

**SPECIAL BOARD OF SELECTMEN MEETING
M I N U T E S
MARCH 19, 2012 – 7:30 P.M.
BROOKFIELD HIGH SCHOOL MEDIA CENTER**

CALL TO ORDER: First Selectman William R. Davidson called the meeting to order at 7:30 p.m.

PRESENT: William R. Davidson, First Selectman; Howard Lasser, Selectman; George F. Walker, Selectman; Charter Revision Commission Members: Chairman Larry Miller, Vice Chairman Joni Park, Greg Dembowski, Mark Labadia, Susan Martone, David Propper, Peter Scalzo and Dawn Cioffi, Recording Secretary for the CRC; Members of the public; Virginia Giovanniello, Recording Secretary.

CHARTER REVISION COMMISSION (CRC) PRESENTATION: Mr. Davidson thanked all the members of the Charter Revision Commission for the 12-13 months of laboring, reading, reporting and scholarly efforts to provide their report. Mr. Larry Miller, Chairman of the CRC, introduced the members of the Charter Revision Commission: Greg Dembowski, Ron Jaffe, Mark Labadia, Dorothy Miles (not in attendance), Joni Park, David Propper and Peter Scalzo. The CRC was charged on January 10, 2011 and held its first public hearing in February, 2011. Mr. Miller noted that student intern Deborah Selvato from Western Connecticut State University assisted them in research for the role and responsibilities of Town Managers in other towns. Mr. Miller began with the historical background in the report and continued that all public comments were collected and organized into three major categories in the report: Form of Government, Fiscal Responsibility and Legal/Technical Issues. Mr. Miller presented the proposed Charter Revision recommendations to the Selectmen (power point presentation is attached to minutes).

Mr. Walker inquired about the timeline left to communicate back to the CRC and the final report. There was discussion on the timeline and it was noted that the CRC must be disbanded no later than May 10, 2012. The Board of Selectmen is required to hold a public hearing on its preliminary position prior to its final decision on the Charter revisions that will be presented to the voters (as noted in the CRC 3/19/12 report on page 26).

Following Mr. Miller's forty-five minutes presentation of the CRC report, members of the CRC and Board of Selectmen reviewed the proposed revisions and discussed the CRC rationale behind determining the changes. The Selectmen and CRC members discussed the presentation. Some of the specific items discussed in the proposed Charter Revision Commission Report were the following:

Form of Government: Town Manager and First Selectman's Duties; Increase the number of Selectmen from three to five members; Combining of the Planning and Zoning Commissions that the CRC agreed in their report to maintain separately due to the absence of a town planner.

Fiscal Responsibility: Including non-binding advisory questions (e.g. too low, adequate, too high) at a budget referendum.

Technical/Legal Issues: Increase of the voter threshold for all petitions to at least 4% of the electors; Spending thresholds for special spending appropriations; Language revised that appointees would continue to serve until an elected successor's term begins; Section C4-3 CRC proposes technical change to required that newly elected Board of Selectmen to be sworn in prior to its first meeting; Section C8-7 CRC proposes a change to allow the Board of Selectmen the ability to vote for a two year extension on appropriations for construction.

Non-Charter Recommendation: that all elected officials should be volunteers. The CRC stated they would fix this statement as it is an oversight, as this was not intended to include the elected position of town clerk.

PUBLIC COMMENTS: The following residents addressed the Board of Selectmen:

A letter received on 3/16 from David Prebenna, 20 Sunset Hill Road, opposing a town manager form of government, will be included in the record of the meeting and attached to minutes.

1. Martin Flynn, 18 Farview Road, stated he was opposed to a five member Board of Selectmen and Town Manager, and presented his written statement for the record and attached to minutes.
2. Phil Kurtz, 154 N. Lakeshore Drive, stated he was opposed to a five member Board of Selectmen.
3. Jerry Friedrich, 10 Cherokee Drive, stated he does not support Town Manager concept and doesn't think it should be included in the Charter and to consider instead a plan where you have a Town Meeting/Operations Manager so if there is a problem the town doesn't suffer.
4. Pamela Kurtz, 154 N. Lakeshore Drive, stated that he was opposed to the five member Board of Selectmen and town manager.
5. Phil Kurtz, 154 N. Lakeshore Drive, stated that it was unfortunate that the CRC did not recommend the joining of Planning and Zoning as it is a good idea.

ADJOURN: William Davidson made motion to adjourn at 9:31 p.m., seconded by George Walker. Motion carried unanimously.

William R. Davidson
First Selectman

Howard Lasser
Selectman

George F. Walker
Selectman

my Name is Marty Flynn I am the Chairman of the Brookfield Republican Towne Committee
tonite I will be speaking for the 25 members of the town committee, 18 Fairview Rd.

~~my Name is Marty Flynn, I have the pleasure of being chairman
of the Republican town committee. Very rarely do we agree on anything unanimously~~

First let me thank the commission for their hardwork and long hours on this proposed charter revision recommendation.

Tonight I'd like to speak specifically about the proposed recommendation for a 5-member Board of Selectman.

While I understand some of your arguments for a 5 member Board, after all we're a bigger town now, with a larger population than we've had in the past. Some say...

- ✓ It would also be a Chance for more people to be elected/serve/participate
- ✓ And Right now, the First Selectman cannot talk to the Minority Selectman unless it's in the context of a Board of Selectmen meeting. With 5, he could speak to all 4 of the lower selectmen without a meeting.
- ✓ And Some people might say that 3 Selectmen was for when the town was more "rural", this is appropriate as the population has become more complex

But I disagree, and there are more reasons to oppose this proposal. These are my reasons to oppose a 5 member Board of Selectmen

1 - A 5 member BOS would Promote a more secretive town government

- It will allow the First Selectmen to conduct business with each of the other 4 Selectmen by talking to them on the phone, getting them to support his proposal, and it passes at a BOS meeting without any public debate or discussion
- 3 Selectmen forces government to be conducted "in the sunshine" and in the public eye
- We should be doing things that increase public participation, and not discouraging it.

2 - If it isn't broke, don't fix it , 3 Selectmen has served Brookfield well over the years, no emergency or situation so severe has come up that compels a change.

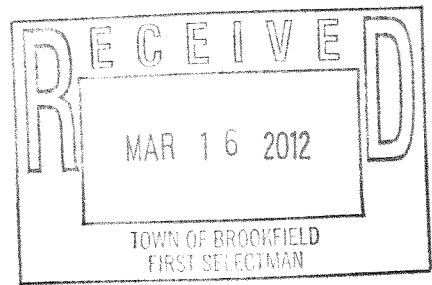
- In 2007 and 1997, Brookfield voters overwhelmingly defeated a proposal to move from 3 to 5 Selectmen. Nothing has changed that would warrant rehashing the issue again,
- IF there's a need for the First Selectman to speak to the minority selectmen, they can schedule a weekly BOS Special Meeting at a convenient time on a recurring basis.

3 - Increasing the size of Brookfield's government

- The minority party, which has about 20 % of voters, will be guaranteed 40 % of the seats on the legislative body.
- It will actually be inconvenient - it's much easier to get 3 people together when the urgency arises than it is to get 5 people together.
- Right now the minority party has 33% of the seats on the board of selectman. In a 5 member board the minority party would have 40% of the seats. This is not a fair representation of the electorate.

^{We}
As a republican, I believe in smaller government, open government and more participation from our town's citizens.

the Brookfield Republican ^{town/committee} ~~party~~ is unanimous in their opposition to a 5 member board of selectman and a town Manager.



Board of Selectmen
Town of Brookfield
100 Pocono Road
Brookfield, CT 06804

March 15, 2012

Dear Board Members:

I am opposed to the recommendations of the Charter Revision Committee.

Instituting a town manager form of government, with its attendant overhead, adds an unnecessary and expensive layer to town management that further strains precious revenue. In a town that routinely sees razor-thin election victories over its budget, adding to the size and expense of government with more professional salaries and more benefits packages paid for by taxpayers is rightly viewed by residents as foolish. Who profits by it? For those who already view government as "part law - part outlaw" is there any serious doubt about who would benefit in the end?

Brookfield is not so large or complex that it needs a new chief executive, since we already have one in the office of the First Selectman. Municipalities that do not elect their top officer but instead have a town manager, have substantially lower voter participation than those run by a Mayor or First Selectman. The reasons for that are easy to understand: Too many people believe that the "professional" knows more than the individual does, so why should a "non-expert" resident bother to cast a vote? Voters have always been able to show their displeasure with their selectmen by voting them out of office every 2 years, but the town manager - selected by a possibly inept or corrupt board - would remain. This too doesn't seem particularly suited to fostering more voter turnout and general participation in governance, since the residents themselves are removed from the hiring process.

Worse, the push to add two MORE selectmen along with a manager looks to be nothing more than a transparent parliamentary move that unfairly promotes minority party influence from 20% to 40% through minority party representation rules - and in a population where only 20% bother to vote, those residents who DO vote would be disenfranchised, by ensuring added seats for those candidates defeated at elections.

Our town's three selectmen, department heads, and board members who come from the community, are already entrusted to handle their job of governance. If they need help - they should resign.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Prebenna".

David Prebenna
20 Sunset Hill Rd
Brookfield, CT

BROOKFIELD Charter Revision Commission

Report to the Board of Selectmen
March 19, 2012



Historical Background

The Brookfield Charter Revision Commission ("CRC") was charged on January 10, 2011.

The CRC held its first public hearing on February 3, 2011 to accept comments from the public.

All public comments were collected and organized into three major categories:

- *Form of Government*
- *Fiscal Responsibility*
- *Legal/Technical Issues*

The CRC held its first public hearing on February 3, 2011 to accept comments from the public.

Historical Background

CRC members formed subcommittees and contacted Brookfield Boards and Commissions to gather their individual and collective input.

Public participation was encouraged and comments were accepted at the CRC's regularly scheduled meetings.

CRC members analyzed Connecticut municipalities with populations and annual budgets comparable to Brookfield's.

A Western Connecticut State University student intern's research provided information about the role and responsibilities of town managers in some other Connecticut towns.

3

Form of Government

The most common forms of government in Connecticut and other New England States include:

- *Selectmen/Town Meeting*
- *Town Manager/Council*
- *Mayor/Council*

The Brookfield Selectmen/Town Meeting form of government is common to many small Connecticut municipalities. The number of Selectmen generally ranges from three to five; however, some towns have as many as seven.

The CRC firmly believes in maintaining the Town Meeting form of government to ensure that Brookfield's voters will continue to have a strong voice in municipal elections, policy-making decisions, and fiscal accountability.

4

Form of Government

The Town Manager/Council form of government has become more recognized and accepted in Connecticut municipalities to meet the growing needs of larger populations and budgets.

Since the original Brookfield Town Charter was adopted in 1975, our population has more than doubled and our annual combined budget has increased from \$5.7 million to \$55.3 million.

The CRC also considered the scope of Federal and State mandates imposed on municipalities over the past thirty-five years that have increased complexity in the day-to-day operation of municipalities.

5

Form of Government

With its increasing population, budget, services, costs for such services, and compliance with Federal/State regulations, the CRC recommends the addition of a Town Manager as an appropriate Charter revision at this time.

The benefits of a Town Manager include:

- *Provides professional management skills to effectively supervise municipal employees.*
- *Provides improved efficiencies in human and financial resources.*
- *Provides continuity in pursuing longer-term objectives.*
- *Promotes economic development with increased ability to explore other sources of revenue.*

6

Form of Government

Brookfield's Town Manager should meet all of the following criteria:

- *Be a qualified individual trained in public administration at an accredited college or university.*
- *Be well-prepared to act as Brookfield's Chief Operating Officer to oversee the administration of town government and its employees.*
- *Act in accordance with the policies and standards of the International City/County Management Association (ICMA — icma.org).*

The Town Manager will be an employee of the Town of Brookfield operating under the direction of the Board of Selectmen, and complying with the Charter and all ordinances.

7

Form of Government

The CRC also considered the concept of a single Town Council in lieu of a Board of Selectmen and a Board of Finance.

The CRC concluded that Brookfield should continue to have both a Board of Selectmen and a Board of Finance.

8

Form of Government

The CRC evaluated the size of the Board of Selectmen taking into consideration meeting quorum requirements, compliance with Freedom of Information regulations, discussions between selectmen of different political parties, and other complications.

To promote more efficiency and to provide Brookfield's residents with a more diverse and larger representation of elected officials, the CRC is recommending a Charter revision to increase the number of selectmen from three to five.

Although four-year terms — staggered every two years — were discussed, the CRC proposes that the current two-year term of office for the Board of Selectmen remain unchanged.

The Charter (including Section C₄₋₄) would also have to be amended to change the quorum from two to three members of the Board of Selectmen for the transaction of business.

9

Form of Government

Unlike chairpersons of other municipal boards and commissions (which appoint or elect their chairpersons), the First Selectman is the elected chair of the Board of Selectmen who also functions as the town's Chief Executive Officer.

Consequently, the CRC considers the office of First Selectman a distinct and unique elected position, significantly different from that of a chair who is appointed or elected by its own board or commission.

With this in mind, the CRC recommends that candidates for First Selectman run only for that office, and that losing candidates ***not*** be included in the tally for Board of Selectmen seats.

10

Form of Government

Recognizing a trend in the reduction of available land for the development of housing sub-divisions, the CRC evaluated the possibility of consolidating certain land use commissions to achieve greater efficiency.

Although the CRC proposed a Charter revision to merge the Planning and Zoning Commissions into a single commission, comments received the public at the January 25, 2012 public hearing lead the CRC to reconsider its position.

Based on those comments, and in the absence of a town planner, the CRC agreed to maintain separate Planning and Zoning Commissions

11

Fiscal Responsibility

As previously noted, the CRC believes in maintaining a Board of Finance to provide a system of checks and balances in budgeting, expenditures, and loans.

While CRC members also considered expanding the Board of Finance to include alternates, the CRC did not receive compelling information substantiating the need for an expanded Board of Finance.

Concerned about appointing alternates who might participate in fiscal decisions on behalf of the town, the CRC believes the Board of Finance should remain a six-member elected board with the First Selectman continuing to serve in an *ex officio* capacity.

12

Fiscal Responsibility

CRC recommends a Charter revision to allow for non-binding advisory questions — for either a single town budget vote or a bifurcated budget vote.

Such advisory questions must be proposed by the Board of Selectman or decided at a town meeting in advance of a budget referendum.

If it were decided that a budget referendum would include non-binding advisory questions, then the Charter revision would also stipulate that for each question three choices would be presented to the voters (*e.g.* too low, adequate, too high).

13

Technical/Legal Issues

The CRC evaluated voter thresholds for petitions to overrule actions by the Board of Selectmen and referenda for ordinances, resolutions, initiatives, and special town meetings. In the current Charter, the threshold for such petitions ranges from 1% to 3% of the electors.

The CRC believes the current petition thresholds are too low and — in the interest of facilitating efficiency in government and for purposes of consistency — it recommends an increase of the voter threshold for all petitions to at least 4% of the electors.

Consistent with the above comment, the CRC recommends that a referendum to repeal an ordinance, resolution, or other actions by the Board of Selectmen would require greater than 2% of the electors favoring such a repeal (*e.g.* > 1/2 of 4%).

14

Technical/Legal Issues

The CRC also considered the thresholds for special spending appropriations.

The current limit for special appropriations requiring town approval is \$20,000 or 10% of the department's current annual budget, whichever is greater.

To simplify and streamline these processes, the CRC recommends a Charter change to set the bar for special appropriations at 0.5% of the town's annual municipal budget.

All such appropriations remain subject to the approval of the Board of Finance.

15

Technical/Legal Issues

The Library Board of Trustees and the Police Commissioners recommended eliminating alternate positions for their groups.

The Economic Development Commission recommended increasing its members from seven to eleven regular members.

The CRC recommends a Charter revision to allow nine regular members on the Library Board of Trustees, seven regular members on the Police Commission, and eleven regular members to the Economic Development Commission.

In accordance with CGS Chapter 128 section 8.41, the term of appointment for municipal Housing Authority board members is five years. Consequently, Addendum A of the Charter should be revised to comply with the state statute.

16

Technical/Legal Issues

Section C 8-5 E of the current Charter requires the Board of Finance to act on all requests from the Board of Selectmen within 30 days of the receipt thereof.

The CRC recommends a Charter revision to allow the Board of Finance to act within 45 days of any such requests from the Board of Selectmen.

17

Technical/Legal Issues

The Charter language specifies that the term for an appointed position expires with the election of a new officer rather than with the beginning of a new term, resulting in the situation where a void would exist for several weeks.

The CRC recommends that section C2-6 D of the charter be revised to stipulate that the appointee would continue to serve until an elected successor's term begins.

18

Technical/Legal Issues

Section C4-3 of the Charter requires that the newly elected Board of Selectmen shall meet on the first Monday of December following its election.

The CRC proposes a technical change to require the newly elected Board of Selectmen to be sworn in prior its first meeting.

19

Technical/Legal Issues

Section C8-7 of the Charter has a provision that appropriations for construction or other permanent improvements will be abandoned if three fiscal years have elapsed without any expenditure from or encumbrance of the appropriation.

Because such projects may be delayed by federal/state grant monies or other reasons, the CRC proposes a change to allow the Board of Selectmen the ability to vote for a two year extension.

20

Other Non-Charter Recommendations

If the Charter revision for a Town Manager is adopted, the CRC believes all elected officials should be volunteers as one way to support the salary and employee benefits of a Town Manager. This budget issue would be decided by the Board of Selectmen, Board of Finance and the voters on an annual basis.

Based on the evaluations of other Connecticut municipalities, the CRC suggests that the Board of Selectmen consider creating a staff position for a Town Planner.

The objectives of the Brookfield Youth Commission are unclear and its current membership is not sufficient for a quorum. The CRC recommends the Board of Selectmen establish objectives for the Youth Commission and promote an increase in its membership.

21

Summary of Recommendations

The CRC proposes nine ballot questions:

- The more significant Charter revisions (*e.g.* town manager, five member Board of Selectmen, voter/appropriation thresholds, etc.) should be presented as “stand-alone” or individual ballot questions.
- The technical issues — which are considered procedural corrections — can be presented as a single ballot question.

22

Summary of Recommendations

No change in the Town Meeting form of government.

Employ a Town Manager under the supervision of the Board of Selectmen.

Increase the number of selectmen from three to five, and have three constitute a quorum to transact business. .

Candidates for First Selectman are eligible only for the office of First Selectman.

Revise the Charter to allow non-binding advisory questions on budget referenda; three choices must be presented to the voters (*e.g.* too low, adequate, too high).

Increase voter thresholds for all petitions to 4% of the electorate.

23

Summary of Recommendations

Change the special appropriations on spending and borrowing by the Board of Selectmen with oversight by the Board of Finance.

Increase the number of full members on the Library Board of Trustees and Police Commission by eliminating the current alternate positions.

Increase the number of members from seven to eleven on the Economic Development Commission.

Expand the time for the Board of Finance to act on requests from the Board of Selectmen from 30 days to 45 days.

24

Summary of Recommendations

Clarification in timing of term for appointed board and commission members who are succeeded by elected members of those boards and commissions.

Clarification that a newly elected Board of Selectmen must be sworn in prior to its first meeting.

The Board of Selectmen may vote to extend appropriations intended for construction projects and other permanent improvements for an additional two years .

25

Next Steps

By statute, the Board of Selectmen is required to review and comment on the proposed Charter revisions within 45 days.

Upon completion of its review by the Board of Selectmen, the CRC is required to issue its final report within 30 days.

In either case, the CRC must be disbanded no later than May 10, 2012.

The Board of Selectmen is required to hold a public hearing on its preliminary position prior to its final decision on the Charter revisions that will be presented to the voters.

26

Discussion

The CRC thanks the Board of Selectmen for the opportunity to present our work and recommendations.

We look forward to discussion and further comments.