

Town of Ridgefield
Charter Revision Commission Regular Meeting
Monday, February 12, 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:

C. Hancock, J. Shapiro, J. Seem, E. Burns, E. Geisinger, P. Walsh, L. Steinman, W. Davidson

Member Absent:

J. Egan

Agenda

1. Approve the Minutes from Charter Revision Commission Regular Meeting on January 29, 2018.
2. Review new change requests to the Charter received since January 29th.
3. Discuss changes outlined in January 29 memorandum submitted by Commissioner Steinman,
4. Review any new information or questions related to each open change request.
5. Any other business.
6. Adjournment.

The meeting was called to order by CRC Chair Jon Seem at 7:00 p.m.

The meeting began with public comment, beginning with Joe Savino. He discussed ideas to reenergize the town government and cost ideas, which had been sent to the CRC's in basket. He was invited to appear at the next meeting with his suggestions and he agreed to attend the February 26th meeting.

First Selectman Rudy Marconi discussed his February 5, 2018 letter on behalf of the Board of Selectmen to Mr. Seem that had been distributed to members of the CRC. The members of the CRC and Mr. Marconi discussed certain portions of that letter to clarify its contents. The CRC discussed the definition of "Town agency" in Section 1-1 of the Charter, with the discussants concluding that it was a broad definition, broad enough to possibly include the Board of Education, for example. The CRC

also discussed whether there was a need to clarify, later in the Charter, that a reference to agencies of the Town, such as in Section 10-1(a), needs to more clearly indicate that it is meant to refer to the defined term "Town Agency".

Mr. Marconi stated that in the letter's item 3, regarding Article IV of the Charter, the purpose of the Board of Selectmen was to hear the opinions of the CRC regarding term limits, rather than to contribute to the CRC any opinions held by the Board of Selectmen. Item 6 in the letter proposes changing in Section 5-15 the number of members of the Youth Commission from 16 to 8. Mr. Marconi noted that three members are students. Mr. Hancock suggested considering a membership of nine, so that the Youth Commission would have an odd number of members.

Regarding item 7, amending Article IX to create consistency in length of terms, Mr. Davidson distributed a list he had prepared showing various positions and the length of term and expiration of each. The CRC briefly discussed item 8 of the Selectmen's letter, the meaning of the term "line item" as used in Section 10-1(c) of the Charter. Mr. Marconi said he would supply the CRC with a copy of the letter from the town counsel giving an opinion on the meaning of "line item" in the context of the Board of Education budget.

Mr. Davidson asked Mr. Marconi whether the Board of Selectmen, in making its recommendation that the positions of Town Treasurer, Town Clerk, and Tax Collector be appointive rather than elective, looked at each position individually. Mr. Marconi said that the Board of Selectmen thought that all three positions should be treated the same.

1. Approval of Minutes of January 29, 2018 Regular Meeting.

Mr. Steinman proposed several grammatical corrections and corrections for clarity to the unrevised/unapproved minutes of the Regular Meeting.

In reviewing the portion of the unrevised-unapproved minutes of the January 29th meeting concerning the comments of Kelly Ryan on behalf of the Zoning Board of Appeals (ZBA), Ms. Burns asked whether the CRC has reached out to Ms. Ryan to ask for in-person comments regarding changing the length of the term of ZBA members. Mr. Seem said that we should note to do that.

Mr. Walsh moved and Ms. Geisinger seconded a motion to approve the unrevised/unapproved minutes of the January 29, 2018 CRC Regular Meeting, as corrected. Motion carried 8-0.

2. Review new change requests to the Charter received since January 29th.

Mr. Seem reported that since January 29th, the CRC has received many comments advocating separation of the Planning and Zoning Commission (P&Z) and the Inland Wetlands Board (IWB). He noted that the Ridgefield Conservation Commission will be presenting to the CRC on March 12th and the CRC will schedule time for the P&Z after that.

Mr. Seem then noted that the CRC has received two additional requests that the Charter not permit a person to run for more than one position in an election, one from Mr. Savino and one from the Board of Selectmen. He reported that Mr. Savino's comments include changing the term of the Board of Selectmen and First Selectman to two years from its current four years; and lowering the threshold for the number of signatures required to call a town meeting from 2% of voters to 80 voters for matters costing no money, from 2% to 1% of voters for matters that cost less than \$250,000, and from 5% to 2.5% on matters costing less than \$1,000,000. Mr. Seem noted that Mr. Savino's comments also include integrating the Internet into the town's petition process; gaining clarity on how town budget items are advertised and posted and how the public can change proposed capital and operating budgets; and letting submitted petitions with 100 or more signatures be guaranteed votes at the annual town meeting.

Mr. Seem next went through the recommendations in the February 5th letter from Mr. Marconi transmitting to the CRC the changes to the Charter suggested by the Board of Selectmen at their January 31st meeting. As read by Mr. Seem, those are:

- Define "town agency" as noted in Section 1-1 of the Charter.
- Increase percentages of electors whose signatures are required under the three subsections of Section 3-5 from 2% to 5%; from 5% to 10%; and from 2% to 5%.
- Discussion of term limits.
- Provide that a candidate shall occupy only one spot on each election ballot, and if a ballot position is vacant and thus the protocol for filling the vacancy is Section 4-7, develop a new section to outline filling of any vacancy created, subject to minority representation.
- Change from elective to appointive the offices of Town Treasurer, Town Clerk, and Tax Collector.
- Reduce the number of members of the Youth Commission from 16 to 8.
- Create consistency in the length of terms for all appointive offices under Article IX.
- Change organizational reporting so that the Police Chief and Planning & Zoning Director report on a day-to-day and administrative basis to the Office

of the First Selectman as approved in a 2014 amendment of the Charter with respect to the Parks and Recreation Director.

- In Section 10-1(c), define “line item” with respect to the Board of Education and possible required publication in a local newspaper.

Mr. Seem then noted the recent comment from Mr. Savino recommending the elimination of the position of Town Treasurer. Mr. Seem said that Mr. Savino will be invited to return to a CRC meeting to present his charter change recommendations.

Police Chief John Roche then asked to speak. He spoke regarding the recommendation by the Board of Selectmen to change the reporting relationship of the Police Chief. He noted that a similar proposal was made to the 2014 CRC and it was unanimously rejected by the 2014 CRC. He reported that proposals to change the reporting of the Police Chief came before CRCs in 2014, 2010, 2002, and 1986, and Police Chief Roche was here as a member of the Ridgefield Police Department for each of those. He stated that the current method of reporting, to the Police Commission, is an ideal form of reporting, and bifurcating that reporting would water down the rights of the citizen and confuse the role of Police Chief. He also stated that the Police Commission is a civilian review board and provides the proper oversight. Mr. Seem noted that he and Ms. Geisinger were members of the 2014 CRC and that Police Chief Roche was eloquent in explaining to the 2014 CRC why the reporting should not be changed. Mr. Seem invited Police Chief Roche to schedule to appear before a future CRC meeting to explain his position in more detail.

3. Discuss changes outlined in January 29 memorandum submitted by Commissioner Steinman.

Mr. Seem asked Mr. Steinman to take the lead in the discussion of Mr. Steinman’s four-page memorandum dated January 29th, which was distributed to the CRC members at the January 29th CRC meeting. Addressing first Part I of the memorandum, which concerns the structure of government, Mr. Steinman explained that in his professional work as counsel to charter revision commissions, when revising a municipality’s charter, the first thing such commissions do is to look at the entire charter. His memo notes some things that struck him in reading Ridgefield’s Charter and that he thought the CRC ought to discuss. First he noted that, as permitted by Connecticut law, there are four different forms of municipal government in the state. One is the Selectmen-Town Meeting form, utilized by 103 of 169 cities and towns in Connecticut, including Ridgefield. Another is the Council-Manager form, utilized by 32 Connecticut municipalities. The third is the Council-

Mayor form, adopted by 28 Connecticut municipalities. The fourth is the Selectmen-Representative Town Meeting form of government, used by six Connecticut municipalities, under which voters elect citizens to represent them at a town meeting. Mr. Steinman noted that articles explaining certain of those forms of government were attached to his January 29th memorandum.

Mr. Steinman explained that under the Selectmen-Town Meeting form of government, the town meeting is the legislative body, and as the article points out, interested citizens come to town meetings disproportionately to the citizens as a whole. He pointed out that the P&Z is the other legislative body in Ridgefield.

Mr. Seem commented that he told the Board of Selectmen both times he interviewed to be a member of a CRC that our town's government works pretty well. Mr. Hancock agreed that Ridgefield's form of government works pretty well.

Mr. Davidson suggested that perhaps the Board of Selectmen should appoint a separate charter revision commission or other body in the future to focus exclusively on the appropriate form of government for Ridgefield. Mr. Steinman noted that if a CRC or other body were to recommend a different form of government, there would need to be a long process of education of the public. Ms. Burns commented that the representative town meeting form may be worthy of consideration in the future. Mr. Seem noted that the action could be that in the CRC's final meeting report, the CRC could recommend that in the future the Board of Selectmen appoint a special CRC or other body to deal with this issue. Mr. Walsh said that he thought the initiative, if this is to be pursued, should come from the Board of Selectmen, not from our CRC. Mr. Seem, Ms. Burns, and Mr. Steinman disagreed. Mr. Seem closed the discussion of this issue by noting that the CRC has a few weeks to consider how to treat this issue.

Mr. Steinman turned next to Part II of his memorandum, which concerns election versus appointment of town offices and boards. He began with the list of 12 elected officials and boards. He commented that he was not sure why the ZBA is elected rather than appointed. Mr. Davidson noted that the same could be said about the Board of Tax Review.

Mr. Savino offered public comment based on his service on four elective boards and commissions, that the depth of the work that members of boards and commissions engage in is quite substantial.

Ms. Burns noted that it is a philosophical question regarding elective versus appointive, and certainly where there is legislative power it needs to be elective, and if it is administrative, that is, just applying policy or law, it could be appointed even if the position requires expert qualifications. Mr. Steinman observed that the best planning and zoning commissions have a broad cross-section of expertises, which can only be achieved by appointment rather than election.

Mr. Steinman next turned to Part III of his memorandum, which concerns miscellaneous Charter issues. The first is the difficult-to-understand difference in Section 1-1 between “elector” and “resident as defined in this section”. Mr. Steinman questioned the genesis of the provision that a person who owns property but is not a resident is entitled to vote. This is reflected in Section 3-2 regarding town meetings. He asked whether there is any interest in pursuing whether to continue to permit nonresident property owners to vote, in which case we need to determine whether it is a mandate of state law. Mr. Davidson noted that it is probably a matter of state law, and Mr. Seem concluded that we should get some background on that. Ms. Burns noted that a noncitizen who resides and pays taxes in Ridgefield cannot vote in budget referendums, which seems anomalous in light of that fact that a nonresident U.S. citizen with property here is entitled to vote, but that this prohibition against voting appears to be governed by state law.

Mr. Steinman explained that there is both an appointed Building Code Board of Appeals and an elected ZBA. He raised the issue of whether the CRC should consider combining them. Mr. Walsh noted that there may be issues of state law.

Mr. Steinman asked whether the CRC is content with the Water Pollution Control Authority (WPCA) making broad decisions on appropriate use of the town’s sewer plants or should that be within the authority of the Board of Selectmen. Messrs. Walsh and Davidson noted that that authority of a water pollution control authority is addressed and may be controlled by state law. Ms. Burns expressed the view that the decision-making power regarding such critical issues as determining the boundaries of sewer districts should be with an elected board rather than with an appointive body. Mr. Walsh said that if we pursue this issue, the CRC should invite the chairman of the WPCA and the First Selectman to a CRC meeting.

Mr. Steinman next raised the issue of whether, under Section 8-2, where the Charter provides that the First Selectman is a nonvoting ex-officio member of “all other agencies of the Town”, the definition of “Town agency” contained in Section 1-1 is being incorporated.

Mr. Steinman then stated that all the remaining comments in his memorandum relate to the code of ethics. He went through those comments. He said that some provisions of the Charter regarding ethics do not go far enough. He noted that there are no sanctions or penalties for violation. Mr. Seem asked what is best practice. Mr. Walsh noted that penalties belong in town ordinance rather than in the Charter, but the members of the CRC were not aware whether there are penalties provided by ordinance. Ms. Burns noted that it would be good to know whether there are penalties imposed at the ordinance level. Mr. Hancock stated that if there are no penalties prescribed, the CRC could, at a minimum, recommend that town ordinance provide penalties.

Mr. Steinman noted that overall, there are some basic standards that should be incorporated into any ethics law. He offered to provide some examples. Mr. Seem suggested that those examples be provided in advance of the CRC's March 12th meeting so that we can discuss standards of conduct at that meeting.

Mr. Steinman continued by reviewing paragraphs I, J, and K of Part III of his memorandum. He noted that in the prohibition on accepting gifts provides an exception for "the courtesies that are associated with normal daily business routine", which, he observed, vitiates that prohibition.

4. Review any new information or questions related to each open change request.

Mr. Seem opened the new topic. Mr. Shapiro reported that after he was selected as Recording Secretary of the CRC, he visited the office of the Town Clerk to see how CRC minutes and written public comments to the CRC were preserved and made available to the public. Barbara Serfilippi, the Town Clerk, explained to him that there is a binder with minutes, but no binder with public comments. She offered to maintain a binder with written public comments made to the CRC if Mr. Shapiro would want to submit those written public comments to the Town Clerk. Mr. Shapiro reported that after consulting with Mr. Seem and Ms. Burns, he has begun the practice of periodically submitting to the Town Clerk all written comments received by the CRC, whether by letter, email or by hand, along with a cover letter very briefly describing each of the enclosed comments. He said that those public comments to the CRC are available in a binder that that Town Clerk keeps next to the binder that contains the CRC's minutes. Mr. Shapiro undertook to try to keep up to date the periodic submission to the Town Clerk of all written public comments.

Mr. Seem next began a discussion of the timeline for the CRC to finish its duties in a timely manner. The CRC discussed when a draft report needs to be prepared. Mr.

Davidson observed that after that draft report is submitted, state law takes over on what must be done at the Board of Selectmen level. Mr. Shapiro noted that after the process within the Board of Selectmen is completed, the CRC is then charged with drafting a final report. Mr. Seem reviewed several dates in the charter revision process. CRC members discussed the sequence of the CRC draft report, the CRC public hearing, and the Board of Selectmen public hearing. The CRC also discussed targeting June 20 to finish. Mr. Steinman suggested that the CRC consider a special working meeting, open to the public, but without a period for public comment. Mr. Seem suggested we try to regularly resolve outstanding proposals for changes in the Charter by voting on them when we have sufficient information. Mr. Steinman suggested that for items that we vote should not go forward, the reason should be stated in an additional column in the Change Request Tracker. Mr. Shapiro said he would add such a column, and he would take the reason from the meeting minutes. Mr. Steinman observed that this would facilitate the CRC's report.

Mr. Seem led a discussion reviewing sequentially the items in the Excel file Change Request Tracker tab by tab (the four tabs being Finance; P&Z and IWB; Governance; and Boards, Commissions, Committees), with the objective of CRC members determining which issues the CRC should be prepared to vote on at the next meeting. It was noted that the CRC has already acted on the proposal by Peter Hill in the "Finance" tab, and the Change Request Tracker should be updated to reflect that. In the next tab, it was apparent that the P&Z/IWB matter will not be ready for the CRC to vote upon on February 26th.

In the tab on "Governance", there seemed to be a broad consensus that the Item 1, prohibition against a person running for more than one office in a single election, commanded a broad, favorable consensus within the CRC. Mr. Shapiro explained that he did not believe the CRC should vote upon that issue yet solely because of an outstanding ZBA issue. He referred to a situation that happened in last year's municipal election concerning a ZBA seat. He explained that there had been a person elected in 2013 for a five-year term beginning in 2013 who resigned before the end of his/her term in 2018, with the result that the 2017 ballot including electing a person to fill that resigning ZBA member's chair for the one remaining year of the five-year term. And on the same ballot in 2017, there was an election for the full five-year term, to begin in 2018, for the very same chair. Mr. Shapiro expressed the view that a person should not be prohibited from running to hold that chair for the remaining one year of the current term and then continuing to hold that same chair for a new five-year term. It was pointed out that the CRC is considering changing the terms of ZBA members from five years to four years. Mr. Shapiro agreed that if such a change in length of term were made, it would not be necessary to make the

ZBA and ZBA Alternate positions exceptions under certain circumstances to the general rule prohibiting running for more than one position in an election. Mr. Shapiro said he supports the general rule that a person should not be permitted to run for more than one position in an election. However, since the CRC is inviting ZBA Administrator Ryan and current members of the ZBA to speak to the issue of the ZBA term before voting on changes in length of terms, it is premature to vote on whether a person should not be permitted to run for more than one position in an election because we do not yet know the decision regarding the length of the ZBA term.

In item 2, upon reaching the second part of the proposal by Michael Raduazzo made at the January 8th public hearing, there was a consensus that it was not a good idea.

Mr. Walsh moved and Mr. Seem seconded a motion to decline to recommend amendment of the Charter as proposed by Michael Raduazzo which would require that if a person holds a municipal elective position or seat that is not up for election at the upcoming municipal election because the term does not end upon or shortly after the upcoming election, and the person wants to run in the upcoming election for another municipal board or commission or office, that person would have to resign from the position currently held in order to run for another position or seat. Motion carried 8-0.

Mr. Seem resumed going through the “Governance” tab of the Change Request Tracker to identify items that can be voted upon at the next CRC meeting. Regarding item 5, a change of reporting relationship for the Police Chief and Director of Planning and Zoning, Mr. Seem expressed the need to hear from the Director of Planning and Zoning and the P&Z. Rebecca Mucchetti, Chair of the P&Z, asked if the Director of Planning and Zoning should plan on attending a CRC meeting. Mr. Seem said that he should.

Police Chief Roche noted that he believed that the members of the Police Commission would want an opportunity to comment. Mr. Seem said that the CRC would look for a date to hear from the appropriate people. Police Chief Roche noted that keeping the First Selectman informed is required by his employment contract. He read a portion of that contract, under “Duties”, Section 3, as follows: “The Chief of Police shall maintain open lines of communication with Police Commission and the Office of First Selectman, shall keep the Chairman of the Police Commission and the First Selectman informed of significant Police Department business in a timely manner. As a department head, the Chief of Police shall attend staff meetings called by the First Selectman with the exception of emergency situations.”

Mr. Seem resumed going through the “Governance” tab of the Change Request Tracker to identify items that can be voted upon at the next CRC meeting. The CRC members discussed item 11, the definition of “Town agency”, and Mr. Seem undertook to write to the Board of Selectmen to ask them to further explain what they view as the deficiency in the current definition. Mr. Seem suggested that the CRC be prepared to entertain a motion and vote on term limits as well as on consistency of length of terms on February 26th.

Regarding item 15, the CRC agreed to reach out to the Town Clerk and Tax Collector to give them the opportunity to comment on the proposal to make those positions appointive rather than elective.

Regarding item 18, the definition of a “line item”, Ms. Burns suggested asking Dave Ulmer, Chairman of the Board of Finance, to come to a CRC meeting to address the issue.

Regarding item 19, the proposal to eliminate the position of Town Treasurer, it was noted that the Town Treasurer should be informed of this proposal and be given an opportunity to comment.

Moving on to the “Boards, Commissions, Committees” tab, under item 1, there was a consensus that the CRC might be able to vote on February 26th on Dave Goldenberg’s proposal to form an Affordable Housing Commission as a Charter-specified commission, but the CRC first needs to hear about affordable housing from the P&Z. Ms. Burns noted that if we are planning to vote on February 26th, we should inform Mr. Goldenberg. Ms. Mucchetti recounted P&Z’s experience with the Affordable Housing Committee and with Mr. Goldenberg. She expressed dissatisfaction with what she viewed as the reluctance of that committee to give input in some situations.

Mr. Shapiro noted that the proposal is to form an Affordable Housing Commission, but the CRC will have the responsibility to specify in the Charter the scope of authority of such a commission if the CRC recommends the formation of such a commission. He noted further that the scope of authority as defined by the CRC could be different than the scope of authority that Mr. Goldenberg envisages for that commission. Mr. Shapiro noted that if Mr. Goldenberg envisages a commission with broad powers, the CRC should hear him out on the issue of the scope of the Charter-defined authority of such a commission.

Regarding item 3, Mr. Seem moved on to the recommendation that the Youth Commission be reduced in size from 16 members to eight. He suggested that we give the Chair of that commission an opportunity to speak. Mr. Hancock noted again his suggestion to change the number of members the CRC considers from eight to nine so that there is an odd number of members on that commission.

5. Any other business.

The CRC discussed whether to cancel the scheduled March 26th regular meeting in light of the Board of Finance public hearing on that date and in light of the unavailability that day, for other reasons, of two members of the CRC. Setting an alternative date as a working session was discussed. Ms. Geisinger proposed a Saturday working session. Mr. Seem proposed that the CRC resolve this meeting schedule issue during our February 26th meeting.

6. Adjournment.

**Mr. Davidson moved and Mr. Walsh seconded the motion to adjourn at 9:27 p.m.
Motion carried 8-0.**

Respectfully submitted,
Joe Shapiro, Recording Secretary