



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

July 3, 2024
Ellington Town Hall
Nicholas J. DiCorleto Jr. Meeting Room

Members Present: Tom Palshaw-Chair, Tom Modzelewski, Warren McGrath, Jamison Boucher, Pete Hany, Jr., Joseph Burns and Cynthia Soto

Others Present: Matthew Reed, Town Administrator

I. CALL TO ORDER

Mr. Palshaw called the meeting of the Charter Revision Commission (CRC) to order at 6:04 PM.

II. CITIZEN FORUM

No members of the public came forward.

III. APPROVAL OF MINUTES

MOVED (MCGRATH), SECONDED (MODZELEWSKI) AND PASSED UNANIMOUSLY TO APPROVE THE MINUTES OF THE JUNE 18, 2024 CHARTER REVISION COMMISSION MEETING.

IV. DISCUSSION ITEM(S)

a. Review of Previously Recommended Revisions

Mr. Palshaw read through the list of recommendations [ATTACHED] and discussion was held. Sections 801, 802, 803, 1010, 1024 and 1111 were tabled until the next meeting. The following motions were made:

Section 204. Breaking a Tie

MOVED (MODZELEWSKI), SECONDED (BURNS) AND PASSED UNANIMOUSLY TO RECOMMEND THE CHARTER REVISION OF SECTION 204, BREAKING A TIE TO THE BOARD OF SELECTMEN AS FOLLOWS: WHEN ANY MUNICIPAL ELECTION CONDUCTED PURSUANT TO THE PROVISIONS OF THIS CHARTER RESULTS IN A TIE VOTE, WITH THE CONSENT OF

THE TIED CANDIDATES, THE TIE MAY BE BROKEN BY THE SINGLE TOSS OF A COIN BY A THIRD PARTY AGREEABLE TO TIED CANDIDATES. OTHERWISE, WHEN A REFERENDUM CONDUCTED PURSUANT TO THE PROVISIONS OF THIS CHARTER RESULTS IN A TIE, AN ADJOURNED ELECTION SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 9-332 OF THE GENERAL STATUTES, AS AMENDED, TO DETERMINE A QUESTION AT REFERENDUM WHETHER IT SHALL BE ACCEPTED OR REJECTED. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO QUESTIONS AT REFERENDUM OR SPECIAL ELECTION THAT UNDER WHICH THE PROVISIONS OF THIS CHARTER OR THE GENERAL STATUTES REQUIRE A MINIMUM NUMBER OF ELECTORS VOTING IN FAVOR OF SUCH QUESTIONS FOR APPROVAL.

SECTION 207. Voting Districts

MOVED (MCGRATH), SECONDED (MODZELEWSKI) AND PASSED UNANIMOUSLY TO RECOMMEND THE CHARTER REVISION OF SECTION 207, VOTING DISTRICTS TO THE BOARD OF SELECTMEN AS FOLLOWS: THE VOTING DISTRICTS FOR STATEWIDE ELECTIONS IN THE TOWN OF ELLINGTON ARE ESTABLISHED BY THE STATE LEGISLATURE. THE PLACES FOR HOLDING ELECTIONS AND REFERENDA ARE ESTABLISHED BY THE REGISTRARS IN ACCORDANCE WITH CGS 9-168A AND 9-168B.

SECTION 603. Procedure

MOVED (SOTO), SECONDED (BOUCHER) AND PASSED UNANIMOUSLY TO RECOMMEND THE DELETION OF REFERENCES TO THE AUDITING COMMITTEE IN SECTION 603, PROCEDURE OF THE TOWN CHARTER TO THE BOARD OF SELECTMEN.

SECTION 1008. Emergency & Risk Management

MOVED (MODZELEWSKI), SECONDED (SOTO) AND PASSED UNANIMOUSLY TO RECOMMEND THE CHARTER REVISION OF SECTION 1008, EMERGENCY & RISK MANAGEMENT TO THE BOARD OF SELECTMEN AS FOLLOWS: THE BOARD OF SELECTMEN SHALL APPOINT A DIRECTOR OF EMERGENCY AND RISK MANAGEMENT WHO SHALL SERVE FOR AN INDEFINITE TERM. THE DIRECTOR IS RESPONSIBLE FOR THE FUNCTIONS OUTLINED IN ELLINGTON POSITION DESCRIPTION 710, INCLUDING THE REVIEW OF AND ADJUSTMENTS TO THE TOWN EMERGENCY PLAN AS FILED WITH THE STATE OFFICE OF EMERGENCY MANAGEMENT. HE OR SHE SHALL MEET THE QUALIFICATIONS DESCRIBED IN THE TOWN OF ELLINGTON POSITION DESCRIPTION 710.

SECTION 1012. Town Engineer

MOVED (MODZELEWSKI), SECONDED (BURNS) AND PASSED UNANIMOUSLY TO RECOMMEND THE CHARTER REVISION OF SECTION 1012, TOWN ENGINEER TO THE BOARD OF SELECTMEN AS FOLLOWS: THE BOARD OF SELECTMEN SHALL APPOINT A TOWN ENGINEER THROUGH A COMPETITIVE BIDDING PROCESS IN ACCORDANCE WITH SECTION 1111 AND AS RECOMMENDED BY THE DIRECTOR OF PUBLIC WORKS AND TOWN PLANNER. THE TOWN ENGINEER SHALL BE A LICENSED CIVIL ENGINEER. THE TOWN ENGINEER SHALL SERVE FOR AN INDEFINITE TERM. ALL POWERS AND DUTIES OF SAID TOWN ENGINEER SHALL BE PRESCRIBED BY THE BOARD OF SELECTMEN.

SECTION 1109. Expenditures and Accounting

MOVED (SOTO), SECONDED (BURNS) AND PASSED UNANIMOUSLY TO RECOMMEND THE CHARTER REVISIONS OF SECTION 1109, EXPENDITURES AND ACCOUNTING TO THE BOARD OF SELECTMEN AS FOLLOWS: SECTION 1109. (b) NO VOUCHER, CLAIM, OR CHARGE AGAINST THE TOWN, EXCEPT THOSE AGAINST THE BOARD OF EDUCATION, SHALL BE PAID UNTIL THE SAME HAS BEEN AUDITED BY THE FINANCE OFFICER AND APPROVED BY HIM OR HER FOR CORRECTNESS AND VALIDITY. PAYMENT OF ALL CLAIMS AGAINST THE BOARD OF EDUCATION SHALL BE AUTHORIZED BY THE SUPERINTENDENT OF SCHOOLS OR HIS OR HER AGENT. PAYMENT OF ALL APPROVED CLAIMS AGAINST ALL OTHER TOWN ACCOUNTS SHALL BE AUTHORIZED BY THE FIRST SELECTMAN. SAID AUTHORIZATION SHALL BE VALID WHEN COUNTERSIGNED BY THE FINANCE OFFICER OR ASSISTANT FINANCE OFFICER ACTING AS THE TREASURER PROVIDED, IN THE ABSENCE OR INABILITY TO ACT OF THE FIRST SELECTMAN OR FINANCE OFFICER, THE TOWN ADMINISTRATOR OR ASSISTANT FINANCE OFFICER SHALL SUBSTITUTE TEMPORARILY FOR SAID FIRST SELECTMAN OR FINANCE OFFICER;

AND SECTION 1109 (f) UPON THE RECOMMENDATION AND REQUEST OF THE BOARD OF SELECTMEN (**DELETE: "DURING THE LAST THREE (3) MONTHS OF THE FISCAL YEAR")** THE BOARD OF FINANCE MAY, BY RESOLUTION, TRANSFER ANY UNENCUMBERED APPROPRIATION, BALANCE, OR PORTION THEREOF FROM ONE DEPARTMENT, COMMISSION, BOARD, OR OFFICE TO ANOTHER PROVIDED, HOWEVER, THAT THIS PROVISION SHALL NOT APPLY TO THE BOARD OF EDUCATION. NO TRANSFER SHALL BE MADE FROM ANY APPROPRIATION FOR DEBT SERVICE AND OTHER STATUTORY CHARGES.

Mr. McGrath exited the meeting at 7:10 PM.

Section 1205. Salaries

MOVED (BOUCHER), SECONDED (MODZELEWSKI) AND PASSED UNANIMOUSLY TO RECOMMEND THE CHARTER REVISIONS OF SECTION 1205 SALARIES TO THE BOARD OF SELECTMEN AS FOLLOWS: THE FINANCE OFFICER SHALL PREPARE FOR THE FIRST SELECTMAN AND THE TOWN ADMINISTRATOR A PROPOSED STANDARD, SYSTEMATIC SCHEDULE OF PAY FOR EACH CLASS OF POSITIONS IN THE CLASSIFIED SERVICE. THE FIRST SELECTMAN OR THE TOWN ADMINISTRATOR SHALL SUBMIT THE PROPOSED PAY PLAN TO THE BOARD OF SELECTMEN WITH ANY CHANGES HE OR SHE DEEMS NECESSARY AND SUCH PROPOSED PLAN SHALL TAKE EFFECT WHEN ADOPTED BY RESOLUTION OF THE BOARD OF SELECTMEN. AMENDMENTS TO THE PAY SCHEDULE MAY BE ADOPTED BY THE BOARD OF SELECTMEN FROM TIME TO TIME UPON RECOMMENDATION OF THE FIRST SELECTMAN OR TOWN ADMINISTRATOR. FOR PURPOSES OF CHAPTER 113 OF THE GENERAL STATUTES, AS AMENDED, THE FIRST SELECTMAN OR TOWN ADMINISTRATOR SHALL HAVE THE AUTHORITY TO RECOGNIZE THE EXCLUSIVE BARGAINING AGENT FOR ANY UNIT OF TOWN EMPLOYEES AND SHALL ACT AS THE BARGAINING AGENT FOR THE TOWN.

b. Newly Suggested Revisions

No new revisions were discussed.

"A great place to grow."

c. General Discussion regarding review and revision process

No further discussion was held regarding the review and revision process.

d. Next Meeting Date/Schedule

The next CRC meetings will be held on Wednesday, July 10, 2024 and Wednesday July 24, 2024 both at 6:00 PM in the Nicholas J. DiCorleto, Jr. Meeting Hall.

V. ADJOURNMENT

MOVED (SOTO) SECONDED, (MODZELEWSKI) AND PASSED UNANIMOUSLY TO
ADJOURN THE MEETING OF THE CHARTER REVISION COMMISSION AT 7:32 PM.

Respectfully submitted,



Rebecca Einsiedel
Recording Secretary

CHARTER REVISION COMMISSION 2024

REPORT TO THE ELLINGTON BOARD OF SELECTMEN. (DRAFT 7-3-24)

INTRODUCTION

CGS 7-188 permits municipalities to organize their government by Charter. There is also a requirement to periodically review that charter. This Commission was convened to meet that requirement.

There have been significant changes in the last 5 years. The Town Administrator's position was created and filled in accordance with the provisions of the existing charter. Missing however is how that position fits within the structure, and processes of the town. That is just one example as there are other sections of the charter in need of updating and clarification.

Due to the large number of suggested changes, and the relatively short period of time available to have all the amendments properly considered, this commission may recommend only the most important amendments at this time, and recommend the town convene another commission to continue the process next year.

Recommended changes are printed in **BOLD**.

CHARTER REVISION RECOMMENDATIONS

(1) SECTION 204. BREAKING A TIE

When any municipal election conducted pursuant to the provisions of this Charter results in a tie vote, with the consent of the tied candidates, the tie may be broken by the single toss of a coin by a third party agreeable to tied candidates . When a referendum conducted pursuant to the provisions of this Charter results in a tie, an adjourned election shall be conducted in accordance with the provisions of Section 9-332 of the General Statutes, as amended, to determine a question at referendum whether it shall be accepted or rejected. **The provisions of this section shall not apply to questions at referendum or special election that under which the provisions of this Charter or the General Statutes require a minimum number of electors voting in favor of such questions for approval.**

REASON: Cost savings associated with elimination of need for a special election.

AUTHORITY: CGS 9-188

(2) SECTION 207. VOTING DISTRICTS

"The voting districts for state wide elections in the Town of Ellington are established by the State Legislature. The places for holding elections and referenda are established by the Registrars in accordance with CGS 9-168a and 9-168b."

REASON: Section 207 is outdated

AUTHORITY: Comply with CGS.

(3) SECTION 603 PROCEDURE

Delete references to the Auditing Committee.

REASON: Outdated provision.

(4) SECTION 801 THRU 803 FIRST SELECTMAN

(SECTION IN WORK)

SECTION 801. GENERAL

At each biennial town election a First Selectman shall be chosen by the electors of the town as provided in Chapter III of this Charter. The First Selectman shall be the chief executive of the town and shall receive such **part time** compensation as shall be recommended by the Board

of Selectmen and approved in the annual budget. Said First Selectman shall be a full voting and participating member of the Board of Selectmen and shall preside, when present, at meetings of said board. The First Selectman, or another Selectman designated by the First Selectman shall be an ex-officio member of all other town boards, commissions, and agencies and shall receive such advance notification of any such meeting as is given to the members of said bodies. He or she shall have the full right of participation in discussions but shall not have the right to vote.

NOTES: 1.

2. Who is the "chief of police"? (ref CGS)

3. Review recommendations by Matt Reed.

SECTION 802. DUTIES

The First Selectman shall be directly responsible to the Board of Selectmen for the administration of all officers in charge of persons or boards appointed by him or her and shall supervise and direct the same, and shall serve as **Chief of Police** until such time as the Board of Selectmen shall appoint a Chief of Police. He or she shall see that all laws and ordinances governing the town are faithfully executed. He or she shall make periodic reports to the Board of Selectmen on the conditions and affairs of the town. The First Selectman shall recommend to the Board of Selectmen such measures as he or she may deem necessary or expedient and shall keep the Board of Selectmen fully advised as to the financial condition of the town; and shall exercise such other powers and duties as may be authorized by ordinance and resolution of the Board of Selectmen not inconsistent with this Charter. The First Selectman shall have all the powers, duties and responsibilities conferred or imposed on that office and on the chief executive officers by the General Statutes, as amended, or by Special Act except insofar as the same are inconsistent with the provisions of the Charter. The First Selectman may, with the approval of the Board of Selectmen and subject to such other limitations as are contained in this Charter and in the General Statutes, enter into contracts or agreements with the United States Government or any agency thereof, the State of Connecticut or any agency or political subdivision thereof, any person, or any other body politic or corporate. The Board of Selectmen shall not diminish by ordinance, vote, or otherwise the powers and duties imposed on him or her by said board under the provisions of this section.

(COMMENT- THIS NEEDS MORE WORK)

SECTION 803 APPOINTMENTS AND TERMS

(DISCUSS Matt Reeds recommendations)

(5) SECTION 1001. OFFICERS AND DEPARTMENTS

There shall be the following administrative officers and departments for the town: **Town Administrator**, Town Clerk; Finance Officer; Tax Collector; Assessor; **Emergency and Risk Manager**; Director of Public Works; Building Official; Town Engineer; Town Attorney; Constables; Director of Health; Director of Recreation; Fire Marshal; Animal Control Officer; Director of Human Services; and Town Planner. The Board of Selectmen may recommend to the town meeting pursuant to the provisions of Section 703 of this Charter the creation of such additional or the elimination of such existing administrative offices and departments as it from time to time may deem appropriate and necessary to the best interest of the town. All administrative officers and department heads and their deputies and assistants shall receive compensation fixed by the Board of Selectmen; provided, however, no compensation shall be based upon any fees collected by them and all such fees collected by them shall be paid to the town treasury.

REASON: Update Section to the current status of Departments.

(6) SECTION 1008. EMERGENCY & RISK MANAGEMENT

The Board of Selectmen shall appoint a Director of Emergency and Risk Management who shall serve for an indefinite term. The Director is responsible for the functions outlined in Ellington Position Description 710, including the review of and adjustments to the Town Emergency Plan as filed with the State Office of Emergency Management. He or she shall meet the qualifications described in the Town of Ellington Position Description 710.

REASON: Section 1008 is outdated.

(7) SECTION 1010 DEPARTMENT OF PUBLIC WORKS (work in progress)

"The Board of Selectmen shall appoint a Director of Public Works who shall serve for an indefinite term. It shall be the duty of the Department of Public Works to maintain, repair, clean, and remove snow from all public streets and ways; maintain and operate storm sewers and other drains; care for and maintain all town buildings other than those under the jurisdiction of the Board of Education. (More work is needed)

(8) SECTION 1012. TOWN ENGINEER

The Board of Selectmen shall appoint a Town Engineer through a competitive bidding process in accordance with SECTION 1111 and as recommended by the Director of Public Works and Town Planner. The Town Engineer shall be a licensed civil engineer. The Town Engineer shall serve for an indefinite term. All powers and duties of said Town Engineer shall be prescribed by the Board of Selectmen.

REASON: To ensure that the purchases of services comply with the town's procurement policy Section 2.

(9) SECTION 1024 TOWN ADMINISTRATOR (NEW)

(a) Qualifications

The Town Administrator shall be chosen on the basis of their executive and administrative skills, character, education, training, experience, and shall meet the qualifications listed in the Ellington Position Description 108.

(b) Appointment

The Town Administrator shall be appointed by the Board of Selectman. The Administrator is an exempt position of indefinite term. The compensation and benefits shall be in accordance with the town classification, policies and Section 1205 of this Charter

(c) Removal of the Town Administrator

The Town Administrator may be removed by a 5/7 vote of the entire membership of the Board of Selectmen. At least thirty (30) days before the proposed removal of the Administrator, the Board of selectmen shall adopt a resolution stating their intention to remove the Administrator and the reasons therefore. A copy of the resolution shall be served on the Town Administrator who, within ten (10) days, may demand a public hearing, in which case the Administrator shall not be removed until such hearing has been held. The Board of Selectmen may suspend from duty the Town Administrator upon passage of the resolution provided that the salary and benefits of the Administrator shall continue until removal from office. The action of the Board in removing the Town Administrator shall be final.

(d) Duties and Responsibilities

The Town administrator shall be the Chief Administrative Officer of the Town of Ellington and is responsible to the Board of Selectman for the supervision, direction, and administration of all departments, agencies, and offices listed in Chapter 10 of this charter. The Town Administrator may perform the duties of any officer under his or her jurisdiction, subject to the approval of the Board of Selectmen.

The Town Administrator may, subject to the approval of the Board of Selectmen, appoint or remove any administrative officer, or town employees in accordance with the provisions of CGS, provisions of Chapter XII of this Charter, or other rules and regulations concerning town employees. (Excludes employees under the Board of Education)

The Town Administrator may, with the approval of the Board of Selectmen, enter into contract or agreements with the United states government, or any agency there of, with the State of Connecticut or any agency or political subdivision there of, any person, body politic, or corporation.

The Town Administrator shall be responsible to the Board of Selectmen for the functions called out in the Town of Ellington Position Description 108 as approved or amended by the Board of Selectmen. The Town Administrator shall be supervised by the First Selectman.

(10) SECTION 1109 EXPENDITURES AND ACCOUNTING (work in progress)

(b) No voucher, claim, or charge against the town, except those against the Board of Education, shall be paid until the same has been audited by the Finance Officer and approved by him or her for correctness and validity. Payment of all claims against the Board of Education shall be authorized by the Superintendent of Schools or his or her agent. Payment of all approved claims against all other town accounts shall be authorized by the First Selectman. Said authorization shall be valid when countersigned by the Finance Officer acting as the treasurer provided, in the absence or inability to act of the First Selectman or Finance Officer, **the Town Administrator** shall substitute temporarily for said First Selectman or Finance Officer.

(f) Upon the recommendation and request of the Board of Selectmen (**delete "during the last three (3) months of the fiscal year"**) the Board of Finance may, by resolution, transfer any unencumbered appropriation, balance, or portion thereof from one department, commission, board, or office to another provided, however, that this provision shall not apply to the Board of Education. No transfer shall be made from any appropriation for debt service and other statutory charges.

REASON:

(11) SECTION 1111 PURCHASING (tabled on 7-3-24 for further discussion)

Purchases for the Town of Ellington, except the Board of Education and the Probate Court, shall be made under such rules and regulations as may be established by the Board of Selectmen. For any purchase **that exceeds the limits established in Ellington Ordinance 28-1**, the Finance Officer shall invite sealed bids unless the Board of Selectmen shall decide it to be against the best interest of the town. The Finance Officer shall provide a minimum of ten (10) days public notice to potential bidders by publication at least once in a newspaper having circulation in the town. The Finance Officer shall, with the approval of the requesting board, commission, committee, or department, award the purchase or contract to the lowest responsible bidder thereon or may reject any or all such bids or proposals. All such sealed bids or proposals shall be opened publicly. For any purchase less than **the established limit** or such other amount required by law, the Finance Officer or his or her designee shall negotiate directly with prospective suppliers prior to the Finance Officer awarding the contract.

REASON: To harmonize the Charter with the provisions of Ordinance 28-1 and Town of Ellington Purchasing and Financial Controls Policy as authorized by CGS 7-148v.

(12) SECTION 1205 SALARIES

The Finance Officer shall prepare for the First Selectman **and the Town Administrator** a proposed standard, systematic schedule of pay for each class of positions in the classified service. The First Selectman **or the Town Administrator** shall submit the proposed pay plan to the Board of Selectmen with any changes he or she deems necessary and such proposed plan shall take effect when adopted by resolution of the Board of Selectmen. Amendments to the pay schedule may be adopted by the Board of Selectmen from time to time upon recommendation of the First Selectman **or Town Administrator**. For purposes of Chapter 113 of the General Statutes, as amended, the First Selectman **or Town Administrator** shall have the authority to recognize the exclusive bargaining agent for any unit of town employees and shall act as the bargaining agent for the town.

REASON:

