

**MINUTES OF THE TOWN OF CHESHIRE CHARTER REVISION COMMISSION HELD ON THURSDAY, OCTOBER 20, 2016 AT 6:00 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410.**

Present

Charter Revision Commission Members: Town Council Members Paul Bowman and Michael Ecke; Michael Laden, Matt Levine, Barbara McWhirter, Sandy Mouris, Susan Stanley, Kevin Wetmore.

Absent: Kim Cangiano, Edward Hill, Mark Shumilla.

Council Members: Robert J. Oris, Chairman; Patti Flynn-Harris, Sylvia Nichols, Timothy Slocum, Peter Talbot. Absent: Liz Linehan and Thomas Ruocco.

Staff: Town Manager Michael A. Milone; Town Attorney Alfred Smith; Exec. Assistant to Town Manager/FOI Officer Arnett Talbot

Before the start of the meeting, Town Clerk Laura Brennan held a short swearing-in ceremony for the Commission members present (Bowman, Ecke, Laden, Levine, McWhirter, Mouris, Stanley and Wetmore).

**1. ROLL CALL**

The clerk called the roll for the Charter Revision Commission and the Town Council. A quorum was determined to be present.

**2. PLEDGE OF ALLEGIANCE**

The group Pledged Allegiance to the Flag.

**3. INTRODUCTION OF MEMBERS**

Commission members and Councilors present introduced themselves.

Council Chairman Oris welcomed everyone to the meeting. On behalf of the Town Council and the Cheshire Community he expressed appreciation to the Commission members for their willingness to participate in the Charter Revision process. The last Charter Revision was in 1996-1997, and the document needs to be updated and revised to reflect the times in which we now live. The commitment is long and there is hard work ahead.

As Town Council Chairman, Mr. Oris advised he is an "ex-officio" member of the Commission, can participate in discussions, but cannot vote.

Mr. Oris thanked Town Manager Milone and the Town staff for Cheshire being in a very strong financial standing. He said we are looking forward to insuring the Charter does everything it needs to do to move forward in a positive way, including growth of the grand list.

Ms. Nichols welcomed everyone to the organizational meeting, and stressed the importance of the process not becoming political, as everything is being done for all the

people in Cheshire. She asked the members to stay focused, and get the revision done quickly in order to meet the timeline of June 1, 2017.

Mr. Talbot expressed appreciation to the Commission members for their participation in this important process, noting it is a tremendous commitment in a short time frame. The membership is an impressive group of people from the community; they have lots of work ahead of them; and he asked they keep an open mind, with nothing off the table. Mr. Talbot said the work of this Commission will affect the current and future Town Council.

Mr. Ecke wants the process to be non-political, and said the most important part is the buy-in from the community, and a commission that works together. He said the selected members of the commission will work well together.

Mr. Bowman welcomed everyone to the meeting and looks forward to working with the members in the next few months for a positive outcome with an improved Town Charter.

Mr. Slocum thanked everyone present and their willingness to serve on the new commission. He noted there are high expectations for the revision process and an improved Town Charter.

Council Chairman Oris informed the meeting that the revisions to the Charter and minutes/agendas will be on the Town website for the public to review. The commission will also have the administrative assistance and guidance from Town Manager Milone and Ms. Talbot...and one of them (or both) will be present at all meetings.

#### **4. OVERVIEW OF COMMISSION CHARGE, PROCEDURES AND DEADLINES BY THE TOWN ATTORNEY**

Town Attorney Smith reviewed the steps and timelines applicable to a town's amendments of its charter. CGS Sections 7-187 through 7-191 address this process.

Attorney Smith referred to the documents in the packets. He said a wide range of issues can be reviewed with no limits on the number or the topics related to the charter. The timeline is aggressive, June 1, 2017 for a draft report of the commission to the Council.

- Before the draft report is issued, the commission must hold two (2) public hearings.
- After the draft report is submitted to the Council, they (Council) must hold a public hearing, and make recommended changes to the draft report.
- Following receipt of these recommendations, the document goes back to the commission for additional action, with a final report to the Council in 30 days.
- The Council then has 15 days to approve or reject all or part of the recommendations in the final report.
- Upon approval by the Council of the final Charter Revision Commission report, the document goes to referendum and is subject to a vote of the people.
- The Town Charter changes become effective within 30 days.

Going through the Charter, the commission can look at any sections, and agree by consensus on changes, without voting on each change. There must be a vote on the draft report and final report, and there can be votes on interim sections of the Charter. The first consideration of the commission should be the "scope of review"...will it be each line or the document or by chapter.

In reviewing the Charter, Attorney Smith advised the commission can clarify sections, rewrite some of the language, make recommendations on areas to be looked at, and under the statute they can make reasonable delineations.

Chairman Oris talked about one section of the Charter which says no Council member can be an employee of the Town, and said this should be written into the Charter. This item needs legal guidance.

Anything brought to the Town Attorney's office will be reviewed on a case by case basis.

With regard to public input throughout the process, Ms. Talbot reported that the Charter revisions will be on the town website. People can send e-mails to the Commission members; and any information from the public will be forwarded to members; and the public will be made aware of contact information for Commission members.

A public hearing is required as part of the process and Attorney Smith said this is an opportunity for the public to be heard on issues discussed by the Commissioners...as well as offer other issues for consideration. Upon completion of the process, the Commissioners will deliver a draft report to the Council which is subject to the specific approval of the membership. The Commissioners choose how to conduct business, and for the draft and final report can take a straw vote or official vote. Nothing in the statute prohibits comments with reflect dissenting views. The draft report must be approved by a simple majority. Attorney Smith will work with the commission for proposed language; there will be a document with red lines showing the exact changes made.

Town Manager Milone informed the commission that he has arranged for Town Department Heads to be available when their department is being discussed, or to make a short presentation to the commission, if requested. Mr. Oris noted this also applies to all boards, commissions, committees, and the meetings are open to the public. However, the public will not be able to speak at all meetings, and public comments will be kept to three minutes.

Mr. Milone and Ms. Talbot are staff to the Charter Revision Commission; will provide general information on some things that come up; and assist with particular sections of the Charter. Mr. Milone pointed out the fact that the Charter and Code of Ordinances overlap, and it is important to make these two documents complementary, as there are duplicates and inconsistencies now.

When the Charter is changed it does not automatically change an ordinance, and Attorney Smith cited that under the rule of law the ordinance flows from the charter and the charter flows from State law. It would be wise to have an eye on the ordinances as the commission works on the charter...and flag the changes.

## **5. DISTRIBUTION AND EXPLANATION OF MATERIALS**

Ms. Talbot highlighted the document content of the Charter Revision Commission folder. If there are any questions on the documents, she requested Commissioners contact her in the Town Manager's Office.

## **6. COMMUNICATION WITH THE PUBLIC**

Freedom of Information Act (FOIA) Highlights - this document was in the packets. Attorney Smith reviewed the highlights of FOIA noting the Charter Revision Commission is now a public agency of the Town of Cheshire and subject to all FOI provisions. All acts of the commission are governed by FOI; all meetings are subject to the FOI notice requirements; all meetings are public, except for executive session meetings; the public has the right to attend meetings but does not have the right to speak at all meetings. A quorum present deems a meeting controlled by FOI for agendas, minutes and records of the meeting.

Records - the commission records will be public records subject to discovery to anyone requesting them.

E-Mails - are open to the public and fall under FOIA. Commissioners are encouraged to use the public e-mail accounts for commission business. Ms. Talbot informed Commissioners they will receive Town e-mail accounts, with passwords, and these e-mail addresses must be used for all commission business. Ms. Talbot noted that "texts" become public record. If there are any questions relative to e-mail they can be addressed to Ms. Talbot who will assist the commissioners.

The Commissioners will be provided with contact information for members, Town Manager, Town Attorney and Town Staff.

Technology Use Policy - the policy is in the packets; it must be signed by the Commissioners; and is related to the Town e-mail accounts.

## **7. SET NEXT MEETING**

Town Manager Milone recommended that commission meetings be held in the Council Chambers due to the availability of audio and video taping and transmission.

Ms. Talbot informed the Commissioners that Town staff prepares the meeting agendas; they are posted on-line; minutes of meetings will be taken by the clerk, transcribed, and forwarded to Commissioners.

**NEXT MEETING - TUESDAY, OCTOBER 25, 2016, AT 6:30 P.M. IN  
TOWN HALL, COUNCIL CHAMBERS.**

**8. ADJOURNMENT**

MOTION by Ms. Mouris; seconded by Mr. Levine.

MOVED to adjourn the meeting at 7:15 p.m.

VOTE The motion passed unanimously by those present.

Attest:

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Marilyn W. Milton, Clerk

