

Brookfield Charter Revision Committee
DRAFT MINUTES
Thursday May 3, 2012, 7:00 p.m.
Selectman's Conference Room (2nd Floor), Brookfield Town Hall

Chairman Miller convened the meeting at 7:05 p.m. and established a quorum of members.

Present: Chairman L. Miller, Vice Chairman J. Park, Secretary D. Miles, G. Dembowski, R. Jaffe, M. Labadia, S. Martone, P. Scalzo (arrived at 7:14 p.m.)

Absent: D. Propper

Also Present: Town Counsel D. Grogins, Interested members of the press (N. Hutson, The News Times)

1.0 Public Comments (15 minutes).

None.

2.0 Correspondence.

D. Propper's email of April 25, 2012 and K. Schilling's email of May 2, 2012 were noted and entered into the record. Secretary Miles read her draft response to the latter. All are attached.

Secretary Miles also referenced a copy of the Town of Westbrook's PowerPoint presentation of its Charter Revision Commission. Additionally, she advised that she emailed First Selectmen of the following municipalities with five-member Boards of Selectmen: Darien, Wilton and Ridgefield to ask them about the benefits of a five member Board.

Town Counsel D. Grogins was present. He advised that he believes that in towns where the Board of Selectmen (BOS) serves as the legislative body; a five-member Board allows for more varied points of view to be expressed and a better distribution of work load.

Commissioner P. Scalzo arrived at 7:14 p.m.

Vice Chairman Park added that another advantage of the five-member BOS is that it allows for representation of the BOS at various commission meetings.

3.0 Review and Accept March 29, 2012 and April 19, 2012 Meeting Minutes.

Vice Chairman Park moved to accept the Minutes of the March 29, 2012 and April 19, 2012 meetings. Commissioner Martone seconded the motion, and it carried, with Commissioners Labadia and Scalzo abstaining as to both sets of Minutes, due to their absence at the meetings, and Commissioner Dembowski abstaining as to the April 19, 2012 meeting, due to his absence.

4.0 Review Comments from the April 19, 2012 Special BOS Meeting.

4.1 Develop job description for the First Selectman –

Chairman Miller discussed the information he received from Secretary Miles related to the job descriptions for the Town Managers in Colchester, Ridgefield and Scotland. He advised he utilized a good deal of the language from the Colchester Charter in his draft. A copy of that (“The First Selectman”) is attached hereto.

There was discussion regarding the Commission’s prior edits to Article C.5-2B of the Charter. Selectman H. Lasser had commented on several occasions that he did not feel that the Commission sufficiently addressed the duties of the Board of Selectmen with a Town Manager form of government. Commissioner Jaffe noted that the pertinent question is: if the Town has a separately elected First Selectman, what is that individual’s function on a daily basis, with a Town Manager being present? It was acknowledged that the position would generate the agenda for BOS meetings and remain an *ex officio* member of the Board of Finance (BOF). Other possible responsibilities could include: representation of the Town at State, regional and local meetings. Commissioner Jaffe also inquired if the First Selectman would have a role in overseeing the day-to-day dealings of Town Manager. There was discussion regarding whether or not the position would remain full-time, and if the Town would ideally function with a full-time Town Manager and a full-time First Selectman. After discussion, Town Counsel Grogins recommended that the duties of the position include all those except those delegated to the Town Manager.

There was discussion regarding the authority to commence litigation or defend legal action. The group agreed that this responsibility would be spelled out under the powers and duties of the BOS.

It was noted that in presenting the sample ballot questions to the BOS, the CRC attempted to distinguish the major issues. It was stated that the BOS would likely consult the Town Attorney regarding the wording of the ballot. Commissioner Jaffe shared a copy of the ballot language that was suggested to the BOS with Attorney Grogins.

There was discussion regarding discrepancies with the sections of the Charter that deal with compensation. Section C5-5 was read, and it was noted that no changes were made. Additionally, Commissioner Martone removed the Section that states that the selectmen are not entitled to hold any office that is entitled to compensation if there is a change to the Town Manager form of government.

Attorney Grogins emphasized that all of the ballot questions must consider the approval of the Town Manager if they are related to its approval.

Vice Chairman Park noted the importance of having the information about the proposed changes available to the voters when they vote. Attorney Grogins advised that there is a provision in the State statutes that spells out what information can be provided to the electorate, without advocating one position. He is hopeful that the BOS will provide the public with as much information as possible, through the news press, prior to the vote. Attorney Grogins further indicated that a plurality of approximately 1,500 residents would be needed for the revisions to pass.

4.2 Final decision on the proposed merger of the Planning and Zoning Commissions.

There was discussion regarding Mr. VanHise's comments at the BOS public hearing. It was also noted that the Chairman of the Zoning Commission spoke in favor of the merger of these two commissions. Attorney Grogins explained the duties that the Zoning Commission currently handles, as well as what the Planning Commission does, noting that Zoning does have more responsibility.

Commissioner Scalzo pointed out that Mr. VanHise's argument was centered on the fact that the Town lacks a professional planner. He also referenced Mr. VanHise's statement that the Planning Commission is staffed by volunteers; therefore, it does not cost the Town anything.

At the conclusion of the discussion, the Commission determined that there is no compelling reason to change the current arrangement of separate Planning and Zoning Commissions.

- 4.3 Option to raise or lower town/education budgets at the annual town meeting. Establish upper and lower limits.**
- 4.4. Decide if petitions should be allowed to overturn Board of Finance decisions.**
- 4.5 Raise the voter threshold from the proposed 4% to 6% of the electorate.**
- 4.6 Careful review and consideration of the language in the proposed charter revisions before issuing the CRC final report to the BOS.**

Attorney Grogins indicated he does not believe that there is any provision regarding the change that would allow an option to raise or lower town/education budgets at the annual town meeting. He encouraged the CRC to change this only if it requires a significant number of people to petition this change. He explained that there is a State statute that spells out a formula that prevents the education budget from going lower than the prior year. Chairman Miller suggested allowing changes in both directions (increase and decrease), within limits.

Commissioner Dembowski expressed his concern regarding the allowance of voters to petition to overturn the decision of the elected BOF's recommendation. Commissioner Jaffe noted that voters can currently do this now with the BOS. Attorney Grogins advised that in Ridgefield, if the BOF rejects a proposal supported by the BOS, the issue goes to referendum. Commissioner

Jaffe explained that he would like to allow residents the right to vote on these matters. Chairman Miller stated that giving the option to voters supports the town meeting form of government.

Chairman Miller polled the Commission members regarding the option to raise and/or lower the budget and establish limits, with a four percent turnout, and the caps discussed, and none of the members were opposed.

With regard to the proposal for a petition to overturn a decision of the BOF with four percent of voter signatures, none of the Commission members were opposed.

With regard to Agenda Item 4.5, Chairman Miller recalled First Selectman Davidson's recommendation at the April 19, 2012 meeting to see voter threshold increased from four percent to six percent. The Commission members did not believe there would be voter support for this, and the threshold will stay at four percent.

The Commission then discussed the language of the proposed Charter Revisions.

With regard to Charter section is Section C9-3.B, Commissioner Propper's comments (in his correspondence dated April 25, 2012) were reviewed. The language of the section will be changed to, "No increase can exceed the budget amount for that line item for the current year."

It was noted that the Charter Sections that discuss petitions to overturn BOS decisions are Section C.4-7 and C.4-8. Commissioner Jaffe suggested that a separate section be utilized as it relates to the BOF. Attorney Grogins pointed out that Section C.8-5 discusses BOF duties. He recommended that the Commission add a provision that allows a petition regarding BOF decisions. This will become Section C8-5(b). The language utilized in Section C.4-7(a) will be utilized. Chairman Miller will review the language (If, within twenty days after a rejection of a request for a special appropriation or transfer pursuant to Section C.8-5(a), a petition is filed, signed by not fewer than four percent of the Town electors is filed with the Town Clerk ... requesting a special Town Meeting or referendum, as applicable, as required by Section C.9-4(a)(2)) and send it to Attorney Grogins.

5.0 Public Comments (15 minutes).

None.

6.0 Adjourn.

Commissioner Scalzo moved to adjourn at 8:40 p.m. (No second, no vote).

Commissioner Jaffe commented on the satisfactory manner that the Commission members worked together. He thought it would be preferable to confirm that the recommendations of the Commission were unanimous.

Chairman Miller moved to close out the Commission's last meeting with a motion that the Charter Revision Commission has unanimously accepted the proposed revisions that will be submitted as a final report to the BOS. Vice Chairman Park seconded the motion, and it carried unanimously.

Commissioner Dembowski noted that there were public comments made that were accepted, and others that were not. Commissioner Martone noted that all of the public comments were considered.

Commissioner Scalzo commended the Commission for its hard work and for coming forth with recommendations that the Commission believed were right for the Town. Vice Chairman Park thanked Chairman Miller for his leadership.

Commissioner Jaffe moved to adjourn the meeting at 8:43 p.m. Vice Chairman Park seconded the motion, and it carried unanimously.