

CHARTER REVISION COMMISSION 2020
MINUTES
JULY 20, 2020

A meeting of the Charter Revision Commission 2020 was held on Monday, July 20, 2020 remotely via Zoom teleconference. The meeting was called to order by Chair Kate Donahue at 6:31 p.m.

Members Present: In attendance were Commissioners Kate Donahue, Tom Tesoro, Susan Gilson, Nancy Gardiner, J.C. Cinelli, and Martin McCann (arrived at 6:36 p.m.). In addition to the Commission members were Town Attorney Dan Schopick and Chief Administrative Officer and Commission Clerk Cindy Katske.

Public Comment: There was no public comment.

Prior Minutes: Moved by Tom Tesoro, seconded by Nancy Gardiner to approve the minutes of the June 24, 2020 meeting. The motion carried 5-0-1 (abstention: Martin McCann).

Moved by Nancy Gardiner, seconded by Tom Tesoro to approve the minutes of the July 6, 2020 meeting. The motion carried unanimously.

Moved by Nancy Gardiner, seconded by Susan Gilson to approve the minutes of the July 9, 2020 meeting. The motion carried unanimously.

Review of Town Council recommendations:

1. Chapter IV, Sections 2B and 3A, regarding publishing the proposed budget within five calendar vs. business days. No action was taken.

2. Chapter VII, Section 17, regarding the Ethics Commission. The Commission discussed this section in light of the comments provided by Ethics Commission Chair Tom Lee, and whether procedural items would be better included in the Code of Ethics or the town Charter.

Moved by J.C. Cinelli, seconded by Tom Tesoro to:

- a. Remove the following language in Chapter VII, Section 17 B(ii): “, in the discretion of the Ethics Commission,” and “material”, leaving the following language in place: “It shall investigate any complaints and make a determination of whether or not there have been any violations of this Charter, ordinances of the Town, or of the Code adopted by the Town Council; and”;
- b. Remove the following language in Chapter VII, Section 17C, third sentence: “, at the discretion of the Ethics Commission, may” and revert back to the word “shall” in place of “may”, leaving the following language in place: The Code shall specify and designate ethical standards of conduct required of affected persons, prohibited activities, rules of

procedure, and the sanctions that may be imposed for violations of the Code with the exception of those cases where violations of the Code may also involve criminal violations in which cases the matters involved shall be referred to appropriate criminal authorities.”;

- c. Remove the following language in Chapter VII, Section 17D, second sentence: “The provisions of the Code notwithstanding, the respondent shall be afforded the opportunity to cross examine the complainant and witnesses against the respondent and, failing such opportunity, the Ethics Commission may, in its discretion, dismiss the complaint.”, leaving the following language in place for the first paragraph of Section 17D: “The Ethics Commission shall, in the conduct of its activities, adhere to the confidentiality requirements of section 1-82a(a) through (e) of the Connecticut General Statutes, and the Code, as the same may be amended from time to time.”; and
- d. Add back in the deleted language following the first paragraph of Chapter VII, Section 17D, deleting the following language: “, at his/her option, in public or in private,” and adding the word “calendar” before “days”, leaving the following language: “Any person charged with any violation:
 - (i) Shall be promptly notified, in writing, of the charges against him/her and the provision of ethics code or Charter claimed to have been violated;
 - (ii) Shall be entitled to a hearing on the charges against him/her to be held not later than forty-five (45) calendar days after the notification of charges, or at any later time agreed upon by the Commission and the person charged;
 - (iii) Shall be entitled to confront his/her accuser and to cross examine witnesses against him; and
 - (iv) Shall be entitled to representation by counsel.”

The motion carried 5-0-1 (abstain: Martin McCann).

- 3. Chapter VII, Section 22, regarding Commission on Youth. The Commission discussed the appropriate age range for youth members. Moved by Nancy Gardiner, seconded by J.C. Cinelli to specify that youth members shall be between the ages of 15 and 21 years of age. The motion carried unanimously.
- 4. Reasoning in the Commission’s final report for Chapter II, Section 2, regarding election of Town Council members. The Commission reviewed two versions of proposed language drafted by Tom Tesoro and decided to use the first version with small edits, reading as follows: “Under current rules, a bare majority of the Town Council may change the number of voter districts. Changing voting districts impacts every citizen. When districts are changed it requires the expenditure of tax dollars to inform citizens of new polling places and district lines. In the last change, voters, particularly senior citizens, were confused as to where to vote. Representatives elected by the people found themselves in new districts, once again causing voter confusion.

It is the opinion of the 2020 Charter Revision Commission that while the right to change the number of districts rests solely with the Council, the impact of such a change on the voters should require substantial community support. That support should be expressed

not by a bare majority, but with a vote of not less than two-thirds of the Council members present and voting. This will represent the vast majority of voters and in most cases require bi-partisan support. Nothing contained herein limits the Council from drawing the boundaries of said districts as necessary or as required by law.”

5. Reasoning in the Commission’s final report for Chapter II, Section 7, regarding emergency legislation and appointments. The report needs to reflect the change in section title only, and not the text of the section.
6. Reasoning in the Commission’s final report for Chapter III, Section 3, regarding absence, disability, vacancy, etc. in the office of First Selectman. The Commission reviewed two versions of proposed language drafted by Tom Tesoro and decided to use the second version, which reads as follows: “The 2011 Charter made changes in the line of succession should the First Selectman be unable to perform his or her duties either on a permanent or temporary basis. The process is not sufficiently clear. The Commission recommends that the line of succession be unambiguous with a fixed line of succession. In the event that either the Treasurer or the Town Council Chair take on a permanent role, the Charter in Chapter VIII, Section 5 sets out process for the replacement of the Treasurer, and Town Council rules set out a procedure for replacing a Council Member.”
7. Chapter VIII, Section 7B, regarding referendum petition requirements. Nancy Gardiner found a typo in a cross-reference in the Charter. Cindy Katske will fix the typo.
8. Chapter VIII, Section 9, regarding bonded debt. Nancy Gardiner recommended revised language for the reasoning in the Commission’s final report. The Commission agreed on the proposed language.
9. Clarification of reasoning for the changes from business to calendar days in various places in the Charter: Nancy Gardiner proposed revised language for the reasoning in the Commission’s final report. The Commission agreed on the proposed language.
10. Presentation of final report: Chair Kate Donahue proposed underlining the language that has been changed to make it clearer to the reader exactly what has been changed. The Commission agreed to that idea.

The meeting was adjourned at 7:40 p.m. by unanimous consent.

Respectfully submitted,

Cindy Katske, Clerk