

SPECIAL JOINT MEETING
BOARD OF SELECTMEN
CHARTER COMMISSION
Monday, January 23, 2012
Mulvey Municipal Center
Multi-Media Room

CALL TO ORDER

Mr. Bishop made a motion to call the BOS meeting to order at 7:35 a.m. Mr. Hall seconded the motion. The motion passed unanimously. In attendance included: First Selectman Bishop, Selectman Hall and Selectman Ehlert.

CALL TO ORDER

Mr. Ferrara made a motion to call the Charter Commission meeting to order at 7:36 a.m. Mr. Keryc seconded the motion. The motion passed unanimously. In attendance: John Ferrara, Chairman, Paul Keryc, Dr. Robert Schreck, Mark Lynskey, Anne Barton, Mary Labbadia (arrived at 7:40 a.m.) and Pat Labbadia (arrived at 7:40 a.m.).

Also in attendance: Attorney Michael Wells, Becky Coffey

BUSINESS

Discussion Regarding Charter

Mr. Bishop reported that a letter was received from Attorney Michael Wells on Thursday, January 19, 2012, detailing the statutory requirement (Connecticut General Statutes Section 7-191(c) that the Charter Commission and the Board of Selectmen must confer concerning any recommendations. The January 19, 2012 letter referenced two letters from Attorney Wells dated 1/28/10 and 5/11/10. The January 28, 2010 letter explains the process for adopting a town charter and the 5/11/10 letter outlines the composition and process for appointing members of the Charter Commission as well as the timeline. All of the above referenced letters from Attorney Wells were distributed to Board members and were available for review.

The final report of the Charter Commission is due today, 4:00 p.m., January 23, 2012. The Board of Selectmen has a special meeting scheduled at 5:00 p.m. on Monday, January 30, 2012 to receive and take action on the final report from the Charter Commission.

Mr. Ferrara requested that Attorney Wells define the term "confer" as stated in Statute 7-191(c). Attorney Wells responded that confer means to meet, to discuss, and to talk.

Mr. Ferrara stated that the meeting this morning is an opportunity to discuss the recommendations made by the BOS at their 12/22/11 and for the Charter Commission to respond to a memorandum from First Selectman Bishop dated 12/28/11 outlining said recommendations.

Mr. Ehlert asked what was required as a result of this morning's meeting. Attorney Wells responded that there are no requirements for a vote or action as a result of this meeting.

Mr. Ferrara commented that the Charter Commission has a responsibility to act and respond to the recommendations presented.

Mr. Labbadia questioned if the appropriate protocol was followed regarding posting notice of this morning's meeting. Mr. Bishop responded that these Special meetings were posted Thursday afternoon. Attorney Wells added that the meetings were posted appropriately.

The BOS recommendations made as a result of the 12/22/11 BOS meeting were:

- Mr. Ehlert reported that the proposed Charter does need to go back to the Charter Commission so that technical errors can be addressed. He continued that the Charter Commission should

also review Attorney Wells' letter and address the various statute conflicts located throughout the Charter document.

Mr. Ferrara reported that the technical issues throughout the Charter document have been addressed.

- Mr. Hall agreed and added that the Charter Commission may want to re-visit a stipend for Selectmen. He commented that it may be difficult to find candidates willing to serve if no stipend is offered.

Mr. Ferrara reported that the Charter Commission considered adding a stipend for Selectmen to the documents but determined that a Town Meeting was the appropriate authority to address any compensation to the Selectmen.

- Mr. Ehlert commented that the Charter Commission may wish to utilize funds and authorize Attorney Wells to review his comments with the Charter Commission.

Mr. Ferrara reported that Attorney Wells was invited to the 1/4/12 Charter Commission meeting. The intent was to seek his comments on the Charter document. However, at that meeting, the Charter Commission did not take advantage of this opportunity to seek Attorney Wells' comments on the document. The Charter Commission did utilize Attorney Wells letter as guidance for their discussions.

Mr. Ehlert commented that Mr. Ferrara came before the BOS on 1/9/11 to request an additional \$500 for legal fees. Mr. Ferrara responded that Attorney Wells and Attorney Mednick have been in communication and Attorney Wells letters have been given to Attorney Mednick. Mr. Ferrara has also provided updated drafts of the documents to Attorney Wells and Attorney Mednick and he believes the attorneys have been kept informed of changes, revisions and clarifications.

Mr. Bishop reported that Attorney Wells made specific recommendations regarding the Charter in an e-mail dated 1/4/12. Mr. Ferrara outlined the recommendations made by Attorney Wells in his e-mail dated 1/4/12. The BOS made their recommendations to the Charter Commission at their 12/22/11 meeting. The Charter Commission did not schedule a meeting until 1/4/12. Attorney Wells' e-mail stated that two weeks was not sufficient time to revise the document and make it acceptable. Therefore, Attorney Wells recommended that the Charter Commission consider adopting a "simple" Charter and then seek to make changes to that document via a Charter Revision process. This recommendation was considered at the 1/4/12 Charter Commission meeting; however, the Commission decided to seek outside counsel and work within the Commission to make the changes to the Charter.

- The Charter Commission should review the Director of Finance job description and address any "overlaps" between the Director of Finance and proposed Town Manager job descriptions.

Mr. Ferrara reported that the job description of a Director of Finance and Town Manager was reviewed by Attorney Mednick. A complete job description for each position was not finalized. The Commission felt that since both are town employees, a fuller job description should be left to the BOS and not covered in a Charter document. Mr. Ferrara added that the Charter Commission addressed this issue to the best of their ability.

- Clarification on the role of a proposed Ethics Commission.

Mr. Ferrara reported that the original draft included a provision requiring a unanimous vote of the BOS to appoint Ethics Commission members. The Charter Commission is proposing a 2/3 vote of the Board of Selectmen when appointing members to the Ethics Commission. The Commission used the Old Saybrook Charter as a guide.

- Clarification is needed on the role of the BOF and their relationship with the Town Manager.

Mr. Ferrara reported that the Charter Commission discussed the flow of the budget from the beginning of the process. The various departments submit their budget to the Town Manager and the process would follow the current protocol. Mr. Ferrara commented that the process was "fleshed out" with Attorney Mednick but some areas are still not fully detailed. The Charter document describes stages

and states that the BOS develop ordinances to fully outline the budget process. Mr. Ferrara suggested using state statutes as a model to “fill in the gaps”.

- A Charter document without a Town Manager component.

Mr. Ferrara reported that the Charter Commission discussed this option but the Commission’s sense was that their research determined a Town Manager was in the best interest of Westbrook and that the Town desired a Town Manager.

Attorney Wells asked if the vote of the Charter Commission regarding a Town Manager was unanimous. Mr. Ferrara responded that it was not. It was through a 6 to 3 vote of the Commission, that a Town Manager was the best option for Westbrook.

Mr. Ferrara reported that the Commission has addressed the recommendations of the BOS.

Mr. Bishop asked if the Charter Commission met with Attorney Mednick and has Attorney Mednick seen all of the recommendations. Mr. Ferrara reported that all recommendations and comments made by Attorney Wells were given to Attorney Mednick. Mr. Labbadia reported that the Charter Commission empowered both John Ferrara and himself to meet with Attorney Mednick. Attorney Mednick did not have any direct communication with the entire Charter Commission. Attorney Mednick did not wish to have a quorum of the Charter Commission.

Mr. Bishop requested that the Charter Commission receive an opinion letter from Attorney Mednick. Mr. Ferrara will follow-up with Attorney Mednick.

Mr. Labbadia commented that the Charter Commission may not have enough money to fund an opinion letter from Attorney Mednick.

Mr. Ferrara requested clarification of an opinion letter. Mr. Bishop responded that any contract/agreement with the Town is first reviewed by Attorney Wells. Attorney Wells then forwards a letter to guide discussion on said contract/agreement.

Mr. Ferrara reported that the \$500 added to the Charter Commission budget would allow them to spend \$4,000 for Attorney Mednick’s review (20 hours). The Commission voted to authorize 10 hours for Attorney Mednick to review and then added 9 more hours. The Commission did not authorize Attorney Mednick to spend more than 20 hours on the document. Mr. Hall expressed concern that there may be additional funds necessary for Attorney Mednick’s work. He questioned why the Charter Commission did not request more money at the 1/9/12 BOS meeting. He understood that the additional \$500 approved by the BOS would be sufficient. Mr. Ferrara responded that the \$500 request was made prior to meeting with Attorney Mednick. Mr. Bishop asked if the contract with Attorney Mednick includes number of hours. Mr. Ferrara responded that Attorney Mednick’s review was limited to 19 hours unless otherwise modified by the Commission or the Town.

Mr. Bishop reported that the final draft is due today, January 23, 2012 by 4:00 p.m. Once the final draft of the Charter is received, the document will be forwarded to Attorney Wells for review and comment. Mr. Bishop expects that an opinion letter from Attorney Mednick will also be provided.

Mr. Ferrara reported that the Charter Commission is prepared to submit a final draft by the deadline. He will follow up with Attorney Mednick regarding an opinion letter and clarification on billable hours. Mr. Bishop reported that while he is reluctant to give a “blank check” for Attorney Mednick’s service, an additional appropriation request can be placed on the agenda for the 1/26/12 BOS meeting.

When the final Charter document is received, the Charter Commission “goes out of business”. However, Attorney Wells reported that the Charter Commission may still meet to approve minutes and discuss any additional bills received; however, they may not meet after today to work further on the Charter document.

Mr. Wells commented that an opinion letter is “standard” and Attorney Mednick informed him that he would be providing an opinion letter.

Mr. Ehlert commented that the Charter process has gotten “ugly”. Nine individuals volunteered to work on the Commission and all will have opinions. There will not always be a unanimous vote on issues. He continued that this process played itself out. He appreciates the time spent but added that the ugliness is not helpful and must stop. Attorney Mednick was hired to protect the interest of the Commission and Attorney Wells protects the interest of the Town.

Earlier in the meeting Attorney Wells commented that the Charter Commission “enjoys amending minutes”. Mr. Ehlert questioned the Charter Commission’s process to approve their meeting minutes. Mr. Ferrara responded that the Charter Commission does vote on amended minutes.

ADJOURNMENT

Mr. Bishop made a motion to adjourn the BOS meeting at 8:22 a.m. Mr. Hall seconded the motion. The motion passed unanimously.

Dr. Schreck made a motion to adjourn the Charter Commission meeting at 8:23 a.m. Mr. Lynskey seconded the motion. The motion passed unanimously.

Respectfully Submitted,

Attest,

Suzanne Helchowski
Administrative Assistant

Noel Bishop
First Selectman