

STATE OF CONNECTICUT – COUNTY OF TOLLAND  
INCORPORATED 1786

# TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187  
ELLINGTON, CONNECTICUT 06029-0187

TEL 860-870-3100 FAX 860-870-3102

[www.ellington-ct.gov](http://www.ellington-ct.gov)

Ted Graziani  
Chairman

Tom Palshaw  
Vice Chairman

Bill Correia  
Keith Durao  
Jim Prichard  
John Ridzon  
Heather Stavens

## Charter Revision Commission

### PUBLIC HEARING

July 26, 2018

- MEMBERS PRESENT:** Keith Durao, Ted Graziani, Tom Palshaw, Jim Prichard and Heather Stavens
- MEMBERS ABSENT:** Bill Correia and John Ridzon
- OTHERS PRESENT:** Dorian Famiglietti, Town Attorney; Jack Rich II, Chief, Dennis Varney, Robert Smith, Karl Neubecker, Ellington Volunteer Fire Department (EVFD); Chuck Pippin, Chief, Crystal Lake Fire Department (CLFD); Peter Hany, Chief, Simon Hessler, Ellington Volunteer Ambulance Corps (EVAC); Jack Turner, Board of Selectmen member and E-911 Municipal Coordinator; John Halloran, Judy Stomberg, Janet Wieliska, Hall Memorial Library Board of Trustees; Susan Phillips, Hall Memorial Library Director; Elizabeth Feldman, Gary Feldman, Frederica Weeks, Jonathan Allen

Chairman Graziani opened the Charter Revision Commission Public Hearing at 7:03 p.m. in the Town Hall Meeting Hall, 55 Main Street, Ellington, CT and read the Legal Notice into the record (attached). He asked for comments from the audience.

Chuck Pippin, Crystal Lake Fire Department Chief, 316 Sandy Beach Road, was not in favor of including the proposed language in Section 923 giving the Town the flexibility of determining who will provide emergency services to the Town. He felt there are several different ways to do this in the Emergency Services written contracts. He also stated that this language will allow the Board of Selectmen to breach the contracts.

Jack Rich II, EVFD Chief, stated that no input was solicited from the emergencies services agencies regarding this change. He stated that he understands the intent of the change but suggested wording it differently.

Frederica Weeks, 82 Snipsic Lake Road, stated that the language is vague and gives the Board of Selectmen a great deal of power. She suggested adding language that spells out the criteria for replacing or changing the service provider.

Peter Hany, EVAC Chief, agreed with the comments made regarding changes to Section 923 and felt similar language could be added to the service contracts.

Simon Hessler, EVAC, also agreed with the comments made regarding changes to Section 923. He noted that all the agencies do their best to provide quality care to the community.

Attorney Famiglietti stated that the proposed language in Section 923 simply gives the Town flexibility to determine the provider of emergency services. Currently, Section 923 specifically states that emergency services to the Town will be provided by Ellington Volunteer Fire Department, Crystal Lake Fire Department and Ellington Volunteer Ambulance Corps. She noted that the Town's hands are tied if they are not getting efficient services or the agencies go out of business, as they are bound by the Charter language. The Town could not replace the provider until the Charter is changed. She noted that written contracts are valid and are renewed every two years and can be changed. She stated that the proposed language makes it simple if either party wants to change.

Betsi Feldman, 108 Ellington Road, noted that the contracts are not very specific regarding performance standards. She questioned how the Board of Selectmen can determine if they are not performing if the standards are not included in the contract.

Jonathan Allen, 33 Dogwood Lane, stated that the language is broad and suggested the CRC comes up with a list of reasons why the Board of Selectmen would want a change. Attorney Famiglietti stated that performance standard should be included in the contract and not the Charter. Mr. Allen agreed.

A resident from 142 Ellington Avenue asked if the Charter overrules the contracts. Attorney Famiglietti responded no.

Attorney Famiglietti stated that the Board of Selectmen cannot just change the service provider for unsubstantiated reasons and without holding public hearings, a Town Meeting and providing testimony.

Bob Smith, 3 Westland Road, stated that four members of the Board of Selectmen could vote to make a change and shut down the organization. He suggest the CRC revise the language and include a super majority requirement.

Karl Neubecker, EVFD, suggested adding more specific language to provide proof that the contracts are not being met and that it cannot be an arbitrary decision of the Board of Selectmen. Mr. Pippin agreed that language should include reasons for replacing the agency.

Mr. Graziani noted that Jack Turner and Peter Hany both have made testimony in support of the changes to Section 923. He reiterated that the proposed change gives the Town the flexibility to respond to the safety of the residents. He noted that the Board of Selectmen must justify to the public and substantiate their rationale to remove the provider.

There was discussion on why the contracts with the emergency service agencies are still open and have not been settled. It was pointed out that the emergency services contracts were not relevant to this Charter Revision Public Hearing and that the agencies should bring the discussion to the Board of Selectmen.

Judy Stomberg stated that she was concerned with the proposed new section for the Hall Memorial Library Board of Trustees. She stated that the Board only answers to the State Statutes and this change could potentially make the Board responsible to the Board of Selectmen. She was in favor of the language regarding giving the Department of Public Works the control of the maintenance and repair of the building and grounds.

Attorney Famiglietti stated that the new paragraph codifies the State Statutes and does not supersede it.

Mr. Palshaw noted that the Charter already states that the Department of Public Works will care for and maintain all Town buildings and questioned why the Library is being singled out. Attorney Famiglietti stated that presently the State Statutes gives control of the maintenance to the Library Board of Trustees. The only way to change that is by Charter revision; the Charter will trump the State Statute. The Library will have all the statutory powers designated by State Statute except for building and ground maintenance.

Mrs. Stomberg stated that leaving in the duties means that further down the road the responsibilities can be changed through a future Charter revision. Attorney Famiglietti agreed.

Mrs. Stomberg stated that if the proposed language is included in the Charter it becomes political. Mr. Palshaw agreed. He referenced State Statutes 7-193 which would allow changes to the Charter by ordinance or resolution and opens up the Library Board of Trustees to shenanigans. Attorney Famiglietti disputed that statement, noting that changes can only be made by Charter revision and it is very rare that an ordinance can supersede the Charter.

Susan Phillips suggested changing the words "exclusive control" to "being responsible for". She stated that exclusive control could allow the Department of Public Works to decide such things like where tables are placed.

Mr. Graziani pointed out that the CRC will also consider further revisions to Section 605 (d) and 1006 as follows:

**Section 605 (d):** *Explicitly state the 5-day notice requirement in Section 605 (d)*

"Within fifteen (15) days of receipt of said petition, so certified, the Board of Selectmen shall fix a time and place of said special referendum which shall be held not less than twenty (20) nor more than forty-five (45) days after the certification of the petition and notice thereof shall be given at least five (5) days in advance by publication in a newspaper having general circulation in the town and by posting a notice in a public place in the manner provided by law (in Section 7-3 of the General Statutes, as amended) for the calling of a town referendum."

**Section 1006:** *For consistency with the new language being proposed in Section 602, Section 1006 should be amended as follows:*

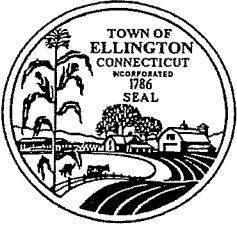
"The annual budget shall become effective only after it has been approved by resolution of the Board of Finance, and adopted at the annual town budget meeting. Should the annual town budget meeting fail to adopt the budget, the vote on the budget shall be adjourned to referendum to be held two weeks after the town meeting is adjourned and on the following Tuesday and thence to automatically schedule additional referenda, as required every other week thereafter until final approval is given....."

Hearing no further comments, Mr. Graziani closed the Public Hearing at 8:13 p.m.

Respectfully submitted,



Marie Sauve  
Recording Secretary



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## Charter Revision Commission

### NOTICE OF PUBLIC HEARING

July 26, 2018

Notice is hereby given that the Charter Revision Commission will hold a Public Hearing on Thursday, July 26, 2018 at 7:00 p.m., at the Town Hall Meeting Hall, 55 Main Street, Ellington, Connecticut, for the purpose of allowing citizens to comment on proposed changes to the Town Charter.

The Charter Revision Commission has considered a number of recommendations. Copies of the Town Charter and the proposed changes are available for review in the Town Clerk's Office, the First Selectman's Office and on the Town's website at [ellington-ct.gov](http://ellington-ct.gov).

All interested parties are encouraged to attend or to submit written comments by July 25, 2018 via email at [info@ellington-ct.gov](mailto:info@ellington-ct.gov); type Attn: Charter Revision Commission in the subject line; or mail/deliver to the First Selectman's Office at 55 Main Street, PO Box 187, Ellington, CT 06029. Any party needing an accommodation may contact the First Selectman's Office at (860) 870-3100 at least 24 hours prior to the hearing.

Dated at Ellington, Connecticut, this 17<sup>th</sup> day of July 2018.

A handwritten signature in black ink, appearing to read "Ted Graziani".

Ted Graziani, Chairman  
Charter Revision Commission

Journal Inquirer: Print July 18, 2018