

TOWN OF PUTNAM

CHARTER REVISION COMMISSION MEETING MINUTES

JULY 27, 2016

TOPIC		DISCUSSION	ACTION/ RESOLUTION
PRESENT:		Chairman Tarr, Vice Chairman Benoit, Members Faucher, Garceau, Noel-Johnson, Osbrey	
ABSENT:		Member Hayes	
1.	CALL TO ORDER	Meeting called to order at 7:03 P.M. by Chairman Tarr	
2.	APPROVAL OF MINUTES	<p>A. <u>June 29, 2016 Charter Revision Commission Meeting Minutes:</u></p> <p><i>Vice Chairman Benoit made a motion to accept the minutes as presented. Member Noel-Johnson seconded the motion, which passed unanimously.</i></p>	
3.	PUBLIC COMMENT	None	
4.	CORRESPONDENCE	<p>A. <u>Memo dated July 15, 2016 from Town Administrator Cutler Including:</u></p> <ol style="list-style-type: none"> 1. Town Attorney St. Onge Correspondence (see attachment "A") 2. Email from Bernard Liu from the Secretary of State's Office (see attachment "B") 3. Examples from other towns on Merit Hiring (see attachment "C") 	
5.	CHARTER REVIEW CHAPTER 2	<p>A. <u>Chapter 2, Section 1, Subset 3 – Election of Municipal Officers:</u></p> <p><i>Motion made by Vice Chairman Benoit to change the term of the Selectmen from two (2) years to four (4) years. Member Garceau seconded the motion, which passed 5-1 Member Osbrey voted Nay during the July 27, 2016 Charter Revision Commission Meeting (allowing for typos to be corrected)</i></p>	

		<p><i>Member Garceau made a motion to reject a Selectman being elected to serve as a voting member on the Special Services District Board. Vice Chairman Garceau seconded the motion, which passed unanimously during the July 27, 2016 Charter Revision Commission Meeting (allowing for typos to be corrected)</i></p> <p><i>Member Garceau made a motion to reject a member of the Special Services District be appointed to attend Board of Selectmen Meetings. Vice Chairman Garceau seconded the motion, which passed unanimously during the July 27, 2016 Charter Revision Commission Meeting (allowing for typos to be corrected)</i></p> <p><i>Member Garceau made a motion to reject a Selectman being appointed by the Special Services District Board to serve as a voting member on the Special Services District Board. Vice Chairman Garceau seconded the motion, which passed unanimously during the July 27, 2016 Charter Revision Commission Meeting (allowing for typos to be corrected)</i></p>	
5.	CHARTER REVIEW CHAPTER TWO	<p><u>B. Section Two – Minority Representation:</u></p> <p><i>Vice Chairman Benoit made a motion to change the Maximum from One Party to a simple majority as follows:</i></p> <ul style="list-style-type: none"> • 5 Members from 4 to 3 max from 1 party • 7 Members from 5 to 4 max from 1 party • 9 Members from 6 to 5 max from 1 party. <p><i>Member Garceau seconded the motion, which passed 5-1. Chairman Tarr voted Nay during the July 27, 2016 Charter Revision Commission Meeting (allowing for typos to be corrected)</i></p>	
5.	CHARTER REVIEW CHAPTER TWO	<p><u>C. Section Five - Vacancies:</u></p> <p><i>Motion made by Vice Chairman Benoit to approve</i></p>	

			<i>Chapter Two, Section Five as presented. Member Faucher seconded the motion, which passed unanimously during the July 27, 2016 Charter Revision Commission Meeting (allowing for typos to be corrected)</i>	
5.	CHARTER REVIEW CHAPTER TWO	D.	<u>Proposed Section Nine – Procedures for Removal of a Board Member for Cause:</u> <i>Member Garceau made a motion to strike the Proposed Section Nine. Vice Chairman Benoit seconded the motion which passed unanimously during the July 27, 2016 Charter Revision Commission Meeting (allowing for typos to be corrected)</i>	
5.	CHARTER REVIEW CHAPTER THREE	E.	<u>Section Three – Appointments and Terms:</u> Held open for further discussion	Denise Roireau to put on the August 24, 2016 Charter Revision Commission Meeting Agenda
5.	CHARTER REVIEW CHAPTER FOUR	F.	<u>Section One – Board of Selectmen:</u> <i>Motion made by Vice Chairman Benoit to remove “OFFICE OR” from the last sentence. Member Osbrey seconded the motion, which passed unanimously during the during the July 27, 2016 Charter Revision Commission Meeting (allowing for typos to be corrected)</i>	
5.	CHARTER REVIEW CHAPTER FOUR	G.	<u>Section Five – Publication of Ordinances:</u> Held open for further discussion	Denise Roireau to put on the August 24, 2016 Charter Revision Commission Meeting Agenda
5.	CHARTER REVIEW CHAPTER FOUR	H.	<u>Section Six – Emergency Ordinances:</u> <i>Motion made by Vice Chairman Benoit to approve Chapter Four, Section Six as presented. Member Faucher seconded the motion, which passed unanimously during the July 27, 2016 Charter Revision Commission Meeting (allowing for typos</i>	

			<i>to be corrected)</i>	
5.	CHARTER REVIEW CHAPTER FOUR	I.	<u>Section Seven - Investigation:</u> <i>Motion made by Vice Chairman Benoit to approve Chapter Four, Section Seven revising the text to remove the last sentence. Member Garceau seconded the motion, which passed unanimously during the July 27, 2016 Charter Revision Commission Meeting (allowing for typos to be corrected)</i>	
5.	CHARTER REVIEW CHAPTER FOUR	J.	<u>Proposed Section Eight – Public Hearing on Ordinances:</u> No action taken	Denise Roireau to put on the August 24, 2016 Charter Revision Commission Meeting Agenda
5.	CHARTER REVIEW CHAPTER FOUR	K.	<u>Proposed Section Nine-One – Petition to Town Meeting an Ordinance after it has been Published:</u> No action taken	Denise Roireau to put on the August 24, 2016 Charter Revision Commission Meeting Agenda
5.	CHARTER REVIEW CHAPTER FOUR	L.	<u>Proposed Section Nine-Two – Overrule of Ordinance Procedure:</u> No action taken	Denise Roireau to put on the August 24, 2016 Charter Revision Commission Meeting Agenda
5.	CHARTER REVIEW CHAPTER FIVE	M.	<u>Section One – Appointive Officers:</u> No action taken	Denise Roireau to put on the August 24, 2016 Charter Revision Commission Meeting Agenda
6.	ALL OTHER BUSINESS TO LAWFULLY COME BEFORE SUCH MEETING		None	
7.	ADJOURNMENT		<i>Member Garceau made a motion to adjourn the Charter Revision Commission meeting at 8:35PM. Vice Chairman Benoit seconded the motion, which passed unanimously.</i>	

Respectfully submitted,

Denise S. Roireau, Secretary
Charter Revision Commission



TOWN OF PUTNAM

TOWN HALL
126 CHURCH STREET
PUTNAM, CONNECTICUT 06260



MEMORANDUM

TO: Denise Roireau
FROM: Doug Cutler 
DATE: July 15, 2016
RE: Charter Revision Commission

Attached you will find correspondence from Town Attorney St. Onge that was drafted after my meeting with him to discuss and review questions posed at the last meeting of the Charter Revision Commission. I have also included an email from Bernard Liu with the Secretary of the State's office addressing questions posed by Attorney St. Onge that again were raised during Commission deliberations.

As requested, I have included two examples of how towns handle the question of merit hiring. In one instance, the Town of Mansfield, through their charter, establishes an actual Merit System dealing with the appointment and promotion of town officers and employees. The other example comes from the Town of Bolton where they leave it to the establishment of a personnel policy and procedures to cover competitive examinations. Some other towns I have researched establish a merit system but exempt certain positions from the provisions.

I will be back on Friday, July 22nd, but wanted to provide this information in advance of your distributing the agenda packets for the meeting.

Cc: Mayor Falzarano

Town of Putnam is an Affirmative Action/Equal Opportunity Employer
Main Phone: 860-963-6800

Mayor's Office	x806	Parks & Recreation	x810	Veteran's Affairs	x808
Assessor	x805	Planning/Land Use	x815	Water Pollution Control Authority	x821
Building/Zoning	x814	Public Works	x811	1st Floor Fax	860-963-5398
Economic Development	x813	Refuse/Recycling/Curbside Pickup	x812	2nd Floor Fax	860-963-5360
Finance	x807	Registrar of Voters	x803	3rd Floor Fax	860-963-6814
Fire Marshal	x816	Town Clerk	x802		



ST. ONGE & BROUILLARD
ATTORNEYS AT LAW

Fifty Route 171, Woodstock, Connecticut 06281

Mailing Address:
P.O. Box 550
Putnam, CT 06260-0550

William H. St. Onge
WHS@bsblaw.net
Mark R. Brouillard
MRB@bsblaw.net
Douglas J. Williams
DJW@bsblaw.net
Tracie L. Molinaro
TLM@bsblaw.net

Phone: (860) 928-0481
Fax (860) 928-9950

July 8, 2016

Owen Tarr
Chairperson
Putnam Charter Revision Commission
c/o Doug Cutler, Town Administrator
Town of Putnam
126 Church Street
Putnam, CT 06260

Re: Questions in Mr. Cutler's Letter of July 5, 2016

Dear Mr. Tarr:

In terms of the Selectmen's terms being changed from two years to four years, I believe that would be legally permissible, although I am not sure that it would be acceptable to the general public which likes to reserve its right to change administrations. The only municipal bodies that I am aware of which stagger their terms of election are specifically authorized by statute to stagger their terms of election. This is a question that I will attempt to get further advice from the Secretary of State's office. As I previously noted, there are broad discretions in Charter Revision Commissions these days, but there are certain areas dealing with elections and taxations where the state has reserved most of the power to itself.

As I see it, the Town of Putnam and the Putnam Special Service District, although they share a single charter, they are separate and distinct legal entities. I believe that to have crossed elections would not only be technically difficult but unnecessary. It seems to me that you could obtain the same result by each body appointing a liaison to the other body who would have the right to attend meetings and speak, but have no vote. I don't think it is necessary to amend the charter to get to this result.

I note on page 11 that there is a proposal to modify the minority representation rules and I have some significant concern with that as I believe those numbers are taken directly from state statute.

ST. ONGE & BROUILLARD

July 8, 2016

Page 2

As to the Section 9 proposal on page 14, for removal of a Board Member for cause, I believe that this is possible for appointed representatives. It is clearly the law in the State of Connecticut that there is no power to remove an elected official from office. The general theory in Connecticut as espoused by the Secretary of State's office and the courts has always been that once the electors have voted, there should not be an ability to overrule or override the decision of the electors. Of course, there are certain narrow circumstances where, if a person ceases to be an elector, they would cease to hold office, but that does not require a charter provision.

In terms of Members of Boards or Commissions, there have been occasions from time to time when non-attendance has become a real problem in terms of a particular Board being able to obtain quorums, etc. I would modify the proposed language to remove the power of a Board Chairman to propose the removal of a Board Member. I would suggest instead that if a Board should determine that a member should be removed for cause, there would be a two-thirds vote by that particular Board to request the Board of Selectmen to consider removal of the individual and the Board Chairman would transmit that request to the Board of Selectmen. I think it is important that anyone proposed to be removed have at least ten (10) days' notice prior to the meeting and also have the right to be represented by counsel. I don't see any purpose to having two Board of Selectmen's meetings on this. There seems to be a provision that says that the first Board votes and then it goes to the full Board. It is my understanding that all of our Board of Selectmen's meetings are full Board meetings so I don't think we need to meetings on this issue.

Finally, I do not think that the town meeting vote is a good idea. That has the possibility of creating a popularity contest or a political football and the purpose of the town meeting is basically legislative rather than judicial. I would strike all of that language.

In terms of cause, I think a felony conviction is appropriate, although if one is convicted as a felon they may well lose their right to vote and I believe that in order to be a Board Member they would have to be an elector, which would render that clause mute. In my experience, the primary issue has been a lack of attendance or someone completely loses interest in a Board or Commission or has a personal or family issue come up that causes them to be unable to attend and a resignation cannot be obtained.

I believe that Items 2 and 3 are better handled by the Ethics Commission. I may be unduly optimistic, but I don't feel that we have ever had any significant issue with bribery or similar issues with our town's Boards and it seems to me that it would be very awkward to raise such an issue regarding a fellow Board Member and send it onto the Board of Selectmen. If the Commission is concerned about this issue, maybe we could have an item that said that a finding of breach of the code of ethics by the Ethics Commission would be an appropriate basis and would insulate the specific commission members from extremely divisive discussion.

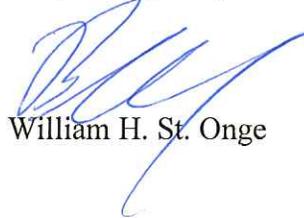
ST. ONGE & BROUILLARD

July 8, 2016

Page 3

Finally, as to the provision dealing with the Board of Selectmen, that is for the judgment of the Commission. On the one hand, I don't have any particular objection to a Member of the Selectmen holding an additional unpaid position with the town during his or her term of office. The second part of the provision as I read it, only applies to appointment after elected service if that position was created during the elected official's term of office. It appears to me that that provision is specifically designed to avoid a person creating a job for themselves and then taking it and I would be surprised if the voters would be interested in voting to remove that protection.

Very truly yours,



William H. St. Onge

WHS/lam

Douglas Cutler

From: William St. Onge <WHS@bsblaw.net>
Sent: Tuesday, July 12, 2016 10:06 AM
To: Douglas Cutler
Subject: FW: Re July 8th letter

From: Liu, Bernard [mailto:Bernard.Liu@ct.gov]
Sent: Tuesday, July 12, 2016 9:43 AM
To: William St. Onge <WHS@bsblaw.net>
Subject: Re July 8th letter

Dear Attorney St. Onge,

This email is in response to your inquiries to this office dated July 8, 2016.

First Question (Selectman Terms)

Hebron has a staggered term for the Board of Selectman. So, it is possible. Minority Rep does apply and will be applied after each election and before seating the new members. This situation does create the possibility that the highest vote getter will not be seated because of minority rep.

Second Question (Minority Rep)

CGS 9-167a subsection e states

“(e) Nothing in this section shall be construed to repeal, modify or prohibit enactment of any general or special act or charter which provides for a greater degree of minority representation than is provided by this section.”

Therefore limiting the majority party to fewer seats seems to be acceptable.

Third Question (Putnam special services District)

Unfortunately, here this office is of little help. The only advice that I can offer is that unless the charter explicitly authorizes a power, the town does not have the authority.

Bernard Liu, Esq
LEAD Staff Attorney

*Town of Mansfield, CT
Friday, July 15, 2016*

Chapter C. Charter

Article VI. The Merit System

§ C601. Merit principle.

All appointments and promotions of Town officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.

§ C602. Personnel provisions.

Consistent with all applicable federal and state laws, the Town Council shall provide by ordinance for the establishment, regulation, and maintenance of personnel policies necessary for effective administration of the Town's departments, offices and agencies, including but not limited to classification and pay plans, merit systems, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations, including collective bargaining units.

§ C603. Personnel Appeals Board.

The Council shall establish a Personnel Appeals Board as set forth in § 7-422, C.G.S.

Chapter C. Charter

Chapter X. Town Employee Policies

Section 1001. General.

The Town Manager shall prepare Personnel Policies and Procedures for personnel administration which he shall review annually. Such Personnel Policies and Procedures, shall be subject to review and approval of the Board of Selectmen at least once every four years or more frequently as necessary. Said Personnel Policies and Procedures shall cover all employees of the Town, but shall not affect the following: elected officials and persons appointed to fill vacancies in elective offices; members of boards and commissions; employees of the Board of Education; persons employed in a professional capacity to make or conduct a temporary and special inquiry, study or investigation; and those under contract.

Section 1002. Job description.

The Town Manager, subject to the approval of the Board of Selectmen, shall prepare a statement of the duties and responsibilities of each position covered by the Personnel Policies and Procedures and of the minimum qualifications for appointment to such position.

Section 1003. Personnel Policies and Procedures.

The Personnel Policies and Procedures shall provide, among other things, for the method of holding competitive examinations, probationary periods of employment, hours of work, vacations, sick leaves and other leaves of absences, removals and such other rules as may be necessary to provide adequate and systematic procedures for the administration of the personnel affairs of the Town. Such rules and any amendments thereto shall become effective upon being approved by resolution of the Board of Selectmen and filed with the Town Clerk. Copies of such rules and any amendments thereto shall be distributed to all Town employees.

Section 1004. Salaries.

The Town Manager shall submit annually a proposed pay schedule for those employees covered under Section 1001 of this Charter for approval by the Board of Selectmen. Said pay schedule shall be reviewed annually and amendments may be adopted by the Board of Selectmen from time to time upon recommendation of the Town Manager. For purpose of C.G.S. § 7-467 et seq., as amended, the Town Manager shall have sole authority to recognize the exclusive bargaining agent for any unit of Town employees and shall act as the bargaining agent for the Town. Such contracts shall become effective upon approval by the Board of Selectmen.

Section 1005. Retirement.

The Town shall provide a system of retirement benefits for regular full-time employees. The Town may operate its own retirement plan, may enter into a contract with any financial institution authorized to do business in this state, may elect to participate in the Connecticut Municipal Employees Retirement Plan, may elect to participate in the old

age and survivor insurance system under the Federal Social Security Act or may choose any combination thereof.

Section 1006. Official bonds.

All officers and employees as may be required to do so by the Board of Selectmen shall, before assuming their respective official duties, execute to the Town, in the form prescribed by the Board of Selectmen and approved by the Town Attorney, and filed with the Town Clerk, a surety company bond in a penal sum to be fixed by the Board of Selectmen, conditioned upon the honest and faithful performance of such duties. Nothing herein shall be construed to prevent the Board of Selectmen, if it deems it to be in the best interests of the Town, from prescribing a name schedule bond, a schedule position bond or blanket bond, or from prescribing which departments, officers, agencies, boards or commissions shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the Town.