

**DRAFT MINUTES**  
**BROOKFIELD CHARTER REVISION COMMISSION**  
**WEDNESDAY, APRIL 30, 2014**  
**TOWN HALL MEETING ROOM 135 – 7:00 PM**

**Convene Meeting:** Chairman Grimes convened the meeting at 7:05 PM, and established a quorum of members:  
**Present:** Matt Grimes, Chairman; Jon Van Hise, Vice Chair; Stanley Parker, Secretary; Commissioner Fred Ball; Commissioner Dan Smolnik; Commissioner George Walker; Commissioner Linda Wagner  
**Also Present:** E. Cole Prescott, Recording Secretary

**Public Comment:** The following people addressed the Commission:  
*Stephen Harding of 56 Mist Hill Drive* – Mr. Harding asked the Charter Revision Commission to consider altering the majority representation from four to five members on the Board of Education. He stated that the Board of Finance has this five-member configuration, and he is unsure why the Board of Education would not be set up the same way. Chairman Grimes clarified that this matter is not currently in the draft document.

*Ron Jaffe of 21 White Pine Drive* – Mr. Jaffe stated that the Committee is already rushing for a drastic change without the opportunity to have the public comment as well as significant and legitimate research regarding the matter presented by Mr. Harding. Mr. Jaffe noted that although he did not comment on the elected town meeting moderator proposal during the public hearing, it is ill advised. He believes that this position would become salaried in the future, and that it would take away the will of the people to participate at public meetings. He noted that each proposal presented by the Charter Revision Commission should be accompanied by a clear explanation of the recommendation and the rationale. Mr. Jaffe also mentioned the importance of preparing and presenting actual draft ballot questions that are concise so there is no disagreement or discrepancy on what the public is voting in the Fall.

*Pamela Kurtz of 154 North Lake Shore Drive* – Ms. Kurtz stated that she does not see any trouble with adding any information after the public hearing. The idea of a town moderator is the same idea of an elected position; she does not see the need that this proposed, elected position would ever be changed to a salaried position.

**Discussion of Charter Revision Proposals/Draft Document:** The Commission reviewed the draft document as well as the comments received during the public hearing held on April 23, 2014. Chairman Grimes asked the Commissioners for their ideas about the public hearing.

Commissioner Walker stated that the Commission should consider the valid comments of the two-year versus the four-year term for the proposed meeting moderator position. The comments relative to the Ethics board were a bit of a surprise to him, but he believed they were very valid. He stated that he does not think that the Commission anticipated that much of a reaction to the Board of Ethics proposed language revision.

Commissioner Ball stated that he was hesitant to move forward with the four-year proposal from the beginning. Secretary Parker stated that he does not have any trouble with the two-year term.

Vice Chair Van Hise mentioned that he had listened to the recording of the meeting, and believes that the number of those who spoke in favor and those who spoke in opposition of the draft document were relatively balanced.

Commissioner Smolnik stated that he is already on record as being opposed to the permanent meeting moderator proposal. He stated that the traditional matter is to have the ad-hoc voting choose the moderator at the meeting. He detected no mandate from the public during the public hearing for a bifurcation or for a permanent meeting moderator.

Chairman Grimes stated that the town moderator is a way to make the town meeting form way of government better. He stated that he trusts the voters to elect someone who is competent. Chairman Grimes stated that it is time for Brookfield to decide the bifurcation issue. He acknowledges that the decision to split would remove the option of the annual town meeting to decide the bifurcation of the budget, but he noted the low attendance at the town meetings (218 people on average). He stated that he has never seen a town in division over a budget bifurcation.

CCM (Connecticut Conference of Municipalities) Research – Chairman Grimes clarified that those municipalities that are not part of CCM will not always be listed in the CCM data. Chairman Grimes stated that 57 of 101 town meeting forms of

government do not have a Charter. Chairman Grimes mentioned that he will have more information from CCM, but the data must be reviewed due to the way that CCM compiles the data. Chairman Grimes also stated that Atty. Beecher has given his opinion that the Charter Revision Commission has the option to change the draft document that had been presented at the public hearing.

Commissioner Smolnik noted the study done by Hebron [*Bifurcation in Connecticut: A Status Report*], and he had indicated that some negative results had been reported regarding some towns' bifurcations.

**Section C10-4:** Commissioner Smolnik presented some revised language for this section of the draft in regard to the requests by the Board of Ethics members made at the public hearing. The intention of this draft language is not to alter the authority of the Board of Ethics in any way, but rather to clarify it. Commissioner Smolnik read the updated draft of the language added to §C10-4(A) to the effect: "The Board of Ethics may retain counsel to provide advice and legal representation. The Board of Ethics may direct such counsel in connection with its deliberations, proceedings and actions on behalf of the Town and its deliberations."

Commissioner Smolnik noted that this revised language does not at all change the authority of the Board of Ethics, but rather clarifies it. Chairman Grimes stated that he has no objection with changing the document, but he would like Alice Carolan's clarification on the information as well. Commissioner Smolnik stated that the Board of Ethics has already been sent this proposed language revision. Chairman Grimes stated that he supports these changes. **Secretary Parker made a motion to incorporate the further revisions to Section C10-4 of the draft document. Vice Chair Van Hise seconded the motion, and it carried unanimously, 7-0.**

**Town Meeting Moderator Proposal:** Chairman Grimes stated that he thinks an elected town meeting moderator position will make the town meeting form of government better. This proposed position will allow 10,000 voters to decide who will moderate the meetings. Commissioner Ball mentioned that currently someone may be elected as a moderator at a town meeting, but the residents present at that meeting do not have any qualification information for that person. Chairman Grimes noted that if this elected position were to be added to the Charter, residents would start to know who the moderator is, much like they now know the Town Clerk and the Selectmen. Secretary Parker stated that this position should most definitely be added, and two years would be a fine length of term.

Vice Chair Van Hise stated that he is now concerned about adding this position for a four-year term, in lieu of the comments during the public hearing. Vice Chair Van Hise stated that if the other towns are using town moderators, the matter should be something to consider. Vice Chair Van Hise stated that the meetings he has been to in other states and towns were very controlled by town meeting moderators.

Upon inquiry from Commissioner Ball, Chairman Grimes replied that there are approximately five or six meetings per year. Commissioner Walker stated that most town meetings he has attended are generally not well populated. Commissioner Wagner stated that she would consider the moderator position at a term length of two years.

Commissioner Smolnik stated that very often the moderator choice is based on the circumstances. He noted that part of being a New England town is to have the option to elect a town meeting moderator at the town meeting.

Chairman Grimes noted that he views the municipal elections as extended in-depth job interviews. Chairman Grimes stated that he can support the two-year term length at this point. Chairman Grimes noted that he believes that this moderator position would also make the job of the Town Clerk easier. **Secretary Parker made a motion to change the recommendation on the town meeting moderator [proposal] to a two-year term commencing at the 2015 election [first Monday in January]. Vice Chair Van Hise abstained, and the motion passed, 6-0-1.**

**Budget Bifurcation Proposal:** Chairman Grimes stated that Bethel has had bifurcated budgets since 2008, and since that time, Bethel has passed its budget on every vote. Chairman Grimes stated that he is still waiting to hear from several other Towns regarding this matter, specifically about whether or not the half of the budget that is passed remains while the other is voted on and re-worked, or if they both should fail.

Chairman Grimes stated that he thinks that these questions should be mandated on the budget. There would be an upfront operational expense for the ballot-reading mechanism and the software, but this should not be a recurring cost. Chairman

Grimes stated that he had heard support from both sides at the hearing about keeping the advisory questions in the proposal.

Chairman Grimes asked if the Commissioners feel any need to change the recommendation on the bifurcation in the draft proposal. Commissioner Walker asked that the Commission re-read the draft proposal. Chairman Grimes noted that there would be a change to article 8, finance and taxation.

Commissioner Ball stated that if the bifurcation is to happen, the advisory questions are essential going forward.

Secretary Parker stated that everyone can vote the way that they want with the split budget. Secretary Parker explained that this proposal allows 10,000 voters to have the advisory questions and the option to vote multiple ways; a small town meeting will not have the option to take this vote away from the voters.

Vice Chair Van Hise stated that he supports the combined budget vote. He referenced recent financial matters. Vice Chair Van Hise noted that he may support a bifurcated budget provided that if one of the two budgets fail, both budgets fail. Commissioner Wagner stated that she also feels as though if one budget fails, both budgets should fail.

Commissioner Smolnik stated that the strongest argument he is hearing in favor of budget bifurcation is that people do not come out to the town meeting to vote for a bifurcated budget, and if the people do not come out to the meeting, the current proposal is to take an option away from the town meeting. Commissioner Smolnik stated that he does not see a compelling reason to essentially shift the voting event around, and he does not see this option as something positive.

Chairman Grimes stated that the chief issue is to get bifurcation of the budget, regardless of how this happens. Chairman Grimes stated that he is more concerned with the bifurcation of the budget than how the budget is bifurcated.

Commissioner Walker mentioned that the option that if one budget fails both fail may actually lend greater flexibility to the re-work of budget numbers. Commissioner Walker mentioned that he could support this proposal in regard to the budget bifurcation.

Secretary Parker stated that he agrees that he could support that if one budget fails, both fail. He is also more concerned with the permanent bifurcation of the budget than he is of how to actually bifurcate.

Commissioner Smolnik stated that he would like to talk with some other towns to see what their experience has been with a bifurcated budget.

**Vice Chair Van Hise made a motion to change the recommendation [to indicate] that both parts of the budget on the bifurcation must be passed [in order for the budget(s) to be passed and] to change in the draft document. Secretary Parker seconded the motion. Commissioner Ball opposed, and the motion carried, 6-1-0.**

**Section C8-7D:** Vice Chair Van Hise noted that the phrase, “not paid for by the Town” to §C4-11B(2) was mentioned by Mr. Davidson during the public hearing. Commissioner Smolnik mentioned that he is not sure legally whether this would be a proper route for the Commission to consider, and he recommended that the Town Attorney be contacted regarding this matter. Chairman Grimes will contact the Town Attorney regarding this matter.

Vice Chair Van Hise also mentioned the suggestion from Mr. Davidson regarding the timeline for the Board of Finance for the special appropriations to go from 30 to 45 days in §C8-5F.

Commissioner Walker also noted the three year period for projects which had been mentioned by Mr Davidson at the public hearing, which has to do with the federal funding, and was almost an issue for the previous Selectmen in the matter of the Still River Greenway. Commissioner Walker noted that this was a very valid comment. Chairman Grimes read the current language of Section C8-7(D)(5).

Commissioner Ball mentioned that he does not believe a change of this time period from three to five years would cause any negative results.

Chairman Grimes stated that he would not object to changing the time period for this matter to five years.

**Vice Chair Van Hise made a motion to amend Section C8-7D to five years. Commissioner Walker seconded the motion. Chairman Grimes and Secretary Parker abstained, and the motion carried, 5-0-2.**

Chairman Grimes noted §C2-4 in regard to the comment made earlier in the meeting by Mr. Harding. He noted that the Commission will do some research on this matter, but he believes that the Board of Education follows the State statute requirement.

**Chairman Grimes made a motion to approve the revised draft document, [and] to re-issue it to the Board of Selectmen. Secretary Parker seconded the motion. The motion carried, 6-1-0, with Commissioner Smolnik in opposition.**

**Approval of April 9, 2014 Meeting Minutes: Commissioner Walker made a motion to accept the minutes of 4/9/14. Commissioner Wagner seconded the motion, and it carried unanimously, 7-0.**

**Approval of April 23, 2014 Meeting Minutes: Secretary Parker made a motion to approve the minutes as presented. Commissioner Walker seconded the motion, and it carried, with Vice Chair Van Hise and Commissioner Wagner abstaining, 5-0-2. Chairman Grimes asked Recording Secretary E. Cole Prescott to send the draft minutes of the April 23<sup>rd</sup> meeting to the Commission.**

**Written Correspondence:** – Chairman Grimes noted receipt of email correspondence from the following residents: Bob McGara, Bill Davidson, Ron Jaffe, Howard Lasser.

**Updates:**

Chairman Grimes stated that he will be presenting the draft document to the Board of Selectmen at their regular meeting on Monday, May 5<sup>th</sup>.

Chairman Grimes reviewed the timelines for the Charter Revision Commission and the Board of Selectmen's review of their draft with the Commission.

**Adjournment: Commissioner Walker made a motion to adjourn, and Commissioner Wagner seconded the motion at 8:53 PM. The motion carried unanimously, 7-0.**