



TOWN OF MADISON
CONNECTICUT
06443-2563

MEETING DATE:

Tuesday, May 12, 2015

MEETING PLACE:

Town Campus - Room B

SUBJECT TO APPROVAL

**Charter Review Committee
Minutes**

Members Present: Dotty Bavin (Vice Chair), Deb Heinrich, Scott Scherban, Diane Stadterman and Jim Deephouse.

Others Present: Alma Carroll, Director of Town Services

Not Present: Joan Walker (Chair), Bill Gladstone

The subcommittee convened at approximately 7:01 p.m.

1. Public Comment.
None.
2. Discuss and take action on corrections from the Board of Selectmen (as noted in attachment 1).

Ms. Stadterman addressed the committee and stated that before the items were reviewed, she and Ms. Walker felt that it would be inappropriate for them to vote at this level since they must vote to approve the final Charter as members of the Board of Selectmen. She stated that she would participate in the discussions regarding the following items, but would not vote when a motion was made to accept the changes.

The committee reviewed the following corrections as suggested by the Board of Selectmen.

1. Section 1.2B:

Except to the extent otherwise lawfully provided by this Charter, the Town shall have all powers and privileges conferred upon the Town by the Constitution of the State of Connecticut **and** by the General Statutes.

2. Section 2.1.1:

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 Definitions **section** 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 **except as noted in Section 10.7A.**

3. Section 2.1.2:

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.

4. Section 2.1.3:

The BoS suggests considering adding language allowing the BoS to appoint a Moderator / deputy Moderators to be responsible for a certain length of time.

The committee discussed this item and felt that further discussion was needed before any vote could be taken. They hoped to have a volunteer from among them to draft the language per the suggestion from the Board of Selectmen.

5. Section 2.1.4.1:

There shall be an annual Town Meeting held **in the evening**, no later than 45 days from the start of each calendar year

The Committee reviewed the suggestions from the attorney and the Board of Selectman. They discussed if the reference to time should be removed altogether from the Charter and they agreed to change as follows:

There shall be an annual Town Meeting held ~~in the evening~~, no later than 45 days from the start of each calendar year.

6. Section 2.1.4.3:

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~~ a proper subject for Town Meeting under this Charter or General Statutes.

7. Section 2.1.4.3D:

- D. The Town Clerk shall, within ~~five~~ ten calendar days after receipt of said petition, determine whether said petition and affidavits are sufficient as required by law. If so, the Town Clerk shall certify said petition to the Board of Selectmen.

8. Section 2.1.4.3G:

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

The Town Attorney suggests clarification due to vague language. They questioned if the sentence was trying to say whether 500 votes constitutes a quorum, or if at least 500 votes must be cast in favor of a petitioned item for it to pass.

The Committee discussed whether their language was vague and how to fix this item. They agreed to change as follows:

The item petitioned shall be the first item on the call of the meeting. A minimum of 500 votes ~~will be required~~ must be cast, and passage of the item will be decided by simple majority.

9. Section 3.1:

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 Definitions ~~section~~ of this Charter.

10. Section 3.3G:

Any action so referred shall take effect upon the conclusion of such referendum unless ~~at least~~ 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.

11. Section 4.1.3E:

Be responsible for developing and updating annually a five-year Capital ~~Improvement Program~~ Projects Plan.

12. Section 4.1.4K:

Temporary Advisory Commissions. The Board of Selectmen may create temporary advisory or study **commissions** for duration not to exceed 24 months, to make recommendations to the Board of Selectmen. The term of any such commission may be extended or renewed by a majority vote of the Board of Selectmen.

13. Section 4.1.4M:

Declaration of Emergencies. The Board of Selectmen shall declare that a state of emergency exists in the Town prior to taking action pursuant to Section 10.1.3. **In the absence of a quorum of the Board of Selectmen, the First Selectmen or CEO can declare a state of emergency until a quorum can be convened.**

14. Section 6.1:

There shall be a Zoning Board of Appeals **as required by the General Statutes**, consisting of five members and three alternate members who shall be elected to four-year terms.

15. Section 8.1:

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

16. Section 8.6:

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) attended fewer than 75 percent of the regular meetings scheduled by commission during any calendar year (2) **has four consecutive unexcused absences, or** (3) 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 Ethics Policy.

17. Section 10.1.1A:

The Board of Selectmen may enact or repeal ordinances upon the affirmative vote of four members of the board. Publication of the intent to enact or repeal an ordinance shall be made at least ten days prior to its enactment **or repeal**. No ordinance shall be enacted or repealed without ~~an evening~~ public hearing with legal notice.

The committee discussed the vagueness of “an evening public hearing” as it had been questioned by the Town’s legal counsel in Section 2.1.4.1.

18. Section 10.1.3:

The Town Attorney notes that this section gives the authority to the Acting First Selectman but not the First Selectman. The Board suggests reviewing for the same.

Upon finding that a state of emergency exists in the Town pursuant to Section 4.1.4M the Board of Selectmen may (a) enact any such ordinances and regulations as it deems necessary under the circumstances, or (b) ~~pursuant to Section 4.3.2;~~ authorize action by the ~~Acting~~ First Selectman. The enactment of any such ordinances or regulations shall be accompanied by a statement of the facts constituting the state of emergency. If, after reasonable efforts to notify all members of the board, a quorum cannot be achieved, the quorum provisions shall be suspended. All emergency ordinances and regulations shall become effective immediately upon enactment and shall automatically stand repealed 21 days following the effective date thereof, unless such ordinance or regulation has been affirmed at a special Town Meeting or repealed by the Board of Selectmen.

19. Section 10.2:

~~Town Meeting~~ Board of Selectmen approval shall be required before land or buildings owned by the Town shall be dedicated to departmental use or rededicated to a new departmental use. The Board of Selectmen shall request the affected boards and commissions to make their recommendations within 60 days concerning such dedication to use or such rededication to a new use of the property. The Board of Selectmen shall hold a public hearing on this subject ~~and shall make its recommendations to a Town Meeting~~ before the Town property is committed to use. All reports concerning such proposed use shall be available to the public at least five days prior to the ~~Town Meeting~~ public hearing.

20. Section 10.5E:

~~During the last week of April the~~ The Board of Finance will hold a public hearing on the preliminary Annual Budget ~~no later than the last day of April~~. After the public hearing, the Board of Finance will approve that final recommended Annual Budget to be submitted for referendum pursuant to Section 3.2.

21. Section 11.5:

The BoS suggests language should be added to the Savings Clause which gives details regarding the ordinances to be written for the current, established permanent commissions. This is specifically important when considering those commissions which will be abolished by this Charter revision.

The Committee discussed the authority given the Board of Selectman based on this idea and what was the best way to accomplish this goal. Ms. Stadterman noted whether there should be language which dictates that a Town Meeting must be held of any commission for which an ordinance is not written. Ms. Carroll suggested that a Transition Clause was needed, not a Saving Clause. The committee discussed therefore adding an additional Section 11.6.

MOVED: by Scott Scherban and seconded by Deb Heinrich to accept the corrections as noted above and recommended by the Board of Selectman with the exception of items 4 and 21.

VOTE: This motion was approved with four votes in favor and one abstention.

3. Discuss review points as suggested by the Board of Selectmen (as noted in attachment 2).

Suggestions from the Board of Selectmen for final review:

1. Extended Town Meeting concept:

Consider allowing for ETM in the Charter, but move the rules and regulations to ordinance. Consider reviewing other sections of the Charter and indicating which items would trigger a Town Meeting versus an Extended Town Meeting.

2. Section 2.1.5:

Section 2.1.5 Voting at **Extended** 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. 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. 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.

3. Section 4.1.4A-G:

It is suggested that these items be reviewed to change applicable threshold amounts to percentages and change those current percentages to 0.5% in accordance with suggested changes to Section 10.7.

4. Section 4.2.1:

Combine the job duties for the CEO and COO into one list, as suggested below, and add item 8 per the Town Attorney's suggestion. The BoS also suggests including language which would indicate that a committee would be established to review the role of both the First Selectman and the Town Manager and then the information

would be brought to referendum for a town vote. Also suggested is to include language which states what must be on the referendum ballot as well as the timeline for the implementation of the position.

Section 4.2.1 General Powers and Duties of the First Selectman

To the extent not inconsistent with this Charter, the First Selectman shall have all powers, duties and responsibilities conferred upon that office by the General Statutes, or by ordinance, and shall perform all the functions of that office. The First Selectman shall be the Chief Elected Official and Chief Operating Officer (if a Chief Operating Officer has not been employed pursuant to Section 7.3) of the Town. **The duties of the First Selectman or other designee include, but are not limited to:**

~~A. The Chief Elected Official, or other designee assigned shall:~~

1. Be the official head of the Town for all ceremonial purposes, for emergency purposes, and for the purpose of receiving civil process.
2. Preside over the meetings of the Board of Selectmen.
3. Ensure that a Long-term Strategic Town plan is updated on an annual basis, consistent with the Plan of Conservation and Development.
4. Represent the Town in all regional associations.
5. Act as chief lobbyist with respect to State and Federal matters through policies as voted by the Board of Selectmen.
6. Report to the Board of Selectmen on all issues facing the Town or decisions to be made and on such other issues as may be requested by the Board of Selectmen.
7. Execute, on behalf of the Town all legal contracts approved by the Board of Selectmen.

8. Negotiate labor contracts with the unions representing Town employees.

~~B. The Chief Operating Officer, or other designee assigned shall:~~

9. Establish and be responsible for the administrative and personnel policies for Town offices and employees, with the approval of the Board of Selectmen.
10. Execute and cause to be executed the Town ordinances, regulations, resolutions, and policies voted by the Board of Selectmen.
11. Supervise, with the approval of the Board of Selectmen, the administration of the affairs of the Town, except those matters that by the General Statutes, by Charter, or by ordinance, are exclusively committed to the Board of Education and other boards.
12. Report to the Board of Selectmen on all issues facing the Town or decisions to be made and on such other issues as may be requested by the Board of Selectmen.
13. Prepare and cause to be printed, no later than January 31, an annual Town report.
14. Recommend to the Board of Selectmen such measures as deemed necessary or expedient.
15. Exercise such other powers and perform such other duties as may be required by General Statutes, ordinance, procedures or resolution of the Board of Selectmen, not inconsistent with this Charter.

5. Section 4.3.2:

A. In the event of the death or incapacity of the First Selectman.

B. When so instructed in writing by the First Selectman to serve

during a temporary absence. The First Selectman shall notify the Town Clerk and Acting First Selectman, in writing, of the effective date of this appointment.

- C. Automatically, in the event the First Selectman shall be absent from office for more than 30 days.
- D. Whenever pursuant to Section 10.1.3, the Board of Selectmen shall declare that an emergency exists and the First Selectman cannot be reached.

6. Section 7.2.2:

The Town Attorney notes that by statute, police commission has authority to hire and fire all personnel. (C.G.S. §7-276). This second paragraph was in the 2006 Charter as Section 8.1.K3 and was moved to this section when the listing under Section 8.1 was deleted.

The Board suggests the CRC review this item to ensure that it is compliant with State Statutes.

Section 7.2.2 Police Employees

Management employees of the Police Department, other than the Chief of Police, if any, shall also be appointed, as required, by the Police Commission with the prior approval of the Board of Selectmen. Employees of the Police Department, other than the Police Chief or other management, if any, shall be hired by and be responsible to the Police Commission acting on behalf of the Town.

All actions dealing with appointments, promotions, demotions or other matters concerning non-union employees of the Police Department shall follow the Town personnel rules, regulations and procedures, unless superseded by a collective bargaining agreement.

The committee discussed this item and also read aloud the state statute as referenced by the Town's attorney. The committee felt that the language, which was pre-existing, does not take away from the final authority given to the Police Commission, and they felt that the language did not need to be changed.

7. Section 7.3:

The Board suggests reviewing to determine if the job title should be changed, for example, to Chief Operating Officer.

8. Section 10.7:

A special appropriation may be requested for unanticipated expenditures deemed necessary **or prudent** and identified after the **Annual Budget** has been approved.

A. The Board of Finance, on request by the Board of Selectmen, may make special appropriations from an undesignated fund balance. However, no Town agency or department may receive over 0.5% of the Town Budget in aggregate from special appropriations in any fiscal year without the approval of the Board of Finance and approval of a Town Meeting except as noted in Section 10.7D. If the Board of Finance does not approve the special appropriation, upon a unanimous vote of the Board of Selectmen, a Town Meeting may be held to consider the special appropriation. The call of the Town Meeting must be such that a positive vote will allow the special appropriation. If a quorum is not met, then the vote of the Board of Finance is final and the special appropriation will not be made.

B. Upon request from the Board of Selectmen, the Board of Finance may transfer unexpended balances from one line item to another within a single department or departments with a common department head if the amount exceeds 0.5% of that department's budget. Amounts under the 1% threshold shall be approved by the Department Head and the COO. This authority does not apply to the Board of

4. Public Comment.

None.

5. Adjourn

There being no objections, Vice Chairwoman Dotty Bavin adjourned the meeting at 8:08 pm.

Respectfully submitted,

Lauren Rhines
Recording Secretary