

**TOWN OF HADDAM
 CHARTER REVISION COMMITTEE
 REGULAR MEETING
 ANNEX BUILDING
 11 JAIL HILL ROAD, HADDAM, CT 06438
 MONDAY, 19 SEPTEMBER 2016
 UNAPPROVED MINUTES
*Subject to Approval by the Commission***

ATTENDANCE

A	Michael Battistoni, Assistant Secretary
X	Thomas Berchulski
X	William Bowles
X	Audrey Brookes, Secretary
A	John Fernandes, Vice Chairman
X	Harlan Fredericksen
X	Amy Jacques-Purdy
X	Wayne Ruty, Chairman
X	Lizz Milardo, First Selectman
X	Bunny Hall Batzner, Recording Clerk

1. Call to Order

Mr. Ruty, chairman, called the meeting to order at 6:58 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Review Minutes – 15 August 2016 Meeting

Correction to the 15 August 2016 minutes: page 3, Appointed Positions v. Elected Positions, 4th paragraph, third line – change “coordinate” to “coordinator”.

MOTION: Bill Bowles moved to approve the 15 August 2016 minutes as amended. Audrey Brookes second. Motion carried with Mr. Fredericksen and Mrs. Jacques-Purdy abstaining.

4. General Discussion

Section 4-4 Vacancies in Elective Offices – Mr. Bowles distributed and reviewed a draft of language pertaining to this section. Mr. Bowles stated the draft is an attempt to address the issue of an unaffiliated person filling an affiliated position that has been vacated. Mr. Bowles stated the proposed language is intended to only apply if the vacancy occurred to a person who’s unaffiliated. In **Section 4.4 (a)**, the proposed language added is as follows - “Should the vacancy arise from the person not affiliated with the Republican or Democratic party, each such party shall recommend a person to fill such vacant position. In addition, the Board of Selectmen shall solicit interested parties who are unaffiliated electors to register their interest in filling the vacated position. The Board of Selectmen shall then consider those persons either recommended or who have expressed interest as an unaffiliated elector and fill the position by majority vote.”

In regard to handling the term that has been vacated, Mr. Bowles proposed wording that would allow any and all vacancies filled under this section to be for the completion of the term of the position being filled. Mr. Bowles stated there was an issue as to whether or not the person should fill the position until the next election cycle or whether the person steps into the term that was vacated.

Under **Section 4.4 (f)**, Mr. Bowles added the sentence, "If the vacancy relates to an unaffiliated person, the procedure set forth in Section 4.4 (a) shall be followed." Mr. Bowles stated he believes the draft addresses what he was asked to address at the August meeting.

Mr. Fredericksen stated **Section 4.4 (a)**, as worded now, there is restriction to other parties such as the Green Party. Mr. Bowles stated that's not the intent, but rather what would happen if a non-Republican or non-Democrat were available to fill a vacancy. Mr. Fredericksen stated it should be reworded by making it clear it's referring to the two major parties.

Mr. Fredericksen stated if an alternate is elected by the public, than there shouldn't be an issue of the elected alternate filling the duration of the vacated position. Mr. Fredericksen also stated he doesn't feel comfortable having an appointed alternate fill the elected alternate's position for the duration of their vacated term; he would rather have them fill the position until the next election.

Mrs. Jacques-Purdy stated this would also go with the Board of Education (BOE). Mr. Bowles stated the BOE doesn't apply to the Charter.

Discussion followed at length in regard to an alternate filling the balance of a term and what brought this matter to light. After the discussion, Mr. Bowles stated he did not address the entire issue. Mr. Fredericksen stated **Section 4.4 (f)** needs to be tweaked. Mrs. Milardo suggested using the word "alternate" in **Section 4.4 (a)** so there's a step of what to do for an alternate and a step of what to do for a full position. Mr. Bowles stated perhaps there needs to be a new **Section 4.4 (b)** and everything else moves down one. The Committee agreed the wording is close, but it just needs some tweaking.

Mr. Ruty stated this matter will be tabled until October to allow Mr. Bowles to redraft the language.

Mr. Bowles asked how everyone feels about the (draft) **new red Section 4.4 (b)** noting this would address the following commissions: Board of Finance (BOF), Planning and Zoning (P&Z), and Zoning Board of Appeals (ZBA). Mr. Fredericksen asked why the wording "first Monday" when a person could start immediately. Discussion followed in regard to being sworn in, notifying the town clerk, and an individual beginning to attend meetings. Item tabled to allow the Committee time to ponder the wording.

Upon reviewing **Section 4-2 Eligibility for Election to Town Offices**, it came to the attention of the Committee there is nothing within the Charter requiring someone who is appointed to replace a vacancy be sworn in. This matter needs to be addressed.

Joe Centofanti, Chairman, Haddam BOF, was present to address areas within the Charter pertaining to the BOF.

Mr. Fredericksen introduced Mr. Centofanti to the Committee and explained Mr. Centofanti's qualifications and stated he has been a great resource for the BOF.

Mr. Centofanti stated in general the trend, from a Charter perspective, is to get policy type items out of the Charter and have them dealt with through ordinance or something else. An example Mr. Centofanti gave was bidding noting that most bidding is managed through policy. Mr. Centofanti stated he will have comments on more than the BOF section. Mr. Centofanti also stated where numbers are involved it's common to base it upon a percentage of a base. In reading the Charter, if the Committee finds things that aren't done, then it should be removed.

Mr. Bowles, as a point of order, suggested Mr. Centofanti's comments be restricted to the Finance and Taxation Section; otherwise, if allowed to give general comments on the Charter, itself, it's more like a

public hearing scenario where other people ought to have the opportunity to do the same thing. Mr. Centofanti stated his expertise is government and not just BOF. Discussion moved forward.

Mr. Centofanti talked about budget transfers and suggested the Committee consider a percentage of the budget so the number moves as the budget moves. **Section 9.4 (c) 3** was reviewed with Mr. Centofanti suggesting the \$20,000 be revised to a half-percent of the operating budget (\$38,900). Mr. Fredericksen asked if “per State Statute” should be referenced. Mr. Centofanti stated some towns do that and others have a base percentage.

Mr. Bowles asked if presently **Section 9.4 (c) 3** is the law or it’s the Statute if for some reason it’s not addressed within the Charter. Mr. Centofanti stated yes, if the Town didn’t have a Charter; however, because Haddam does have a Charter, the dollar amount can be changed. A percentage stays with the flow of the budget, inflation, etc., and it makes the document more progressive. Mr. Centofanti stated this is a critical control.

Mr. Centofanti talked about adopting budgets on a departmental basis while some Charters give the finance director some authority to make line item transfers. Mr. Bowles asked if that is addressed in the current Charter. Mr. Centofanti stated no and doesn’t believe it’s addressed at all. Mrs. Jacques-Purdy asked Mr. Centofanti if he’s thinking there should be inter-departmental transfers if necessary. Mr. Centofanti stated it adds a layer of control in some areas. Mr. Ruty stated the finance director should be picking that up and bringing it to the first selectman if there’s something going astray through the year. Mr. Bowles asked if they were now talking about **Section 9-4 (c) 2**. Mr. Centofanti stated the language is confusing the fact that the budget has been approved at the department level and not at a line item level and the language needs to be clarified. Mr. Centofanti also stated there should be clarification for municipal appropriations or transfers that can be moved to a new line that wasn’t in the original budget. Mr. Bowles asked within the same department or from one department or another. Mr. Centofanti stated either way, but the issue should be clarified. Mr. Ruty stated this can be done through a town meeting. Discussion followed in regard to being able to create a line item and the need for the language to be clearer as to what the intent is. Mr. Bowles asked Mr. Centofanti to explain if and how it relates to **Section 9-4 (c) 1**, language which the Committee has already voted to change. Mr. Centofanti stated it’s a different issue. Mr. Fredericksen stated the BOF already let’s funds be transferred between lines within a department, but the proposal would allow the creation of a new line and funds to be moved to a new line as long as it’s within the department. Mr. Centofanti stated whether it’s within the department or not. Discussion followed at length with it being noted that clarification is needed in **Section 9-4 (c) 1 and 2**.

Discussion followed in regard to **Section 9-7(d) Reserve Fund for Capital and Nonrecurring Expenditures**, with Mr. Centofanti stating it shouldn’t read “succeeding the effective date of such appropriation”, but rather “succeeding the effective date of the first expenditure”. Mr. Centofanti stated the funding has to be spent within three years of the first expenditure; otherwise, the funding will be reappropriated.

Mr. Centofanti stated the Charter doesn’t really address the BOF approving the bonding in addition to the project. Mr. Centofanti stated usually the termination of the finance director or related finance positions have to be approved by the BOF. Mr. Bowles asked if the BOF also needs to approve the hiring of a finance director; and if not, why not. Mr. Centofanti stated he doesn’t see the BOF doing the hiring. Mr. Bowles asked if the Committee had received the job descriptions. Mrs. Milardo will email the job descriptions to the Committee. Mr. Centofanti recommended the creation a finance structure section with rules and responsibilities outlined. Mr. Bowles stated the job descriptions would be helpful in creating this new section. Mr. Centofanti stated the Charter should cover more of the roll of the position not the job description. Mr. Bowles asked Mr. Centofanti if he was suggesting the finance director have a fixed term or be employed at will. Mr. Centofanti stated it varies.

Mr. Centofanti voiced his concern over there being an even number of BOF members (the potential of a tie vote) noting there are a number of towns who have an uneven number of BOF members. Mrs. Jacques-Purdy asked does it matter if there are an even or uneven number of members. Mr. Bowles asked what would be the danger in creating another position. Discussion followed with **Section 4-12**

Election of Board of Finance being reviewed. The Committee agreed to a seventh member and discussion followed in regard to when that member should be elected (2019 regular town election).

MOTION: Bill Bowles moved to approve that Section 4-12 Election of Board of Finance be modified to expand the Board of Finance to seven members with three alternates remaining and the seventh member will be elected for a six year term beginning with the 2019 regular town election. Harlan Fredericksen second. Motion carried unanimously.

Section 4-15 Election of Board of Assessment Appeals – Mr. Fredericksen stated the second sentence of this section needs to be deleted.

Section 4-11 Election of the Town Clerk – Discussion followed in regard to cleaning up the wording in the section.

Section 4-17 Election of Judge of Probate – Mr. Fredericksen suggested this section be deleted.

MOTION: Bill Bowles moved that Section 4-17 Election of Judge of Probate be deleted. Harlan Fredericksen second. Motion carried unanimously.

Section 4-16 Election of District 17 Regional Board of Education - Mrs. Jacques-Purdy asked if there should be a term length for the Town of Haddam for the Regional BOE noting Haddam has only four year terms while Killingworth has four and two. After review of the section, Mr. Bowles stated perhaps Killingworth has an ordinance to address the length of term.

Section 9-1 (e) Board of Finance: Organization and Procedures - Mr. Centofanti stated he doesn't see the need for second sentence in this subsection. Mr. Bowles suggested deleting it. Mr. Centofanti clarified that the BOF has their own budget, but they do not have a line using the one percent. Mr. Ruddy stated the intent of the one percent was to allow the BOF to acquire an auditor. Discussion followed with Mr. Centofanti confirming that he's recommending the deletion of the following wording: "It shall also contain an amount not to exceed 1% of the current budget for general government. This latter sum shall be available solely for such sources of expert advice on financial matters as the Board shall determine. The Board of Finance shall report, in its budget proposal to the Town, the manner in which this sum was expended in the prior year." Further discussion on this item tabled.

Section 9-1 (d) – In regard to the wording concerning what constitutes a quorum, Mr. Bowles suggesting increasing the number to five if the BOF will be increase to seven. Mr. Centofanti suggested changing the last sentence to read: "At least four of these members must be regular members and one alternate member of the Board."

MOTION: Bill Bowles moved to approve Section 9-1 (d) that the quorum limitation be five instead of four; and of those five, four of those individuals must be regular members of the Board. This would take effect commencing with the 2019 regular election. Audrey Brookes second. Motion carried unanimously.

Section 9-2 (c) General Powers and Duties of the Board of Finance – In regard to long range capital planning, Mr. Centofanti stated the BOF is not involved in the planning merely the financing and perhaps the wording should be clarified. Discussion followed as to whether the BOF should be more involved. Mrs. Milardo stated the Long Range Capital Planning Committee (LRCPC) is not aware of the day to day operations or how things are budgeted and feels there should be more interaction with the Board of Selectmen (BOS) and the BOF. Mrs. Jacques-Purdy asked if there should be a BOS and BOF representative (ex-officio) on the LRCPC. Mrs. Milardo stated she felt there should be. Mr. Bowles asked where in the Charter there's an appointed LRCPC. Mrs. Milardo stated she doesn't believe there's one. Mr. Fredericksen suggested adding the LRCPC. Mr. Centofanti suggested the long range capital plan should be completed prior to establishing the budget (plan done by 1 December). Discussion followed at length.

Under **Section 5 Appointive Boards and Committees** there needs to be new language added for the LRCPC to be seven members – five regular members and a member from the BOF and BOS. This will

become the new **Section 5-6** and the existing **Sections 5-6 through 5-10** will be moved up one. Mr. Centofanti asked if the LRCPC should be a subcommittee of the BOF as the BOF is responsible. Mr. Ruty stated it could be written that way. Discussion followed as to which section the new language should go - expand **Section 9-2 (c)** or **Section 5-6**; who appoints the members of the LRCPC (BOS appoints); length of term (five years allows for new members to come on board while allowing for consistency with the other members)

Tentative draft language – “A total of seven people – five at large members that are appointed by the BOS and one member of the BOF and one member of the BOS.”

Mr. Fredericksen pointed out that under **Section 5-7 (a)** the term of office shall be four years or less. Mr. Bowles stated it's not true, noting **Section 5-4**. Mr. Bowles suggested placing a period after the word “vacancies” and deleting the remainder of the sentence.

MOTION: Bill Bowles moved to place a period instead of a comma after the word “vacancies” and delete the balance of the sentence in Section 5-7 (a). Harlan Fredericksen second. Motion carried unanimously.

In regard to **Section 9-2 (d)**, Mr. Centofanti stated it's unclear what this section means as the Regional School District budget is a separate legal entity and the BOF has not and does not monitor their budget. Mr. Bowles stated as vague as the language is, is it justification for the BOF to meet with the BOE at budget time to discuss issues related to the budget or does the BOF not want to do that. Mr. Fredericksen stated the BOF is o.k. in doing that and THEY need to talk back and forth. Discussion followed at length with the Committee contemplating moving this section into **Section 9-3 Powers and Duties of the Board of Finance in Connection with Preparation of the Budget for the Coming Fiscal Year and Levying of Taxes**.

Mr. Centofanti recommended the deletion of the wording “Wednesday in March” in **Section 9-3 (b)** and substituting it with “week of February”. This substitution should follow throughout. Mr. Centofanti also recommended the removal of **Section 9-3 (c)**. Discussion followed with it being suggested the wording “the first Wednesday” be changed to “first week” and under **Section 9-3 (b)**, last sentence, it was suggested “his” be deleted. As **Section 7-3 Duties Relating to the Budget** is referenced in **9-3 (b)**, the Committee reviewed it. After review, in order to be consistent, it was recommended to include the wording “the first full week of February” in the second paragraph. Second paragraph should read – “Said preliminary budget shall be turned over to the Board of Finance no later than the first full week of February.” Also recommended to delete the third paragraph in its entirety.

Mr. Bowles asked the Committee to look at **Section 9-3 (a)**, second sentence. Mr. Centofanti stated he thinks the concept is a good thing to do, but the BOF is not currently doing that. Mr. Centofanti also stated a joint meeting would make sense and this section should be worded differently. Mr. Bowles recommended changing the word “his” to “the”. Discussion followed in regard to the holding of a joint meeting prior to the budget process. The second sentence of this section needs to be rewritten for clarity.

Under **Section 9-3 (e)**, change “the third Wednesday” to the “third full week”. Mr. Bowles asked if there is somewhere within the Charter that mandates the BOF meet on a Wednesday. Mrs. Milardo stated no. Discussion returned to **Section 9-3 (a)** in regard to the holding of a joint BOS and BOF meeting.

MOTION: Bill Bowles moved that the second paragraph of Section 7-3 be rewritten to say, “Said preliminary budget shall be turned over to the Board of Finance no later than the first full week of February.”; and the third paragraph should be deleted in its entirety. Harlan Fredericksen second.

Prior to the vote on the above motion, Mrs. Jacques-Purdy asked if the sentence should just be included in the first paragraph rather than being a stand alone sentence. The Committee agreed and Mr. Bowles amended his motion. No vote was taken on the above motion.

MOTION: Bill Bowles moved that the second paragraph of Section 7-3 be rewritten to say, "Said preliminary budget shall be turned over to the Board of Finance no later than the first full week of February." and should be included in the first paragraph; and the third paragraph should be deleted in its entirety. Harlan Fredericksen second. Motion carried unanimously.

MOTION: Harlan Fredericksen moved to delete Section 9-3 (c). Bill Bowles second. Motion carried unanimously.

Discussion followed in regard to the purpose of the wording "forty-five days" within **Section 9-3 (d)** and the wording "no less than five weeks" in **Section 9-3 (f)**. Mrs. Jacques-Purdy, Mr. Fredericksen, and Mr. Centofanti suggested inserting a table, chart, or graph to show the meeting process. Mr. Bowles stated he didn't feel the Charter should have flow charts within it. After further discussion, **Sections 9-3 (d), (e), (f)** – potential eliminating **(f)** – need to be rewritten. Mr. Centofanti stated there's a lot of policy written in this section and it should be taken out.

For clarification purposes, Mr. Bowles reviewed – **Sections 9-3 (e)** – "By the third full week in April", **(f)** – "By the third full week in April", **(g)** – "By the first full week in May". Mr. Centofanti suggested **(h)** be removed as it is narrative; however, after some discussion, it was decided to delete the majority of the subsection and have it read – "After the public hearing, the Board shall draft its final recommended budget."

MOTION: Harlan Fredericksen moved to have Section 9-3 (h) rewritten as follows – "After the public hearing, the Board shall draft its final recommended budget." All other language in the paragraph to be deleted. Bill Bowles second. Motion carried unanimously.

In regard to **Section 9-3 (i)**, Mr. Bowles asked if during the public hearing, there was a suggestion that copies of the final budget be available more than five days before such meeting. Mrs. Milardo stated yes. Mr. Bowles asked if it was possible to make the final budget available more than five days before such meeting. Mr. Fredericksen stated yes, and to add the wording "at least" prior to "five days" in the second sentence. Discussion followed with it being determined to eliminate the following wording in the second sentence – ", the town public library". Mr. Rutty stated the wording "at least" needs to be added to the last sentence in **Section 9-3 (g)**. Mr. Fredericksen stated the wording ", the town public library" should be deleted from the second sentence in **Section 9-3 (g)**.

MOTION: Harlan Fredericksen moved to have Section 9-3 (g) rewritten as follows – "By the first full week in May the Board of Finance shall hold a public hearing on the proposed budget. Printed copies of the proposed budget shall be available at the Office of the Town Clerk and at such other locations as the Board may prescribe, at least five days in advance of said hearing." Bill Bowles second. Motion carried unanimously.

MOTION: Bill Bowles moved to have Section 9-3 (h) rewritten as follows – "After the public hearing, the Board shall draft its final recommended budget." and all other language is deleted. Harlan Fredericksen second. Motion carried unanimously.

MOTION: Bill Bowles moved to have the second sentence in Section 9-3 (i) rewritten as follows – "Copies of the final budget shall be available at least five days before such meeting, at the Office of the Town Clerk and elsewhere as the Board of Finance may prescribe."; and the first and third sentences to remain as written. Harlan Fredericksen second. Motion carried unanimously.

Section 9-3 (j) to remain as it stands.

Mr. Centofanti suggestion the last sentence in **Section 9-3 (k)** be removed.

MOTION: Bill Bowles moved to delete the second sentence – "Breakdowns of expenditures used by the Board of Finance in determining its final budget shall also be made available to the Selectmen and each respective Town agency." - in Section 9-3 (k). Amy Jacques-Purdy second. Motion carried unanimously.

Mr. Centofanti recommended in **Section 9-3 (l)** it should just say “The Board of Finance shall set the mil rate.” Mr. Fredericksen recommended the following – “Within one week after the acceptance of the annual budget by the Town Meeting the Board of Finance shall set the mil rate.” Mr. Bowles recommended the wording “unless otherwise changed by ordinance” remain.

MOTION: Harlan Fredericksen moved to rewrite Section 9-3 (l) as follows - “Within one week after the acceptance of the annual budget by the Town Meeting, unless otherwise changed by ordinance, the Board of Finance shall set the mil rate.”; and to delete the balance of the existing language. Amy Jacques-Purdy second. Motion carried unanimously.

The Committee reviewed **Section 9-3 (m)** with Mr. Fredericksen asking if this language is Charter or State Statute. Mr. Bowles stated Charter language. Mr. Centofanti suggested the removal of the last sentence in this section as it is policy. Mrs. Jacques-Purdy suggested the removal of the word “then” in the first sentence. Mr. Fredericksen asked if the dollar value is accurate or should it be increased. Mr. Centofanti suggested increasing it.

MOTION: Harlan Fredericksen moved to rewrite Section 9-3 (m) as follows – “The Tax Collector shall collect the tax in accordance with the General Statutes; the due date shall be July 1 and January 1 with the exception of motor vehicle taxes and taxes less than \$200.00 which taxes shall be due in full on July 1st.”; and to delete the last sentence. Bill Bowles second. Motion carried unanimously.

Prior to the vote, Mr. Centofanti asked if there are waivers for bills under \$5 or under a certain amount. Mrs. Milardo stated she believes so. Mr. Centofanti stated that should be in the Charter. Mrs. Milardo will check with Kristin Battistoni, Tax Collector, to see if that’s how she handles it. Mr. Fredericksen suggested **Section 9-3 (m)** be voted on as discussed and it can be revisited after discussion with the tax collector. The above motion was voted on and passed.

5. Adjournment

MOTION: Harlan Fredericksen moved to adjourn. Bill Bowles second. Motion carried unanimously.

The meeting was adjourned at 9:42 p.m.

Respectfully Submitted,

Bunny Hall Batzner

Bunny Hall Batzner
Recording Clerk

The next meeting is scheduled for Monday, 17 October 2016.