

**MINUTES OF THE REGULAR MEETING OF THE  
CHARTER REVISION COMMISSION  
June 4, 2015**

**Present:** Jeff Kew, Brian Fitzgerald, Brian Dudack, Charles Watras, Bobbie Kling and Bob Parks (via telephone) **Absent:** Bob Brooks. First Selectman Ed McAnaney was also in attendance. Acting Vice Chairman Kew called the meeting to order at 7:03 p.m.

**Approval of Minutes from May 21, 2015 Regular Meeting**

Ms. Kling made a motion to accept the minutes of the May 21, 2015 Regular Meeting of the Charter Revision Commission (CRC) as presented. Mr. Dudack seconded the motion. Vote 5-0-1 in favor. Mr. Parks abstained.

**Public Comment:** *Jeanne Gee of 13 Willow Creek* identified herself as a 24 year resident of town who has been a Board of Education (BoE) member for the past 5 ½ years and is the current chair. She spoke in favor of retaining the charter provision that allows BoE members to fill vacancies on the BoE. She believes that people serving on Boards think deeply about which boards to join and as elected members, BoE candidates need to advocate, to be endorsed and must sell themselves. She believes that these elected officials would be able to use their expertise and knowledge to see what value candidates can add to the BoE. She prefers that the charter stays as is.

**Correspondence Received:** Mr. Kew acknowledged the receipt of emails from Joe Sangiovanni (acting chairman of the Board of Finance (BoF)) regarding filling of vacancies on the BoF and allowing the BoS to transfer monies between departments with BoF approval; Bill Hawkins (Town Planner) regarding easements; Gerry Turbet (Town Engineer) regarding acceptance of town roads in new developments and acceptance of easements; Scott Lingenfelter (former First Selectman) regarding questions regarding charge items pertaining to the First Selectman, etc; Warren Packard (former First Selectman) regarding charge items pertaining to the First Selectman, etc. and Frank Bauchiero (chairman of Zoning and Planning) regarding the possible name change from Zoning and Planning to Planning and Zoning.

**Should the Board of Selectmen be the appointing body to fill vacancies on the Board of Finance (BoF) and Board of Education (BoE)?**

Joe Sangiovanni, acting chairman of the BoF was in attendance. Mr. Sangiovanni thanked the CRC for giving him the opportunity to express his opinions. He is in favor of retaining the provision where BoF members appoint vacancies on the BoF. He said that BoF members know the range of skills needed including financial, community involvement, business and/or construction industry experience. He said BoF member Chris Childs shares the same opinion other members were consulted but didn't respond. Mr. Fitzgerald remarked that the BoS appoint other elective vacancies include Zoning, Police and Fire Commissions and asked how the BoE and BoF are different. Mr. Parks said they are different since the BoE has their own budget that is guided by State Statute and the BoF is the guardian of the Town budget. He is in favor of keeping the provision

as is. Mr. Watras noted that three alternates exist on the BoF and asked Mr. Sangiovanni if alternates would be appointed to fill full member positions if there were vacancies. Joe replied that is the usual procedure. Mr. McAnaney said that there is an argument that each board and commission has a specialty and others have budget considerations too. He suggested that the BoS is sensitive to timing of filling vacancies. Ms. Kling said that she'd like to see the process remain as it since there are good checks and balances. Mr. Kew thought that the BoF oversight role over the BoS made him agree that the BoF should fill their own vacancies. Mr. Parks said he sees no compelling reason to change. Mr. Fitzgerald said that someone brought up to him that there could be a danger by hand picking members of their own group or clique. Newly appointed BoE members Susi Keane, Matt Service and John Richter spoke up agreeing that no clique was selected in the recent BoE appointments. The members agreed that they all brought their diverse backgrounds to the BoE. Mr. Sangiovanni warned that the formation of cliques could also happen by BoS appointments too. Discussion turned to a financial discussion regarding the BoE and budget preparation and execution. The BoF and BoS members expressed their thanks to the BoE for their budget creation in committee. Mr. Dudack suggested there is no time frame for filling vacancies noted in the charter for the BoF and BoE vacancies. There is a thirty day timeframe for other elected positions filled by the BoS. Ms. Kling made a motion to keep the charter as is and to allow the BoF and BoE to continue to appoint their own members to fill vacancies. Mr. Parks seconded the motion. Discussion followed about changing the motion to include a time frame but this was not agreed to at this time. Vote 6-0 in favor.

**Should the Board of Selectmen be given authority to transfer funds from one department to another?**

Mr. Kew noted that in previous discussions the transfer limit would be .25%.

Mr. Sangiovanni said that he and BoF member Chris Child agree that this authority should not be given for the following reasons:

- 1) The check and balance between the BoF and BoS disappears. The BoS would have unilateral authority if approved. Neither group makes that decision on their own currently.
- 2) It decreases the authority of the BoF. The BoF is responsible for managing and controlling the spending of the budget.
- 3) The BoF doesn't always agree with the source account of the transfer. It erodes the authority of the BoF to manage the budget.

Mr. Fitzgerald noted that only the operating budget is being proposed – not to include capital, WPCA, BoE or contingency. Mr. Sangiovanni said he can't remember when the BoF has ever denied a request from the BoS they just may not act on it during one meeting. He noted that the accounts for transfers are discussed with the Director of Finance. Mr. Fitzgerald suggested limiting the transfers to the last quarter of the year. He also said it's not a request to overspend the total operating budget. Mr. Parks asked if the request was being made since the BoF doesn't move fast enough? Mr. McAnaney noted that the BoS has a fiscal responsibility to the town as well as the BoF. He noted at the end of the fiscal year the BoS meets more frequently than the BoF. Mr. Watras said

that the request seems like a matter of convenience. He said that having an extra set of eyes reviewing transfers helps ensure public trust and that maintaining public trust is essential. Mr. Fitzgerald said that he would recuse himself from a vote due to the ethics concern raised earlier this year. Mr. Kew formulated a motion that was finalized by Mr. Watras made the motion that the charge item with regard to authorizing the BoS to transfer funds from one department to another is found to be without merit. Mr. Parks seconded the motion. Vote 5-0-1 in favor with Mr. Fitzgerald abstaining.

Since Mr. Sangiovanni attended the meeting, Mr. Fitzgerald brought up the unclear language in charter section 802 regarding the seating of alternates and quorum definitions for the BoF. He doesn't believe we follow this process:

Current language:

*Section 802 General Powers and Duties of the Board of Finance*

*Four members shall constitute a quorum and no vote, resolution or other matter shall be approved by fewer than four affirmative votes. When the number of board members in attendance is four (4), no more than one (1) alternate shall be seated. When the number of board members in attendance is five (5) or six (6) no more than two (2) alternates shall be seated.*

The CRC and Mr. Sangiovanni tried to interpret the language. It was agreed that new language should be rewritten to define the authorized configuration of the Board. Mr. Fitzgerald noted that changing the membership from 6 full and 3 alternates to 7 regular and 2 alternate members could eliminate this problem. Discussion followed about how alternates are rotated and seated when regular members are absent. The item was tabled until language is developed.

### **Should the Board of Selectmen be able to accept easements and town roads in new developments?**

Ms. Kling said that based on information provided by Gerry Turbet (Town Engineer) and Bill Hawkins (Town Planner) she was in favor of allowing the Board of Selectmen to accept town roads in new developments. Mr. Parks he agreed that the Town Meeting is just a rubber stamp since Zoning and Planning has already approved the project and the Town Engineer has made sure the road was properly constructed. Mr. Fitzgerald agreed that it must be limited to roads in new subdivisions.

The discussion turned to easements. Mr. Dudack said he was opposed to allowing the BoS to unilaterally grant easements. Mr. Parks asked for a definition of the difference between granting and accepting easements. Mr. Dudack explained that granting means giving up rights and encumbering your property while accepting means getting something in return (e.g. someone else's property). Discussion followed about limiting the easements to new subdivisions. Mr. Turbet's email suggested that easements in new subdivisions are part of the Zoning and Planning project approval and don't need to go to Town Meeting. Questions followed about examples of business developments, etc. Suggestions were made to further separate types of easements to be allowed by the BoS

vs. Town Meeting. Mr. Parks and Mr. Dudack will work on a draft together. Town employees will also be consulted as there is confidence in Mr. Turbet and Mr. Hawkins' positions and opinions. The item was tabled pending a future draft from Mr. Parks. Mr. Watras asked about the possibility of a developer granting an easement with a quid pro quo. It was agreed that would need to be approved at Town meeting.

**Charter housekeeping discussion**

Mr. Kew mentioned that there seems to be multiple versions of the charter online. The last charter revision that was approved by Town vote was in 2001. The 2008 CRC recommendations were never accepted by the Board of Selectmen yet the typographical and technical changes appear to be made in the online versions. Ernie Petkovich, chairman of the last CRC effort, said that those changes were made to the charter by Elaine O'Brien after being authorized by then Town Attorney Ed McAnaney. There was question whether these 'housekeeping' changes are appropriate or whether they should be reviewed and voted on by the CRC, Selectmen and by the Town residents. A suggestion was made to read the versions to identify differences. Discussion followed and any action was tabled until a legal opinion is rendered by the current Town Attorney.

Mr. Parks moved to adjourn. Ms. Kling seconded. After a unanimous vote, the meeting was adjourned at 8:52 p.m.

Next Meeting will be held on June 11th.

Respectfully submitted,  
Lisa Trase  
Recording Secretary