

**Brookfield Charter Revision Committee**  
**MINUTES – Approved 2/16/12**  
**Thursday February 2, 2012, 7:00 p.m.**  
**Selectman’s Conference Room (2<sup>nd</sup> Floor), Brookfield Town Hall**

**Present:** Chairman L. Miller, Vice Chairman J. Park, Secretary Miles, R. Jaffe, J. Park, G. Dembowski, M. Labadia, S. Martone

**Absent:** None

**Also Present:** Town Counsel D. Grogins, Recording Secretary D. Cioffi, N. Hudson, The News Times, Members of the Public as listed below

**1.0 Public Comments (15 minutes).**

*Vice Chairman J. Park commended Commissioner Scalzo on his presentation at the January 26, 2012 Public Hearing. No one else from the public was present at this time.*

**2.0 Correspondence.**

An email from M. Grimes to Commissioner Scalzo, subject: “Data I used in my research on the Charter Revision”, regarding Voter Turnout, dated January 28, 2012, was entered into the record. A copy of the email is attached hereto.

Commissioner Jaffe noted that generally, when residents are satisfied, there is less a desire to vote. Chairman Miller discussed the figures in Mr. Grimes’ email with C. Kukk, Professor of Political Science at Western Connecticut State University. He suggested the possibility of the intern following up on the statistics.

Commissioner Propper will follow up with Mr. Grimes about his comment at the public hearing regarding the possible cost of terminating a Town Manager.

**1.0 Public Comments (15 minutes). (continued)**

*H. Kurfehs, 32 Obtuse Road North, Chairman of the Economic Development Commission (EDC), was present.* He requested that the Commission consider increasing the membership of the EDC. The EDC currently has seven members, with no alternates. Mr. Kurfehs suggested membership be increased to at least ten members. He advised that the six other members on that commission agree that they would like to see more members. He explained that other area towns have larger memberships of 11 to 15 members. Mr. Kurfehs indicated he would feel comfortable with ten or more members, with an option for the Board of Selectmen (BOS) to increase the number of appointed members if needed. It was recommended that an odd number of members be utilized. As recommended by the Chairman of the EDC, the CRC agrees to propose that the total number of members of the EDC will be eleven.

**Secretary Miles moved to recommend that membership be increased on the Economic Development Commission to eleven appointed members. The motion was seconded by Vice Chairman Park, and it carried unanimously.**

**2.0 Correspondence.** (continued)

The following correspondence was also entered into the record: an email from H. Kurfehs dated January 27, 2012; an email from D. Swanson dated January 29, 2012; and an attachment from an email from J. Hartnett.

**4.0 Review draft charter revisions and draft ballot questions with Attorney David Grogins.**

Town Counsel David Grogins offered the following comments:

- Section C3-2.E. - Attorney Grogins suggested that members' terms on some Commissions should terminate at the same time, while others should not.
- Section C4-3 - Commissioner Scalzo pointed out the following change to Attorney Grogins: "The newly elected Board of Selectmen shall meet on the first Monday in December having been sworn in prior to the meeting." This change was not present in Attorney Grogins' copy of the Charter.
- Section C4-11.B. – Attorney Grogins noted that this Section provides for removal for good cause by an affirmative vote of *all* members. There was discussion regarding whether this requirement was necessary only if there was a change to a five-member BOS. Attorney Grogins stated he felt the unanimous vote requirement is a heavy burden. After discussion, the Commission wished to keep this Section as it is to require members from the minority party to agree.
- Section C5-3 – Attorney Grogins discussed emailed comments from Selectman Lasser. After reviewing the section, the CRC decided to change the words, "by ordinance" to "by resolution".
- Section C5-2 – Attorney Grogins inquired regarding the designation of selectmen as "ex officio" members, and was advised that this is the current practice, and there is no change.
- Section C6-6 – Attorney Grogins inquired why the officers of Boards and Commissions take office on the first Monday in February, and was advised by several Commission members that it is tradition. This allows transition time for new Board/Commission members who take office that prior December.

- Section C6-10.C. – Attorney Grogins suggested that “shall” be changed to “may”.
- Section C6-11.B. – There was discussion regarding the Town Manager responsibility of being the purchasing agent. Attorney Grogins noted that in most municipalities, this duty lies with the controller. Commissioner Propper explained that with the assignment of this task to the Town Manager, the Controller still signs checks. This is simply a change of one of the administrative tasks currently handled by the First Selectman, and now is handled by the Town Manager. This also allows for a checks/balance system.
- Section C8-2 – Chairman Miller suggested adding, “and Town Manager” after First Selectman, with regard to preparation of the budget.
- Section C8-6.D. – Attorney Grogins discussed a previous problem with a project that had been stagnant for several years, but had not been abandoned. He noted that you can still do work on a project without spending money on it (i.e., planning, paperwork, etc.). Commissioner Propper suggested that the word, “expenditure” be replaced by “activity”. Commissioner Labadia recalled discussion to changing the extension to five years by vote of BOS, and this proposed extension will be added to the Charter.
- Attorney Grogins advised that he felt that the percentages being proposed for borrowing are too low, and will result in too many town meetings. There was discussion regarding the comments offered at the public hearing regarding clarification of what the percentage will be based on, and it was noted that it would be only on the town side of the budget.
- Section 9-1.B. (will now be Section 9-1.C.) - Attorney Grogins suggested that the alternate language be, “Shall the sum of \_\_\_\_\_ be appropriated as the annual town budget for the fiscal year \_\_\_\_\_?” with the possible answers being: a) yes; b) no, too high; or c) no, too low.); and continuing, “Voters shall be required to vote for one item only for the purpose of determining whether or not the annual budget has been rejected. All “no” votes (b and c) shall be added together. Items b and c shall not be binding on the budget authority.” The Commission members disagreed, and indicated they wanted to leave it as it is in the draft.

Attorney Grogins also advised the Commission that the ballot questions for the Charter Revision do not have to be limited. The recommendations to the BOS will not be presented to them in ballot form. There was discussion regarding grouping all changes related to the Town Manager question (i.e., the duties and appointment powers of the position) together. The Commission advised Attorney Grogins that there would be other non-charter recommendations.

There was discussion regarding the time frame for presentation to the Board of Selectmen. Attorney Grogins suggested that a comparison chart (of the current and proposed changes) be done for the presentation. This meeting will be televised and will be part of a special BOS meeting.

**1.0 Public Comments (15 minutes).** (continued)

*J. Hartnett, 58 Tower Rd., was present.* She submitted a piece of correspondence (attached hereto) expressing concern in three areas: 1A) Petition for Town Meeting; 1B) Raising Percentages for All Petitions; and 2) Changing the Number of Selectmen.

There was discussion regarding the percentages needed for petitioning for a town meeting. Currently, the required amount is two percent or approximately 180 of the town's 9,000 registered voters. Chairman Miller reviewed that the increase in percentages is being considered to eliminate political and groundless issues being brought to town meetings. Upon inquiry from Vice Chairman Park, Ms. Hartnett explained that her concern relates to attempts to have a town meeting to address the flooding in Meadowbrook Manor, where a problem has existed for approximately forty years. She was advised by the Town Clerk's Office that she regardless of how she worded her petition for a town meeting, it would not be accepted. Commissioner Jaffe explained the section of the Charter that addresses expenditures, which would be required to fix the flooding problem. Ms. Hartnett pointed out that Section C9-5 gives residents the right to petition for a town meeting. Section C9-4 of the Charter requires that the town meeting be for "a proper purpose". Commissioner Dembowski suggested that she speak with the Town Attorney for a clearer explanation of that term. The Commission advised that they would look into this issue.

With regard to her second concern, Ms. Hartnett stated that she does not believe that residents understand the rationale behind the proposed increase in the number of selectmen. She believes that the Commission's rationale needs to be explained better. Vice Chairman Park indicated that the quorum issue is not the only driving force; the proposed increase also relates to the increased responsibility of the job and the increase in federal and state mandates.

Vice Chairman Park inquired of Ms. Hartnett if she felt the proposed increase to requiring signatures of four percent of the voters was unfair, and Ms. Hartnett stated she felt it is difficult to find the required number of people that are affected by a particular issue.

Ms. Hartnett explained the extent of the damage from the flooding in the Meadowbrook Manor area to the Commission. The amount of turnover in selectmen throughout the duration of the problem was noted. Ms. Hartnett advised that her communication with the Board has been constant throughout these years.

**Miscellaneous**

Vice Chairman Park, Secretary Miles and Commissioner Martone will coordinate the categories of recommendations for the ballot questions to the BOS. Commissioner Scalzo suggested that the proposed changes be isolated into a separate document for the presentation to the BOS as well.

**5.0 Review comments from January 23, 2012; organize comments and discuss CRC position and responses.**

Vice Chairman Park suggested that the Commission changes be grouped together. There was discussion regarding the possible merger of the Planning and Zoning Commissions. Commissioner Scalzo indicated he appreciated Mr. VanHise's comments regarding the lack of town planner, noting that the Planning Commission does take care of that role's tasks. Commissioner Scalzo indicated that although the zoning regulations are more voluminous than the planning regulations, the engineering reports that are required for review are the same. There was discussion regarding the current working relationship between the two commissions. Commissioner Scalzo did agree that there is not a demand for subdivisions at this time. After discussion, the Commission members indicated that there is no compelling reason to merge the two Commissions. **Vice Chairman Park moved to not combine the Planning and Zoning Commissions in the Charter Revision Commission's recommendations. Commissioner Martone seconded the motion, and it carried unanimously.**

There was additional discussion regarding the opposition expressed at the public hearing regarding the proposed increase to five selectmen. Commissioner Jaffe explained that it just allows the First Selectman to speak with another Selectman without having a meeting. The fear of "secretive" meetings was noted. None of the Commission members disagreed that the public has to be present for decisions to be made. They believe that more members allows for more representation and sharing of the workload. They also pointed out that there could be the same possibility for "secret" discussions between members with the current make up of any Board or Commission. Chairman Miller pointed out that all of the other Boards and Commissions have more than three members. Commissioner Propper noted that these three members are charged with the responsibility of approving the Town's ordinances. **Commissioner Dembowski moved that the CRC reconsider its five selectmen board and Town Manager positions from its original recommendation. There was no second to that motion.**

There was discussion regarding the First Selectmen candidates running for that position only. Commissioner Propper stated that if there are three positions open, he wants the ability to vote for the three positions.

The statements in the opposition to the petition increases were also noted. It was agreed that for the spending percentage allowance, that it be clarified that the percentage is .5% of the town side of the total budget. At Secretary Miles' suggestion, it will be presented to the Selectmen advising what the current dollar amount the percentage that represents is.

Commissioner Propper noted that Mr. Paul McIlvaine inquired at the public hearing asked who audits the town office. Commissioner Jaffe explained that the town is required by state statute to have an audit conducted annually.

**3.0 Review and Accept January 19, 2012 and January 26, 2012 Meeting Minutes.**

**Vice Chairman Park moved to approve the Minutes of the January 26, 2012 Meeting/Public Hearing. Commissioner Dembowski seconded the motion, and it carried, 7-0-1, with Chairman Miller abstaining.**

**Vice Chairman Park moved to approve the Minutes of the January 19, 2012 Meeting. Commissioner Scalzo seconded the motion, and it carried, 6-0-2, with Commissioners Labadia and Propper abstaining.**

There was brief discussion regarding the upcoming schedule, which will include a presentation to the Board of Selectmen.

Commissioners Jaffe and Dembowski will work on the Charter changes discussed with Attorney Grogins.

Commissioner Propper suggested that a graphic be made showing the duties of the proposed Town Manager and First Selectman.

Commissioner Scalzo will separate the sections of the Charter that will be changed.

It was noted that the Board of Selectmen has to give its final position to the State by the end of August.

## **7.0 Adjourn.**

**Commissioner Scalzo moved to adjourn the meeting at 9:03 p.m. Commissioner Propper seconded the motion, and it carried unanimously.**

***\*\*Next regular meeting scheduled for February 16, 2012\*\****