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Town Manager

TOWN OF NEWINGTON

200 Garfield Street
Newington, Connecticut 06111

Office of the Town Council

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Town Clerk

2022 Charter Revision Commission Special Meeting Minutes

Tuesday, March 15, 2022

This meeting was presented as a Zoom Webinar/Hybrid Meeting.

1. Call to Order/Roll Call

Chairman Harpie called the meeting to order at 6:30 p.m.

Joe Harpie

Anthony Gonsalves (*via Zoom*)

Nancy Cappello (*via Zoom*) (*arrived late*)

Chris Miner (*arrived late*)

Kevin Borrup

2. Pledge of Allegiance

3. Public Participation on Agenda Items (**Via Zoom Application or Phone**)
(2 Minute Time Limit per Speaker) (888) 788-0099 or (877) 853-5247

- Eileen Francolino, 116 Lydall Road. Newington has become larger and more complex, and a little more difficult to govern. Often, when we elect the mayor, the losing candidate is one of our more seasoned and knowledgeable council people. Suggest going to a system similar to Wethersfield and West Hartford; majority slate gets to pick the select person, mayor, really not a lot of power to mayor; good way to preserve institutional knowledge and not losing someone important or helpful in government.

4. Comments by Commissioners

- None

5. Approval of Minutes

- February 28, 2022 Special Meeting Minutes (tabled to next meeting)
- March 9, 2022 Public Hearing Minutes

Motion by Commissioner Borrup to approve March 9, 2022 minutes. Minutes approved.

6. Amendment to Adopted Meeting Schedule

- Town Clerk Krupienki stated that the town council will be meeting on April 5 and April 19, recommend amending schedule to include March 29.
- Motion by Commissioner Borrup to amend agenda by removing April 5 and April 19; and adding March 29. Seconded by Councilor Miner. Motion passed.
- Chairman Harpie asked if there was any way to add additional meetings if necessary.

7. Review of Public Comments from March 9, 2022 Public Hearing

- Chairman Harpie stated he had a question regarding the letter from the Town Planner regarding residency requirements. She lives in town, as does the chief of police, it's not in the Charter. That is her position. It's on file if someone wants to review it. Also, the one about staggered terms.
- Town Clerk Krupienski stated he has researched it and there is some precedent; older language indicates it could have been a two year or four year term. For the original BOE changeover that was a three year term, then converted over to complete terms. There's been some very unusual patterns.
- Commissioner Miner stated regarding staggered terms there are some definite benefits with two year terms being quite short, first year you're just getting wet and second year you start to understand.
- Commissioner Borrup stated that he thinks tow year terms are nice, people can commit to that; think staggered terms dilutes the voice of voters and don't think they should be lengthened to four years.
- Mayor DelBouno asked what the commission was considering regarding staggered terms. Agree with Councilor Miner regarding staggered terms; two years not long for someone to figure things out. If you stagger terms, you will be having a municipal election every two years; major expense and difficult to staff.
- Chairman Harpie stated that one town he reviewed; everyone runs four years; then the next cycle would be two years. It's complex but interesting.

8. Discussion of Items Charged for Review by the Town Council

- Chairman Harpie asked James to put the 13 charges up. Took comments by public and commissioners and added them to the 13 items. He also stated that we are not required to present 13 items. Trend is to consolidate items to the extent possible. Not all items need to be Charter items. For example, changing the organizational meeting from 8 o'clock to 7 o'clock; you can just say you are going to have a meeting; no time necessary. Not a legacy item for the Charter. The other one that came to mind was committee attendance; know you have statutory requirements; request to come up with a general structure.
- Mayor DelBuono stated that this has come up a number of times when trying remove a member of commission from committee. There is language regarding the removal process, but the current process is cumbersome.
- Chairman Harpie asked if there was a case when the member didn't get off.
- Mr. Miner stated there was an incident regarding removal. The other issue is removal for absence or if someone did something unethical, which is where it gets slippery. Difference between the two, but it's a matter of splitting hairs.
- Chairman Harpie stated that going back on the 13 in the aggregate. First one, and this would be a legacy issue, and Council wants to make certain review of Charter. Not presently in the Charter. Most of current language is statutory.
- Chairman Harpie stated the next one is C 408 – Special Appropriations; what do you set for dollar limits on bonding issues. Spoke with Janet Murphy about this, she stated that it should be specific dollar amounts.
- Commissioner Miner stated the original figure was \$975,000. Even the \$1.5 million could be problematic.
- Chairman Harpie stated that we will take recommendation from finance director.

- Commissioner Gonsalves asked why they gap between the 350 and 375.
- Chairman Harpie stated question from public regarding spending of monies
- Commissioner Miner stated that the \$375,000 could also be problematic. That number should be bumped up to \$500,000.
- Mayor DelBuono stated that consideration is if approved within budget system, cycle, does that count as special appropriation or is the process different than listed in the Charter, i.e. special appropriations out of general fund.
- Chairman Harpie stated special appropriation doesn't appear in the current Charter. General statutes don't talk about special appropriations, only specific appropriations and standing appropriations. Improvised definition for town use.
- Commissioner Miner stated he's not sure how to approach this. This was the crutch of the lawsuit and it's very ambiguous. Don't find this language solving that; don't know the answer to that.
- Chairman Harpie stated that in West Hartford they use a percentage. They have standing appropriations for CIP.
- Commissioner Miner stated that could be in excess of referendum amount. Guess the intent is have public say on larger expenditures; but our job as a council is to account for spending and budget, so it's a gray area.
- Mayor DelBuono stated when I hear special appropriation that is outside the regular process through CIP; in the past it's anything above that amount.
- Commissioner Miner stated based on issues in the past should get advice from bond council.
- Commissioner Gonsalves asked how that works if it's over the \$375,000.
- Commissioner Miner stated that there is a clause in the Charter that allows for that.
- Chairman Harpie read § C-409 Emergency Ordinance. Some exceptions in Charter, along with kill switch and it cannot exceed a certain amount of money.
- Town Clerk Krupienski stated that when we see something there's an urgency, but not an emergency and it's under the threshold. Five day notification for public hearing; vote on that night, but not emergency.
- Chairman Harpie stated this is an organized accounting procedure; want smaller items reflected. \$1.5 million needs to be looked at; either percentage or dollar amount.
- Commissioner Miner stated that currently we have a fire truck for \$1.6 million, with a 5% increase annually that could be up to \$2 million; we accept that or write in an exemption for public safety equipment. We're buying a truck for \$1.6 million, but leasing it over a 10 year period and argument it's not a one-time expenditure. Maybe n equipment reserve plan.
- Chairman Harpie stated we need to talk with bond counsel. Need standing appropriation for bigger acquisitions.
- Commissioner Miner stated that CIP is supposed to be for five years; but priorities changes over five years.
- Chairman Harpie stated that in West Hartford you don't see any of these numbers in their charter.
- Chairman Harpie stated that the consensus of the commission that we speak with bond counsel?
- Town Clerk Krupienski asked for clarification – anything between \$375,000 / \$1.5 million would be a resolution and anything about the \$1.5 million would be referendum.

- Chairman Harpie stated that it should say “shall not become effective until approved” – some words were missing.
- Town Clerk Krupienski stated he wants to make sure utilizing same language.
- Chairman Harpie said next charge with Article IX, personnel, discussion by town manager thought he was in control or BOE in control. No case law.
- Town Clerk Krupienski stated that there is a Dept. of Labor case that outlines intent to create elective bargaining unit.
- Commissioner Miner asked if this was brought up by something that was discussed at council previously.
- Mayor DelBuono stated that it’s complicated issue between certified and non-certified. Language in Charter is specific, even though work for BOE, always under town manager purview. Don’t think town manager wants control; unclear and it’s been an issue. Needs to be cleared up one way or the other.
- Town Clerk Krupienski stated that this specifically relates to Personnel § C-901 Merit System.
- Chairman Harpie stated that local boards of education are vested with a wide range of power by state statute and they have “the right to participate in a bargaining process with the representative employees, if the board of education has an exclusive control over the appointment of terms and conditions of employment.”
- Commissioner Miner stated labor law attorneys need to review this.
- Town Clerk Krupienski stated that we are specifically reviewing what defines “classified service” and who has the individual who has the authority.
- Commissioner Miner thinks the current language is too ambiguous.
- Chairman Harpie stated he thinks this is a bit of a minefield, not sure how others feel about it. [Next, Council Organizational Meeting] § C-403. Don’t really see this as part of a Charter requirement, read other towns and they don’t put in a time.
- Mayor DelBuono stated our normal meeting time is 7 p.m.; didn’t make sense to us that this was 8 p.m. but what you are saying make perfect sense. Change language to say we will hold it on the Tuesday following the election.
- Chairman Harpie. [Removal of Committee and Board Members & Commission Member] § C-412. Know it’s in the Charter now, but council requested additional language on removing appointees. The following is borrowed language from another charter: “the appointing authority may remove any member of an appointed commission or board who fail to participate in at least fifty [percent] (50%) of the meetings in a fiscal year or failing to participate in three (3) consecutive meetings.” This language provides a mechanism for removal of an appointed, but not an elected member of a commission or board or committee. This does not account for illness or other hardships of a member. Not sure how serious the issue is.
- Mayor DelBuono stated that this is more a matter of convenience. The current method is cumbersome which would be necessary if it were for cause.
- Chairman Harpie. Next one is § C-603 Library Trustees. Could not find anything where the town appoints them.
- Town Clerk stated it goes back to 1939. The Library determines their own trustees, town members come through parties and appointed by the council. That is where the ambiguity comes in. 1939 is when we took over the library as a public library. Special Meeting lists specific article of incorporation for library, how town budgets money, and assist in expansion of library and how they have a technical seat at the table.

- Chairman Harpie asked if this was a question over who is appointing these individuals.
- Town Clerk Krupienski stated that is where this comes in “whereas the bylaws of the library also provide for adequate representation of the library directors of this town on the board of directors of said library.” Is the Board of Director’s us? An individual corporation? I can’t find more on that?
- Chairman Harpie asked the library thought on that. Moving on Work Session – Town Manager § C-501.
- Commissioner Borrup read the following: The town manager shall be chose exclusively on the basis of higher executive and administrative qualifications, education. Training and experience. He or she when appointed need not be a resident of the state or town but during his/her tenue in office shall reside within the town. (Eliminate Residence Requirement and Grandfather this change.) Con: breaking historical requirement. Pro: provides for a larger pool of candidates for the job and modern communication systems lessen the need for residency. Add on recommend town manager or designee provide orientation sessions for new elected or appointed commissioner members.
- Chairman Harpie stated that this is not the entire language; recommendations I threw out as a possibility for the commission to evaluate. Last bit is a request from the public, this would be more of an orientation session.
- Commissioner Miner stated that TPZ, Conservation, any of the land use boards have available educational opportunities.
- Town Clerk Krupienski stated that the town planner has provided with training materials for those boards and commissions from CCM and we are working on a generic running of meetings for all those the boards that are outlined in our boards and commissions booklet. We are planning on having videos on our town YouTube page.
- Chairman Harpie stated that when I was on the BOE, Dr. Ward would go over the process and what was required, even before the election.
- Commissioner Miner stated that he is not at all in favor of removing the residency requirement for town manager and it has nothing to do with Mr. Chapman specifically, but everything with the CEO of the town being an active participating with daily life in town. You want your town leader, figurehead, to be an active town participant. Would also propose that other higher level positions that do not have residency requirements, have them, have active participation in the community or skin in the game. Officer that live in town act differently than those that don’t. Understand hesitancy but we should have no problem attracting somebody who wants to live here.
- Chairman Harpie stated that through bargaining it’s illegal to have police officers live in town. State statue provide for town manager, superintendent of schools, police chief. I’m going to be a sensitive as I can in my comments, while on the council and BOE we were changing town managers quickly. Don’t’ want to get into specifics. In my opinion the residency requirements did not make a significant difference. They didn’t belong to the chamber, clubs or attend games.
- Commissioner Miner stated that biggest issue is defining what residency is.
- Chairman Harpie stated that is another issue. Can’t honestly say that the residency requirement will give us extra protection or surge.
- Commissioner Borrup asked what the surrounding communities do.
- Chairman Harpie stated that Rocky Hill, Wethersfield, West Hartford have it; smaller communities don’t. Enfield doesn’t any longer. Watertown, MA doesn’t any longer, but you could live in border town community.

- Commissioner Miner stated that pretty much everyone does.
- Chairman Harpie thinks if you have a great candidate that isn't a resident could be a mistake. Think it should be up to the voters if there an issue of residency, they should have the opportunity to vote on it. Pandemic proved you don't need to be place to be connected. I'm going to support non residency requirement for this, and wont' support anything for the police chief.
- Commissioner Miner stated that you can officer stipends or incentives for them to live in town.
- Mayor DelBuono stated we can't even fill our force so let's not restrict that anymore.
- Commissioner Miner stated that there in other communities there is an incentive to having officers live in town. Regarding the town manager residency requirements, I would rather go back to having a first selectman form of government.
- Chairman Harpie stated that other than the dollar amount, the position of town manager who's the chief executive officer of the town, council has to have an opportunity to look at other people and there's a lot of talent out there and it's a tough call.
- Town Clerk Krupienski stated that for department heads there is not current residence requirements that may prompt them to move themselves towards bargaining agreements which would exempt them. That is something to think about and be aware of.
- Commissioner Miner stated that maybe we approach that on a new hire basis and something that we require moving forward.
- Chairman Harpie stated that having a town manager living her may not allow them to be objective to the budget. We need to give the voters an opportunity to vote up or down.
- Town Clerk Krupienski stated he will contact CCM for information.
- Chairman Harpie next is Article VI, members of P&R board to consist of 7 members instead of 11. Apparently quorum issues. Had conversation with Mr. DeMaio, he supports 7 members and Mr. Woods supports 7 members as well.
- Mayor DelBuono stated based on the fact the board itself brought it forward as a recommendation, it's something we need to look at. Back in the day more people volunteered, but that has become more difficult. You will need to look at how you get to that number.
- Commissioner Miner asked what the membership makeup would be if 7.
- Town Clerk Krupienski stated it would be five.
- Chairman Harpie. Work Session, C.G.S 7-136, Development Commission. I understand from people on it, or who have bene on it, they don't believe they are maximizing the kind of leverage they should based on things they can do if certain things were provide in the Charter. I reviewed the general statutes and there's a whole section that is not provided in our Charter this is provided in other charters and statue and I think it could be a benefit.
- Commissioner Borrup read the following: Add required language: "The commission shall conduct research into economic conditions and trends in its municipality regarding actions to improve its economic condition and development, shall seek to coordinate the activates of and cooperate with unofficial bodies organized to promote such economic development and may advertise and may prepare, print and distribute pamphlets and other media which in its judgment will further its office purposes. The commission shall annually prepare and transmit to the legislative body of its town a report of the commission's activities and its recommendations for improving such economic

conditions and development.” Language does not appear in current Charter although required by CT statutes.

- Mayor DelBuono stated that if it's not currently in there and required to be.
- Chairman Harpie stated that it's not currently in there and this would be a good supportive tool. This would give them the ability to do things they are empowered to do.
- Commissioner Miner stated that has been a challenge. They are really not funded to do anything.
- Chairman Harpie we have consensus on this. Next is Audit Committee. Add language to provide for a standing committee with the following responsibilities. Not sure of standing committee. “Review current policy for appointing auditors to audit towns financial records to review current contract for services provided to determine if a new solicitation of audit services is required.” Requested by staff: “The audit committee shall provide independent review and oversight of the towns financial reporting and internal contract.”
- Town Clerk Krupienski stated this need came from the finance director. She makes sure we have an auditor and bring it town council. There is no current process for going out to bid. Should the audit committee be created to review the process? Not currently much in the charter. Should there be more behind the scenes before we get to this process. Not necessarily need to be in Charter but within ordinance itself.
- Commissioner Miner asked if Janet was requesting an actual committee or just a clear definition of what the procedure is.
- Town Clerk Krupienski stated that we technically have a committee; they are appointed each new term of the council and there are three members, no duties as far as we can tell other than the finance director pulling them in to make a recommendation when we get an RFP.
- Chairman Harpie asked if anyone on the committee was knowledgeable of this process. So this and the development commission need beefing up. From here on we need to build the draft report to the public. We need to focus on the goal, get it into draft form at to provide to the public. Should state current language, recommendation for new language, changes, etc. and the reasoning for doing that. That should be our focus for this meeting on.
- Town Clerk Krupienski stated that your reasoning will be necessary when you meet with the council with your draft report. I provided that a report to you tonight to use with each section broken out separately.
- Chairman Harpie stated that at our next meeting we will get into this. Will move along in a comprehensive, organized fashion.

9. **Public Participation on Agenda Items (Via Zoom Application or Phone)**
(2 Minute Time Limit per Speaker) (888) 788-0099 or (877) 853-5247

- Rose Lyons, 46 Elton Drive. Just wondering why if the surrounding towns have a residency requirements for the town manager why we're not thinking of having a residency requirement. I can see how it can be a hardship for someone to move to Newington, but some towns have a 15 mile radius, but still closer to town. This has nothing to do with Mr. Chapman living in Waterford now, just thinking of others. Know that Tanya Lane had an apartment and that was a way of getting around the requirement. But if it's part of the Charter, and it's been a part of the Charter, don't know how it got in there in the first place. Are other town manager's public safety directors? Think that

they should be within a 20 minute ride into town, in my opinion. Did you discuss suggestions brought by the department heads? Also did you discuss my recommendation of not having the town attorney be a political appointment but have that go out to bid.

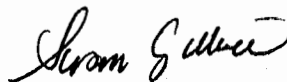
10. Comments by Commissioners

- Chairman Harpie stated that matter of town attorney was brought up. James, do you want to give the commissioners a sense of what the department heads questions were.
- Town Clerk Krupienski stated that there was a recommendation of an RFP process, that would allow the Council, as well as the town departments themselves, make use of a firm that has multiple disciplines. While having an individual firm has been common practice, having a firm with additional skill sets may be beneficial to the town was a recommendation.
- Chairman Harpie stated that we can take a look at it. Don't see an issue with department heads wanting to get professional assistance, but the town attorney should be in charge of those people, he's the lead lawyer.
- Commissioner Cappello stated that her opinion regarding the town manager, when the Charter was created there weren't all these technologies in place. If we have someone qualified over someone who needs to live in town, need to change the Charter with not residency requirements.
- Commissioner Gonsalves stated we need to ask if we just want a figurehead or someone who is qualified. Look at that as horse and buggy.
- Commissioner Borrup stated that regarding what Rose said about the town attorney. It's working considering going out to bid and looking for a firm that has expertise in a number of areas. Know that we have done it in town for a certain way forever, but like we said, times have changed and the legal landscape is more complex. Whether bonding to labor law and each law is very specialized.
- Chairman Harpie stated that he has no problem with the RFP but we need to have a lead attorney.

11. Adjournment

Motion by Councilor Miner to adjourn at 8:17 p.m. Motion passed unanimously.

Respectfully submitted,



Susan Gibbon

Recording Clerk – 2022 Charter Revision Commission