

**DRAFT MINUTES
BROOKFIELD CHARTER REVISION COMMISSION
SPECIAL MEETING
WEDNESDAY - JULY 2, 2014
BROOKFIELD TOWN HALL – ROOM 209, 7:00 PM**

Convene Meeting: Chairman Matt Grimes called the meeting to order at 7:00 PM, and established a quorum of members:

Present: Chairman Matthew Grimes; Secretary Stanley Parker; Vice Chair Jon Van Hise; Commissioner Fred Ball; Commissioner George Walker; Commissioner Linda Wagner; members of the public; Recording Secretary Emily Cole Prescott

Absent: Commissioner Dan Smolnik

Public Comment: The following people addressed the Commission:

- George Blass of 3 Rajcula Farm Road – Mr. Blass spoke regarding the conduct of Mr. Smolnik at the town meeting, and noted that this Commissioner should be removed. He inquired if the Town has any code of conduct for Commissioners. He also noted that every board and commission of the Town should be the same throughout the Town.
- Howard Lasser of 116 Tower Road – Mr. Lasser called for the resignation of the following Commission members: Matthew Grimes, George Walker, Stanley Parker and Fred Ball. He read a letter, which he submitted to the Recording Secretary for the record; the letter was forwarded by the Recording Secretary to the Chair of the Charter Revision Commission for the record.
- Rich Saluga of 32 Great Heron Lane – Mr. Saluga wanted to address the Commission with comments he had made earlier regarding the Ethics Committee. He stated that his concern is that if there is a complaint against an employee or a public official of the Town, the statement or the action about which there may be a complaint had to be made or done during the time which the employee or public official was actually serving as an employee or public official. His second point was that the Charter could be a bit more clear about the time frame in which a complaint may be filed; he believes the current time period is six months. In regard to the Board of Ethics' procedure, when a complaint is made against an employee or official, the person complaining must provide all of their evidence to the Board of Ethics, and copies of that evidential information is then submitted to the complainant. The question he is asking is that shouldn't the response that is given to the Board of Ethics from the complainant be then forwarded to the complainer.

George Walker and Linda Wagner entered the meeting room at 7:20 PM.

- Ray DiStephan of 11 Old Woods Road – Mr. DiStephan commented on the Committee and Brookfield politics, and stated that everything is driven by the Republican Town Committee's two-prong agenda, which he believes it to reduce the Board of Education's budget and to consolidate power to a small number of people. He stated that the proposed revisions of elected town meeting moderator and the bifurcation of the budget are both a sham.
- Rob Gianazza of 3 Spruce Drive – Mr. Gianazza stated that he is concerned regarding the majority limitation, specifically to how the minority is governed. The voters of Brookfield in the past did not have a choice to determine who would sit in the minority seats.

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- Laura Orban, *did not give her address for the record* – Ms. Orban noted the agenda topic of the conduct of public officials. Chair Grimes replied that he needed to add this item because there had been correspondence received regarding the matter. Regarding the change of minority seats from 3 to 2, she disagrees with the proposed change because having 3 of 7 seats accurately represents the way the Town votes.
- Eve Sturdevant of 3 Rajcula Farm Road – Ms. Sturdevant stated that she is concerned about the division of the Town between the Democratic and Republican parties. She wants what is best for Brookfield, regardless of party affiliation. She stated that she was appalled by Commissioner Smolnik’s language directed at Stanley Parker outside of the town meeting, and had mentioned that she has spoken with Mr. Tinsley about her options as a citizen to try to remove him from his position. She stated that the Town needs to work together. She also stated that all Boards and Commissions should follow consistent rules.
- Howard Lasser of 116 Tower Road – Mr. Lasser stated that the law is about majority limitation.

Written Correspondence: Mr. Grimes noted receipt of correspondence received:

- Atty. Beecher’s memorandum to the Board of Selectmen, Town Clerk Joan Locke and Chair Grimes;
- Email exchange between Mr. Lasser and Chair Grimes with respect to documentation;
- Email from Mr. McGarrah;
- Email from Mr. Davidson;
- New timeline from Atty. Beecher;
- CCM documentation;
- Email regarding Commissioner’s behavior.

Conduct of Public Officials: *Email correspondence as noted above* – Chair Grimes made a general comment that anyone in an elected or appointed position needs to know how to conduct themselves in a professional manner; this conduct should not end when the meeting ends. Commissioner Walker stated that people may say things that are inappropriate in the heat of the moment.

Information from CT Conference of Municipalities: Chair Grimes stated that the information will be given to Atty. Beecher to be added to the appendix for the record.

Information from CT State Register & Manual: Chair Grimes stated that this is an invaluable resource for municipalities, and has been a source of much of the research for the Charter.

Re-cap of 06/12/14 Board of Selectmen’s Public Hearing: Chair Grimes stated that this was the Board of Selectmen’s second public hearing on the draft changes. There were eleven or twelve speakers at the meeting. He stated that three were against some of the changes specific to the elected town meeting moderator and the bifurcation of the budget.

Re-cap of 06/24/14 Board of Selectmen’s Meeting: Chair Grimes explained that proposed changes had been made by the Board of Selectmen for the Charter Revision Commission’s review, and the Commission will now review these proposals.

DISCUSSION OF CHANGES TO DRAFT DOCUMENT: The Commission reviewed proposed changes received from the Board of Selectmen’s review. Chair Grimes also outlined the red line changes made to the document to fix some minor grammatical errors.

- **Article I – Incorporation and General Powers**
- **Article II – Elections –**
 - §C2-4: Minority Representation – The Commission moved back to discussion of this matter later in the meeting.
 - §C2-6B: Proposal to add “. . . except as limited by State statute . . .” Chair Grimes explained how a vacancy on the Board of Selectmen is filled.
 - This section was also discussed later in the meeting.*
- **Article III – Elected Officers, Elected Boards & Commissions –**
 - §C3-2C: add “not inconsistent with this charter” as per Atty. Beecher’s comments.
- **Article IV – Board of Selectmen –**
 - §C4-11B – Proposal to add the language, “. . . may be represented by counsel at his or her own expense”. Chair Grimes stated that there is an indemnification statute, and many Town employees are represented by collective bargaining units.
- **Article V – First Selectman**
- **Article VI – Appointed Officers**
- **Article VII – Appointed Boards, Commissions, Committees**
- **Article VIII – Finance and Taxation –**
 - §C8-5A: – Chair Grimes reviewed the language of this section, and noted that the “. . . whichever is greater . . .” may be a mistake. Commissioner Walker suggested that the Commission consider a hypothetical situation using the current language listed. Commissioner Walker asked if the \$20,000 amount is too limiting. Chair Grimes noted that the Board of Selectmen note that the language “. . . whichever is greater. . .” should actually be “. . . whichever is less . . .” Commissioner Ball asked what percentage was \$20,000 of the budget when the Charter was written in 1975. Commissioner Wagner asked if ten percent would be too limiting for certain budgets. The Commission felt as though the phrase is correct. Chair Grimes asked if the \$20,000 amount should be increased. Commissioner Ball suggested that the reference to \$20,000 be removed. **Secretary Parker made a motion to delete the reference to “ or twenty thousand dollars (\$20,000.), whichever is greater, . . .” in §C8-5A. Commissioner Wagner seconded the motion.** E. Nepomuceno stated that the Board of Finance does year-end transfers, and uses \$20,000 as a guiding amount. E. Nepomuceno stated that if this \$20,000 were to be removed, it would eliminate this guide for the Board of Finance. Commissioner Wagner stated that this phrase needs to remain the way it is written. Commissioner Ball stated that the amount would not be based on the departmental budget but rather on the entire budget. Commissioner Walker stated that the \$20,000 amount is rather limiting. Commissioner Wagner suggested that the amount be doubled. **Vice Chair Van Hise made a motion to amend the current motion to reflect “. . . or \$40,000 . . .” and to retain the current language. Commissioner Walker seconded the motion. The motion carried unanimously.**

§C8-5F: The proposed change received from the Board of Selectmen is to change the time period mentioned in this section from thirty to forty-five days. Chair Grimes explained how special appropriations are made. Secretary Parker stated that he thinks if it is needed, the

Board of Selectmen can hold a special meeting. Commissioner Wagner stated that the current timeline should be retained.

- **Article IX – Town Meetings** – Some language clarifications were recommended by Atty. Beecher in respect to the proposed town meeting moderator position.
- **Article X – Code of Ethics; Conflict of Interest** –
§C10-3B: Add the phrase, “. . . and state law”, where proposed by the Board of Selectmen.
§C10-4A&B: Chair Grimes stated that much of CT law is governed by case law. By adding the reference to state statutes in the document, there would be case law and general state statutes, as the proposed change: “subject to the provisions of the Connecticut General Statutes and state law”.

The Commission moved to discussion of minority representation, §C2-4.

- §C2-4: The Commission discussed minority representation relative to §C2-4. Currently, the majority party can have no more than four seats at one time. The Board of Selectmen has asked the Commission to consider this matter. Chair Grimes reviewed some of the research which he had done regarding minority representation. Chair Grimes stated that in order to follow the General statute §9-204a, reference to the statute must be made in the Charter, which is currently stated in the Charter in this section. Commissioner Ball stated that his initial feeling is that if the Commission is to move to §9-167a for all Boards and Commissions, it would be moving against the purpose of the §9-204a legislation, which is specifically stated in the current Charter. Commissioner Walker asked if the Commission has any history as to why §9-204a was adopted on the State level. Chair Grimes stated that he has served on the Board of Education, and he thinks that in general the rules should be the same for all boards. The Board of Education has always filled its own vacancies. There currently is the potential for three seats that the voters do not have the option to select. This may allow three people who the people of Brookfield did not want representing them on the Board of Education. Chair Grimes read §9-167a, which has a chart delineating the number of seats allowable per party. He read the language of §9-204a. If §9-167a were to be used instead of the current §9-204a, there could be five seats in the majority. Commissioner Wagner asked when the Town adopted §9-204a, and Chair Grimes mentioned that this information was in the original Charter, and before the Charter was drafted, the Board of Education referenced §9-167a. Vice Chair Van Hise stated that he does not think this item should be changed at this point in the revision process. Secretary Parker stated that he would like to see the matter changed, but when the Commission began, it was agreed that everything would remain simple. Commissioner Walker stated that this item has been in the Charter since the beginning. Commissioner Ball noted that more time should be available in which to research the matter.
- **Article XI – Transition and Miscellaneous Provisions**
- **Addendums**

Resolution approving final draft for Board of Selectmen –

§C4-11B: add the phrase: at “. . . his or her own expense subject to statutory indemnification requirements.” **Commissioner Walker made a motion to make this change, as noted above. Commissioner Wagner seconded the motion, and it carried unanimously.**

Chair Grimes noted the motion to change §C8-5A, which had been made earlier in the meeting.

Chair Grimes mentioned that although the Commission discussed a possible revision to the timeline in §C8-5F, there were no revisions made to this section.

Commissioner Wagner made a general motion to approve all of the red line changes to the Charter. Secretary Parker seconded the motion, and it carried unanimously.

Vice Chair Van Hise made a motion to submit the final report of the Brookfield Charter Revision Commission to the Board of Selectmen. Commissioner Walker seconded the motion. Chair Grimes stated that he thinks this Commission has conducted itself amicably and has worked on the comments received, and has stuck with the mission of the Selectmen while getting the work done within a reasonable period of time. Chair Grimes stated that the proposed bifurcation of the budget and the elected town meeting moderator would put the power in the hands of the people. He also thanked Attorney Beecher. He stated that there are not many changes proposed in this document that would affect the way Brookfield is run. Every decision has been made public. He thanked the Commissioners for the conduct within the meetings, as well as for the the research that the Commissioners had done. Secretary Parker noted that this Commission has received the public comment and has considered it. Vice Chair Van Hise stated that there was no partisanship as far as he was concerned. He stated that his opinions had been respected. He stated that it was a pleasure working with the Commissioners, and he thinks that great progress has been made in the past months. Commissioner Wagner stated that this Commission has really listened to people and the comments made. Commissioner Walker stated that Dan Smolnik had helped this Commission a lot, and Commissioner Walker thanked Dan Smolnik for his comments as well. **The motion carried unanimously.**

Approval of Minutes – 04/30/14 – Commissioner Wagner moved to approve the minutes of April 30, 2014. Commissioner Walker seconded the motion. Chair Grimes noted on the last page that Mr. McGarrah’s name is spelled incorrectly. **The motion carried unanimously.**

Additional Public Comment – The following person addressed the Board:

- Dotti Dori

Schedule going forward – Mr. Grimes stated that the Commission will be asked to work with Atty. Beecher to devise a chart for description of the current charter, proposed and what would be the differences between the two documents.

Adjournment – Commissioner Walker made a motion to adjourn at 8:55 PM. Commissioner Wagner seconded the motion, and it carried unanimously.