



CHARTER REVISION COMMISSION

MEETING

Tuesday, May 24, 2005

The meeting for the Charter Revision Commission was called to order by Paul DiMauro at 7:04 P.M. in Room 305 at Shelton City Hall.

The Pledge of Allegiance was recited.

Attending: Paul DiMauro
Michael Davis
Joe Konner
Charles Carroll
Bob Lally
Sue Coyle
Steve Bellis
Irene Smith

Absent: Gary Cahill
Ann Dougherty

There was an error in the agenda for this evening, there will be no public portion.

Paul DiMauro read a letter from Walter Sofian into the minutes:

Dear Mr. DiMauro:

On behalf of the Charter Action Review Effort (CARE), I would like to express my gratitude and appreciation for the fair hearing that your commission accorded our committee. CARE believes that the free exchange of ideas has been beneficial for the City of Shelton.

In response to a request from Mr. Michael Davis, the Ethics and Standards of Conduct from the Charter for the Town of Manchester, Connecticut are attached.

In addition, CARE is including copies of two versions of Substitute House Bill No. 5023 from the Connecticut General Assembly that were raised in the February session (2004) but not enacted into law: “A Act Concerning Municipal Ethics Coeds”, and “An Act Concerning Municipal Ethics Commission and Municipal Ethics Codes”.

Although, the abovementioned House Bills did not make it through the Legislature last year, CARE believes that they provide strong guidelines for the tougher Ethics Codes that are the wave of the future. CARE hopes that this information will be useful to the Charter Revision Commission when dealing with section of the City Charter regarding Ethics and Conflicts of Interest.

*Respectfully,
Walter Sofian*

The Charter Revision Commission met with Corporation Counsel John Welch and Thomas Welch.

Tom Welch: Mr. Chairman if I may, what Alderman Anglace, Alderman Finn and myself have done, we have taken the proposal set forth by the State, took our ordinance and basically took certain portions of that making it applicable to the City of Shelton and sent it out to the Board of Ethics for their review. So drafted what is now a three or four page Ethics Ordinance

Paul DiMauro: Do we have a copy of that?

Tom Welch: You do. I did send it to the Commission and that was back in December.

Michael Davis: Is it an extraction from what you believe the State is considering or is it an extraction from another community?

Tom Welch: It's basically taking our Charter, our ordinance and the procedural guidelines set forth in the State of Connecticut Ethics Code. Basically a compilation of all the three.

Paul DiMauro: The important thing for us would be then, is there anything in the current language in the Charter that would prohibit the Aldermen from producing what you are putting together?

Tom Welch: No

Paul DiMauro: So you have enough leeway in the Charter language right now to be able to institute a much stronger Ethical Ordinance?

Tom Welch: Yes

Paul DiMauro: I think that's what's important because we don't want to tie their hands, we want to them to be able to expand on as much as possible. They will be acting on this soon?

Tom Welch: After the Ethics Commission has an opportunity to review it, because of their schedule of late, they want to take it up earlier and they have not. The intention of Alderman Finn and Alderman Anglace was to pass it on to the various Boards and Commissions for certain comments.

Paul DiMauro: Because with us, we're not going to have the time to go through it, we're not going to specialize in that one area. As long as things are being done and we've got the latitude in the Charter to allow them to do it, the Ethics Commission has more input than we do, they're living through it.

Michael Davis: So we're going to go with the same model that we went with in the last Charter

Paul DiMauro: We'll make reference to it

Michael Davis: But the document can be edited or adjusted throughout its life where the Charter obviously can only be adjusted every ten years, so by making reference to something that is amendable and is adjustable to the climate, we're better off

Inaudible

Due to the fact that the Agenda stated a public portion and it was inadvertently put on the agenda, Mr. Irving Steiner presented a speech to the CRC that has been included in the minutes:

- *Members of the Charter Revision Commission, I speak today as cofounder of WeR1 with regard to term limits on land use officials. Thought the remark of the Chairman was retracted and accepted as personal opinion and not as a Chairman, the fact that the statement was uttered with a firm and preconceived attitude prior to the discussion is a point of concern.*
- *Term limits did not surface as an issue in the community by accident. It did not pop out of a fortune cookie or a Ouejia Board. It came from disturbing symptoms during the last three years by the actions of the Planning and Zoning commission. Decisions approved by them, though heavily opposed by the residents. By decisions by the P & Z that violated even their own regulations. Decisions such as increasing building height to 17 stories which was done without referendum and against existing regulations. A precedent set that we will live to regret. Remarks uttered by a land use commissioner stating that “It is more profitable to deal with the developers than the public”. It comes from P&Z officials failing to recuse themselves when they or members of their families have vested financial interests in the approval of the application in front of them, until exposed through ethics complaints.*
- *Such actions that have cause community frustration id not even have to spur public initiative in the form of a petition to re-create this very commission, had self policing, public discussion and remediation been initiated by this administration but it did not happen. In other words, the system of checks and balances as it exists today is dysfunctional and the festering anger by the community remains or I would not be making this speech.*
- *I would like to take a few moments to read to you and give you the handout of a newspaper article about the town of Madison and how they handled a public initiative by the people. There public initiative was also for changes to the P&Z but for different reasons buy that is not the point. The point that I would like you to notice is the attitude and subsequent positive reaction by this*

first selectman which is much different than what appears to be occurring in our City. That is truly a wonderful example of an elected official serving his constituents and not saying “shut up and eat your vegetables, we know what’s best for you”!

- *No public official or for that fact, anyone in particular is thrilled at the possibility of creating their own pink slip and I don’t blame them but what exists is not working and your recommendations and suggested alterations of the makeup of the P&Z fall short of guaranteeing new blood and a rupturing of personal toes that have developed over the years between developers and Land Use officials. Town Councils of both parties fall short of guaranteeing the injection of new blood also.*
- *In light of what has been stated, WeR1 must insure that term limits of elected land use officials be included as part of the referendum that will be submitted to the BOA and placed before the voters for their final decision. It does not matter whether term limits is kept as a separate item or included as part of the total referendum to be placed before the public, only that the electorate, because of their indicated desires, be allowed to process of this matter at the voting booth.*

Paul DiMauro: Thank you Irving and we will make sure that all the members of this commission get a copy of this. With that let’s take care of Tom’s issues on what he was going to bring to us.

Michael Davis: There are one of two items that we could address, remember the Building Committee one that we didn’t address last time about defining what a building committee is, remember the question what a building committee was with capital expenditure, could you tell us what it is a Building Committee?

Paul DiMauro: But you were talking strictly about vertical building?

Michael Davis: No

Paul DiMauro: Because we never had a building committee for a major sewer project or a major highway project or anything of that nature, so when we’re talking about that type of construction whether it’s a new road or whatever

Michael Davis: *But what happens, we had a technology and it was required to put together a building committee because we were purchasing*

Paul DiMauro: *It was not necessarily a building committee*

Michael Davis: *So the City can elect when it wants to have to have a committee and when it doesn't want a committee?*

Tom Welch: *Structure of a building*

Michael Davis: *So if we allocate a certain amount of dollars, say the City awards the Board of Ed \$2,000,000.00 for a project and it doesn't relate to a building, the Board of Ed can decide whether or not they want to have a committee or not*

Paul DiMauro: *They can have their facilities manager put together a bid, it has to go to Board of A&T for recommendations on who the lowest bidder is. Highways get money for projects, they're in control of the projects but when it comes to buildings, we don't have a standing building committee.*

Joe Konner: *Board of Ed is going to be spending money on a refurbishment of the high school, is there going to be a building committee?*

Tom Welch: *Yes*

Michael Davis: *Why would that*

Paul DiMauro: *All building related construction*

Michael Davis: *But then you would be able to define what is building related specific and not building related specific?*

Inaudible

Tom Welch: *The way the Charter reads currently, "The City shall have a Public Building Committee for each public building project which is bonded or reasonably may exceed One Hundred Thousand Dollars in total cost. Each committee shall supervise the building projects of which it is*

appointed, and shall appoint and remove an architect and such other necessary professional help and such other personnel as may be necessary or convenient to the supervision of the project.”

Michael Davis: So is that a building improvement?

Tom Welch: New building or renovations. Practically what has happened is when it's a building renovation or a building per se

Michael Davis: So if it relates to a structure in any way, how can I understand

Tom Welch: In excess of Five Hundred Thousand

Michael Davis: So if it has a life of 39 years

Paul DiMauro: Doesn't make any difference

Michael Davis: If it's an asset that is a structure

Paul DiMauro: High School. Unless the monies were part of that fund

Inaudible

Paul DiMauro: For the Library, I was the Chairman of the Library Restoration, e had a building committee

Michael Davis: How did you decide to do that?

Paul DiMauro: You have to for that type of work. Charter says you have to have a Building Committee. Anything over \$100,000.00 to be spent on building, now has it become circumvented in some instances when there has been work done ion buildings, probably so.

Tom Welch: We just appointed a building committee to take care of the roof and furnace at Sunnyside, Lafayette and Elizabeth Shelton

Inaudible

Paul DiMauro: I don't think that we ever had any problem with that particular thing. I just thought that \$100,000.00 is low in today's standards.

Inaudible

Paul DiMauro: We did and some people took exception to that

Michael Davis: Yes I did

Paul DiMauro: We went to \$500,000.00 and maybe that's too much

Joe Konner: Mike can I ask you what's the issue coming up?

Michael Davis: Several projects that I'm on have come up and debated whether or not they're required to have a building committee or not. You could point to projects in the City that have had a building committee and they did a good job, other times they didn't do as well a job. I think it can be set up as whether you have the skill set, so could we put something together in the building committee area where it is a building committee or at the Mayor's, say the Mayor wants to allocate a certain amount of money for certain projects but wants a committee to run it, how does the Mayor go about doing that?

Tom Welch: The Board of Aldermen through the legislature

Michael Davis: They have the ability now to do it? So there is an ability to look at each project?

Inaudible

Tom Welch: This is what is mandated.

Paul DiMauro: The Board of Aldermen anytime they authorize funds can say, they can mandate for any activity

Michael Davis: And there's no dollar cap on that?

Tom Welch: I think the discussion is appropriate, because you know with certain projects, this is a project needed to oversee

Michael Davis: And didn't. I'd like to look at the positive instead of the negative

Paul DiMauro: Mike, look at it the other way. We have a sewer authority, they're in charge of their facility. So when something comes up in their area, they are the building committee for that group. And there's nothing wrong with that

Michael Davis: But if the City decided that the skill set wasn't there, the Aldermen could step in and say we want to put an additional committee

Tom Welch: Sure

Inaudible

Paul DiMauro: Make a recommendation for a number.

Michael Davis: \$300,000.00

Paul DiMauro: But we're not there yet. We're going to start at the beginning, but being that Counsel and Counsel are here we thought we'd get all the issues with them so that we could let them go. What do we have outstanding?

Tom Welch: What I have done is taken the comments from Mr. Lally. What I have done is basically indicate that:

4.7.1. Proposal

The Mayor or any member or members of the Board of Aldermen may propose an ordinance in writing to the Board and, not later than the next regular meeting following its submission, the President of the Board shall refer the ordinance without the requirement of a vote to the proper committee of the Board of Aldermen. The Board of Aldermen by a majority vote may waive the requirement that the ordinance be referred to Committee and proceed pursuant to Section 4.7.3.

You had it in writing to the Board, not later than the next regular meeting following submission. You were having the clerk refer to a proper

committee, very difficult for the clerk to make a determination whether it's Public Health & Safety, Street or something like that.

Bob Lally: The ordinance refer to the Clerk, I think that's the standard procedure now anyway, refer it to the clerk and then refer it to the full board

Inaudible

Tom Welch: It is the full board.

Bob Lally: My recommendation was the appropriate committee

Tom Welch: Correct

Bob Lally: It could be Finance, Street or whatever ad-hoc committee

Tom Welch: And that's why I put the President of the Board shall refer the ordinance without the requirement of a vote to the proper committee. It's just the clerk cannot make that determination

Bob Lally: Correct

Tom Welch: And there was an issue that if there was something that was not necessary to go through committee, the Board of Aldermen by a majority vote may waive the requirement that the ordinance be referred to Committee and proceed to the hearing. In order that the ordinance doesn't get lost. The committee has one month to 4.7.2 Report of Committee:

The Committee shall be required to report back to the full Board no later than the next regular meeting of the Board after the referral to the committee defined in Section 4.7.1. In no case can a Committee of the Board withdraw the proposed ordinance from further consideration by the Board. However, the author of the Ordinance may withdraw it at any time prior to Public Hearing.

Bob Lally: That's where I see the whole thing as being impractical. There's no way that you can refer something to a committee and then get

it to the committee and then back to the Board by the next regular meeting of the full Board

Tom Welch: Then I misunderstood, because I thought that's why you didn't want to get it lost

Bob Lally: It won't get lost, I agree about not getting it lost, but it's just not practical to try to get something to the Board, let's say the Street Committee, the Street Committee may not be meeting until three weeks after the regular Board meeting. It is possible that could happen

Paul DiMauro: What's your recommendation?

Bob Lally: 30-60 days. I put 60 days in my recommendation. You could do meetings. As you know Paul, there's been times when

Paul DiMauro: They can call a Special Meeting

Tom Welch: Just say the third meeting after referral

Bob Lally: As long as you widen out the time to have them do their work.

Paul DiMauro: No later than, and again if it's a simple ordinance they don't even have to go through

Bob Lally: That's an add on to this and I disagree

Joe Konner: It can be more than 60 days if it's the third meeting

Sue Coyle: But he's saying no later than

Joe Konner: It could go as far as 90 days

Inaudible

Bob Lally: That's ok, because in some cases they hasn't been a quorum, in other cases there may not be enough on an agenda for a meeting

Paul DiMauro: Third meeting? Why wouldn't it be the second, it's too long.

Bob Lally: *Two meetings is fine I don't care*

Paul DiMauro: *It's the second meeting after the meeting that it's introduced. Two more meetings, you don't count the meeting*

Bob Lally: *You're at 60 days*

Tom Welch: *60 days*

Inaudible

Paul DiMauro: *Say second regular meeting after it's been introduced. Regularly scheduled meeting for that year because they have pre-printed for a year so you can look at it and you'll know when it's going to be. That's fine. Everybody in agreement with that?*

Yes

Tom Welch: *The second issue that we had talked about was the issue to that Assistant Counsel. We reviewed it, our recommendation based upon that review, this is 6.2.1, the issue really can't come up. 6.2.2 talks about that the office of the Corporation Counsel is the attorney for all boards, commissions, agencies of the City. So if there was a dispute or conflict between the Mayor, the Board of Aldermen or any board of commission, the office of Corporation Counsel couldn't represent anybody, so your issue becomes mute at that point and 6.2.3 which says that the Board of Aldermen may retain other Counsel as deemed necessary would control. Also you currently have an ordinance when there is a conflict between the office of the Corporation Counsel or the Assistant Counsel as it is currently set forth, that the Board of aldermen has the right to retain someone in that field or if there is a specialized need for a certain type of counsel at a rate that is being comparable to the Corporation Counsel. The rate for Corporation Counsel is at a rate lower than what's out in the market place. So the goal is to try and get it at that rate. So I understand what the comments that were made but it's similar enough not to belittle it, but if you didn't like what your Engineer was saying on a certain matter, hire a second Engineer because you didn't like what the first Engineer said, so the issue about there being a disagreement of opinion or looking for separate opinion, if that came about, the Corporation Counsel would*

not be involved in any stretch, then the Board has a right to go get other Counsel if their looking for second opinions.

Bob Lally: I think that your analogy between the Engineer and Counsel doesn't quite mix because one is an opinion and the other in most cases of Engineering is fact be that as it may

Inaudible

Bob Lally: Where I'm willing to back off is that if Assistant Corporation Counsel, which has not been in my understanding having sat on the Board for four years, the Assistant Corporation Counsel has never been looked at as an alternative to the Board of Aldermen more or less as an alternative to the Corporation Counsel to assist in other areas when they are overloaded. That's my opinion, however, I did miss when I wrote that recommendation, I did miss the fact that the appointment was made by the Board of Aldermen, so I can see where the Board of Aldermen could, if necessary use Assistant Corporation Counsel if necessary.

Inaudible

Tom Welch: for what you are attempting to do is, you've got a department that's really what you have. Most towns have Merit System type attorneys, look at Bridgeport, they have Corporation Counsel appointed by the Mayor and then they have a staff, a series of 6 or 7 staff attorneys. The next issue that we had was having the Library Board, that you had asked us, and I said that I'd check on the enabling legislation, in 11-21 of the Connecticut General Statute talks about "the Board may make by-laws for its government and shall have exclusive right to expend all money appropriated by the municipality for any such", so they make the determination on how they spend the money, but it's the money appropriated by the municipality.

Bob Lally: Correct, that's the practice of what it is now. Their objection is by the approval of the Mayor which is in the Charter, which is also in the section concerning the Planning and Zoning. My contention is that you have two elected boards that need to operate independently of the rest of the government.

Steve Bellis: Are we talking about hiring?

Bob Lally: *Hiring, firing and day-to-day administration.*

Inaudible

Paul DiMauro: *Let's be clear when we say day-to-day administration. They're not telling them how to handle zoning matters, what they're saying is who's here*

Bob Lally: *You interrupted me before I could finish. My problem with this whole matter is that I had a difficult time trying to separate out and you helped us with this last time, separate out policy as opposed to administration. I understand and concede that you need someone to administer the day-to-day administrative functions of the board, i.e. Health and Welfare, salaries and that sort of thing. What I'm struggling with is trying to keep the policy making and the policy carrying out from being autonomous with the P&Z commission and the Library Board because they've been elected to do a job. And that's what I'm trying to get at. The Mayor was elected to do his job, the Board of Aldermen are elected to do their job and P&Z was elected to do their job independent of each other as I see it. That's what I'm trying to get in the Charter somehow. That those items are separated out and if it means there is a matter of policy, then that's the way to go with it.*

Paul DiMauro: *I understand what you're trying to accomplish I just don't know how to put it. They have complete over the Library. They're setting up all the rules.*

Steve Bellis: *Paul we're talking about 5.1.3 where it says we have subject to the approval of the Mayor. That's all we're talking about right?*

Paul DiMauro: *Removing those words we had added.*

Bob Lally: *I think that they are in the current Charter.*

Paul DiMauro: *No they're not. We had added them as a suggested change. It's only hiring and firing*

Bob Lally: *It isn't but it is, then you don't need in there by the approval of the Mayor. That's my point with this whole thing*

Steve Bellis: We're only talking about hiring and firing

Paul DiMauro: You don't put the City in a situation where the you have a problem or someone's fired without just cause because a librarian is not necessarily a human resource expert from understanding the laws for that nature, and they're not expected to, and for them to take an action against an employee without the Mayor's office, meaning City Hall, human resources being aware of it and having input on it, you're putting the City in a very awkward situation. And you can't have a part time P&Z chairman having disciplinary rights over employees. I mean if he doesn't have policy, but you can't have him on a part time basis.

Inaudible

Joe Konner: Isn't draft 10, strike subject to the approval

Paul DiMauro: I'm not agreeing to strike it at this point.

Michael Davis: Paul I'm not sure I agree with the idea of P&Z. There are people on P&Z that are making decisions on millions and millions of dollars and I would think that they would also be able to, if they didn't have the skills that they would be able to get the skills in order to help themselves manage someone that they're having problems with. So maybe they aren't an HR expert, or have that skill set. I think they have the wisdom and a common sense to engage in ask what they need. So I don't think the idea that saying they don't have the HR skills set or they're not HR knowledgeable, they shouldn't have the right to make decisions over certain individuals in the City. Who is our HR person in the City?

Paul DiMauro: It's not the whole issue

Michael Davis: You brought it up so I'm

Paul DiMauro: But it's not the whole issue.

Steve Bellis: Why don't we deal with the legal issue, we can argue about these things later.

Tom Welch: I know my father has some insight about minority representation. We had just looked briefly over some issues that were

proposed. I don't know whether or not these were, comments made that became part of the red lined version. That's what we reviewed.

John Welch: The thing that pops up is 2.4.1. (c), Board of A&T, consisting of 6 members to serve for a term of two years, etc. looking at the Statute, if that is taken out then you have to have minority representation on the Board of A&T by statute.

Tom Welch: And if it's a six-member board, then you have four from one party

Inaudible

John Welch: I don't know whether it was intended, what was intended by that language, just reading it, it struck me as, automatically effects the changes you become subject to minority representation

Paul DiMauro: But you won't be the other way?

John Welch: The other way, you've taken care of minority representation.

Tom Welch: Board of Education required minority representation that's why it's always 5-4, if you leave a six member board and you take out the language you have, understand you'll still have minority representation, it could go from 3-3 what you currently have, to 4-2 because it mandates minority representation by eliminating it, it falls back to

Bob Lally: Does that hold true for the other boards like that, let's say P&Z

John Welch: Some of the others board are set by specific statutes, but this one with the way the language was written it popped up. I'm just calling it to your attention because I don't know what you intended.

Paul DiMauro: I don't think there was any intention. I think it was just cleaning up language from the old Charter where you didn't need to re-elect people and that got inadvertently left out. So what we're saying is leave (c) as it was? We had no reason to do it.

John Welch: My only point is that if you leave it the way it is, the minority representation statute puts in effect and you would have to have a 4-2 result.

Paul DiMauro: I don't have any problem if everyone is in agreement to leaving the original language back in and leave it alone.

Inaudible

Paul DiMauro: Do we have the right to establish the amount of votes required for the P&Z to act on a particular issue?

John Welch: No

Paul DiMauro: We can't establish 5 or 4

Steve Bellis: I have the Statute here

Paul DiMauro: Is it strictly always majority vote? Because what I couldn't understand

Tom Welch: No, it's 2/3 vote when you have a petition

Paul DiMauro: When you have a zone change it's 2/3 vote, if there's a petition.

Inaudible

Paul DiMauro: And they have six members.

Steve Bellis: It says not less than five, no more than nine.

Inaudible

Paul DiMauro: What does it take for a minimum to act on this current configuration? What becomes a quorum and what least amount of people could they vote on an issue? They want to pass something and there's only 4 people there. 4 members are there

Charles Carroll: Out of 6?

Paul DiMauro: Out of 6. What does it take to pass a zone change?

John Welch: I'd have to look at the Statutes, I think it's just a majority present, but the ZBA for example is different. That Statute specifically requires 4 votes.

Inaudible

Paul DiMauro: There's 6 members, only 4 are there, they constitute a quorum, out of the 4 what happens if it goes 2-2, does someone get a tie break?

No

Charles Carroll: It takes 3 to pass

John Welch: If you don't like that you get a larger board

Paul DiMauro: That's what I'm thinking. That's where I was leaning.

Inaudible

Paul DiMauro: The real problem is getting people to serve better, or the right people to serve.

John Welch: Most jobs are extremely difficult and you serve week after week, month after month, year after year, listening to those applications

Inaudible

Bob Lally: While you two are here, I have two questions about P&Z and the minority representation. With the presence of a third party as the Statute reads not more than, creates the majority, the minority is not of concern here in that case, would it be?

Tom Welch: You could have 4-2-1 from that political party

Bob Lally: Ok, and that still meets the standard in the Charter?

Tom Welch: It's always written no more than 4

Bob Lally: *The other question I had about that is, and this question has come up at this table, as to the reason for an alternate and when an alternate should be used.*

Steve Bellis: *Here's a statute on that too*

Tom Welch: *On alternates, I wrote a memo that I can share with you to the P&Z Commission about 7 months ago just on alternate members, when they can vote, when they can participate because it clearly states that the alternate should not be participating in the deliberating process.*

Paul DiMauro: *They serve a good purpose.*

John Welch: *For years we didn't have alternates in Shelton and until we got them there were a lot of times, just because of the realities of life we didn't have a quorum, we've got people lined up in the hallways and you have all kinds of projects sitting there for 2 or 3 months and we couldn't get a quorum, and not because people didn't care, but for one reason or another.*

Paul DiMauro: *Maybe you could clarify one of the things Mike and I were talking about earlier, for instance on the Board of Education, where you have minority representation, each Town Committee puts up 5 members each, and you go on correct? If a party only nominates 5 individuals and another Democrat or Republican sign up for that slot*

John Welch: *I think the answer is somebody did. Because I couldn't think of his name. So this person put in a petition and he was there.*

Paul DiMauro: *You don't have to be in that party do you? You have to be registered in that particular party? Unaffiliated could do that, to follow that procedure.*

John Welch: *Yes, I believe so.*

Paul DiMauro: *So we need individuals out there to say to the Town Committee hey if you're not going to fill it, we're going to fill it. Because there's no incentive for the Town Committee to run 9 to get 5 seats, there really is no incentive, that's the problem. And that's why minority representation puts in back on the Town Committee, or 10 rather than run.*

John Welch: Minority representation is nothing that this commission or the City can do anything about.

Paul DiMauro: I understand that, but there are some things that we can do to let the public know that when the Town Committee doesn't fill the slot, get out there and fill them. If you're going to complain about P&Z, you're going to complain about the Board of Ed, here's your avenue.

Michael Davis: What's the maximum, say when there is 9 elected officials for the Board of Ed and say the Democratic party puts up 5 and the Republican party puts up 5, could 5 more or 4 more go to each of those parties and say hey I want to get on it to get to 10 or 9?

Tom Welch: I don't know if they would have to petition. I can look it up.

Paul DiMauro: But there is away for them to get on them because the nominations come first, the Town Committee have already closed their nominations

Inaudible

John Welch: The party has no control over where the names appear on the ballots, and what happens sometimes is you have someone that is a real good worker and someone who is really interested, from one party or another and a name gets thrown in only because they've wanted to fill the spot and the name gets against the good worker, the one everybody wants and then because of issue or another bingo, the last person who you ever thought would get elected

Inaudible

Michael Davis: We're just considering a different population and want to know whether the way we've been running it up to this point is the only way to run it

John Welch: I think a lot of that gets into the organization of the party which is another issue

Inaudible

Paul DiMauro: but in the instance of which Tom was relating to where there was zone change or something has a petition against it,

Inaudible

Tom Welch: Without us going to different avenues we're not going to be able to give you the answer tonight.

Paul DiMauro: Where I was heading was that I wanted to be able to increase from the three votes to pass something like a zoning change or a major change, to a greater number. And if we can't do it by saying 5 and we could do it by going to 7 members and saying it would take 2/3 which it would be 5 to vote on those types, not on regular voting on regular approvals but for zone changes for the matters that would require 2/3 vote

Inaudible

Charles Carroll: You have to say something to the effect of members of the Board, not the members present

Inaudible

Paul DiMauro: In one instance, what are they required to have 2/3 votes and in what instances are what else?

Charles Carroll: To the effect of the members of the board

Paul DiMauro: Can we put that language in? Rather than simple majority.

Tom Welch: You have certain Statutes and different commissions that do have that kind of language that says that like in the Board of Aldermen, you need five members of the Board to pass anything.

Charles Carroll: And I just went through this with the budget and to pass a budget or change a veto, they needed 2/3 of the vote, not 2/3 of the votes present, 2/3 of the members of the full board, so they needed 14 votes.

Inaudible

Tom Welch: That's how you prevent someone with a nine-person commission, having 5 people present and having a 3-2 vote pass something

Charles Carroll: Exactly

Michael Davis: When I brought this up I was talking about 9 and would you explore what 9 does versus your option of 7 and two alternates, because I believe it should be 9 with no alternates and if you put this verbiage in where you need 5, you're achieving the same

Paul DiMauro: Then you weren't listening to what John was saying, because if you do that you're going to back up the City as they did in the past, because they couldn't get a quorum because a certain amount of people were out or whatever and they're going to have problems.

Inaudible

Michael Davis: My question again is would you explore what it is for 9 as well as Paul's 7 and 2?

Steve Bellis: Explore what, what are we exploring?

Michael Davis: How many people you need to pass, is it 5, is it 6

Steve Bellis: Majority

Michael Davis: Is it 2/3? What is it?

Steve Bellis: Majority

Michael Davis: Of who shows up?

Paul DiMauro: Can we put language in

Inaudible

Steve Bellis: Of whoever is there

Paul DiMauro: That's what the Charter says now, what we're asking is if that's the way it is now can we insert language that says it has to be a

majority of the total membership of the full board. So if it's 7 it would take 4 for any action. But then I was going forward on the issues where they said it requires 2/3 vote

Inaudible

Steve Bellis: But the thing that we're missing, we're ignoring what our Town Committees are telling us is that it's harder and difficult and he made it loud and clear to me, when I went to the Republican Town Committee that they don't want to increase the board because they can't get good, qualified people to run, so why are we

Inaudible

Steve Bellis: We're totally ignoring what our Town Committees are telling us about how difficult it is to get good people to run

Paul DiMauro: I'm talking 1 person more. I'm talking from 8 to 9. 6 to 7 plus 2 alternates. So I'm talking 1 more individual. I hardly believe we're going to have a problem fulfilling 1 more spot.

Michael Davis: And I disagree, I don't think there is difficulty in finding good competent people to populate these boards

Inaudible

Steve Bellis: I'm not expressing my personal opinion, I'm telling you what the Town Committee said.

Michael Davis: I tell you, I'm on 4 different committees and 2 of them brand new committees that started in 2004, I didn't hear P&Z specifically saying it's difficult. I didn't hear him say that when he came. Is that what he said?

Sue Coyle: I heard that

Michael Davis: That he's having trouble finding good people?

Sue Coyle: Two things: that there's trouble finding good people and second that if you raise it to 9 they'd never have a quorum, that was a major issue

Inaudible

Michael Davis: That's the Republican party saying that right?

Steve Bellis: Republican Town Committee, yes

Michael Davis: We don't know what the Democrats think or the

Inaudible

Bob Lally: In a volunteer situation it's always going to be difficult to get volunteers to work, however, if you open up the process which I think we need to do and by having a third party involved, it kind of opens up the process whether the two established parties agree with that or not, and it's a catalyst to get more people involved and I think from that point of view, 9 has got some merit to it.

Paul DiMauro: Whatever the number is, and I am in favor of increasing it, I still think 7 is the number, but if they don't fill it, someone will fill it.

Bob Lally: The same issue came up about staggered terms, where do you get the talent to fill up, if someone is on a board is very talented and has done a great job and then all of a sudden he gets off, how do you fill that slot? Who do you fill that slot with? There's a problem.

Steve Bellis: The other thing Paul is now you're taking making the minority representation even more when you go to 7 because it's going to be 4 and 3. So now you're elevating a Democrat, another Democrat, to say in our circumstance that wouldn't have gotten elected. If you have a town where we have 4 we would have theoretically had all Republicans, theoretically, there would be no Democrats but the Statute requires them because of minority representation, so we're taking people that have gotten more votes, knocking them off and bringing in minority representation of people that the town didn't vote for. Now you're going to even expand upon that. So I think 7 stinks.

Inaudible

Tom Welch: What we'll do is to get to you what those numbers

Inaudible

Bob Lally: If we have alternates on the P&Z Commission to be able to hold a meeting, should that not be the same case for the Inland Wetland Commission?

Steve Bellis: Be careful, because each commission has certain Statutes

Inaudible

Bob Lally: Should they have alternates?

John Welch: I don't know I said we'd have to search the Statutes. I just don't know if there is a provision in the Statutes for alternates in the Wetlands Commission. Maybe there is, I don't know.

Inaudible

Bob Lally: The premise you need it for the P&Z the same premise you need it for

Inaudible

Joe Konner: The only two boards in town we have alternates right now are on the P&Z and ZBA.

Steve Bellis: And ZBA Statute allows for that.

Inaudible

Joe Konner: And I think the Statute for the Inland/Wetlands is you may appoint alternates.

Sue Coyle: It says here that for Inland/Wetlands there may be such alternate members. On 5.2.6, the second paragraph.

Inaudible

Michael Davis: So how could you say it would be difficult for someone to run for P&Z when you have alternates? You don't think that alternate would gladly take an alternate position?

John Welch: That depends on the individual, there are people that are willing to come but not every time. For years there was resistance, changing the Charter, doing anything about alternates in P&Z until it got busy. And then all of a sudden there was a very practical problem, except that people got tired and people for one reason or another were tired, and they were running 3 meetings a month or 4 meetings a month, they were very busy. After a while, it was put in for the alternates for no more reason than to see things were getting done. Because if you can't function then why be there. No matter how anybody feels about a board, they still should meet and be able to function.

Michael Davis: I think that if you're going to be there why not participate instead of being an alternate.

John Welch: But there are people who are willing to be an alternate, because they only have to be there occasionally. They don't have to assume the responsibility. I've been at meetings where you sit there and someone's on the telephone. You've got 50 people there in a room for a public hearing and you're trying to get someone out of town, get someone out of bed, whatever the case might be.

Paul DiMauro: Thank you very much gentlemen.

The meeting with Counsel John Welch and Counsel Tom Welch concluded at 8:06 pm.

On a motion made by Charles Carroll to approve the minutes of May 10, 2005, second by Sue Coyle, it was unanimously passed.

Bob Lally made a motion to strike the public portion of the agenda, Steve Bellis second the motion. The motion passed unanimously.

The Commission then reviewed the Charter. First change was to **Section 2.4.1. Officials (c) to take out the strike through, it shall read: A Board**

of Apportionment and Taxation consisting of six (6) members to serve for a term of two (2) years to be elected from four (4) persons nominated by each political party and such affiliated persons as may be properly on the ballot.

Chapter 5 changes:

Bob Lally made a motion to remove the language subject to the approval of the Mayor from section 5.1.3. Library Board. Sue Coyle second the motion, the motion passes unanimously.

Section 5.1.4. Planning and Zoning Commission – (a) open item, Corporation Counsel to do evaluation of numbers, agreement to increase, need to review the vote process.

(b) open item – changing of membership

Section 5.2.1. Parks and recreation Commission – open item regarding gifts.

5.2.5. Inland/Wetlands Commission – open item, language to be inserted as in P&Z

Sue Coyle made a motion to increase the dollar value from \$100,000.00 to \$300,000.00 in Section 5.3.2. Public Building Committee. Michael Davis second the motion, the motion passed unanimously.

Joe Konner made a motion to include language in 5.3.4. Water Pollution Control Authority “Supervisory and administrative personnel shall report to the Administrative Assistant on a day-to-day basis to carry out functions of the Water Pollution Control Authority. Charles Carroll second the motion, the motion passed unanimously.

Section 5.5 General Provisions – (k) open item, need language written regarding re-appointments.

Chapter 6 changes:

Michael Davis made a motion to remove 6.2.5. Legal Counsel Alternative recommended by Bob Lally. Bob Lally second the motion, the motion passed unanimously.

Section 6.8.2. Powers and Duties, language that was inserted “and shall report to the Administrative Assistant” to be removed.

There will be a special meeting scheduled for June 7th as a work-session. This is due that time is running out and the CRC needs to finalize all changes before being presented to the Board of Aldermen.

ADJOURNMENT

Joe Konner motioned to adjourn. Michael Davis second the motion. The motion passed unanimously.

Paul DiMauro adjourned the meeting of the Charter Revision Commission at 9:38 pm.

Respectfully submitted,
Sophia V. Belade
Sophia V. Belade
Clerk-Charter Revision Commission

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