



TOWN OF KILLINGLY

TOWN MANAGER'S OFFICE
172 Main Street, Killingly, CT 06239
Tel: 860-779-5335 Fax: 860-779-5382

TOWN OF KILLINGLY
CHARTER REVISION COMMISSION
Notice of Special Meeting
Wednesday, May 1, 2019
6:30 p.m.
Town Meeting Room
172 Main Street
Killingly, CT

RECEIVED
TOWN CLERK'S OFFICE
2019 APR 26 AM 8:54
Elizabeth M. Sullivan

Commission Members:

Donald Aubrey Elizabeth Hayden
Teresa Barton Dan Rovero
Jonathan Blake Keith Thurlow
Benjamin Chase

Agenda

1. Call to Order
2. Roll Call
3. Citizen Participation
4. Adoption of Minutes: April 17, 2019
5. New Business:
 - a) Review with legal council regarding proposed Charter Revision.
 - b) Discussion/possible action on the creation of proposed charter revision questions.
6. Other:
7. Adjournment



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Commission Members:

Donald Aubrey	Elizabeth Hayden
Teresa Barton	Dan Rovero
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Benjamin Chase	

MINUTES

1. Call to Order by Chair, Elizabeth Hayden at 6:35 p.m.
2. Roll Call: T. Barton; B. Chase; J. Blake; K. Thurlow; E. Hayden.
D. Aubrey and D. Rovero were absent with notice.

Also Present: Mary Calorio, Town Manager; Kevin Kerttula, Town Council Liaison; Paul Hopkins, Assistant Town Manager (seated in audience).

3. Citizen Participation – None.
4. Adoption of Minutes: February 20, 2019
March 6, 2019
March 20, 2019

Motion was made by K. Thurlow to adopt the Minutes of the following Special Meetings: February 20, 2019; March 6, 2019; and March 20, 2019. Second by J. Blake. There was no discussion. Motion carried. K. Thurlow abstained from the Minutes of the Special Meeting of March 6, 2019, because he had not attended that meeting.

5. New Business:
 - a) Discussion on revisions from chapters 1-12

The Commission reviewed the draft which included the revisions that they had previously discussed and also the ones that had been voted upon:

Section 302 – Election and Terms of Office: Town Elections

- There had been a consensus at the January 16, 2019 meeting to have three at-large Town Council members and one Town Council Chairperson elected at-large.
- There had been a consensus at the January 16, 2019 meeting to remove the following language: “and further provided that the terms of any and all elected Constables shall cease as of December 31, 2015.”

Section 302 to read as follows:

At municipal elections in November, there shall be elected the following officers: (a) five (5) members of the Town Council in accordance with the provisions of Section 202 and three (3) members of the Town Council elected at-large and one (1) Town Council Chairperson elected at-large to serve for terms of two (2) years; no one shall run for a voting district and at-large seat during the same municipal election year. At such elections there shall be elected (b) three (3) members of the Board of Assessment Appeals, not more than two (2) of whom shall be members of the same political party, to serve for terms of four (4) years. Biennially and alternately, thereafter, there shall be elected one member and then two (2) members to such Board. Said Board shall have all the powers and duties, not inconsistent with this Charter, conferred or imposed by the General Statutes on Boards of Assessment Appeals. At said meeting to be held in 1983 there shall be elected (c) three (3) members of the Board of Education, two (2) for a term of four (4) years and one for a term of two (2) years to succeed those members whose terms then expire. At said meeting to be held in 1985 there shall be elected four (4) members of the Board of Education for a term of four (4) years to succeed those members whose terms then expire. At said meeting to be held in 1987 there shall be elected five (5) members of the Board of Education for a term of four (4) years to succeed those members whose terms then expire. Thereafter at each biennial election there shall be elected four (4) members for a term of four (4) years and in alternate biennial Town elections five (5) members for a term of four (4) years so that the Board of Education shall continue to consist of nine (9) members, each of whom shall be elected for a term of four (4) years. No political party shall nominate and no elector shall vote for more than three (3) of the members to be elected. The terms of office of all elected Town officers and members of the Board of Education shall, except as otherwise provided by law, or by the provisions of Section 1210 of this Charter, commence on the first Monday in December following their election. (Referendum(s) of 11-3-8; Referendum of 11-7-95; Referendum 11-5-13)

Motion was made by K. Thurlow to move forward with Section 302 as presented. Second by J. Blake. Discussion: J. Blake stated that the proposed changes for Section 302, as drafted, look fine. There were no other comments.

Motion carried (4-0-1). B. Chase abstained.

Section 501 – The Council

- A vote had been taken at the November 29, 2018 meeting to adjust the Town Council’s compensation rate to one thousand five hundred dollars (\$1,500).

However, Town Council will be voting on an Ordinance at a public hearing to change their compensation rate to \$1,500 (which the current Charter allows).

There was discussion. The current language in the Charter (\$500) would remain, and it can be changed at a later time by the Charter Revision Commission to reflect the language in the Ordinance. There were no objections voiced.

Section 601 – Appointment and Removal

- A vote had been taken at the November 29, 2018 meeting regarding residency of the Town Manager.

Section 601 (a) to read as follows:

The Council shall appoint for an indefinite term a Town Manager, hereinafter referred to as the Manager, who shall be the chief executive officer of the Town to serve at the pleasure of the Council and who shall be chosen exclusively on the basis of his or her executive and administrative qualifications, character, education, training and experience. At the time of his or her appointment, said Manager need not be a resident of the Town of Killingly or of the State of Connecticut. The Manager shall devote his or her full time to the duties of the office of Town Manager. Residency in the Town of Killingly shall be preferred or within 25 miles of said Town. The compensation of the Manager shall be fixed by the Council and shall not be decreased except at the beginning of a fiscal year of the Town by a vote of the Council taken at least one month prior to that date.

There were no further changes suggested or objections to moving forward.

Section 701 – Town Meetings

- A vote had been taken at the February 20, 2019 meeting to change the number of electors required to sign a petition to 150.

Section 701 to read as follows:

There shall be the following Town Meetings: (a) the Annual Town Meeting for the consideration of the budget shall be held on the first Monday of May or such other day in May as shall be determined by two-thirds 2/3 vote of the entire Council at such hour and at such place as the Council shall determine; (b) special Town Meetings shall be called by the Council when required pursuant to the provisions of Chapter X of this Charter in the manner provided by Chapter 90 of the General Statutes, as amended; (c) Special Town Meetings may also be called for any lawful purpose not inconsistent with the provisions of this Charter, by petition to the Council, which petition shall conform to the requirements of Section 7-9 of the General Statutes, as amended, and signed by not less than a number of resident electors determined from the latest official lists of the Registrar of Voters to be equal to at least one hundred and fifty (150) electors who shall have voted at the last regular Town election. All such Special Town Meetings shall be called by resolution of the Council fixing the time and place of said meeting. Any Town Meeting may be adjourned from time to time as the interest of the Town may require. (Amend. of 11-2-71) (Referendum(s) of 11-3-81; Referendum of 11-5-96; Referendum of 11-3-09)

K. Thurlow stated that Janice Thurlow (Registrar) had commented to him that 150 may be low. There were no further changes suggested or objections to moving forward.

There were no further changes suggested or objections to moving forward.

Section 804 – Boards and Commissions

- A vote had been taken at the February 20, 2019 meeting to combine all of the Boards and Commissions to a bullet point.

Ms. Calorio recommended a modification to still include the WPCA as that sets specific requirements around the duties of the WPCA as a utility. She suggests that the first sentence be deleted from the current WPCA language. She also suggested that the number of members and terms for each Board/Commission be added to its bullet point (keeping the basic structure).

Section 804 amended proposed language:

The Council shall appoint the following Boards and Commissions, in accordance with the provisions of Section 204 of this Charter and applicable Town Ordinances and General Statures:

- Planning and Zoning Commission
- Housing Authority Commission
- Board of Recreation
- Zoning Board of Appeals
- Inland Wetlands and Watercourses Commission
- Water Pollution Control Authority

Section 810 – Water Pollution Control Authority (proposed language)

Water Pollution Control Authority shall be an operating department of the Town, and the Superintendent of the Water Pollution Control Authority shall be appointed by the Town Manager with the advice and consent of the Water Pollution Control Authority and shall report to the Town Manager or his or her designee as to the day-to-day operation of the department. For all purposes of employment and personnel policies, the employees of the Water Pollution Control Authority shall be employees of the Town of Killingly.

- (1) The Authority shall, in addition to its annual report, file its budget with the Town Manager for submission to the Town Council no later than the first day of April, which such budget shall include a detailed estimate of the expenditures to be made by the Authority and the revenue to be collected thereby in the ensuing fiscal year and such other information as may be required by the Council or the Manager.
- (2) The Council shall by resolution approve or reject such budget within fifty (50) days of receipt of the same. Should the budget be rejected by the Council, it shall be returned to the Authority together with a statement of the reason for the rejection. The Authority shall review the budget in light of the comments of the Council and shall resubmit the budget to the Council no later than five (5) days prior to the June meeting of the Council. The Council shall then approve the Authority's budget or amend and approve said budget. Should the Council fail to approve or amend and approve the last submitted budget by the close of the fiscal year, the last submitted budget shall be deemed to be approved by the Council.

Provided further that all functions regarding the issuance of bills and collection of revenues shall be performed by the Town Manager or his or her designee, and all funds shall be accounted for separately to the Authority in accordance with generally accepted municipal accounting principles. Said Authority to exercise all of the powers and duties as set forth in Chapter 103 of the Connecticut General Statutes, as amended, except as specifically otherwise set forth herein. (Referendum(s) of 11-3-81; Referendum of 11-7-95; Referendum of 11-5-96)

Motion was made by K. Thurlow to approve the amended proposed language for Section 804 – Boards and Commissions keeping Section 810 – Water Pollution Control Authority (deleting the first sentence) as presented.

Discussion: The Commission discussed whether the number of members and terms should be included in the Charter. In comparing Charter to Ordinance, the length of term was found to be different. It was decided that this information not be included in the Charter.

Second by T. Barton.

Discussion: J. Blake noted that the first sentence of Section 804 states that it will follow Town Ordinances and General Statutes and he is okay with that.

Motion carried (5-0-0).

Section 903 – Officers

- No vote had previously been taken. This was requested by the Commission so that it could review suggested language to be consistent with the structure of Section 804.

Section 903 suggested language:

The Manager may appoint and may remove with the advice and consent of Council in accordance with the provisions of Section 603 of this Charter the following officers:

1. Director of Finance
2. Town Clerk
3. Town Treasurer; Tax Collector; Assessor
4. Director of Public Works
5. Director of Health
6. Director of Civil Preparedness

All officers shall serve an indefinite term. Such officers shall have the powers and duties consistent with this Charter, General Statute and Federal Regulation as applicable. The Town Manager, with advice and consent of the Town Council, may modify the job description/duties as the needs of the Town require and as mandated by State Statutes to include regional partnerships and services.

There was discussion regarding the term officers which is in keeping with Section 901. There were no further comments.

Motion was made by K. Thurlow to approve the suggested language for Section 903 as presented. Second by T. Barton. No discussion. Motion carried unanimously (5-0-0).

Section 1208 – Review and Amendment of Charter

- A vote had been taken at the March 20, 2019 meeting that Charter review would be required not less often than once every ten (10) years.

Discussion ensued regarding how long the review process typically takes.

Section 1208 to read as follows:

The Council shall review the several provisions of this Charter from time to time as it deems such review to be in the best interests of the Town, but less often than once every ten (10) years. The amendment of this Charter may be initiated by (a) a two-thirds (2/3) vote of the entire Council or (b) by a petition signed by not less than ten (10%) percent of the electors of the Town as determined by the last completed registry list of the Town, such initiation in either instance to result in the appointment by the Council of a Charter Revision Commission, said Commission to consider any proposed amendments to the then existing Charter. Such proposed amendments shall not become effective until and unless the same shall have been approved by a majority of the Town electors voting thereon at a regular election or if approved by a majority equal to at least fifteen (15%) percent of the electors of the Town as determined by the last completed registry list of the Town at a special election. The provisions of Chapter 99 of the General Statutes, as amended, as may now or hereafter apply to the manner of amending said Charter shall prevail in the event of any conflict with the provisions of this Section of the Charter.

There were no further changes suggested or objections to moving forward.

- b) Commence creation of a draft report of charter revisions to be delivered to the Town Council

Currently there are six sections of revision. Ms. Calorio suggested presenting this to the Town Attorney for assistance in drafting questions for review by the Commission at its next meeting. The Commission would then make recommendation to the Town Council which would then make their determinations.

Motion was made by K. Thurlow to direct the Town Manager to proceed with presenting the proposed draft of Charter revisions to the Town Attorney for assistance in drafting referendum questions for review by the Commission. Second by T. Barton. Discussion ensued. No vote was taken.

- There was discussion regarding online transparency software vs. FOI requests and whether this is within the purview of the Charter Revision Commission.

Motion was made by K. Thurlow that the Charter require that Open Connecticut transparency software be installed by the Town. Second by B. Chase. There was no discussion. Vote: B. Chase – Yes; T. Barton – No; J. Blake – No; K. Thurlow – No; E. Hayden – Abstained because she is not sure. Motion failed (1-3-1).

- There was discussion regarding a suggestion that Ethics Commission be added as a bullet point to Section 804. There was discussion regarding advisory vs. authoritative.

Motion was made by J. Blake to add Authoritative Ethics Commission as a bullet point under Section 804. Second by K. Thurlow. Motion carried unanimously (5-0-0).

- There was discussion regarding limiting the number of family members serving on the same Board/Commisison/Council. Mr. Hopkins explained that the Town Attorney had been consulted

regarding this subject and you cannot stop people from running. Discussion continued. No action was taken.

- There was discussion regarding citizens participating on more than one Board/Commission. The Town Attorney will review this and draft language for consideration by the Commission at its next meeting (May 1, 2019).
 - c) Commence creation of description language for charter revision questions – No Discussion.
 - d) Discussion in regards to a schedule for the next meeting

There was discussion regarding timeline. Ms. Calorio will have the Town Council verify the timeline. It may be necessary for another Special Meeting to be scheduled.

6) Other – None.

7) Adjournment

Motion was made by K. Thurlow to adjourn at 7:37 p.m. Second by B. Chase. Motion carried unanimously (5-0-0).

Respectfully submitted,

J.S. Perreault
Recording Secretary