



TOWN OF MADISON
CONNECTICUT
06443-2563

MEETING DATE:

Thursday, February 5, 2015

MEETING PLACE:

Town Campus - Room A

SUBJECT TO APPROVAL

**Charter Review Committee
Special Meeting
Minutes**

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

Not Present: Scott Scherban

Others Present: Stacy Nobitz, Finance Director; Mike Ott, Director of Public Works; Dave Anderson, Town Planner; Alma Carroll, Director of Town Services

The subcommittee convened at approximately 7:36 a.m.

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

MOVED: by Bill Gladstone and seconded by Diane Stadterman to accept the regular meeting minutes of January 30, 2015 with the following change:

Page 8

Ms. Walker responded that as long as the CAO duties are not defined exactly as the duties of the Town Manager, the position would not be required to go to referendum. She also added that the CAO position could be hired now if it was needed.

VOTE: This motion was approved unanimously

3. Review and take action to approve language for the responsibilities of First Selectman position.

Ms. Walker confirmed with the committee that there wasn't any discussion needed regarding the proposed new language.

Ms. Bavin motioned for and Ms. Stadterman seconded the approval of revising Section 4.2.1 as follows:

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 applicable Special Act, 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 hereof) of the Town.

- 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. through policies as voted by of the Board of Selectmen, will act as chief lobbyist with respect to State and Federal matters
- B. The Chief Operating Officer, or other designee assigned shall:
 1. establish and be responsible for the administrative and personnel policies for Town offices and employees, with the approval of the Board of Selectmen,
 2. execute and cause to be executed the Town ordinances, regulations, resolutions, and policies voted by the Board of Selectmen.
 3. with the approval of the Board of Selectmen, shall supervise 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. make

special reports to the Board of Selectmen on all significant issues facing the Town or significant decisions to be made by him and on such other issues as may be requested by the Board of Selectmen

4. prepare and cause to be printed, no later than January 31, an annual Town report.
5. recommend to the Board of Selectmen such measures as he may deem necessary or expedient
6. execute, on behalf of the Town all legal contracts approved by the Board of Selectmen.
7. exercise such other powers and perform such other duties as may be required by ordinance. procedures or resolution of the Board of Selectmen, not inconsistent with this Charter.

The motion was approved unanimously.

4. Review and take action to approve language for the responsibilities of Town Manager position.

Ms. Walker opened the conversation to review the proposed language and Ms. Stadterman suggested changing the first sentence of Sec. 7.3.1A to read:

“Upon approval of referendum, the Board of Selectmen shall establish or abolish the position of Town Manager as Chief Operating Officer of the Town”. The other committee members agreed to the language change.

Ms. Stadterman then questioned if the duties in Sec. 7.3.2 were vague and needed clarification. She asked the committee if a reference to the job description was needed in this section as this is the only paid position noted in the Charter.

Mr. Deephouse stated that language was needed to indicate that this position follows the direction of the BoS.

Ms. Stadterman stated that adding language to reference the job description would accomplish this because the BoS approves the job description.

Mr. Deephouse responded that he thought these were two separate items.

Ms. Bavin added that including language to follow the direction of the BoS would accomplish the reference to the job description because the BoS approves the job description and it would be part of their direction.

The committee then discussed adding the following language to 7.3.2

The Town Manager shall have such powers and duties prescribed by the **Board of Selectmen and the General Statutes** for the Chief Operating Officer of a municipality and such other powers and duties as provided in sections 4.2.1B and 4.1.4D.

Mr. Deephouse questioned if this language was appropriate in this place or if reference to the BoS needed to be earlier in the section. Ms. Stadterman clarified that the connection to the BoS direction was already noted in Sec. 7.3.1B.

Mr. Deephouse stated that he was questioning the language under “Duties” as the definition of duties is open to interpretation.

Mr. Gladstone asked Mr. Deephouse if he felt the section needed more language to indicate that the Town Manager follows the BoS instructions. Mr. Deephouse agreed and said that he felt a specific reference needed to be made to say exactly that.

Ms. Stadterman suggested adding language to Sec. 7.3.1B as follows:

The Town Manager shall be an at will employee, serving at the pleasure **and direction** of the Board of Selectmen. The Board of Selectmen shall fix the Town Manager’s compensation.

Mr. Gladstone also noted that the COO position language in Sec. 4.2.1B already clarifies this idea.

Ms. Bavin agreed and read Sec. 4.2.1.B7 to the committee for clarification.

Ms. Stadterman then repeated the language change in Sec. 7.3.1B and the committee agreed to this change.

Mr. Gladstone motioned for and Ms. Bavin seconded the approval of adding Section 7.3 to read as follows:

Section 7.3 – Town Manager

7.3.1 - Appointment and Removal.

- A. Upon approval of referendum, the Board of Selectmen shall establish or abolish the position of Town Manager as Chief Operating Officer of the Town. The Town Manager shall be chosen exclusively on the basis of executive and administrative qualifications, character, education, training, and experience. The Town Manager shall devote his full time to the duties of his office.
- B. The Town Manager shall be an at will employee, serving at the pleasure and direction of the Board of Selectmen. The Board of Selectmen shall fix the Town Manager’s compensation.

C. The Board of Selectmen may remove the Town Manager provided such removal is by affirmative vote of not less than 4 (four) members of the Board of Selectmen. The Town Manager must be notified in writing of the Board of Selectmen's intent to consider removal and have the right to be present at the meeting wherein removal is to be considered.

7.3.2 - Duties.

The Town Manager shall have such powers and duties prescribed by the Board of Selectmen and the General Statutes for the Chief Operating Officer of a municipality and such other powers and duties as provided in sections 4.2.1B and 4.1.4D.

7.3.3 - Temporary Chief Operating Officer.

Upon the suspension, removal, or resignation of the Town Manager, the Board of Selectmen may appoint a Temporary Town Manager to serve at the pleasure of the Board of Selectmen. The BoS shall make a formal appointment to the position of Town Manager within 365 days from the date of vacancy.

The motion was approved unanimously.

5. Review and take action to approve language changes to Sec. 3.3g

Ms. Walker stated that proposed language from Sec. 3.3g was presented from Scott Scherban to the committee as follows:

Any action so referred shall take effect upon the conclusion of such referendum unless 10% of 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.

Mr. Gladstone stated that he liked the new proposed language as it was clearer than the current language. Ms. Stadterman agreed that the proposed language was clearer and that the reference to General Statutes will need to be approved by legal counsel.

Mr. Deephouse noted that he did not approve the changes as he did not approve the changes to the entire section as they had been discussed at a prior meeting.

Ms. Stadterman motioned for and Mr. Gladstone seconded the approval of changing Section 3.3G.

The motion was approved with five votes in favor and one against.

6. Review and take action to approve language changes to Sec. 8.1

Ms. Stadterman noted her suggested changes to this Section and read aloud the proposed changes.

Ms. Walker asked where the list in section B came from and Ms. Stadterman stated her review of this list as well as the reasoning behind the removal of commissions which may come and go.

Ms. Bavin stated that the commissions required by State Statute should be in the Charter but that also the commissions the town feels are necessary should remain in the Charter as well.

Ms. Heinrich cautioned that a review of state statutes was needed again as the WPCA was also required by the state. Ms. Walker asked the committee if she should then pose this question to the town's legal counsel to confirm the commissions mandated by state statutes.

Mr. Gladstone stated that the committee should consider that some other commissions should be established by Charter.

Mr. Ott stated that this was the reason why the committees had been put in the Charter in the past, to avoid the BoS removing necessary committees for the town although they aren't state mandated. He referenced the controversy of the Conservation Commission's establishment.

Ms. Stadterman stated that the Conservation Commission was not required by the state but is important to the town and was put in the Charter. She then suggested that the committee review the list of what committees should be included in the Charter and then review their lists with the legal counsel.

Mr. Gladstone then suggested changing 8.1B as follows:
The following agencies, boards and commissions will be considered permanent in nature; however, the duties and membership are **as described in Town ordinance.**

Ms. Stadterman then referenced that the current items A-H were listed in the proposed new language and that the committee should review the list. The reason why these changes were suggested was because the Charter is not revised for another 10 years and some committees have been disbanded and therefore the Charter is not being followed.

Mr. Ott agreed that for instance the Waste Management Committee hadn't met for many years before his employment with the town, but it is referenced in the Charter.

MS. Bavin agreed and noted that she would remove only two committees from the original list.

Mr. Gladstone then read through the current list of committees mandated in the Charter and asked the committee members to determine their need in the Charter.

Ms. Stadterman then questioned if the Conservation Commission should be included because it is an advisory board and she felt it wasn't needed in the Charter. Mr. Gladstone and Ms. Stadterman agreed that the EDC was not necessary in the Charter, either.

Ms. Stadterman then gave her reasoning behind keeping the Employee Retirement, Firemen's Benefit and Police Retirement boards in the Charter. Mr. Deephouse noted that a member of the Police Retirement board could not be an elector and he cautioned whether changes were needed regarding the elector and voter definitions.

Ms. Walker noted that the committee was only trying to provide a list of committees needed in the Charter and then to clarify the details in Ordinance.

The committee then questioned the Flood and Erosion Control Board and Mr. Ott stated that it can be an important board, although the committee does not currently meet and is not currently active in the town. He also noted that state statutes allow the BoS to act as the Flood and Erosion Control board if needed.

Mr. Deephouse stated that the town has had great difficulty to control the Police Commission and that the detailed language was hard-fought for inclusion into the Charter. He suggested that Sec. 8.1.K1-3 be kept in the Charter.

Mr. Gladstone stated that the current language did not seem necessary for the Charter. Mr. Deephouse responded that there was a necessity for the BoS rules to be applied to the Police Chief and he noted that Sec. K.3 gave this authority of the selection of the Police Chief to the BoS. He again asked the committee to agree to keep all of the language for the Police Commission in the Charter. Mr. Gladstone suggested keeping Sec. 8.1C regarding the details of the Police Commission.

Ms. Stadterman then suggested the committee needed to come back to the Police Commission. And she continued reviewing the list of the current committees.

Ms. Walker noted that the Shellfish Commission was a critical piece for the town and that they should be in the Charter. Ms. Stadterman agreed then to keep them in the Charter.

Ms. Heinrich then stated that she felt this process of reviewing the list should be stopped. She felt that committee should not pick and choose which

commissions to list in the Charter. The committee should instead decide to only include those commissions required in State Statute or to keep all of the commissions that have current meetings. She cautioned that it was arbitrary for the committee to decide which commissions were important and which were not.

Ms. Walker then suggested only removing those commissions which have not met for the last 5 years from the Charter. Mr. Ott stated that this was not a good criterion either, but instead the crux is whether the committee ultimately wants some level of protection for the existence of certain boards and commissions in the Charter.

Ms. Walker then suggested that language be added to state that the addition or deletion of commissions must be taken to town meeting regardless of their appearance in the Charter or in ordinance.

Ms. Heinrich then questioned who has the authority to decide which commissions are important. She also noted that the committee could also start adding in commissions which aren't currently in the Charter and this again may not be the place of the committee.

Mr. Gladstone responded that the reason to include some of them specifically was so that the BoS could not dissolve them arbitrarily. He felt that some commissions could be removed to only Ordinance very easily as they haven't met, or have outlived their usefulness. For example now that the town has a Human Resources director the Job Evaluation Committee seems superfluous. He stated that the committee could revise the list and then go to the current members of the committees and ask their opinion on the necessity in the Charter.

Ms. Heinrich was concerned about the power of the committee to decide which groups to keep in the charter.

Ms. Stadterman then suggested only removing those commissions which do not meet anymore and then again just listing the commissions in the Charter. The only actual language will be for the Police Commission and it should be its own standing item.

Ms. Bavin agreed and stated that the commissions that clearly do not need to be in place should be removed from the Charter for instance the Job Evaluation Committee. She agreed that this was needed to keep the clutter out of the Charter.

Ms. Walker then cautioned that the committee should also look at all of the committees that currently meet, not just the ones in the current Charter.

Ms. Carroll agreed that there are several committees that currently meet and are not in the Charter. She also referenced back to Sec. 7.1.2 and 7.1.3

regarding the Police Chief and noted that this section accomplishes the details Mr. Deephouse was concerned about and therefore the details were not needed in Section 8.

Ms. Stadterman then also noted that the town has Commissions, Boards, Committees and Agencies and that there should be a definitional difference between these different groups and therefore which ones are necessary for the Charter.

The committee agreed that there is a hierarchy and Ms. Carroll listed the new groups in the town. Mr. Ott noted that some groups are designed to exist for the foreseeable future whereas some are only formed on a temporary basis for the completion of the project.

Mr. Deephouse asked if it would make sense to categorize the different groups based on their financial authority to spend money and their impact on homeowners.

Ms. Heinrich then gave the committee the definitions of committee and commission and noted that a Commission is entrusted by the government and a committee is a group who meets to accomplish a task.

Ms. Bavin asked if every member of any "group" is sworn in and Ms. Carroll confirmed that all members, whether committee, commission etc. are sworn in by the Town Clerk.

The committee then discussed again how to proceed with the listing in the revised Charter. Ms. Bavin cautioned that the members of the committee may have a prejudice towards which commissions they feel should be kept in the Charter.

Ms. Carroll noted that the BoS recommends the commission and then the votes for establishment or abolishment goes to Town Meeting for approval. Ms. Walker noted that she liked this process and that this would continue to strengthen the meaning of Town Meeting form of government. She suggested the details of the commissions be moved to ordinance but that the Charter list the permanent boards and commissions in the Charter.

Mr. Ott questioned if groups established via the Town Meeting process could only be abolished through Town Meeting. Ms. Carroll clarified that permanent boards and commissions follow Town Meeting whereas temporary boards and commissions created by the BoS do not go to Town Meeting and they usually have a beginning and end date. As the Charter is written right now, those commissions listed in the charter will go to Town Meeting for abolishment.

Mr. Gladstone then stated that permanent boards and commissions are therefore those which do not have a beginning and end date.

Ms. Carroll noted that the new commissions enacted since the last Charter update, whether originally considered temporary or not, went to Town Meeting for approval. To abolish a commission, a quorum and approval vote is needed.

Ms. Stadterman then suggested that this language should be changed as well since reaching quorum was not likelihood for abolishment of commissions.

Ms. Stadterman then noted that these changes were not as simple as the committee thought before and that the discussion should be continued to the next meeting.

Mr. Gladstone questioned whether all permanent boards were needed in the Charter. Ms. Heinrich stated that the whole list was at least needed for the future discussion.

Ms. Carroll did agree that the JEC could be removed from the Charter. Ms. Bavin agreed and stated that it was the committee's responsibility to remove any commission which is not needed without going to town meeting. This is an important responsibility of the committee and they should remove the JEC from the Charter.

Ms. Stadterman stated that the committee should review the full list and then determine which committees have not met in the last two years and remove those commissions from the Charter. If there is a need for one of these commissions to be reestablished the BoS can do so at a future time.

The committee then reviewed removing the: Job Evaluation Committee, Solid Waste Removal Committee, Flood & Erosion Control and the Town Landscape Committee.

Ms. Heinrich also stated that the proposed language in 8.1A removes the necessity for town meeting approval to abolish boards and commissions.

Ms. Walker then suggested changing the language as follows:

There shall exist agencies, boards, and commissions in the Town of Madison. Their duties, membership and duration will be pursuant to Town Ordinance.

- A. The following agencies, boards and commissions will be considered permanent in nature; however, the duties and membership will be pursuant to Town ordinance.

The committee agreed that this item should be clarified again and reviewed at a later date. No action could be taken at this time to approve the language changes.

7. Review and take action to approve removal to Ordinance of Sec. 8.2 through Sec. 8.7

This item was tabled to a future discussion.

8. Review and take action to approve removal to Ordinance of Article IX

Ms. Stadterman noted that this section should not be removed after the discussion this morning. The committee agreed.

9. Public Comment.

10. Adjourn

There being no objections, Chairwoman Joan Walker adjourned the meeting at 9:05 a.m.

Respectfully submitted,

Lauren Rhines
Recording Secretary