



CHARTER REVISION COMMISSION

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

MINUTES OF SPECIAL MEETING

Monday, December 16, 2013 - 7:00 p.m.
CJH Municipal Center – Meeting Room “A”

PRESENT: David Olson, Chairman, Nicholas Hoffman, Meghan O’Connor, William Hillman, Wendy Smith, William Shannon and Paul Improta. 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.

Public Comment:

Cynthia McCorkindale – Elgin Ave: Among other comments, pointed out that on the Charter Revision Tracking Document V4 – Post Meeting of 18 Nov 13 in Section 1, Item #6, paragraph numbers **Para C6-4 and C6-4B** are incorrect. The correct paragraph numbers are **Para C6-4A and C6-4B**. The Commission will make the correction.

Bill Kingston – Dittmar Road: Asked that the Commission maintain the checks and balances in the relationship between the Board of Finance and the Board of Selectmen during their deliberations.

Approval of Minutes – December 9, 2013: W. Smith made a motion, which was seconded by N. Hoffman, to approve the minutes. Vote, in Favor 7-0, Approved.

Correspondence:

1) B. Hillman presented the Commission with the following documents:

- Suggested Charter changes to specific sections in addition to or as a legal question to what Mr. Vitti has already shared.

Also included is a new item for consideration regarding special town meetings.

B. Hillman made a motion, which was not seconded, to amend the language in C6-6(B) to include “or proposed ordinance” believing that the word “proposal” is intended to grant the legislative body the power to enact an ordinance. Motion Failed.

Attorney Vitti explained that the Board of Selectmen is the only body that can enact an ordinance as spelled out in the Charter. The proposed language revisions will not change this.

- Analysis of MCI over time for review.

2) Attorney N. Vitti presented the Commission with the following documents:

- Summary of Charter Changes dated December 11, 2013.
- Counsel’s Proposed Language for Charter Revisions.

Consideration of Remaining Open Items:

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TOWN CLERK

Criteria for Setting First Selectman's Salary: B. Hillman prepared an Analysis of MCI over time and concluded that it is not a good future predictor of economic climate and would recommend that setting the First Selectman's salary be left out of the Charter.

After much discussion, the Commission agreed the starting point is too low for the First Selectman and well below that of his/her peers. The members asked if there could be a solution to offer the town instead of putting the salary in the Charter. Mr. Kingston suggested that the BOF could set the floor for the next term of office preceding the election and then review annually for any increases. This would make a structural adjustment and eliminate the politics.

D. Olson made a motion, which was seconded by W. Smith, to adopt language into the Charter stating that the BOF shall set the salary for elected officials before the election with review annually to take effect with the 2015 municipal election. After discussion, D. Olson amended his motion, which was seconded by N. Hoffman, to further, adopt language into the charter stating that prior to each municipal election the BOF will set the salaries for the municipal officials (Town Clerk, Selectmen and Registrar of Voters) elected. Vote in Favor, 6-1. In Favor, W. Smith, M. O'Connor, B. Shannon, P. Improta, D. Olson, N. Hoffman. Opposed B. Hillman. Motion passed.

Language for PUC Roles & Responsibilities: D. Olson presented his draft of proposed language. After discussion, D. Olson made a motion, which was seconded by B. Hillman, to adopt the language to draft with the exception of the words 'three' and 'profitability' in Para C7-11(E). Vote in Favor, 7-0. In Favor, W. Smith, M. O'Connor, B. Shannon, P. Improta, D. Olson, N. Hoffman and B. Hillman.

Review Counsel's Proposed Language for Charter Revisions – Members will Agree/Revise:

I. Five (5) member BOS with four (4) year terms (Tracking Sheet – Item No.1&2):

- a. C3-4(A) - Add B. Hillmans draft language, C2-2. Town Officers. - Agree
- b. C3-4(B) - Put the 's' in the word candidate(s) - Agree
- c. C4-1(A) - Agree
- d. C4-2(B) - W. Smith made a motion, which was seconded by P. Improta, to raise the number to three (3) to constitute a quorum. Vote in Favor, 6-1. In Favor, W. Smith, D. Olson, M. O'Connor, B. Shannon, N. Hoffman, P. Improta. Opposed, B. Hillman.
- e. C4-4(F) – Agree
- f. C5-4(A) – Remove “held after a regular biennial election”. Have counsel double check language - Agree
- g. C7-4 – Agree

II. Annual Town Budget Meeting (Item No.4):

- a. C6-3(A)(1) – Agree

III. Increasing thresholds requiring Town Meeting (Item No.6):

- a. C6-4(A) – Agree
- b. C6-4(B) – Agree
- c. C6-4(D) – D. Olson made a motion, which was seconded by B. Hillman to increase from 25K to 50K. Vote in Favor, 7-0. B. In Favor, Hillman, D. Olson, N. Hoffman, P. Improta, B. Shannon, M. O'Connor, W. Smith.

- IV. Town Meeting for Sale, Purchase, or Other Disposition of Real Estate (Item No.7):
a. C6-4(C) – Agree
- V. Cleanup of language; delete “full-time” form all position descriptions (Item No. 9):
a. C8-4 – Agree
- VI. Advertised Bidding Threshold (Item No. 10):
a. C8-13(C)(4)(i) – Agree
- VII. Fire Departments (Item No. 11)(New Paragraph):
a. C8-14 – Agree
- VIII. Finance and Taxation (Item No. 12):
a. C10-2(D) – Agree
- IX. Special Appropriations & Transfer of Appropriations (Item No. 13):
a. C10-4(B) – Agree
- X. Budget Neutral Transfers (Item No. 14)(New Paragraph):
a. C10-4(C) – Agree
- XI. Board of Education Fund Accounts (Item No. 16) (New Paragraph):
a. C10-4(F) – Agree
- XII. Meetings (Item No. 17) (New Paragraph):
a. C11-11 –change “auditoriums” to “school facilities” - Agree
- XIII. Public Utilities Commission (Item No. 18):
a. C7-11(A) – with D. Olson’s additions (B) through (F) - Agree

Set Remaining Schedule of Events/Meetings:

Monday, January 6, 2014 – Final Review of the Draft
Monday, January 13, 2014 – Public Hearing
Tuesday, January 21, 2014 – Presentation to the Selectman

Other Business:

- 1) B. Hillman pointed out that the Commission may need to elect officers for this coming year. D. Olson made a motion, which was seconded by M. O’Connor, to re-elect the current officers; David Olson, Chairman and Nick Hoffman, Vice Chairman. Vote, All in Favor, 7-0. D. Olson, W. Smith, M. O’Connor, W. Shannon, P. Improta, N. Hoffman, B. Hillman. The Chairman will send a letter to the Town Clerk reporting this.
- 2) Eileen Fitzgerald from the News Times called Mr. Olson to let him know that she’ll be writing an article for the paper reporting the Commission’s recommendations. Mr. Olson will update her tomorrow so that the article can include decisions made at tonight’s meeting.
- 3) Mr. Olson thanked the Commission members for their hard work, collaboration and professionalism during this process. Best wishes for a happy and healthy holiday season where extended to all in attendance.

Adjourn: As there was no further business, W. Smith made a motion, which was seconded by N. Hoffman to adjourn. Vote, All in favor 7-0. Meeting adjourned at 9:00 pm.

Respectfully submitted,

Debra Roper wes
Debra Roper, Recording Secretary

Charter Revision Tracking Document - V5	
Post Meeting of 09 Dec 13 - Prepared by the Chairman	
References: CRC Meeting Minutes, Tracking Document V3, Tracking Document V4	
Section I - Items Agreed Pending Approval of Counsel's Charter Revision Language	Notes
Item 1 - Para C3-4A - Increase the Board of Selectmen from three (3) to five (5) members.	In Favor, 5-1
Item 2 - Para C3-4B - Board of Selectmen Term of Office	
A. 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 2015 Municipal Election.	In favor, 4-3
B. The candidates for First Selectman and the four (4) Selectman seats shall simultaneously stand for election to four (4) year terms of office effective with the 2015 Municipal Election and similarly thereafter every four years. The First Selectman candidate with the largest number of votes shall serve as First Selectman. The four (4) Selectman seats shall be drawn from the Selectman candidates and the unsuccessful First Selectman candidate with the four largest number of votes. Minority representation rules shall apply.	In favor, 4-2-1
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.	In Favor, 6-0
Item 6 - Para C6-4A and C6-4B - Change the threshold for Actions Requiring a Town Meeting from \$25,000 to \$50,000.	In Favor, 6-0
Item 7 - Para C6-4C - After referral to the Planning & Zoning Commission, recommendation by the Board of Selectmen and approval by the Board of Finance, any sale, purchase or other disposition of real estate of the Town which is not otherwise described herein shall require approval by a Town Meeting.	In favor, 7-0
Item 9 - Paras C8-3, C8-5, C8-6, C8-10, C8-11 - The Tax Collector, Director of Civil Preparedness and Fire Marshal, Director of Health Town Engineer and Building Official shall be full-time Town employee positions. Following discussion, a motion was made and seconded to delete the term "full-time" from all position descriptions. The Code of Ordinances (Chapter 19) adequately addresses the Commission's personnel rules and regulations concerns.	In Favor, 7-0
Item 10 - Para C8-13C4i - Change the advertised bidding threshold from \$30,000 to \$50,000.	In Favor, 6-0
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.	In Favor, 6-0

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.	In Favor, 5-1
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.	In Favor, 6-0
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.	In Favor, 6-0
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.)	In Favor, 6-0
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.	In Favor, 6-0
Section II - Items Tabled Until Regular Meeting of 16 Dec 13	
Item 3 - Para C5-1E (New Paragraph) - First Selectman's Salary Effective with the next annual budget process following adoption 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.	Tabled
New Item (18) - Public Utilities Commission A. The Public Utilities Commission shall 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. B. Adoption requires language describing roles and responsibilities.	In Favor, 6-0 Tabled

Section III - Items No Longer Considered by this Commission	
<p>Item 5 - Para C3-9, Para C3-11, Para C3-15 - Change these positions (3 P&Z Alts, 3 ZBA Alts, 2 IW Alts) from elected to appointed. This Item 5 was moved and approved for reconsideration after a 3-3 tie vote at the meeting of 18 November. After reconsideration, the motion to approve this Item 5 was defeated by a vote of 5-2. Positions shall remain elected positions.</p>	Defeated, 2-5
<p>Item 8 - Petitions to Overrule Petitions to Overrule thresholds be revised to seven (7), twelve (12) and fifteen (15) percent respectively. Defeated at meeting of 09 December by a vote of 4-1 2. Moved to Section III. Thresholds for Petitions to Overrule shall remain at 5, 10 and 15 percent.</p>	Defeated, 1-4-2
<p>Item 5 (In V3) - Change the Police Commission from elected to appointed. Police Commission shall remain elected positions.</p>	Defeated 0-6
<p>New Item (19) - Fire Commission The concept of a Fire Commission shall no longer be considered by this Commission.</p>	In Favor, 6-0
<p>Roles, responsibilities and powers of BOF Term Limits Public Utility, Library and Park & Rec to be elected positions Commissions present budgets, not Town employees Change method of hiring Town Attorney Two-thirds vote of BOF to revise budget after Public Hearing Create a Police Department Civilian Review Board</p>	In Charter
<p>Tax Assessor to be elected position Communicating the fact of a Town Meeting, Public Hearing, Election, etc. Filling vacancies after sixty (60) days</p>	In Charter In Charter
<p>Eliminate ability to reduce proposed budget at annual Town Meeting Permit citizen input by letter or email to annual budget Public Hearing Delete advisory question from the budget ballot Referred to Counsel for language options.</p>	In Charter
<p>Require Power Point presentation at annual budget Public Hearing and Town Meeting Para C10-4F (New Paragraph) - Board of Education carry-over. 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.</p>	