



TOWN OF ELLINGTON

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2024 Charter Revision Commission

Thomas Palshaw-*Chair*
Cynthia Soto-*Vice Chair*
Warren McGrath-*Secretary*
Jamison Boucher
Joseph Burns
Peter Hany Jr
Thomas Modzelewski

Charter Revision Commission Minutes

May 22, 2024
Ellington Town Hall
Nicholas J. DiCorleto Jr. Meeting Room

Members Present: Tom Modzelewski, Tom Palshaw, Cynthia Soto, Warren McGrath [arrived at 6:23], Jamison Boucher, Joseph Burns, Pete Hany, Jr.

Others Present: Matthew Reed, Town Administrator

I. CALL TO ORDER

Mr. Reed called the first meeting of the Charter Revision Commission (CRC) to order at 6:02 PM.

Mr. Reed welcomed everyone and shared that the Board of Selectmen (BOS) has assigned him to be somewhat of an advisor to the CRC and is happy to answer any questions they may have, as well as put them in touch with staff members that they have questions for. Mr. Reed explained that the Town Charter is set to be reviewed every five years. Mr. Reed also provided members with a copy of the Charter and gave detailed information about how our Town government in Ellington is run with the Town Charter. He explained to members that State statutes determine how the Town conducts certain practices and the Town determines many others.

Mr. Reed shared that last year there was a Town Meeting that approved his new position of Town Administrator, which transferred the majority of day-to-day operations from the First Selectman to his new position. An important piece of this revision will be integrating the Town Administrator position into the Charter and determining where it would be best for the First Selectman, Town Administrator or both to be designated. There are also various places in the Charter where he feels the language just needs to be modernized. He also mentioned the First Selectman position has now been cut back to part time, which may conflict with some current Charter provisions and those may need to be reviewed. He reminded members that although the CRC is being asked to review and make any suggested revisions, they are the first step in the process and ultimately the BOS decides what revisions are approved and put forth to be approved at Town Meeting.

In conclusion, Mr. Reed shared that these are all Public Meetings, minutes will be taken and published on the website for the public and that members of the public may

"A great place to grow."

attend meetings as they wish. Mr. Reed also mentioned that meetings will be made available for the public and CRC members via Zoom.

II. CITIZEN FORUM

No members of the public were present in the meeting hall.

III. APPROVAL OF MINUTES

As this was the first meeting of the recently established CRC, there were no minutes to approve.

IV. UNFINISHED BUSINESS

There was no unfinished business.

V. NEW BUSINESS

a. Introduction of Members/staff

Members introduced themselves.

Mr. McGrath entered the meeting at 6:23 P.M.

b. Selection of Chairperson

MOVED (PALSHAW), SECONDED (SOTO), AND PASSED UNANIMOUSLY TO ELECT TOM PALSHAW AS CHAIRMAN OF THE CHARTER REVISION COMMISSION.

MOVED (MODZELEWSKI), SECONDED (SOTO), AND PASSED UNANIMOUSLY TO ELECT CYNTHIA SOTO AS VICE CHAIRMAN OF THE CHARTER REVISION COMMISSION.

Mr. Palshaw took over as the Chairman of the CRC at this time.

c. Selection of Secretary

MOVED (MODZELEWSKI), SECONDED (BURNS), AND PASSED UNANIMOUSLY TO ELECT WARREN MCGRATH AS SECRETARY OF THE CHARTER REVISION COMMISSION.

d. Purpose of Commission

The purpose of the Commission was previously discussed.

e. General Discussion Regarding the Charter Revision Process

The revision process was previously discussed.

i. Review of Staff Recommended Revisions

A proposed Charter Revision spreadsheet [ATTACHED] was provided to members by Mr. Reed, as well as an information sheet [ATTACHED] on the basic steps for revising a municipal Charter. Mr. Palshaw provided a handout [ATTACHED] of his recommendations to members as well.

Mr. Palshaw reminded members that the life of the CRC is sixteen months, meaning the final report to the BOS needs to be submitted to them by September 13, 2025. Mr. Modzelewski commented that if the CRC could make their recommendations to the BOS in time to have on the ballot for the November 2024 election that would be ideal. Ms. Soto added that the report would have to be submitted rather quickly in order to do so. Mr. Reed commented that yes, this has to be at an election and this year being a presidential election may be beneficial as more people come out to the polls; however, there may be a special election for this, keeping in mind those additional costs.

Mr. Reed clarified that in order for the Charter Revision to be submitted to the State and be on the ballot for this November's election, the CRC would need to have the following done in this order by September 5, 2024: 1. Hold a Public Hearing before any work begins 2. CRC work performed 3. Complete report for presentation to the BOS 4. Hold a Public Hearing 5. BOS to review and make recommendations 6. BOS holds a Public Hearing 7. Town can submit to the State for the ballot.

The CRC members agreed that they would like to familiarize themselves with the current Town Charter, as well as review the meeting materials provided to them at this evening's meeting, prior to making any deadline decisions, as well as assigning or delegating any tasks at this time.

f. Establish Meeting Schedule

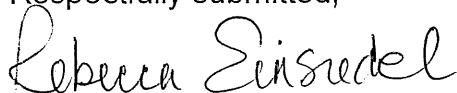
Mr. Modzelewski provided a proposed meeting schedule to members. Discussion was held regarding the availability of the proposed dates and if the CRC would like to meet monthly or bi-weekly. It was decided that they would like to wait until their next meeting before setting a meeting schedule.

MOVED (MODZELEWSKI), SECONDED (BOUCHER) AND PASSED UNANIMOUSLY TO HOLD THE NEXT MEETING OF THE CHARTER REVISION COMMISSION ON WEDNESDAY JUNE 5, 2024 AT 6:00 PM IN THE NICHOLAS J. DICORLETO, JR MEETING HALL STARTING WITH A PUBLIC HEARING.

VI. ADJOURNMENT

MOVED (MODZELEWSKI), SECONDED (PALSHAW) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING OF THE CHARTER REVISION COMMISSION AT 7:01 PM.

Respectfully submitted,



Rebecca Einsiedel
Recording Secretary

BASIC STEPS FOR REVISING OR DEVELOPING A MUNICIPAL CHARTER

Below is a simple step-by-step outline of the charter development or revision process, as prescribed in *Connecticut General Statutes (CGS) 7-188* "Initiation of action for adoption, amendment or repeal of charter or home rule ordinance."

STEP 1: INITIATION

A charter revision proposal must be initiated by either a 2/3 vote of the entire membership of the municipal appointing authority (town or city council, board of selectmen, etc.), or a petition signed by not less than 10% of the electorate.

CGS §7-187(a); §7-188(b)



STEP 2: APPOINTMENT

Within 30 days, the appointing authority must appoint a charter commission, charter revision commission, or home rule ordinance revision commission. The commission must consist of five to fifteen electors (registered voters), not more than 1/3 of whom may hold another public office in the municipality, and with no more than a bare majority from the same political party. "The commission shall proceed forthwith to draft a charter or amendment to the existing charter, or amendments to the home rule ordinance as the case may be."

CGS §7-190(a)



STEP 3: PUBLIC HEARINGS

The commission must hold at least two public hearings; one prior to beginning "substantive work," and one after the commission has completed a draft report, but before submitting it to the appointing authority. The commission may hold other meetings it deems necessary.

CGS §7-191(a)



STEP 4: SUBMISSION

The appointing authority shall prescribe a date, no later than 16 months from appointment, by which the commission must submit the draft report, including the proposed revisions, to the municipal clerk. Although the appointing authority can prescribe a date, decisions are not definitive.

CGS §7-190(b); §7-191(b)



STEP 5: FINAL PUBLIC HEARING

The appointing authority shall hold its last public hearing within 45 days of submission of the commission's draft report

CGS §7-191(b)



STEP 6: RECOMMENDED CHANGES

Within 15 days of the last hearing, the appointing authority may recommend changes to the draft report.

- If there are recommended changes, the commission shall confer with the appointing authority concerning such recommendations and may amend its report or reject the recommendations. In either case the commission shall make its final report within 30 days of receiving such recommendations.
- If there are no recommended changes, the commission's report becomes final and the appointing authority shall act on it.

CGS §7-191(b), (c)



STEP 7: APPROVAL OR REJECTION BY APPOINTING AUTHORITY

Within 15 days after receiving the final report, the appointing authority shall, by majority vote, either approve or reject the proposed changes. Following a vote to reject, a petition may be filed for referendum within 45 days after rejection by the appointing authority. The commission shall terminate upon acceptance or rejection of its final report by the appointing authority.

CGS §7-190(c); 7-191(d)



STEP 8: PUBLICATION

Within 30 days of the authority's approval or certification of a petition from the electorate, the charter and amendments shall be published in full at least once in a general newspaper having circulation in the municipality.

CGS §7-191(d)



STEP 9: REFERENDUM

After approval or the filing of a petition, the appointing authority decides by majority vote whether to hold a vote on the charter, amendments or revisions at either a regular election (majority vote of participants needed for approval), or a special election (majority equal to at least 15% of qualified electors needed for approval). The election must be held not more than 15 months after approval by the appointing authority or certification of a petition.

CGS §7-191(e), (f)



STEP 10: CERTIFICATION

Not later than 30 days after approval by the electors, the municipal clerk must notify the Secretary of the State, in writing, of the results. The clerk must also file three certified copies of the charter, amendments or revisions with the Secretary of the State.

CGS §7-191(g)

Section to be Changed	Proposed Change	Purpose
204-Breaking a Tie(Election or Referendum)	Delete provision requiring an adjourned election to break a tie. Replace with coin flip method.	Cost savings associated with elimination of need to conduct special election (Legal? CGS 9-332)
604- General Powers and Duties	Revise due date for capital projects to 12/31	Allow finance additional time for Finance to compile
1104-Duties of Bd of Fin on the Budget	Revise to "one or more public meetings" as opposed to "public hearing" as currently required.	Also, the section requires a public hearing on the 2nd Tues of April after preliminary budget compiled.
	"Within ten(10) days after acceptance ADOPTION of the budget at town budget meeting OR REFERENDUM, the Board of Finance by resolution shall fix the tax rate in mills."	Consistency of terms-the budget is "adopted" not accepted by electors.
	Add language articulating when the budget should be decided by referendum. Example - proposed increase greater than X percent; less than X percent of electorate attend annual budget meeting proposed budget deemed adopted.	Provide consistency in method of adopting budget.
1107 Execution of the Budget	Revise to reflect modern practice and use of electronic budget tracking tools.	Not practical; not consistent with modern methods; use of words "program" and "allotment" and "appropriation" not consistent and undefined.
1109 Expenditures and Accounting (b)	In lieu of Deputy First Selectman, add the Assistant Finance Officer as "shall substitute temporarily for Finance Officer."	Update to reflect the Asst Finance Officer position
	Include Town Administrator either in addition to or in lieu of First Selectman as person who authorizes payments	Update to reflect addition of Town Administrator
1109 Expenditures and Accounting (f)	Delete "during the last three (3) months of the fiscal year" thus allowing transfers prior to the final 3 months of the fiscal year.	Allow transfers between departments before final 3 months of FY. Reduce occurrence of unfunded accounts during the FY.
1111 Purchasing	Increase threshold for competitive bidding to \$25,000 as provided by state statute. Alternatively, do not set a specific threshold by charter, instead revise section to read: The Town shall adopt an ordinance setting the threshold at which the town shall invite sealed bids... Such ordinance may be revised from time to time.	This is the current threshold by practice but not by Charter. See Sec 28-1 & 28-3 of the Code of Ellington. By removing specific threshold from Charter, the Town can more efficiently revise the threshold through the ordinance process.

1010 Department of Public Works	Transfer duties related to care for parks, grassed areas in the streets and public grounds, athletic fields and public beaches including those under the jurisdiction of the Board of Education and the Parks and Recreation Commission, to Section 1016 Director of Recreation	To align tasks with appropriate town department. Parks and athletic fields fall under control of Recreation.
	Revise "coordinate the Recycling Program" to "assist with maintenance and operation of all transfer station operations and municipal solid waste services."	To add consistency of actual tasks with charter description of responsibilities.
	Revise "The Director of Public Works shall appoint a Tree Warden", to "The Director of Public Works shall serve as the Tree Warden and appoint a Deputy Tree Warden."	To align with current practice.
	Add: The Director of Public Works shall serve as the WPCA Administrator, shall possess such qualifications as are required for such position, and shall serve for an indefinite term. The hours required to perform WPCA-related activities are to be funded by the WPCA user fees collected."	To align with the current practice.
1012 Town Engineer	Revise language to state that the town engineer shall be selected through the competitive bidding process as described in Sec 1111, and as recommended by the Director of Public Works and the Town Planner.	To ensure that the purchase of services complies with the town's procurement process.
801 The First Selectman - General	Revise language designating the First Selectman as the CEO and CAO. Keep as CEO.	New Section 904-Town Administrator. Authorize as Chief Administrative Officer (CAO)
802 Duties	Revise Section. Add language that First Selectman is CEO; shall preside at all meeting of the BOS and set the agenda for such meeting..shall be an ex officio non-voting member of all other town commissions, boards, agencies and committees. Stipend as compensation? Not employee.	Move other language to new Section 904-Town Administrator. Town Administrator to be the Chief Administrative Officer. Appointed by the BOS, power to hire and discharge without prior approval of BOS, but not Board of Ed.
Chapter IX Sec 901-906 Town Administrator	All NEW	Incorporation of Town Administrator position into charter

<p>703 Special Town Meetings</p>	<p>(f) Revise to clarify language and eliminate any ambiguity. Initiation of real estate leases and/or real estate lease options to which the town is a party which involve a term in excess of one (1) year. The Board of Selectmen is authorized to terminate any lease if such termination is in the best interest of the town. Such termination shall not require action by special town meeting.</p>	<p>Eliminates misinterpretation or ambiguity in language regarding real estate leases.</p>
<p>603 Procedure</p>	<p>Delete last line regarding appointment of Auditing Committee</p>	<p>This language has been in existence since the first charter, however its purpose is ill defined. Since the creation of the Finance Department and hiring of professional staff, the Auditing Committee is redundant. The Board of Selectmen reserves the right to form an ad-hoc committee to conduct any investigation necessary. All purchases are reviewed by Finance personnel and the Town Administrator and First Selectman.</p>

CHARTER REVISION COMMISSION 2024 QUESTIONS

CHAPTER II

- SHALL THE CRC AMEND SECT 207 TO REFLECT THE VOTING DISTRICTS (3)?

CHAPTER VI

- SHALL THE CRC DELETE THE AUDIT COMMITTEE FROM SECT 603?

CHAPTER IX

- SHALL THE CRC AMEND SECT 924, THE FLOOD AND EROSION BOARD?

CHAPTER X

- SHALL THE CRC ADD A NEW SECTION, TOWN ADMINISTRATOR POSITION?
- SHALL THE CRC AMEND AS NEEDED SECTION 1001, SECTION 801, CH VI, AND CH XIII AS NEEDED FOR THE TOWN ADMINISTRATOR POSITION?
- SHALL THE CRC REVIEW ALL APPOINTED POSITION DISCRPTIONS FOR CONFORMANCE WITH THE AMENDED CHARTER?
- SHALL THE CRC UPDATE SECT 1008, THE DIRECTOR OF EMERGENCY MANAGER POSITION?
- SHALL THE CRC UPDATE SECT 1015, THE DIRECTOR OF HEALTH?

CHAPTER XI

- SHALL THE CRC STREAMLINE THE BUDGET PROCESS FOR A MORE EFFICIENT FLOW?
- SHALL THE CRC AMEND SECTION 1111 REGARDING THE \$7500 BID REQUIREMENT?

CHAPTER XIII

- SHALL THE CRC REVIEW ALL TOWN ORDINANCES AND POLICIES FOR CONFORMANCE WITH THE CHARTER?

