars (\$50,000) in any one (1) fiscal year.

Item 17 - Para C11-11 (New Paragraph) - Meetings

All meetings of elected or appointed Boards and Commissions, regularly scheduled or special, shall take place at the Clifford J. Hurgin Municipal Center or such other town building (e.g. the Bethel Public Library) as may be readily accessible to the public.

Section II - Items Tabled for Further Review and Discussion

Item 2 - Para C3-4B - Increase the term of office for the members of the Board of Selectmen from two (2) to four (4) years.

Item 3 - Para C5-1E (New Paragraph) - First Selectman's Salary

Effective with the next annual budget process following adoption of of this Charter Revision, the First Selectman's salary shall be established at the mid-point of the First Selectman's salary of Bethel's Economic Reference Group (ERG) with annual increases provided throughout his/her term, the percentage being equal to the Municipal Cost Index (MCI). With each new First Selectman, this process shall be repeated. This Item was approved. Further discussion ensued regarding ERG or DRG. We need to specify.

Item 8 - Petitions to Overrule

Currently 5 , 10 and 15 percent; proposed 10, 15 and 20. Compromise opportunity?

Item 14 - Para C-10-4B (New Paragraph) - Permit the Board of Selectmen to execute budget neutral transfers within an individual Town Department operating budget up to \$50,000 with the exception of increasing the number of employees, which will require Board of Finance approval.
Further discussion.

Item 15 - Para C10-4F (New Paragraph) - Board of Education carry-over.

Approved by CRC. However, Counsel advises that this change cannot be instituted by a Charter Revision as the enabling statute gives the BOF the sole discretion to adopt the surplus account.

Item 16 - Para C10-4G (New Paragraph) - Permit the Board of Education to create a Special Revenue Funds account to receive revenue from sources external to State and Town sources (e.g. Department of Defense support of NJROTC, Student Activities Fund, etc.)

We should approve this Item.

Section III - Chairman's Motions

Item 2 - Para C3-4B - Board of Selectmen Term of Office

The Chairman moves that Charter Paragraph C3-4B be revised to specify a four-year term of office, without term limits, for the First Selectman and Selectmen effective with the 2015 Municipal Election. The candidates for First Selectman shall each stand for election with their running mate for Selectman and shall be elected as a team. The remaining three Selectman seats will be filled from the highest vote totals of the candidates for Selectman excluding the First Selectman/Selectman team. Minority representation requirements shall apply.

Item 3 - First Selectman's Salary	
The Chairman moves that, effective with the next annual budget process following adoption of of this Charter Revision, the First Selectman's salary shall be established at the mid-point of the First Selectman's salary of Bethel's Economic Reference Group (ERG) with annual increases provided throughout his/her term, the percentage being equal to the Municipal Cost Index (MCI). With each new First Selectman, this process shall be repeated. Consider options and discretion for ERG, DRG, etc.	
Item 5 - Para C3-16 - Police Commission	
The Chairman moves that the Police Commission remain an elected office.	
Item 8 - Petitions to Overrule	
The Chairman moves that the Petition to Overrule thresholds be revised to seven (7), twelve (12) and fifteen (15) percent respectively.	
Item 14 - Para C-10-4B (New Paragraph) - The Chairman Moves that the Board of Selectmen may execute budget neutral transfers within an individual approved Town Department budget up to \$50,000 with the exception of increasing the number of employees, which will require Board of Finance approval.	
Item 16 - Para C10-4G (New Paragraph)	
The Chairman moves that the Board of Education may create a Special Revenues Fund account to receive revenue from sources external to State and Town sources (e.g. Department of Defense support to NJROTC, Student Activities Fund, etc.)	
New Item (18) - Public Utilities Commission	
The Chairman moves that the Public Utilities Commission consist of five (5) appointed members, not including members of the Board of Selectmen, appointed for four-year terms. Implementation shall take place on the first appointment cycle following the acceptance of this Charter Revision with three (3) members appointed for four-year terms and two (2) for two year terms. Two years thereafter, the two (2) year terms shall be replaced by four (4) year appointments. Minority representation shall apply. Adoption requires language describing of roles and responsibilities.	
New Item (19) - Fire Commission	
The Chairman moves that the concept of a Fire Commission be deferred by this Commission.	
Section IV - Items Deferred by this Commission	
Fire & EMS Commission	
Roles, responsibilities and powers of BOF	
Term Limits	
Public Utility, Library and Park & Rec to be elected positions	
Commissions present budgets, not Town employees	In Charter
Change method of hiring Town Attorney	
Two-thirds vote of BOF to revise budget after Public Hearing	
Create a Police Department Civilian Review Board	

Tax Assessor to be elected position	
Communicating the fact of a Town Meeting, Public Hearing, Election, etc.	In Charter
Filling vacancies after sixty (60) days	In Charter
Eliminate ability to reduce proposed budget at annual Town Meeting	
Permit citizen input by letter or email to annual budget Public Hearing	In Charter
Delete advisory question from the budget ballot	
Require Power Point presentation at annual budget Public Hearing and Town Meeting	