

Town of Ridgefield
Charter Revision Commission Regular Meeting
Monday, January 29, 2018 – 7:00 p.m.
Town Hall Large Conference Room
400 Main Street, Ridgefield, Connecticut
APPROVED MEETING MINUTES

These minutes are a general summary of the meeting and are not intended to be a verbatim transcription.

Members Present: E. Burns, W. Davidson, J. Egan, C. Hancock, J. Seem,
J. Shapiro, L. Steinman, P. Walsh
Member Absent: E. Geisinger

Agenda

1. Approve the Minutes from Charter Revision Commission Public Hearing and Special Meeting on January 8th, 2018
2. Review new change requests to the Charter received since January 8th
3. Discuss change requests to the Charter. Chair to follow list submitted by the recording Secretary in the CRC Change tracker.
4. Any other business
5. Adjournment

The meeting was called to order by CRC Chair Jon Seem at 7:00 p.m. He announced that the CRC invites speakers to speak first, before the CRC addresses its agenda items. He first invited to speak Molly McGeehin, the Treasurer of the Town of Ridgefield.

Ms. McGeehin began by referring to her previously submitted written recommendation. She also provided hard copies. She noted that the 2014 CRC unanimously voted to approve amending the Charter to make the position of Treasurer appointive rather than elective, and that amendment was approved by the Board of Selectmen as well. It was then voted down by the voters of the town.

Ms. McGeehin advocated amending the Charter to make the position of Treasurer appointive. She explained that the position requires a person with financial acuity and familiarity with accounting. She cited her own accomplishments. In response to a question, she noted that she is a CPA with an MBA in Finance. She warned that having a person without requisite qualifications serve as Treasurer could cost the town substantial money, and a person without appropriate qualifications could be elected.

Rudy Marconi noted that the town needs a person in the position of Treasurer who is qualified on accounting and finance. He observed that elections can result in the election of a person for reasons other than appropriate qualifications.

In response to a question, Ms. McGeehin and Mr. Marconi expressed the view that the election result on this issue in 2014 became very political.

W. Davidson noted three reasons that the position should be appointive. The first is to get a person with appropriate qualifications. The second is politics. The third is that the Selectmen can fire an incumbent if the position is appointive. He said that one open question is whether we want to restrict the appointment of Treasurer to a towns person, and he said he is leaning against such a restriction, in order to attract the best person for the job.

L. Steinman drew a distinction between positions that are administrative rather than policy-making. He explained that in his view a policy-making position should ordinarily be elective, while an administrative position (a position that discharges a policy or follows existing guidelines) should ordinarily be appointive. He concluded that the position of Treasurer is generally administrative and thus should be an appointive position.

J. Egan pointed out that if the position of Treasurer were appointive, the people who would make the appointment, presumably the members of the Board of Selectmen, are political. He said that he believes that appointments are a lot more political than elections.

E. Burns noted that if the position were appointive there would be stated qualifications, which would make the appointment less political. Mr. Davidson stated that if the position were appointive by the Board of Selectmen, the Selectmen could establish criteria. L. Steinman noted that we could embed criteria in the Charter.

P. Walsh said that he has a philosophical problem with making more positions appointive and taking the choice away from voters. He noted that Ms. McGeehin, a Democrat, was elected notwithstanding the fact that there are more registered Republicans in the town, which, in his view, reflects the ability of the voters to evaluate qualifications.

Members of CRC discussed the advisability of determining whether the town has the legal authority to establish in the Charter required qualifications for the office of Treasurer.

Mr. Marconi raised the issue of whether it should be the Board of Finance that appoints the Treasurer if the position were to become appointive.

J. Shapiro advocated making the Treasurer position appointive based on the distinction between a policy-making position and an administrative position as explained by Mr. Steinman. Mr. Shapiro suggested that the position should not be limited to residents of the town.

Mr. Davidson noted that we could structure the appointment of Treasurer by making it a collective appointment of the Board of Selectmen and the Board of Finance.

Mr. Seem said that he would like to know, from town counsel, what qualifications we could establish in the Charter for Treasurer as an elective position. He said that he is leaning toward keeping the position as an elective position. A discussion followed about the results of the 2014 election on making the position appointive, and how to inform the public about the CRC's reasons behind the Charter revision proposals.

Ms. McGeehin stated that the Republican Town Committee and the Democratic Town Committee both support making the position of Treasurer appointive. Mr. Shapiro said that he does not know if the RTC and DTC have formally expressed a view on this issue, but if representatives of both bodies were to express to the CRC their support for making the position appointive, that would resonate with voters.

Ms. McGeehin asked about the process for the CRC's consideration of her recommendation. A discussion ensued. Ms. McGeehin was assured that she, as well as other supporters of her view, could appear before a future meeting.

Mr. Marconi next addressed the CRC with his recommendations for changes in the Charter. He first noted that the Board of Selectmen is scheduled to consider Charter revision recommendations at its January 31, 2018 meeting, so the changes he presented were his personal recommendations and not necessarily those of the entire Board of Selectmen.

Mr. Marconi's first comment concerned a sentence that he read from the end of the first paragraph of Section 10.1(c) as follows: "The [annual town] meeting shall have the power to decrease or delete any line item, but it may not increase or add to any line item or establish any additional line item." He noted that the Charter contains no definitions, therefore the term "line item" is not defined. He explained that the town publishes its budget in detail line-by-line while the Board of Education simply publishes its total budget figure. He stated that his view is that the one figure provided by the Board of Education should be considered a line item, which the annual town meeting should have the authority to reduce. However, he reported that the town's counsel opined that this is not a line item that the annual town meeting may decrease. In response to a request, Mr. Marconi agreed to share the town counsel's written opinion with the CRC. Mr. Marconi

requested that the Charter make clear what a line item is. Members of the CRC discussed the issue of the definition of a line item.

Mr. Marconi next raised the subject of the number of signatures of electors needed on a petition in order to call a town meeting under Section 3-5 of the Charter. He noted that under paragraph (a) of that section, only 2% of the total number of electors is required to call a town meeting for expenditures up to \$250,000. He said that this figure is too low. Some discussion ensued concerning appropriate treatment regarding the mandate of a town meeting or referendum concerning expenditures of \$250,000 or more.

Mr. Marconi also addressed paragraph (c), which has a 2%-of-electors threshold for calling a town meeting for matters not involving expenditures. Mr. Marconi said that a higher threshold that he recommended be established under paragraph (a) for expenditures up to \$250,000 should also be the threshold under paragraph (c).

Mr. Marconi next discussed three positions that currently report to a respective commission or board rather than to the First Selectman or to the Board of Selectmen. Those are the Police Chief, the Director of Parks and Recreation, and the Director of Planning and Zoning. He recommended that those three positions report administratively to the First Selectman. He noted that he made this recommendation four years ago as well. He said that as to matters of policy, those three positions should remain with the respective commission or board. Discussion followed among CRC members and Mr. Marconi, largely about the distinction between administrative and day-to-day management reporting on the one hand and policy management on the other hand, as well as about achieving efficiency in government. Mr. Davidson, who participated in the discussion, disclosed that his son-in-law is the Major in the Ridgefield Police Department, the second highest position in that department. He also said that he, Mr. Davidson, is pretty good at being objective. He offered to recuse himself if CRC members thought, at any time, that he should do so. Mr. Walsh suggested that it is up to Mr. Davidson, not the CRC, to determine whether or not to recuse himself.

1. Approval of Minutes of January 8, 2018 Public Hearing and Special Meeting

L. Steinman proposed that the unrevised/unapproved minutes of the Public Hearing be corrected in two places. The first is on the second to last line of page 3 to change “plan develop” to “plan to develop”. The second is on the fourth line of the last paragraph on page 2 to change “he read the document to the public hearing” to “he read excerpts from the document to the public hearing”.

J. Egan moved and C. Hancock seconded the motion to approve the unrevised/unapproved minutes of the January 8, 2018 CRC Public Hearing, as corrected. Motion carried 8-0.

E. Burns moved and L. Steinman seconded the motion to approve the unrevised/unapproved minutes of the January 8, 2018 Special Meeting of the CRC. Motion carried 8-0.

2. Review new change requests to the Charter received since January 8th

Mr. Shapiro reported that the only request for a change in the Charter that came forward after January 8, 2018, was the proposal by Ms. McGeehin that the CRC discussed at this meeting.

Mr. Seem urged that when anyone makes a Charter change request to an individual member of the CRC, the member should encourage that person to make it in writing to the CRC by email or by letter.

3. Discuss Change Requests to Charter by Reviewing the Change Request Tracker

Mr. Seem led the discussion with reference to the latest version of the Change Request Tracker prepared by Mr. Shapiro. The CRC briefly reviewed each of the proposals shown on the Change Request Tracker.

The CRC discussed the proposal by Peter Hill regarding the dollar threshold for requiring bids. It was noted that this issue of the threshold is not covered by the Charter, but is covered by policy developed by the Board of Selectmen. Mr. Shapiro stated that the CRC has the power to recommend that the threshold be made a matter contained within the Charter rather than leaving it as a policy to be determined by the Board of Selectmen, but that he opposed such a change.

J. Shapiro moved and E. Burns seconded a motion to decline to recommend amendment of the Charter as proposed by Peter Hill to include in the Charter a dollar threshold for requiring bids. Motion carried 8-0.

Mr. Seem introduced the discussion of the next item by noting that the CRC has received a number of requests to separate the Planning and Zoning Commission (P&Z) and the Inland Wetlands Board (IWB). He reported that one of the requests was from the Ridgefield Conservation Commission (RCC) and that we invited the RCC to make a presentation to the CRC. He also reported that we have received a request from Rebecca Mucchetti, the Chair of the P&Z/IWB, to make a presentation at a meeting following the meeting at which the RCC makes a presentation. There followed brief discussion among CRC members to the effect that we would like the presentations sooner rather than later in the CRC's process, in order to give ourselves sufficient time to make a recommendation on the issue. Mr. Seem said he would offer the RCC some meeting dates for their presentation and if that was not satisfactory he would offer to hold a special meeting for their comments.

Mr. Marconi noted that March 26, 2018, which is a date of a scheduled regular CRC meeting, is the Board of Finance public hearing for the budget at East Ridge Middle School, so some people who might normally attend a CRC meeting would not be available to attend. Ms. Burns noted that we could cancel that March 26th CRC meeting and schedule a special meeting. No action was taken regarding formally cancelling the March 26th regular meeting of the CRC or setting a date for a special meeting of the CRC.

The CRC discussed the proposal by Barbara Serfilippi that a person should not be able to run for more than one position in the same election. Mr. Egan mentioned that Michael Raduazzo made the same proposal but added an additional proposal that an incumbent whose term was not about to end would be required to resign his or her current position in order to run for a different position. He said that he is in favor of the proposal that a person should not be able to run for two positions in the same election, but not in favor of Mr. Raduazzo's additional proposal.

Mr. Davidson noted that we should consult with the town's counsel on how to word a new Charter provision reflecting Ms. Serfilippi's proposal because wording it could be a bit complicated.

Mr. Shapiro proposed one minor modification, suggesting that a person should not be able to run for more than one position where the term in office overlaps, but that a person should be able to run for two ballot positions where the term does not overlap. He offered what he said was the only example he could think of. He said that on the November 2017 ballot there was an election for a five-year term on the Zoning Board of Appeals (ZBA) with the term commencing in November 2018, but with the election being held a year before the term commences because we hold municipal elections only in odd-numbered years. He noted that also on the ballot was an election to fill a vacancy on the ZBA for the one-year period from November 2017 to November 2018. He pointed out that there was a candidate who ran for both the one year on the ZBA from November 2017 to November 2018 as well as for the five-year ZBA term commencing in November 2018. Mr. Shapiro said that the person running to fill the seat for one year was essentially running to fill the same seat for the full five-year term thereafter, which should be permitted and encouraged. Mr. Shapiro stated that with that one exception, he is in favor of Ms. Serfilippi's proposal. Mr. Steinman noted that the CRC expects to take up the issue of whether the five-year terms of ZBA members should be changed to four-year terms, and he said that the town's counsel has given the CRC a green light to be able to consider that.

Mr. Marconi raised the issue as to what happens if there is an elective seat for which no candidate runs. He noted that this could be treated as a vacancy under the Charter, which would mean that the affected board or commission would have 30 days to fill the seat. He also said that while Ridgefield provides that a newly elected member of a board

or commission takes office two weeks after the election, other towns provide a variety of other dates on which a term begins. He suggested consideration of moving the start date of a term to some later date than two weeks after election day in order to give a board or commission 30 days to fill a seat. Mr. Shapiro mentioned that one issue concerning the 30-day period for filling a vacancy under Section 4-7 of the Charter is that the commission has to mobilize very quickly to fill a vacancy in light of the publication requirement. Mr. Steinman reported that the town's counsel has said that when no one runs for a position, it is considered a vacancy and treated like other vacancies under Section 4-7.

Ms. Mucchetti noted that four years ago, a person was elected to the P&Z/IWB but during a period of 2½ months following election, that person did not get sworn in, which was a bit of a hardship on the P&Z/IWB. She suggested that the CRC consider specifying in the Charter a deadline for getting sworn in.

Ms. Burns began the discussion of the proposal by Kelly Ryan on behalf of the ZBA that ZBA member positions and ZBA Alternate positions be exempt from the requirement that the term of the appointed replacement only last until the next regular election, so that the appointed person would serve the remainder of the full term. There was some discussion concerning the reasons advanced by Mr. Ryan in that proposal.

Mr. Seem noted that Mr. Steinman has engaged with the town's counsel on some issues, and he asked Mr. Steinman if he would consider engaging with the town's counsel regarding these issues of elections and someone who has not taken the oath of office and processes for solving some of these problems. Mr. Steinman agreed. Mr. Seem asked if we should consider inviting the town's counsel to a CRC meeting. Mr. Steinman responded that it is probably a good idea and we need to decide when to do it. He also noted that the town's counsel should have some suggestions concerning Charter revision since he deals with Charter interpretation issues and with some of the frustrations in interpreting the Charter. Specifically, Mr. Steinman agreed to ask the town's counsel for his advice concerning adding qualifications for elective office and dealing with the issue of an elected candidate not taking the oath of office. Mr. Marconi noted that there could be a situation where the person is ill and therefore does not quickly take the oath. Mr. Walsh suggested that the Charter could provide a longer permitted period for being sworn in in case of illness. Mr. Steinman noted that a swearing in outside of Town Hall can be arranged.

Mr. Seem continued through the Change Request Tracker, bringing up next the proposal by Dave Goldenberg, and endorsed by Helen Demos, that an Affordable Housing Commission be formed as a Charter-designated commission. There was some discussion of the lack of substantive difference between having a named commission in the charter and simply having a committee. One difference noted by Ms. Burns and Mr. Shapiro was the higher perceived commitment to affordable housing resulting from elevating

affordable housing to the more visible level of a Charter-designated commission. Mr. Shapiro expressed his support for the creation of a Charter-designated Affordable Housing Commission. Mr. Seem asked whether the CRC should hear further from Mr. Goldenberg or anyone else on this issue. Mr. Davidson said that he would like to hear from the Board of Selectmen on this issue. Mr. Marconi noted that Section 8-30g of the Connecticut General Statutes can require a town's P&Z to approve an affordable housing development, disregarding existing zoning regulations.

Continuing through the Change Request Tracker, Mr. Seem raised the recommendation of Kelly Ryan concerning the ZBA that had been discussed earlier. The appropriateness of filling a vacancy for the full remaining term was briefly discussed, with no one speaking in favor of the proposal. The CRC also discussed the possibility of changing the five-year term to a four-year term, which was raised by Mr. Egan. Mr. Shapiro suggested that the CRC reach out to Kelly Ryan and the ZBA to ask for in-person comments to the CRC regarding changing the length of the term to four years as well as expressing further comments and answering questions regarding the ZBA's January 8, 2018 proposal.

4. Any other business

Mr. Steinman reported on the questions that he had posed to the town's counsel on behalf of the CRC, and counsel's response the afternoon of January 29th. He read the questions that he had posed to counsel. He reported that counsel said that there are no requirements in the Home Rule Act regarding the terms of ZBA members nor are there any requirements as to terms in the planning and zoning statutes. Counsel also said that Section 4-7 of the Charter regarding vacancies applies in the situation in which no candidate runs for an office or position. Also, counsel also said that there is no prohibition on forbidding a candidate from running for more than one office.

Mr. Steinman noted that some documents about charter revision commissions state that the role of a charter revision commission includes members of the commission raising matters for consideration by the whole commission. He presented CRC members with a memorandum he wrote with his own recommendations to be considered by the CRC. He described briefly some of the topics covered by his memorandum. Mr. Seem said that he would put discussion of Mr. Steinman's memorandum on the agenda for the next CRC meeting, and following that next meeting we could add items from that memorandum to the Change Request Tracker.

5. Adjournment

P. Walsh moved and J. Egan seconded the motion to adjourn at 9:16 p.m. Motion carried 8-0.

Respectfully submitted,
Joe Shapiro, Recording Secretary