Charter Revision Committee-Meeting Minutes July 18, 2022

1. Call to Order
   - Meeting called to order by Chairperson Rob Gianazza at 7:02 pm.
   - In Attendance:
     o Robert Gianazza, Chair
     o Krystal Ramos, Secretary
     o Mario Nacinovich
     o George Walker
     o Christina Zimmerman
     o Leanna Hinger
     o Member of the Public
   - Absent:
     o Linda Wagner, Vice-Chair

2. Pledge of Allegiance

3. Public Comment
   - Matthew Grimes, Jr. of 11 Orchard Street, Brookfield offered comments

4. Approval of Meeting Minutes, June 27, 2022
   - Mario Nacinovich motioned to approve the minutes from the June 27, 2022 meeting.
   - George Walker seconded.
   - Vote passed 6-0

5. Set date for initial Public Hearing
   - Discussion regarding setting public hearing.
   - Proposal: August 1, 2022, Town Hall Room 135 from 6pm-7pm, regularly scheduled meeting to follow in Room 209 at 7pm.
   - George Walker motioned to approve the proposal for setting the public hearing. Christina Zimmerman seconded. Vote passed 6-0.
   - Rob Gianazza to follow up on securing Room 135 and any other steps necessary to publicly notice the hearing as required.
   - Motion by Mario Nacinovich to limit public comment to 3 minutes. George Walker seconded. Discussion regarding limits on meetings as distinguished from hearings. No vote was held.

   - Committee discussion led by Christina Zimmerman.
   - Discussion to continue after public comment.

7. Discussion of Changing Town Clerk - Linda Wagner
- Christina Zimmerman motioned to table this agenda item as Linda Wagner is not present to lead the discussion. Mario Nacinovich seconded.
- Vote passed 6-0.

8. **Discussion of Merging Planning and Zoning Commissions - George Walker**
   - Discussion will continue after public comment

9. **Discussion of various communication methods for the community to submit their ideas, concerns and questions - Leanna Hinger**
   - Discussion held.
   - Draft format of form needed for further discussion.

10. **Requests for specific Town Ordinances (printed) specific to Charter Revision discussion**
    - Discussion and request for copies of particular town ordinance made by committee members related to charter revision and charges including but not limited to: charter revision, town clerk, town treasurer, vacancies on boards, and home rule.
    - Rob Gianazza to obtain copies of requested ordinances and provide to the committee for review.

11. **Requests for specific Connecticut General Statutes (printed) specific to Charter Revision discussion**
    - Discussion and request for copies of particular CT General Statutes made by committee members related to charter revision and charges including but not limited to: charter revision, town clerk, town treasurer, vacancies on boards, and home rule.
    - Rob Gianazza to obtain copies of the requested statutes and provide to the committee.

12. **Other charter areas to be examined**
    - Krystal Ramos proposed clarification of the charges to the committee, specifically, clarification of the sources for each of the charges. Discussion held. Krystal Ramos to follow up.
    - Christina Zimmerman proposed further examination of Article IX (Town Meetings) Section C9-3(B) concerning modifications at annual town meetings. Discussion held.
    - George Walker proposed further examination of Article VIII (Finance and Taxation), specifically with regard to the fund balance. Discussion was held. Suggestion was made to invite Marcia Marien, Finance Director/Controller for the Town to a meeting of this committee.
13. Acknowledgement of Written/Electronic Communications: (see attached)
   a. Howard Lasser - June 28, 2022 (also see attached correspondence from June 27, 2022 which was received the same date as the prior meeting).
   b. Ron Jaffe - July 5, 2022
   c. Richelle Hodza - July 6, 2022

14. Public Comment
   - No additional comment

15. Adjournment
   - Mario motioned for adjournment at 8:42 p.m. and George Walker seconded. The motion passed 6-0.

Respectfully Submitted by Krystal Ramos, Secretary
July 26, 2022
From: Dennis Kokenos <dkokenos@mzslaw.com>
Sent: Tuesday, June 28, 2022 2:25 PM
To: Howard Lasser
Cc: Rob Gianazza; leannapizzo@gmail.com; marioacinovich@aol.com;
krytal@levinramoslaw.com; Linda Wagner; George Walker; Christina Zimmerman; bos;
krytalramos20@gmail.com

Subject: RE: Re:

No need for a back and forth, my prior email covers my position on the matter, thank you.

Dennis J. Kokenos, Esq.
Attorney At Law

Direct Dial: 203.864.4687
Main: 203.864.4511
Fax: 203.456.8249

Email: dkokenos@mzslaw.com

Marino, Zabel &
Schellenberg, PLLC
657 Orange Center Road
Orange, CT 06477

From: Howard Lasser <howard.lasser@gmail.com>
Sent: Tuesday, June 28, 2022 2:19 PM
To: Dennis Kokenos <dkokenos@mzslaw.com>
Cc: Rob Gianazza <robgianazza@gmail.com>; leannapizzo@gmail.com; marioacinovich@aol.com;
krytal@levinramoslaw.com; Linda Wagner <lwagner@sbdanbury.com>; George Walker <gwalker1230@charter.net>; Christina Zimmerman <bcbabee@gmail.com>; bos <bos@brookfieldct.gov>; krytalramos20@gmail.com

Subject: Re:

I really do not want to get into a back and forth. I agree they can discuss items and it is perfectly appropriate to discuss organizational issues and how they might go about the work. However, I do not believe I misrepresented what you said. What I heard you say, and I apologize if I misheard you, and I leave it to the committee to determine what they heard, was that they could prepare a draft before conducting their first public hearing. I think you said specifically, what would they be commenting on if there was no proposal. This is, in my opinion, inconsistent with the statute in that preparing a draft obviously requires substantive work. If you can define a method in which one might produce a draft document without doing substantive work, I think that would be quite an exercise in linguistic sophistry. In addition, as such an action would put the work in jeopardy of failing to follow statutes it would perhaps invalidate all the work they might do.

Howard Lasser
116 Tower Road
Brookfield, CT 06804
Phone: (203) 775-1832
Cell: (914) 572-3196

"The world is a book and those who do not travel read only one page."
Mr. Lasser:

You have misrepresented my comments to the Commission as pertaining to when public hearings should be held and my comments as relating to the ethics/advisory opinions. The relevant statute which was read by me to the commission last night references the need for at least two (2) public hearings to be held and states that one of such public hearings should be held prior to it “conducting substantive work on the charter, charter amendment or home rule ordinance amendments”. It is completely appropriate for a Charter Revision Commission to hold initial organizational meetings. Given your known misrepresentation, I see no further need to waste the Town’s resources with a more substantive response to your email as pertaining to my comments to the Commission.

I do however think the Commission should take into consideration any suggestions you or any resident of Brookfield may have relating to revision of the Town Charter. Such suggestions could have been made during the public comments portion of the first two (2) Charter Revision Commission meetings and can also be made at any future meetings during public comment or at any future public hearings to be scheduled by the Commission.

Thank you and I look forward to seeing you at the next meeting.

Dennis J. Kokenos, Esq.
Attorney At Law

Direct Dial: 203.864.4687
Main: 203.864.4511
Fax: 203.456.8249

Email: dкokenos@mzslaw.com

Marino, Zabel & Schellenberg, PLLC
657 Orange Center Road
Orange, CT 06477

www.mzslaw.com
Rob,

First let me apologize for my interruptions at the start of your meeting. And thank you for indulging me in letting me clarify certain issues. In all, I think you ran a good meeting.

I want to summarize for the record some of the issues I brought to the Committee’s attention.

First, the idea suggested by the Town Attorney in attendance, that you first prepare a draft before having the first public hearing is clearly in conflict with statute. I repeat the statute is clear that a public hearing must be held prior to substantive work by the committee. I cannot fathom that any rational person would characterize preparing a draft as not being substantive work. And as I also suggested, producing a draft prior to hearing any ideas or concerns from the public precludes the opportunity to hear ideas that the few around the table might not have previously considered and increases the work and time to produce a report to the BOS if you must go back and do further research on a good idea.

It is also clear from the discussion and from the comments from the Town Attorney that he is not familiar with town ordinances or policies. Just one example, his comments regarding ethics and advisory opinions, a quick check of the ethics ordinance, attached, would show this issue is clearly addressed. While it would not be reasonable to expect anyone to be fully cognizant of all our ordinances, since the issue of ethics was raised in an email to the committee, in my opinion, it is not inconsistent to expect someone to come prepared to address it, or at least suggest it is something to investigate, rather than give information inconsistent with Town Code. If the committee is to rely on input from him, it might be a good idea to suggest he go back and study the town code, so he is able to give better feedback and support to the committee.

It is also somewhat worrying that the Town’s finance director is not aware of ordinances and policies that govern the management of various special funds. This is an institutional challenge that is not necessarily a charter issue but should be addressed.

I’d like to summarize the ideas I brought to the committee for its consideration.

1) Petitioning to a town meeting to overturn a Board of Finance rejection of a special appropriation: As I noted this is the only decision by any board or commission that could not be appealed. In an earlier charter revision, the charter was changed to allow the people to petition this to a town meeting. However, a later Town Attorney ruled that there was some inconsistency between the provisions that allowed this and other provisions in the charter. The last Charter Revision commission suggested changes that would reinstate this right of the people, but the BOS did not forward this for a vote. I urge the CRC to put this forward again so that what was clearly supported by the people could once again be part of our charter.

2) Borrowing and establishing a threshold for approval: The charter required borrowing greater than $1 million go to referendum but establishes no specific threshold for approval. I suggest that when there is a special referendum, as opposed to being on the ballot of a regular election, i.e. November or budget vote,
there be some requirement for participation when the amount of borrowing is large. I would leave it up to the CRC to determine what “large” is. Perhaps a ratio related to current outstanding debt?

3) Budget process: I noted that the Board of Finance has no operational responsibilities but often supersedes the judgement of what are town priorities as established by elected officials charged with operational imperatives. I think those that are elected to manage the town operations, Board of Selectmen and Board of Education, should have the opportunity to present to the voters a request for the funds they say they need. My thought is that each of those boards submit their plans to the BOF. The BOF gives back their recommendations based on consideration that the resources requested aligning with their respective objectives. Then the Boards finalize their plans and submit that to the voters. If the referendum fails to approve the budget, the BOF can then propose an alternative for the voters consideration.

Finally, I would also repeat my request from my prior email about public comment. As the other gentleman last night commented as well, putting public comment at the beginning of the meeting is far more respectful of the publics’ time and can add information to the discussion to follow. Should the time taken for public comment become too intrusive, it is perfectly appropriate to have an overall time limit for public comment at the beginning of the meeting with a second opportunity at the end of the meeting for anyone who was unable to speak during the first time period.

Howard Lasser
116 Tower Road
Brookfield, CT 06804
Phone: (203) 775-1832
Cell: (914) 572-3196

"The world is a book and those who do not travel read only one page."
Charter Revision – Input

Ron Jaffe <ronjaffe88@gmail.com>
To: Rob Glanzmann <rsglanzmann@gmail.com>, Leanne Hinger <leannenhinger@gmail.com>, Mario Nachinovich <marionachinovich@comcast.net>, Linda Wagner <lindawagner@tidebob.com>, George Walker <gwalker@charter.net>, Chris Zimmerman <cczimmerman@gmail.com>, Krystal Ramos <krystalaramos29@gmail.com>

(resending with updated email for Krystal Ramos)

Thanks for volunteering to do this work for the town. As someone who has served on Charter Revision Commissions in the past, I know how much work is involved.

A few things:

I believe that the current practice of some Boards and Commissions in town to place public comment at the end of the meeting is wrong minded and counterproductive. It goes against decades of tradition, and is disrespectful to the citizens. It eliminates the opportunity for concerned and informed shareholders to have an impact on discussion of agenda items. I urge you in the strongest terms to restore tradition and move public comment to the first agenda item. Adding a second opportunity for public comment as a last agenda item is also recommended.

Now for comments on the Charter Revision.

Based on state statute (https://www.cga.ct.gov/2015/TOB/H/2015HB-05087-R01-HB.htm), I’m concerned that you haven’t set a date for the first required public hearing yet. The language in the statute says you should hold the first hearing “prior to the beginning of any substantive work on such charter, charter amendments or home rule ordinance amendments.” My understanding is that this is to allow input from all constituents before you present a recommendation or report of any kind. This kind of focus on process and community is critically important. I’d urge you to set a date for the public hearing ASAP.

I also understand that you have a list of items to look at – a document called ‘Charter Revision Charge Considerations – 2022’ that is attached to your 6/27/2022 minutes. The Board of Selectmen voted on and approved six items on this document – those numbered 1 through 6. I assume that the next 3 items – all dealing with term limits – are the First Selectman’s suggestions.

A few observations.

I do believe that at the first public hearing it would be appropriate to present not your work or recommended changes, but all suggested changes along with who made each suggestion. This would stimulate public discussion and increase clarity and transparency.

For the BOS charges, a few thoughts on 3 of the 6 numbered items (numbers below reference the item number on the Charge Considerations list):

# 2. So long as mandated majority limitations are maintained, we should not as a town limit boards from selecting replacements due to vacancies. I think this arbitrarily politicizes the process and limits the town’s access to talent. The recent opinion from town attorney restricting boards (other than the BOS) from selecting the best candidate goes counter to long established precedent as indicated by previous town attorneys interpretation of the charter, and is not in the best interest of the town, limiting the pool of potential candidates. I’d recommend a revision that clarifies this and reconfirms a long established understanding and interpretation that those specific commissions designated by the charter with authority to replace vacancies may do so without regard to political affiliation, so long as they respect state statutes regarding majority limitations.

# 3. Changing the Town Clerk to an appointed position turns this into a flatly political position, and takes choice away from voters. I oppose this as well.

# 5. The budget process as outlined in the charter works well. It provides for public notice, public input, and a reasonable time frame. I do believe the idea of allowing budgets created by the BOE – a state agency with the responsibility of managing the budget (including personal liability if members knowingly overspend the budget) – to be forwarded to the town unchanged should be given consideration. Other than that, I fail to see the need to change this section of the charter.

As for the First Selectman’s recommendations, I have concerns.

Term limits are counter-productive on many levels. There’s a great value to be placed on what is often called ‘institutional memory.’ This valuable knowledge only comes with experience. The town wants, in fact needs, experienced people in elected and volunteer positions. I’d urge you to reject all term limit suggestions.
As for a political appointee having power to eliminate board and commissions, boards listed in the charter would need to have a charter change. Beyond this, all other boards should continue to come under the review of the full BOS – the group that originally established these groups. All such discussions should be noticed, in public, with votes recorded.

I also have concerns about many (most) of the Finance Director’s suggestions, but I’ll communicate them at a different time.

Please let me know if you have any questions.

Thanks for considering.

Ron Jaffe

21 White Pine Drive
Brookfield, CT 06804
203.770.0728 mobile
Fwd: Charter Revision meeting tonight

Christina Zimmerman <bcbabee@gmail.com>  
Mon, Jun 27, 2022 at 6:17 PM  
To: Krystal Ramos <krystalramos20@gmail.com>, leannarpizzo@gmail.com, marionacinovich@aol.com

I am forwarding an email that was intended for all members of the Charter Revision Commission.

---------- Forwarded message ----------
From: Howard Lasser <howard.lasser@gmail.com>  
Date: Mon, Jun 27, 2022, 5:58 PM  
Subject: Charter Revision meeting tonight  
To: George Walker <George@advantagealtyinc.com>, Linda Wagner <wilowags@att.net>, Christina Zimmerman <bcbabee@gmail.com>  
Cc: bos <bos@brookfieldct.gov>

First I just want to say, since you are the only ones I have an email address for is why I am sending this to you.

Couple of things, I note that setting a public hearing date is not on your agenda for the meeting tonight. Statute requires you to have a public hearing prior to any substantive work, so I would expect that would be one of the first discussion topics.

Sec. 7-191. Charters, charter amendments and home rule ordinance amendments: Hearings; draft and final report; public notice; referendum; effective date; filing of copies with Secretary of the State; file maintained by State Library.
(a) The commission shall hold at least two public hearings on the proposed charter, charter amendments or home rule ordinance amendments; one prior to the beginning of any substantive work on such charter, charter amendments or home rule ordinance amendments, and one after the draft report to the appointing authority has been completed, but not submitted, after which hearings the commission may amend such report. The commission may hold such other public hearings as it deems necessary.

Second, I note that you have public comment at the end of your meeting agenda. In the past, public comment for meetings has been at the beginning of meetings. I note that while the BOE had moved it to the end, it has recently moved it back to the beginning of their meeting. They did so with a time limit so as not to take too much time, and have a second public comment at the end of the meeting for anyone who was unable to speak at the beginning. I would hope you might adopt a similar model for the benefit of the public.

Finally, in the past, the Board of Selectmen in establishing the commission, would include a charge with things that could be considered. I note this is also in the statutes (sec 7-190 (b)). I find no such charge in the minutes of the BOS or in your minutes. Just wondering if any exists or is the commission just going on its own initiative?

Howard Lasser  
116 Tower Road  
Brookfield, CT 06804  
Phone: (203) 775-1832  
Cell: (914) 572-3196

"The world is a book and those who do not travel read only one page."
Re: charter revision

Rob Gianazza <robgianazza@gmail.com>                                             Thu, Jul 14, 2022 at 8:57 AM
To: Richelle Hodza <RHodza@brookfieldct.gov>
Cc: Tara Carr <tcarr@brookfieldct.gov>, Christina Zimmerman <bcbabee@gmail.com>, George Walker
    <gwalker1230@charter.net>, Krystal Ramos <krystalramos20@gmail.com>, Leanna Hinger <leannarpizzo@gmail.com>,
    Linda Wagner <lwagner@sbdanbury.com>, Mario Nacinovich <marionacinovich@aol.com>

Thank you for your email. I'd be happy to meet with you, please let me know what specific issues you'd like to discuss so I can familiarize myself with them before we meet. Of course you are always welcome to come to any of the committees regular meetings or our public hearings to express any concerns you may have.

Thank you for your interest,

Rob Gianazza

On Wed, Jul 6, 2022 at 5:36 PM Richelle Hodza <RHodza@brookfieldct.gov> wrote:
   Dear Mr. Gianazza,
   I would like to introduce myself. As the new Land Use Director, I have noticed some issues that may need to be addressed by your Committee. I look forward to working with you, to making recommendations, commenting, and proofreading, as appropriate. Please know that I am available to you and the Committee as you undertake the difficult and important work ahead.
   Respectfully,
   Richelle Hodza
   Director, Land Use