



STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786

# TOWN OF ELLINGTON

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Ellen O'Shaughnessy  
Chairman

Mark Joyse  
Vice Chairman

John L. Daigle, Jr.  
Bruce Fader  
Robert Harvey  
Dale Roberson  
Michael Stupinski

## Charter Revision Commission

MEETING MINUTES  
JANUARY 13, 2016

- MEMBERS PRESENT: John L. Daigle, Jr., Robert Harvey, Mark Joyse (Vice Chairman), Ellen O'Shaughnessy (Chairman), Dale Roberson, Michael Stupinski
- MEMBERS ABSENT: Bruce Fader
- OTHERS PRESENT: Melinda Ferry (Selectman), Tom Palshaw, James Prichard (Deputy First Selectman), Lori Spielman (First Selectman), David Stavens (Selectman)

### I. CALL TO ORDER:

Chairman O'Shaughnessy called the meeting of the Charter Revision Commission (CRC) to order at 7:01 p.m. in the Town Hall Meeting Hall, 55 Main Street, Ellington, Connecticut.

### II. CITIZEN'S FORUM:

No citizens came forward.

### III. APPROVAL OF MINUTES:

#### A. December 9, 2015

The Recording Secretary presented a report on his continuing editing, for grammar and spelling, of the Charter of the Town of Ellington. He reported that his primary pass was complete on paper and an electronic copy of suggested changes would be forwarded to the CRC before the February 10, 2016 meeting.

MOVED (O'SHAUGHNESSY) AND PASSED UNANIMOUSLY TO APPROVE THE DECEMBER 9, 2015 CRC MEETING MINUTES.

### IV. UNFINISHED BUSINESS

#### A. Consider Changes to Town Charter

**Changes the CRC will recommend to the Board of Selectmen:**

- Regarding the Design Review Board: it should be made a regular commission, and added as such to Section 801, page 14. Section 827 should be added to read "The Board of Selectmen, in accordance with Section 802 of this Charter, shall appoint a Design Review Board consisting of five (5) members to serve for terms of four (4) years. The Board of Selectmen shall appoint two (2) alternate members to the Design Review Board who shall serve for terms of two (2) years."

Mr. Joyse asked if there were any negatives to making the Design Review Board permanent. Mr. Stupinski noted that the board was working well and if this recommendation wasn't put forward the Design Review Board would remain ad-hoc, he recommended that the CRC put forward this recommendation.

THE CRC AGREED TO INCLUDE THIS CHANGE IN THEIR DRAFT REPORT TO THE BOARD OF SELECTMEN.

- Regarding Section 205: change "to serve until the first Monday in December following the next regular municipal election" to "to serve until the end of the term in which the vacancy occurred". This will save time and costs among other things, and will simplify the explanation on the ballot.

Mr. Harvey stated that the Office of the Secretary of State recommends this change.

THE CRC AGREED TO INCLUDE THIS CHANGE IN THEIR DRAFT REPORT TO THE BOARD OF SELECTMEN.

- Regarding Section 302: rename Board of Library Directors to Library Board of Trustees.

THE CRC AGREED TO INCLUDE THIS CHANGE IN THEIR DRAFT REPORT TO THE BOARD OF SELECTMEN.

- Regarding Section 302: amend paragraph (g) to include the following wording: "The regular members of such Zoning Board of Appeals shall not be members of the Planning and Zoning Commission".

Mr. Stupinski clarified that the Zoning Board of Appeals deals with appeals of the Planning and Zoning Commission. He said that the objective of this change was to avoid "cross-pollination".

THE CRC AGREED TO INCLUDE THIS CHANGE IN THEIR DRAFT REPORT TO THE BOARD OF SELECTMEN.

- Regarding Section 605: remove language in paragraph (e) (not so labeled) on page 11 governing referendums that says "such majority being equal to at least fifteen (15) percent of the qualified electors of the town" to the end of that sentence.

Mr. Palshaw spoke in favor of recommending this change on the point that there should be majority rule regardless of the forum. He noted that there is already a serious hurdle to calling a referendum and such a referendum should be a simple majority of the people who vote in such a referendum.

THE CRC AGREED TO INCLUDE THIS CHANGE IN THEIR DRAFT REPORT TO THE BOARD OF SELECTMEN.

- Regarding Section 820: amend to include the following words: "The alternate members of such Zoning Board of Appeals shall not be members of the Planning and Zoning Commission."

THE CRC AGREED TO INCLUDE THIS CHANGE IN THEIR DRAFT REPORT TO THE BOARD OF SELECTMEN.

- Regarding Section 827: change the Design Review Board from an Ad Hoc Board to a permanent board. Change the wording in Section 827 to reflect this change.

THE CRC AGREED TO INCLUDE THIS CHANGE IN THEIR DRAFT REPORT TO THE BOARD OF SELECTMEN.

- Regarding Section 828: change the Patriotic Committee from ad-hoc status to permanent status, rewriting the section to reflect the change.

Mrs. O'Shaughnessy noted that this was a recommendation from the First Selectman.

THE CRC AGREED TO INCLUDE THIS CHANGE IN THEIR DRAFT REPORT TO THE BOARD OF SELECTMEN.

- Regarding Chapter IX: include wording in Section 901 adding the position of a Town Administrator (or Town Manager). Add a new section, numbered 924, after Section 923 delineating the duties of the new administrative officer.

Mr. Harvey spoke in favor of this recommendation. He noted that the Town Manager/Administrator would come from a large pool of candidates and would have extensive experience with town administration.

Mr. Harvey noted three popular objections to hiring a professional manager and his response: 1) he noted the objection of expense and countered with the high value the town would receive from a professional administrator; 2) he noted the objection that "if it's not broke don't fix it" and responded that the Town cannot afford to wait until the situation is so broken that it needs a quick fix; 3) he noted the idea that the elected officials would lose control and countered that a professional manager would derive their powers from the Board of Selectmen.

Mr. Harvey stated that he was heavily in favor of hiring a Town Manager and combining the Board of Selectmen with the Board of Finance, with a finance sub-committee. Mr. Daigle, Mr. Stupinski, and Mr. Joys supported Mr. Harvey's statement.

Mr. Roberson stated that his position on this matter remained unchanged from previous meetings.

Mrs. O'Shaughnessy supported the hiring of a Town Manager but did not feel the impetus to combine the Board of Selectmen with the Board of Finance.

THE CRC AGREED TO INCLUDE THIS CHANGE IN THEIR DRAFT REPORT TO THE BOARD OF SELECTMEN.

- Regarding Section 911: the Building Official should be named an ex-official non-voting member of the Permanent Building Committee.

THE CRC AGREED TO INCLUDE THIS CHANGE IN THEIR DRAFT REPORT TO THE BOARD OF SELECTMEN.

- Regarding Section 917: change "offices" to "officers"; delete the words "not later than thirty (30) days after the commencement of their first term of office under the provisions of the Charter"; add language allowing the Fire Marshal to appoint and remove deputies, assistants, and employees in his or her office.

THE CRC AGREED TO INCLUDE THIS CHANGE IN THEIR DRAFT REPORT TO THE BOARD OF SELECTMEN.

- Regarding Section 922: add "Design Review Board" to paragraph (b); remove the word "ordinances" from paragraph (c).

THE CRC AGREED TO INCLUDE THIS CHANGE IN THEIR DRAFT REPORT TO THE BOARD OF SELECTMEN.

- Regarding Section 1011: The minimum monetary amount that would require competitive bidding should be increased from seven thousand five hundred dollars (\$7,500) to twenty-five thousand dollars (\$25,000). For amounts below the twenty-five thousand dollar (\$25,000) threshold, the Finance Officer or his designee can still negotiate directly with suppliers.

Mr. Stupinski noted that exact figures do not follow any index of inflation. Mr. Joyse suggested that perhaps the minimum monetary amount that would require competitive bidding could be a percentage of the town's budget. Mr. Daigle rejected this suggestion on the basis that it would be a tiny fraction of a percent. Mrs. O'Shaughnessy suggested tying the number to the Cost of Living Index.

The CRC discussed the merits of this recommendation. Mr. Joyse supported the recommendation so long as there was oversight. Mr. Palshaw noted that there were ways around the \$7,500 limit in any case. Mr. Daigle noted that the Board of Selectmen has the right to override the bidding process in any case. Mr. Prichard recommended this change.

THE CRC AGREED TO INCLUDE THIS CHANGE IN THEIR DRAFT REPORT TO THE BOARD OF SELECTMEN.

**Changes the CRC will not recommend to the Board of Selectmen:**

- Regarding all permanent boards and committees: the number of members should be limited to no more than five (5) members, and all pertinent sections of the Charter of the Town of Ellington should be amended to reflect this change.

Mr. Joyse asked which departments have more than five members. Mr. Harvey noted the Recreation Department. Mr. Stupinski noted the Board of Education. Mrs. O'Shaughnessy noted the Conservation Commission and the Human Services Commission.

Mr. Stupinski suggested that this recommendation would adversely affect the Board of Education in their efforts to fill sub-committees. Mr. Joyse made a similar suggestion regarding the Recreation Committee.

Discussion ensued regarding minority-party representation. Mr. Harvey clarified that the Charter did not specify so state statute defines minority-party representation. Mr. Joyse surmised that the CRC would have to define minority-party representation in order to make this recommendation.

THE CRC AGREED NOT TO INCLUDE THIS CHANGE IN THEIR DRAFT REPORT TO THE BOARD OF SELECTMEN.

- Regarding Section 910: change the title to "Director of Public Works", to be consistent with all other sections of this chapter. Add language to include the Water Pollution Control Authority under the duties of the Director of Public Works.

Mrs. O'Shaughnessy contended that this change would bring uniformity to Section 910. Mr. Daigle disagreed.

Mr. Stupinski noted that this recommendation would place the Water Pollution Control Authority under the purview of the Department of Public Works.

THE CRC AGREED NOT TO INCLUDE THIS CHANGE IN THEIR DRAFT REPORT TO THE BOARD OF SELECTMEN.

- Regarding Section 1004: add another meeting day for budget deliberations by the Board of Finance on the Tuesday following the public hearing.

Mr. Harvey noted this was a recommendation from the Finance Officer.

Mr. Daigle felt the recommended wording was unnecessary.

Mr. Stupinski clarified this recommendation would change the number of meetings from "one or more" to two or more.

THE CRC AGREED NOT TO INCLUDE THIS CHANGE IN THEIR DRAFT REPORT TO THE BOARD OF SELECTMEN.

- Regarding Section 1009: add "in an amount greater than two hundred fifty thousand dollars (\$250,000)" to the handling of grants.

Mr. Daigle thought the amount was too high.

Mr. Stupinski noted that many grants have strings attached that sometimes make them less than a bargain. He suggested the CRC find out why \$250,000 was recommended.

Mr. Prichard recommended against this change. Mr. Joyse did not see the burden of leaving the original wording.

THE CRC AGREED NOT TO INCLUDE THIS CHANGE IN THEIR DRAFT REPORT TO THE BOARD OF SELECTMEN.

**Changes which the CRC has tabled:**

- Regarding Section 503: add a section stating that the First Selectman should not serve on the Audit Committee due to a potential conflict of interest.

Mr. Stupinski requested for a definition of "all claims and charges" as referenced in Section 503 of the Charter of the Town of Ellington.

Mrs. O'Shaughnessy requested clarification of what circumstances would cause a potential conflict of interest.

Mr. Harvey surmised that a conflict of interest could arise because the First Selectman is involved in the executive matters of the town.

Mr. Stupinski suggested further specifying the responsibilities of the Auditing Committee.

Mrs. O'Shaughnessy wanted clarification of the responsibilities of the Auditing Committee.

Mr. Joyse suggested consulting with the Town Attorney before taking action on this recommendation. Mr. Daigle suggested utilizing the First Selectman as a liaison. Mrs. O'Shaughnessy agreed to contact the First Selectman regarding this suggestion.

THE CRC TABLED DISCUSSION OF THIS RECOMMENDATION.

- Regarding Section 823: delete the Senior Center Endowment Fund Committee and replace it with a permanent Senior Center Advisory Board.

Mr. Stupinski asked if the Senior Center Endowment Fund Committee was meant to be temporary. He continued by asking whom the Senior Center Advisory Board would advise. Mrs. O'Shaughnessy surmised that the Senior Center Advisory Board would be a part of decisions regarding other uses of the Senior Center.

Mr. Joyse thought it made sense to have to have an advisory committee but wanted more information before moving forward. Mr. Daigle noted that details on the Senior Center Advisory Board were not submitted with the request.

Mr. Palshaw suggested not approving the request in the interest of limiting the growth of governmental bureaucracy.

Mr. Daigle noted that the Senior Center Endowment Fund Committee was an ad-hoc committee that had served its purpose.

Mr. Joyse spoke in favor of the Senior Center maintaining an endowment committee.

The CRC discussed the possible need for a Senior Center Advisory Board and came to the conclusion that the Human Services Director should be consulted. Mr. Stupinski volunteered to contact the Human Services Director.

THE CRC TABLED DISCUSSION OF THIS RECOMMENDATION

V. NEW BUSINESS

The CRC working committee will meet Monday, January 25, 2016 in Ellington Town Hall.

VI. CORRESPONDENCE

There was no correspondence.

VII. ADJOURNMENT

MOVED (JOYSE), SECONDED (STUPINSKI) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING OF THE CHARTER REVISION COMMISSION AT 9:14 P.M.

Respectfully submitted,



Joseph Tarzi  
Recording Secretary