

CHARTER REVIEW COMMISSION
Colchester, Connecticut
Town Hall, Meeting Room 2
March 11, 2015
Meeting Minutes

Members present: Gregg LePage, Gary Siddell, Ursula Tschinkel, Monica Egan and Betty Wagner

Guests present: Asia Rota and First Selectman Stan Soby.

The meeting was called to order at 7:00 p.m. by Chairman Gregg LePage.

Additions to the agenda: None.

Approval of minutes: Motion by Mr. Siddell, second by Ms. Egan to approve as presented. Vote: Unanimous approval.

Citizen Comments: None.

Correspondence: Mr. LePage read aloud a letter submitted to the commission by Steven Schuster. Mr. Schuster made several suggestions for the commission to consider. The letter will be attached to the minutes of the March 11, 2015 meeting.

Discussion with Tax Collector: Mr. Don Philips attended the meeting to discuss with the commission changes that might be made to the charter that would affect the Tax Collector's office. He explained that the Tax Collector does not make policy and that it is an administrative position. State statutes set forth how to do the job. The position would easily lend itself to being an appointed position as opposed to elected. If appointed, the town can require the Tax Collector to be certified or to become certified within a specified time frame. The town could establish measurements and standards and the Tax Collector would be accountable. Mr. Philips does not agree with combining the Tax Collector's office with the Assessor's. The functions of the two are entirely different. Regarding reporting structure, he suggested that the Tax Collector should report to the town CEO/First Selectman. The commission thanked Mr. Philips for attending the meeting and for his service to the town.

Begin review of ordinances: Mr. LePage began the review with a discussion. Chapter 39, Article 1, Conservation Commission. This ordinance established the Conservation Commission.

Chapter 39, Article 2, Inland Wetlands and Watercourses. This ordinance authorized the town to establish and charge fees for inland wetlands. New regulations must be referred to the Zoning and Planning Commission. Penalties of up to \$1000.000 can be set.

Chapter 39, Article 3, Conservation Commission Alternates.

The commission found no inconsistencies in Chapter 39 and will not recommend any changes.

RECEIVED
COLCHESTER, CT
2015 MAR 13 AM 11:52
Office of the
TOWN CLERK
GARY FURNAN

Charter Review Minutes March 11, 2015.

Chapter 30, Dangerous Building Ordinance. The commission found no inconsistencies in Chapter 30 and will not recommend any changes.

Chapter 27, Article 1, Demolition Ordinance. The commission found no inconsistencies in Chapter 27, Article 1 and will not recommend any changes.

Citizen Comments: None.

Adjournment: Motion to adjourn by Ms. Egan, Second by Mr. Siddell. The meeting was adjourned at 8:21 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Betty Wagner".

Betty Wagner, Secretary

January 26, 2015

Steven A. Schuster
386 Westchester Road
Colchester, CT 06415-2426

Gregg LePage, Chairman
Charter Review Commission
Town of Colchester
127 Norwich Road
Colchester, CT 06415

Dear Gregg;

I am sorry I haven't attended any of your meetings however, I would like to weigh in on some thoughts that I have that I feel should be discussed, if they haven't been already.

1- The First Selectman position should be eliminated and replaced with a appointed Town Manager rather then a elected position. The Town Manager would report to a five member Board of Selectmen which should remain as elected positions and, if necessary, they could elect, amongst themselves, a Chairperson for this board or the highest vote-getter could assume this position. All Selectmen positions would be non-paid.

2- The Town Clerk as well as the Tax Collector should also be appointed positions.

3- The Town Treasurer position should be eliminated.

4- The Assessors office and the Tax Collectors office could be combined into one department maybe re-named the Department of Revenue and could report to the Chief Financial Officer. This in itself should be a easy transition and should result in a cost saving to the Town.

5- The Board of Assessment Appeals should also be appointed rather then elected positions.

Thank you for the opportunity to share some of my views with your commission.

Sincerely,

Steven A. Schuster

cc: Stan Soby, First Selectman
Bill Curran, BOS Liaison
Gary Siddell, Vice Chairman
Elizabeth Wagner, Secretary
Ursula Tschinkel, Member
Monica Egan, Member

REASONS FOR RECOMMENDATIONS FOR CHARTER CHANGES

1- Growing up in Colchester with a population of 2,000 residents and very few Town Employees it didn't take much expertise to be the Borough Warden. Fast forward to 2015 with a population of 16,000+ residents it now takes a person that should be properly trained and schooled with the responsibilities that comes with the job. Colchester has been very fortunate to be able to attract, for the most part, people to run the town as First Selectman, but not always. The Town needs a person with the proper qualifications, training, professionalism, and experience to move the Town forward with politics removed from the equation. The elected Board of Selectman would still give the Town Manager direction and guidance.

2- By making the Town Clerk and Tax Collector appointed positions as opposed to elected, not only would the Town attract qualified people, they would have the responsibility of reporting to a supervisor instead of to the electors of the Town. This would also remove politics from this selection process. Currently, as you know, both of these positions now are appointed due to retirement and resignation.

3- The Town Treasurer's duties and responsibilities should be absorbed by the CFO, a appointed position. I just don't see the need for a Town Treasurer now or in the future.

4- Combining the Assessors office and Tax Collectors office into one revenue office reporting to the CFO are both revenue departments that staff could share responsibilities as each current department have seasonal highs and lows throughout the year.

5- Making the Board of Assessment Appeals into appointed part time positions with proper credentials to aid in their decision making process. This would also remove politics and potential conflicts of interest in their decision making process.

My reasoning as stated above should in no way be conceived as being detrimental to any individuals currently serving the Town of Colchester in these positions. They are all good people and do their respective jobs well.

Sincerely,

Steven A. Schuster

Commission Charge

1. Become thoroughly familiar with Town Charter.
2. Find language that is not readily understandable.
3. Find language that is contradictory or inconsistent between text and practice.
4. Review processes contained in Charter for:
 - Understandability and Fairness
 - Relevance
 - Need for Change
 - Efficiency and Effective Control
5. Review governmental structures as prescribed in Charter:
 - Accountability – single point? / conflicting accountabilities?
 - Can we streamline the decision-making process? Is it consistent?
 - Can we streamline operational processes?
 - Do we need as many commissions as we currently have?
 - Does the current structure allow us to achieve our goals?

Possible Recommendations (Summary)

1. Board of Selectman and First Selectman serve a four year term with two members from the Board appearing on the ballot at each municipal election. In the event of a vacancy, a replacement would serve until the next municipal election. Term limits for First Selectman?
2. Establish BOS threshold for approval of supplemental appropriations and budget transfers. Allow BOS to delegate contractual authority to First Selectman or Town Department Heads.
3. BOF – It appears that the six year term is reasonable due to steep learning curve. Implement working agreement between CFO and BOF regarding budget transfers. BOE – Should membership be reduced from seven to six? BOAA – Should term be increased from two years to four years.
4. Make Town Clerk & Tax Collector appointed positions, eliminate the Treasurer position with duties assumed by CFO's Office.
5. Adjust Sewer and Water Commission membership from Nine to Six.

Possible Recommendations (Cont)

6. Determine a minimum budget level in the event of multiple failed referendums.
7. Delegate authority for WPCA from BOS to Sewer and Water Commission.
8. Town Meeting – Adjust threshold up from .5% for supplemental appropriations and transfers. Define what constitutes a department.
9. Add Registrar of Voters and Justice of the Peace to elected officials that can serve on an appointed board.
10. Change wording from any town voter to 2% for Special Referenda. Raise threshold from 1% to 2%.
11. Annual Budget Meeting - Lower threshold to 1% for BOS and BOE for continuance to a second meeting.

Discussion – Article 1 & 2

Preface

- Can we eliminate the preface and other introductory definitions?

Article 1

C-101 – Add the requirement to be an elector of the town to the sections titled: Appointed Board, Elected Official & Elected Board. Add a section entitled Public Hearing so there is no confusion between that and a Town Meeting. Define minority representation since it is referred to several times in Charter.

Article 2

C-201 – Elected Officials. Add Registrar of Voters.

C-202 – Elected Boards. Number of members and term length for BOE, BOS, BOF & BOAA

Discussion – Article 3

First Selectman

C-301 – Should First Selectman term be increased to four years? Should there be more detail regarding responsibilities? Term limits?

C-302

•Wording changes suggested for further clarification.

C-303

•Strengthen the wording for filling vacancy by adding “None of the remaining” to allow members not of the same political party to fill the position if they are interested.

Need to have further discussion of First Selectman v Town Manager.

Discussion – Article 4

BOS

C-401 – Should Board of Selectman and First Selectman serve a four year term with two members from the Board appearing on the ballot at each municipal election. In the even of a vacancy, a replacement would be appointed to serve until the next municipal election.

C-402

(B) Remove the word “Not delegate” to “Delegate” contractual authority to department heads or First Selectman.

(I) Determine threshold for approval of budget transfers and appropriations.

(J) Eliminate J-2 requiring public hearing for acceptance of municipal road.

C-405

Replace “Shall” with “Has” in BOS shall have the power to call and to subpoena witnesses..... Replace Town Counsel “Shall be” present to “Must be” present.

Replace any witness so called “Shall have” to “Has”.

Discussion – Article 5

C-501 – Town Clerk

- Make the position appointed and add minimum qualifications. Discussed whether it should be a two year or four year term.

C-502 – Tax Collector

- Make the position appointed and add minimum qualifications. Discussed whether it should be a two year or four year term.

C-503 – Town Treasurer

- Eliminate the position. If the position is not eliminated, make the position appointed and add minimum qualifications.

Discussion – Article 6

C-601 – BOF

- Discussion on whether a six year term is too long. Should a four year term be recommended?
 - It was pointed out that there has been very low turnover, it takes a long time to learn the position and two members up for election at each municipal election has assured continuity.
- Budget Transfers – Incorporate document agreed upon between BOF and Maggie

C-602 – BOE

- Should there be six or seven members?

C-603 – BOAA

- Should term be increased from two years to four years?

Discussion – Article 7

C-702

Should membership in Sewer and Water Commission be adjusted from nine to six?
Should Economic Development Commission be added?

Why are Sewer and Water & Police Commission the only two appointed boards listed?

C-705

A. Recommend that a sentence on minority representation be added.

B. Add Registrar of Voters and Justice of the Peace to elected officials that can serve on an appointed board.

C-707

Remove the wording “Or disqualified” from the sentence that reads “Should a member of an appointed board for which alternates have been designated be absent or disqualified.”

Discussion – Article 10

C-1001 – Town Meeting as legislative body

Agreed that .5% is too low of a number (\$66,670 for 2014-15 budget)

Purpose

- 1.Approving issuance of bonds and other forms of borrowing for one year or more.
- 2.Approving supplemental appropriation of funds previously approved by BOF exceeding .5% of combined town budget, excluding BOE.
- 3.Approving transfers between Town departments previously approved by BOF exceeding .5% (Define a department)
- 4.Approving either a supplemental appropriation or transfer of funds in an amount that, when added to the total of all supplemental appropriations and transfers approved within the fiscal year exceeds 4%
- 5.Approving real estate purchases by the Town for which the consideration given exceeds \$10,000.
- 6.Approving the sale or transfer of real property by the Town for which the appraised value exceeds \$10,000.
- 7.Approving the creation, consolidation or abolition of any permanent Town board, whether elected or appointed for which the Charter makes no provision.

Discussion – Article 10 (Cont)

8. Approving the creation or abolition of any position for an elected official for which the Charter makes no provision.
9. Approving the execution by the Town of any lease not included in BOS budget obligating the Town for one year or more or commits the Town to make or receive lease payments of \$10,000 per fiscal year or more.
10. Approving the submission of an application for the participation in a grant program not otherwise included in BOS budget that could require a contribution by the Town of \$50,000 per fiscal year or more of cash or in kind (Excluding BOE).
11. Adopting or repealing any Town ordinance, except those subject to adoption by the sole act of the BOS as designated by the Charter.
12. Such other matters or proposals as the BOS deems of sufficient importance to warrant a Town Meeting.

Town Meeting convened for any proper. Lawful, non frivolous purpose upon receipt by the BOS of a certified petition requesting meeting signed by at least 2% of the total electors of the Town within 60 days prior to presentation to Town Clerk.

Discussion – Article 10 (Cont)

C1002 – Annual Budget Meeting

- A. Make attendance by the First Selectman required.
- B(2) Change wording to make it more understandable.
- C. Further research
- D. Lower threshold to 1% for BOS and BOE for continuance to a second meeting.

Discussion – Article 11

C-1102 – Annual Budget Referendum

- Raise from 1% to 2% for Special Referenda.

C-1104 – Special Referenda Re-count

- Change wording from any town voter to 2%.

Research what other Towns do for multiple failed budget referenda. Should we consider reverting to the previous year budget after so many failures?