



Keith Chapman  
Town Manager

# TOWN OF NEWINGTON

200 GARFIELD STREET  
NEWINGTON, CONNECTICUT 06111

**MAYOR BETH DELBUONO**

## NEWINGTON TOWN COUNCIL SPECIAL MEETING MINUTES

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IN NEWINGTON, CT

2022 JUL 26 PM 1:18

*James E. Krupinski*  
Town Clerk

Wednesday, July 20, 2022

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

Mayor DelBuono called the special meeting to order at 7:01 p.m.

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

Councilor Braverman  
Deputy Mayor Budrejko  
Councilor Camillo  
Councilor Donahue  
Councilor Manke  
Councilor Nagel  
Councilor Page  
Councilor Radda  
Mayor DelBuono

Staff Attendees:

Keith Chapman, Town Manager *(via Zoom)*  
Ben Ancona, Town Attorney  
James E. Krupinski, Town Clerk  
Susan Gibbon, Council Clerk *(via Zoom)*

3. PUBLIC PARTICIPATION – ON AGENDA ONLY **(Via Zoom Application or Phone)**  
(3 MINUTE TIME LIMIT PER SPEAKER ON AGENDA ITEMS ONLY)

A. Public Comments

- Neil J. Ryan, 237 Brockett Street. Charter Revision is required to be voted on via referendum. Vote for Charter needs to be held on Election Day.

B. Email Correspondence

- None

4. REMARKS BY COUNCILORS ON PUBLIC PARTICIPATION

- Councilor Page stated that while at times we may disagree on the council and with Mr. Chapman, never appropriate to have personal attacks.
- Mayor DelBuono stated she agrees with Councilor Page. We try to keep it respectful and that is an expectation.

5. CONSIDERATION OF OLD BUSINESS

A. Discussion of Draft Charter Report and Draft Charter Language

1. Discuss Comments from Public Hearing

- Mayor DelBuono stated two members of the public spoke during the public hearing. One was not in favor of taking away town manager residency requirement and would prefer a

radius close to Newington. Also Don Woods spoke regarding the parks and recreation board.

## 2. Discuss Proposed Charter Language and Draft Report

- Mayor DelBuono stated that the council received and reviewed the draft report. We gave them suggested changes and they came back with a couple of their own. I and my caucus met and we came through with some proposed changes.
  - Section 404(b) Work Sessions – not allowed any longer, should be removed. Attorney Ancona agreed with this.
  - Sections C-604, C-605, C-606, C607, and C-608 – all deal with boards and commissions – membership was a hot topic at all meetings; Don Woods and Jaime Trevethan both came before us regarding membership. Keep each of these in the Charter but would like to take membership out of Charter and do it via an ordinance. Attorney Ancona suggested leaving Conservation/ILWL to be consistent with TPZ. *A lengthy discussion was held and it was agreed that all Boards, Commissions (other than the Library Board) have membership makeup via ordinance and not in Charter.*
  - Section C-606 Development Commission – take newly recommended language regarding the charge of the commission and put into an ordinance or membership so it can change and evolve over time without a Charter Revision based on the needs of the commission and the community. Attorney Ancona agreed with this.
  - Section C-711 – Change Dog Warden to Animal Control Officer in keeping with current day language. Attorney Ancona agreed with this.
  - Section C-901 – Consider clarifying language to define certified employees of the BOE as those holding a current teacher certification and employed in such capacity. Attorney Ancona agreed with this, however, suggested consulting with Attorney Plumb because it may impact one of his matters.
    - Mayor DelBuono did speak with labor attorney but this is still on hold. Intent was to be certified teachers; now with other certified positions it gets muddied.
    - Councilor Page stated that this could unintentionally exclude other certified groups.
    - Mayor DelBuono stated it's just a matter of who oversees each group. Currently there are labor negotiations underway.
    - Town Manager Chapman stated that in 1994 it was determined by the state labor board that all non-certified employees would be under the town personnel rules and classification and at that time certified employees were the teachers. Since then new certifications have been added, probably not properly because that town council would have to adopt certification through classification series. Employees were required to get certification but the council did not have input or approval. It's created a problem with at least two employees as to who negotiates their contract.
    - Mayor DelBuono stated that we are not looking to change language, we're looking to clarify who oversees negotiations.
    - Councilor Radda asked where nurses and social workers fall.
    - Mayor DelBuono stated that social workers fall under teacher contract since they are certified. It's a muddy area.
- Add definition of shall/may – indicate that each time “shall” appear if should be interpreted as imperative and not permissive. Attorney Ancona agrees with this. “Shall” means just that and “may” is optional.

- Councilor Radda asked if there should be a page of definitions. Are there other terms that are not defined?
- Councilor Nagel stated this is our way of doing that instead of having to go through the entire Charter.
- Town Clerk Krupienski stated that we are specially talking about adding language to the Charter. Is it possible for the council to create a definition section in the code that could reference both of those separately? Create an ordinance of definitions to address ambiguities that can be confusing to the public.
- Attorney Ancona stated that could be done but anything outside the Charter would be permissive authority and this is primary authority. Is it really that hard to understand the difference between shall and may?
- Deputy Mayor Budrejko stated that four or five years ago we had this discussion regarding Open Space...the council shall put money in every year...and it hadn't been done for like 20 years. I was like it says shall and I got shall means you could, you don't have to. So it has happened and we've had the issue.
- Mayor DelBuono stated that she is concerned about putting definitions outside of the Charter. Not looking to take action this evening, but next Tuesday during our regular meeting. This council is in agreement the suggested Charter changes will move forward to be voted on at the November election.
- Councilor Radda suggested the following recommendations/clarifications:
  - Under Section C-202 – why aren't the Registrars of Voters listed. They are elected officials. Town Clerk Krupienski stated that section is for specific town elections that take place every two years. Registrars are elected under the state election every four years.
  - Section C-302 Duties – suggest changing but to and.
  - Section C-303- Town Attorney / Clerk of the Council – suggest adding “and Town Council”
  - Section C-403, change but to and. Town Clerk Krupienski state that you had a commenting regarding oaths. Councilor Radda stated she no longer has that question.
  - Section C-408, some of the language seems redundant and would like to clarify it. Proposed suggested language.
  - Section C-410 shouldn't it be less not more? Town Clerk Krupienski stated no. Councilor Radda stated she is trying to say things in shorter sentences. Town Clerk Krupienski stated discussion during the Charter Revision meetings was to leave this section alone for now. Attorney Ancona and I had a discussion regarding this.
  - Section C-411, suggested changing those voting to electors voting thereon. Town Clerk Krupienski stated that may not be relative to financial issues for a resident but ability under statute to vote on that initiative. Attorney Ancona stated that a resident is not an elector.
  - Councilor Radda wanted clarification on legitimate expenses. Town Clerk Krupienski stated that he spoke with the finance director regarding this and there is not a list of expenses and prefers that anytime money is expended that a purchase order is in place first.
  - Under Article IV Section C-501 – Town Manager – not in approval of deleting the residency requirement. Would like to leave it as it stands. Would be amenable to a certain mile radius.

- Section C-503, didn't see a section for deputy town manager. Mayor DelBuono stated that would be outside of the Charter and governed under classification language. Town Clerk Krupienski stated that is correct.
  - Town Clerk Krupienski discussed minority representation on boards, commissions and committees.
  - Section C-703, Town Planner – who has the authority – town council or town manager? Town Clerk Krupienski stated that the town planner was removed by the town council in the previous revision and turned over to the town manager. Attorney Ancona stated that language is everywhere; think that the prior review they wanted to give some latitude to the council, but the ultimate authority as personnel director is with the town manager. *A discussion was held regarding this.*
  - Section C-710, there very last sentence should read for elderly and disabled persons since it is the senior and disabled center. Town Clerk Krupienski stated that may be a statutory provision. Attorney Ancona stated that he agrees that with Councilor Radda that disabled should be added.
- Councilor Page suggested the following recommendations/clarifications:
    - Section C-408 – had a question regarding general fund appropriation. Town Clerk Krupienski stated that the Finance Director asked for that language and it was clarified more clearly because that would include everything in general including CIP. Mayor DelBuono stated that this is appropriations, not general fund balance; general fund appropriation refers to the entire budget. Janet Murphy did have a lot of input regarding this language in this section. Chairman Harpie stated that Janet did come to a work session, we changed the flat rate of \$975,000 to a percentage because the general fund changes and she gave her blessing to this language.
    - Section C-501 – Town Manager – not in approval of deleting the residency requirement. Having the town manager be a resident is better for our town and better for the functioning of our town.
    - Section C-605 – would like to see a better balance of minority majority representation regardless of which party is in the majority. Think it's in the best interest of each party to not have a discrepancy of five two for example, even though it's allowed under statute, would rather see a four three split; giving the minority a little more voice. Councilor Donahue stated that this is being moved to ordinance.
    - Section C-606. What is the purpose of the language change? Shouldn't it read by ordinance and the town council? Town Clerk Krupienski stated no, the town council would adopt the ordinance and under Article VIII, you created the commission designation, their membership and their alternate members. Their duties come from the statute itself. Councilor Page asked if the commission does any of this now. Town Clerk Krupienski stated this was language recommend by the Chair specially to be included that is statutory and was not included either in the ordinance or the original Charter. He wanted everyone to be aware of the additional duties placed upon them which may have a financial piece. *A lengthy discussion was held regarding this section.*
  - Councilor Manke asked that Councilors Page and Radda's changes be provided to them prior to the next meeting.
  - Mayor DelBuono asked that the changes be sent to Attorney Ancona to review as well.
3. Referral of Proposed Language Amendments to the Charter Revision Commission

- Mayor DelBuono stated that we are all in agreement that we will hold off on this until next Tuesday. I want to thank Commissioner Harpie and the entire committee and commend them on the open discussions that they had. They included town staff and appreciate recommended language. We will have a majority vote on each item to consider and will send back to the Charter Revision commission for their review and final report.
- Town Clerk Krupienski stated that the council does have the option of holding a public hearing when the final report is received.
- Councilor Radda wanted to thank the Charter Revision commission. Know that this was a huge amount of work. We were able to propose edits and ask questions because of the work you did. Your work is duly noted.

6. PUBLIC PARTICIPATION – ON AGENDA ONLY (Via Zoom Application or Phone)  
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- Don Woods, 82 Ivy Lane stated that he wanted to clarify that the board did request a 7 member commission. The board does not feel that the 5-2 configuration will work; would like it to be 4-3. It's a bipartisan board. If you can't do that than just leave the numbers alone. Speaking for the board, I'm disappointed.

7. REMARKS BY COUNCILORS

- Councilor Donahue stated that the current make-up of the Parks & Rec board, the R gave a seat to the D. It's not a hard fast rule that we need to fill every position. There was cooperation there.
- Councilor Manke stated that he agrees with Mr. Woods that the board is truly bipartisan; hope all boards and commissions are bipartisan. We're not discussing numbers today, just changing the numbers to ordinances to make it easier to change numbers. Today we are just discussing taking numbers out of Charter. Glad to hear they are doing better with attendance.
- Councilor Page thanked the Charter Revision Commission for all their hard work. Hope that the public gets involved. Made position clear on town manager as CEO of our town and would like for them to live in our town.
- Councilor Nagel stated he wanted to emphasize our job was made easier by the Charter Revision commission; would have had more difficult role if we had to do this ourselves. They were effective and conscientious. Thank you for what you did.

8. ADJOURNMENT

Motion to adjourn by Councilor Camillo. Seconded by Councilor Radda. Motion passes unanimously. The special meeting adjourned at 8:23 p.m.

Respectfully submitted,

  
Susan Gibbon  
Council Clerk