



TOWN OF MADISON
CONNECTICUT
06443-2563

MEETING DATE:

Wednesday, February 25, 2015

MEETING PLACE:

Town Campus - Room A

SUBJECT TO APPROVAL

**Charter Review Committee
Minutes**

Members Present: Joan Walker (Chair), Diane Stadterman, Dotty Bavin (Vice Chair) and Deb Heinrich.

Not Present: Bill Gladstone, Scott Scherban and Jim Deephouse

Others Present: Alma Carroll, Director of Town Services

The subcommittee convened at approximately 7:00 p.m.

1. Public Comment.
None.
2. Review and take action on prior meeting minutes.

The minutes of February 19, 2015 will be changed as follows to note that Bill Gladstone and Jim Deephouse were not in attendance.

MOVED: by Dotty Bavin and seconded by Diane Stadterman to accept the regular meeting minutes of February 19, 2015 with the above edit.

VOTE: This motion was approved unanimously.

3. Review all prior Charter revisions.

Ms. Stadterman began by reading the Charter from the Preamble.

The following changes were suggested:

DEFINITIONS Nomenclature and Usage

The word “commission” in this Charter includes boards, agencies, authorities, committees and commissions.

The term “elector” as used in this Charter shall mean any person possessing the qualifications prescribed by Connecticut law and duly admitted to, and entitled to exercise, the privileges of any elector in a Town.

The term “voter” when used in this Charter shall mean an elector of the Town and United States citizen of the age of 18 years or more, who is liable, either alone or jointly and severally, to the Town for taxes on an assessment of not less than \$1000 as shown by the last complete Grand List or otherwise by presentation of adequate proof pursuant to Town Ordinance.

The “Annual Budget” is comprised of two parts: the “Town Budget” and the “Education Budget”.

The committee discussed the new laws surrounding voting age requirements and did not make any changes.

Section 1.1 The Town

The ~~T~~town shall, after the effective date of this Charter, continue as a body politic and corporate with perpetual succession within its territorial limits as they may be lawfully defined.

Section 1.2 Powers and Privileges

- A. The Town shall have all powers and privileges conferred upon it by this Charter, and all powers proper, incidental, or convenient to their exercise, including full power to implement this Charter and carry out the purposes and policies thereof by ordinance to the extent provided in Section 10.1-~~2~~ and administrative action.
- D. Special acts, ~~or~~ ordinances or resolutions enacted prior to this Charter are hereby rescinded by this Charter to the extent that such act or ordinance is inconsistent with, or in conflict with, the provisions of this Charter. Such rescission shall take place upon the effective date of this Charter. Otherwise, special acts affecting the Town and other ordinance provisions and resolutions duly adopted and in force before the effective date of this Charter remain in force.

Regarding Section 1.2C, the committee discussed contracts but did not make any changes. The committee also discussed adding “regulations” to Section 1.2D but did not make that change. Ms. Bavin noted that the BoF regulations state that they are enforced in accordance with the Town Charter.

Section 2.1 Town Meeting

Except as otherwise provided in this Charter with respect to the Board of Selectmen, the legislative body of the Town shall be the Town Meeting as heretofore constituted with all powers conferred by the ~~Connecticut~~ General Statutes and this Charter.

Section 2.1.1 Members of Town Meetings

Members of the Town Meeting and those entitled to vote at Town Meetings and referenda extending from Town Meetings, including the Annual Budget referendum, shall be the voters of the Town as defined in the ~~Preamble to~~ **Definitions of** this Charter. Seventy-five (75) voters shall constitute a quorum and, if not attained, the recommended action by the executive branch and/or financial branch shall be final.

Section 2.1.2 Publication of Notice of Town Meetings

At least 10 days prior to the meeting, notice of any Town Meeting shall be published in a newspaper having general circulation in the Town and on the Town website. The Board of Selectmen shall make up the call of the meeting and publish notice thereof, listing the items of business to be considered and the times, dates and location for ~~the~~ extended town meeting. Where other legal notice or publication is required by this Charter or the General Statutes, notice shall be published in a newspaper having general circulation in the Town and on the Town website.

Regarding Section 2.1.2, Ms. Carroll noted that the committee had discussed at prior meeting the legal notice for newspaper publication and the problem of newspaper deadlines for having notices published. She questioned if 10 days was enough time for publication. The committee agreed not to change this timeline.

Section 2.1.4.1 Annual Town Meeting

There shall be an annual Town Meeting held ~~in the evening at 7:30 PM~~, no later than 45 days from the start of each calendar year. The agenda shall include the audit results, a State of the Town report, ~~and~~ a Five-Year Capital Expenditure Plan ~~and the Long-term Strategic Plan~~. At the close of the fiscal year, each permanent commission shall file a report of its activities for the preceding fiscal year with the Selectmen's Office. Such reports shall also be made available by the Town Clerk. The Board of Selectmen may add, and publish notice thereof, additional items of business to the call of the meeting. Records and reports from the annual Town Meeting shall be kept on file with the Town Clerk and available to the public.

Section 2.1.4.2 Special Town Meeting

Special Town Meetings may be called from time to time by the Board of Selectmen and as required by this Charter. Notice of the meeting shall contain a written explanation of any actions being proposed for consideration. ~~Budget appropriations may be adjusted by special appropriation approved by majority vote at special Town Meetings.~~ Action at a special Town Meeting shall be limited to matters noticed.

Section 2.1.4.3 Petitioned Town Meeting

The Board of Selectmen shall call a petitioned Town Meeting upon receipt of a petition signed by 500 voters to: (1) propose ordinances; (2) propose the repeal or modification of existing ordinances; and (3) propose other valid Town Meetings provided that the item petitioned is of proper legal subject. The procedure and requirements to be followed to petition a Town Meeting shall be:

- a. The petition shall be filed by an elector of the Town with the Town Clerk and, except as otherwise provided herein, such petition shall conform to the requirements of the General Statutes, ~~as amended.~~
- b. Said petition, ~~or counterpart thereof,~~ shall contain the full text of the proposal or ordinance and shall be signed by no less than 500 voters.
- c. Said petition, ~~or counterpart thereof,~~ shall be accompanied with affidavits signed ~~or~~ **and** sworn to by each circulator as provided in the General Statutes.
- d. The Town Clerk shall, within five calendar days after receipt of said petition, determine whether ~~the said petition and affidavits received is are~~ sufficient as required by law. ~~and, if so,~~ **the Town Clerk** shall certify said petition to the Board of Selectmen.
- e. The Board of Selectmen may refer the petition to the Town Attorney for review and comments.
- f. Within 30 calendar days of the certification of ~~said the~~ petition, the Board of Selectmen shall call a special Town Meeting to take action on ~~said the~~ petition.
- g. The item petitioned shall be the first item on the call of the meeting. A minimum of 500 votes will be required, ~~and passage of the item will be~~ decided by simple majority.
- h. Except for the adoption of the Annual Budget, all Town Meeting actions, including a negative action, shall be subject to reconsideration by a referendum pursuant to Subsection 3.3. No petition shall be accepted if it is determined by the Town Clerk that the action proposed therein is substantially similar to that of any initiated petition rejected by a prior Town Meeting less

than six months prior to the date thereof, ~~unless Any~~ such petition ~~must~~ includes the signature of 1,000 ~~signatures of~~ voters.

Section 2.21.5 Voting at Town Meeting

~~As set forth in the call of the meeting,~~ Voting shall be allowed by all voters present at the meeting and at the Office of the Town Clerk during normal business hours for four business days starting the first business day following the call of the meeting, ~~as set forth in the call of the meeting.~~ Voting hours at the Office of the Town Clerk shall be from 6am-8pm on at least one of the four voting days as determined by the Board of Selectmen. ~~The extended town meeting shall automatically adjourn at the conclusion of that period.~~ A recording of the initial meeting will be made available to voters. ~~The extended town meeting shall automatically adjourn at the conclusion of that period.~~ Any vote cast by a qualified voter during the period of the extended town meeting shall count toward the quorum requirements of this Charter

Section 3.1 Town Elections

A regular Town election shall be held on the first Tuesday after the first Monday in November of each odd numbered calendar year. Special Town elections may be held from time to time as required by law. Those eligible to vote in Town elections shall be the electors of the Town as defined in the ~~preamble-Definitions~~ of this Charter.

Section 3.2 Annual Budget Referendum

~~An annual~~ referendum to vote on the recommended ~~Town Annual Budget,~~ including the ~~Education Budget,~~ shall be held ~~annually~~ no later than the 25th day of May.

Consistent with Section 10.5 of this Charter describing Annual Budget procedures, no less than 10 days prior to the Annual Budget referendum, the Board of Finance shall publish the ~~Town Annual Budget~~ in two parts; one for the Town ~~Budget, excluding the Board of Education Budget as defined in this paragraph (“Town Budget”)~~ and one for the ~~Board of Education Budget~~ as recommended by the Board of Finance ~~(“Education Budget”)~~, together ~~(the “Annual Budget”)~~ with notice of the place, day and hour of such referendum in a newspaper having general circulation in the Town and on the Town website. Copies shall be made available in the Town Clerk’s Office for public review.

Section 3.3 Petition for Referendum to Reconsider Town Meeting Action

b. Any such petition shall conform to the requirements of the General Statutes, ~~as amended,~~ and signed by no less than 500 voters.

d. The Town Clerk shall, within ten calendar days after receipt of said petition, shall determine whether said petition and affidavits are sufficient as prescribed by law. ~~and if~~ so, the Town Clerk shall certify said petition to the Board of Selectmen.

e. The Board of Selectmen may refer the petition to the Town Attorney for review and comments.

f. Within five calendar days of receipt of ~~said the certified~~ petition ~~so certified~~, the Board of Selectmen shall fix the time and place of ~~said the~~ special referendum which shall be held no less than 15 ~~or and~~ no more than 30 days after certification. ~~of said petition, and n~~Notice thereof shall be given in the manner provided by ~~law the General Statutes~~ for the calling of Town referendum.

g. Any action so referred shall take effect upon the conclusion of such referendum unless 10% of the voters voted at the referendum and a majority voted in favor of overruling the action. To the extent permitted by law, the aforementioned provisions are intended to supersede the applicable portions of Section 7-7 of the General Statutes ~~as amended~~.

h. No petition shall be accepted if it is determined by the Town Clerk that the action proposed therein is substantially similar to that of any petition rejected at a Town Meeting held less than six months prior to the date thereof, ~~unless~~ Any such petition ~~must~~ includes the signature of 1,000 ~~signatures of~~ voters.

Section 3.4 Voting Districts

~~Unless otherwise established by ordinance, there shall be two~~ The number of voting districts in the Town shall be established by ordinance.

Section 4.1.1 Meetings of the Board of Selectmen

A. The Board of Selectmen shall hold no fewer than two regularly scheduled meetings per month, at a time mutually convenient to all members, except for the months of July, ~~and~~ August ~~and December~~ when only one meeting shall be required.

Section 4.1.3 General Duties and Responsibilities of the Board of Selectmen

The Board of Selectmen shall:

C. Be responsible for conducting a continuous review of the current and projected administrative, governmental and fiscal needs of the Town, including the preparation and publication of an annual report and the Capital Improvement Program ~~setting forth the amount, purpose and proposed~~

~~method of financing projected capital expenditures.~~ As it may find necessary to carry out its duties and responsibilities, it may require such information from, or joint meetings with, any Town officer, ~~or board,~~ commission ~~or agency.~~

Section 4.1.4 Specific Powers of the Board of Selectmen

B. ~~Enactment of~~ regulations implementing policies within the jurisdiction of the Board of Selectmen.

D. *Employment.* The Board of Selectmen shall appoint, hire, determine the conditions of employment and terminate all Town Officers as set forth in Section 7.1.1 and Section 7.1.3; and all department directors, deputy directors and assistant directors along with all division heads and assistant division heads. The COO shall be responsible for ~~the hiring~~ and ~~termination~~ of all other positions as set forth in Section 7.2.1 and Section 7.2.5.

~~L.~~ I. *Disposition of Town owned Real Property.* With Board of Finance approval, the Board of Selectmen may dispose of any real property of the Town having a fair market value of less than \$50,000 as valued on the latest completed grand list. Disposal of properties in excess of this amount requires approval at Town Meeting.

~~I.~~ J. *Filling of all Vacancies on Boards and Commissions.* The Board of Selectmen shall fill unexpired terms for all vacancies that may exist on all elective boards ~~and commission boards~~ except the Office of First Selectman, but including other ~~s~~Selectmen, as provided in Section 6.6, and on all appointive commissions as provided in Section 8.2.

~~J.~~ K. *Temporary Advisory ~~Committees~~ Commissions.* The Board of Selectmen may create temporary advisory or study committees for duration not to exceed 24 months, to make recommendations to the Board of Selectmen. The term of any such ~~committee commission is not to~~ may be extended or renewed ~~without Town Meeting approval by a majority vote of the Board of Selectmen.~~

~~K.~~ L. *Settlement of Legal Awards.* With Board of Finance approval, the Board of Selectmen may settle legal awards against the Town without Town Meeting approval.

Ms. Walker motioned for and Ms. Bavin seconded the approval of the above edits.

The motion was approved unanimously.

Section 8.1 Appointive Commissions

There shall exist ~~the following agencies, boards, and committees~~ **commissions** in the Town of Madison. Their duties membership and duration will be pursuant to Town Ordinance and ~~Connecticut~~ General Statutes. Temporary ~~agencies, boards,~~ **commissions and committees** may be established by a majority vote of the Board of Selectmen.

Section 8.2 Appointing Authority for Appointed Commissioners

Pursuant to Subsection 4.1.4 ~~IJ~~, the Board of Selectmen shall, within 90 days of vacancy, appoint and/or reappoint all **appointed** commissioners to vacancies on **appointive** commissions consistent with the terms of this Charter and Town Ordinance.

Section 8.3 Terms of Appointed Commissioners

~~All terms on appointive boards and commissions started prior to January 2, 2006 shall continue until completed.~~ The terms of all appointive **boards,** commissions **and committees** shall be four years in length and staggered. The Board of Selectmen shall be the appointing authority ~~.; thereafter, as terms expire, the Board of Selectmen shall make appointments so that the terms of all boards and commissions shall be four years in length and staggered.~~

Section 8.4 Chairmen of Appointive Commissions

The members of any **appointive** commission shall elect its chairman from among their membership. The terms for chairman of all such **boards,** commissions **and committee** shall not exceed two years in length, with an election to take place in January, or at the first meeting with a quorum, whichever first occurs.

Section 8.6 Removal of Appointed Commissioners

The Board of Selectmen, with a minimum of four affirmative votes, may remove any member or alternate of an appointive commission who has: (1) failed to attend at least 75 percent of the regular meetings scheduled by said **board,** commission, ~~or committee~~ during any calendar year, or (2) for cause, including for failure to comply with the duties and abide by the obligations imposed on such appointees by local, state or federal law or regulations, including the Town ~~code of ethics~~ **Ethics Policy**.

Ms. Walker motioned for and Ms. Stadterman seconded the approval of the above edits.

The motion was approved unanimously.

4. Discuss potential new Charter revisions.

Section 4.1.2 General Powers of the Board of Selectmen

C. The Board of Selectmen shall have all power conferred thereon by ordinance.

The committee discussed that this language does not provide a checks and balances system for the powers of the BoS and it was determined that they would ask the Town's legal counsel for advice on how to revise this language.

ARTICLE IX. GENERAL PROVISIONS APPLICABLE TO ALL TOWN ~~BOARDS AND~~ COMMISSIONS

Section 9.1 Political Composition of ~~Boards and~~ Commissions

Except as provided within this Charter, the composition of all commissions shall be in accordance with requirements of the General Statutes relating to minority representation.

Section 9.2 Powers and Duties of ~~Boards and~~ Commissions

All ~~boards and~~ commissions shall have the power and duties granted or imposed upon such ~~board and~~ commissions by the General Statutes, ordinances, this Charter, and any applicable Special Act except as otherwise provided by this Charter.

Section 9.3 Establishment of Permanent Commissions

Elective or appointive permanent ~~boards and~~ commissions may be ~~established~~ by a Town Meeting after due notice, as prescribed in Section 2.1.2 of this Charter.

Section 9.4 Abolishment of Commissions

No permanent ~~board or~~ commission shall be abolished except upon the affirmative vote of a Town Meeting, provided that a quorum is present at the Town Meeting or by Charter revision.

The committee agreed not to vote on these changes until they could conduct a side-by-side comparison of Articles VI and IX to ensure the consistency between the two sections.

Section 10.3.2 Annual Audit.

The Board of Finance shall annually designate an independent certified public accountant to audit the books and accounts of the Town as required by the General Statutes.

The Town of Madison will solicit competitive audit proposals as defined in the Board of Finance Regulations.

5. Public Comment.

None.

6. Adjourn

There being no objections, Chairwoman Joan Walker adjourned the meeting at 9:27 p.m.

Respectfully submitted,

Lauren Rhines
Recording Secretary