

From: Carolyn Keily March 12, 2012 12:24:40 PM  
Subject: Charter Revision Commission Minutes 03/07/2012  
To: SimsburyCT\_CharRevComm  
Cc:

CHARTER REVISION COMMISSION  
SPECIAL MEETING  
MARCH 7, 2012

I. CALL TO ORDER

Chairman Robert Heagney called the special meeting of the Charter Revision Commission to order at 7:14 P. M. in the North Conference Room of Eno Memorial Hall, 754 Hopmeadow Street. The following members were also present: Darren Cunningham, James Fleming, Brad Mead, Dan Munroe, John O'Neil, Peter Pabich, and Dave Ryan. Also present were Lisa Gray, Commission Clerk, and other interested parties.

II. PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

III. PUBLIC AUDIENCE

Emil Dahlquist, Design Review Board Chairman, read and discussed the circumstances leading to a letter, dated February 29, 2012, written to him by Anthony Giorgio of The Keystone Companies, LLC, following the Design Review Board's February 28, 2012 meeting. He then offered his reply to the Commission.

IV. APPROVAL OF MINUTES

A motion was made by Commissioner O'Neil to approve the minutes of the February 28, 2012 meeting, as presented. The motion was seconded by Commissioner Ryan, and unanimously carried.

V. NEW ITEMS

Carolyn Keily, Town Clerk, reminded the commissioners that the Public Hearing on the proposed Charter Revisions is scheduled for Thursday, March 22, 2012, and informed them that she has reserved the Program Room at the Simsbury Public Library from 6:00 to 8:00 P. M. She also informed them that she has reserved the Eno Hall Auditorium on Monday, March 19, at 7:00

for a commission meeting prior to the public hearing, if necessary.

## VI. DISCUSSION OF POSSIBLE CHARTER CHANGES

The commissioners reviewed and discussed Robert DeCrescenzo's memo, dated March 7, 2012, regarding the list of outstanding issues raised, and addressed each issue as follows:

Item #7 on the list, Design Review Board as a permanent Board in the Charter

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The commissioners discussed the draft language provided by Chairman Heagney and Attorney DeCrescenzo, and received input from Design Review Board Chairman Emil Dahlquist.

A motion was made by Commissioner O'Neil to take no action to make the Design Review Board a permanent Board in the Charter. The motion was seconded by Commissioner Fleming. Chairman Heagney and Commissioner Ryan were opposed. Motion passed.

Items recommended for "No action" by the Town Attorney

A motion was made by Commissioner O'Neil to take no action on the following items:

- #1. Exempt Town Project from Land Use Commission Review
- #2. Vacancy of First Selectman
- #6. Combining the Planning and Zoning Commissions
- #11. Ombudsman position
- #16. Make-up of Open Space Committee
- #17. Elected vs. appointed commissions
- #18. Town officer, who they serve
- #21. Referrals from Conservation Commission
- #22. WPCA hook-up fees issue

The motion was seconded by Commissioner Fleming, and unanimously carried.

Item #3, Town Meeting Elimination

A motion was made by Commissioner O'Neil to adopt the language proposed by the Town Attorney in Section 409 of the draft Charter, pertaining to Town Meeting Legislative Action. The motion was seconded by Commissioner Cunningham, and unanimously carried.

Item #4, Notice of budget format change

A motion was made by Commissioner Cunningham to adopt the modifications made to Chapter VIII, Finance and Taxation, by the Town Attorney. The motion was seconded by Commissioner O'Neil, and unanimously carried.

Item #5, Emergency spending from 1% to 2%

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A motion was made by Commissioner Munroe to change the maximum amount of emergency appropriations that may be made from one percent (1%) of the total annual budget to fifty percent (50%) of reserves. The motion was seconded by Commissioner Ryan, and unanimously carried.

Item #8, Process to request an opinion of Town Attorney

A motion was made by Commissioner Ryan to adopt the changes proposed to Section 706, Town Attorney, by the Town Attorney. The motion was seconded by Commissioner Munroe, and unanimously carried.

Item #10, Form of government/Town Manager

A motion was made by Commissioner Ryan to adopt a Town Manager form of government. The motion was seconded by Commissioner Mead. Commissioner Mead was in favor. All others were opposed. Motion failed.

Item #12, Technical changes

A motion was made by Commissioner Pabich to adopt the technical changes to the Charter proposed by the Town Attorney. The motion was seconded by Commissioner Cunningham, and unanimously carried.

Item #13, Board of Selectmen and First Selectman change of term

A motion was made by Commissioner Mead to change the term of office for the First Selectman to four years. The motion was seconded by Commissioner

O'Neil. Commissioners Mead and O'Neil were in favor. All others were opposed. Motion failed.

#### Item #14, Human Resources Director

A motion was made by Commissioner O'Neil to adopt the language proposed by the Town Attorney in Section 502, Duties, with the following revision:

The Board of Selectmen First Selectman may, with the consent of the First Selectman Board of Selectmen, by ordinance, appoint another Town officer to the position of Personnel Director.

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The motion was seconded by Commissioner Fleming. Commissioners Mead and Ryan were opposed. Motion passed.

#### Item #15, Divide up functions of Town Meeting

A motion was made by Commissioner O'Neil to adopt the revisions pertaining to the Town meeting made by the Town Attorney. The motion was seconded by Commissioner Ryan, and unanimously carried.

#### Item #19, Change Board of Selectmen organization meeting from 7:30

A motion was made by Commissioner O'Neil to remove the specific meeting time from Section 402, Presiding officer, organization, and procedure. The motion was seconded by Commissioner Pabich, and unanimously carried.

#### Item #20, OPEB Committee

A motion was made by Commissioner Pabich to adopt the language proposed by the Town Attorney in Section 808, Duties of the Board of Finance on the budget, pertaining to the town pension and other post-employment benefit funds, with the following revision:

The second sentence should read, "The Board of Finance, acting as a prudent fiduciary, shall, after consultation with the Board of Education and the Board of Selectmen, ensure the pension funds are prudently invested for long term, safe growth of invested funds and shall also supervise and maintain the..."

The motion was seconded by Commissioner Mead, and unanimously carried.

Item #23, Charter Review – five years from the effective date of the Charter

A motion was made by Commissioner O’Neil to modify the language in Section 1008, Review and amendment of Charter, to allow for review up to every seven (7) years from the effective date of the Charter. The motion was seconded by Commissioner Fleming, and unanimously carried.

Other

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A motion was made by Commissioner O’Neil to leave the language pertaining to Public Audience at town meetings “as is” in the Charter. The motion was seconded by Commissioner Ryan, and unanimously carried.

A motion was made by Commissioner Ryan to send all of the above revisions to the Town Attorney and instruct him to incorporate them into the Draft Charter. The motion was seconded by Commissioner O’Neil, and unanimously carried.

## VII. ADJOURNMENT

A motion was made by Commissioner Pabich to adjourn the meeting at 9:09 PM.

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Brad Mead, Secretary