



TOWN OF MIDDLEBURY

Charter Revision Commission

MINUTES CHARTER REVISION COMMISSION MEETING **Monday, March 2, 2020 – 6:00 p.m.** TOWN HALL CONFERENCE ROOM

Present: Diana Anton
Curt Bosco (arrived at 6:10 p.m.)
Paul Bialobrzewski
John A. Jenusaitis
Tom King (via cell phone)
Natrajan Kuppuraj (arrived at 6:30 p.m.)
Michael McVerry, Chairman

Also Present: Barbara J. Whitaker, Recording Clerk
Marj Needham, Reporter – Bee Intelligencer

Call to Order with Pledge of Allegiance

The meeting was called to order by the Chairman with the Pledge of Allegiance.

Approval of Minutes of February 3, 2020 Meeting

Paul Bialobrzewski MOTIONED to approve the minutes of the February 3, 2020 meeting, SECONDED by John Jenusaitis. Unanimous approval.

Michael McVerry distributed correspondence from Department Heads

1. Brenda Carter, Tax Collector requested that the Tax Collector position be changed to an appointed position for the next term. Attorney McVerry said that this could be discussed in greater detail at the Public Hearing.
2. Brigitte Bessette, Town Clerk sent in a request that Public Works Director, Assistant Public Works Director, Social Services Director, Police Chief and Library Director be added as administrative employees to the Charter.

Ms. Bessette also sent in a request that in addition to the members of the Board of Selectmen, Town Clerk, Tax Collector and Treasurer receiving compensation provided in the budget the Registrar of Voters be added as well.

The Town Clerk also made a request for minority representation to be changed from 4 to 5 under membership boards, commissions or committees of seven.

3. The Land Preservation and Open Space Committee's request to be changed to the Land Preservation and Open Space Commission.

Mr. McVerry also distributed a list of the public hearing comments from the November 20, 2011 public hearing. Some of these comments are duplicated.

Format and Rescheduling of Public Hearing

The Charter Revision Commission Public Hearing will be held on Monday, March 16, 2020 at 6:00 p.m. at the Shepardson Community Center in Room 26.

Mr. Bialobrzeski inquired if Town employee is appointed, whether or not they have a contract. There was some discussion on the election or appointment of the Tax Collector.

The Chairman added that Selectman Barra raised the question about a First Selectman candidate losing in an election but winning another seat on the Board of Selectmen. Curt Bosco said that because of the party structure and the history there are always different outcomes.

Diana asked if everything the Commission has been given to read to consider if it is distributed. The Chairman said that there would just be a discussion on the items and that most of the work can be put together in three weeks. No substantive work can be done before the public hearing. The Chairman explained that after the final product is put together, there is another public hearing to discuss what has been changed.

Adjournment

Attorney McVerry MOTIONED to ADJOURN; SECONDED by Mr. Bosco. Unanimous approval.

These minutes are subject to approval and are submitted this 3rd day of March, 2020.

Respectfully submitted,

Barbara J. Whitaker

Barbara J. Whitaker
Recording Clerk



Michael McVerry <michael@mjmlaw1.com>

Re: CHARTER CHANGE CONSIDERATION

1 message

Michael McVerry <michael@mjmlaw1.com>

Mon, Feb 24, 2020 at 4:25 PM

To: Brenda Carter <bcarter@middlebury-ct.org>

Brenda - thanks for your input - just to let you know the scheduled for tonight has been cancelled due a notice issue

On Mon, Feb 24, 2020 at 2:58 PM Brenda Carter <bcarter@middlebury-ct.org> wrote:

To The Charter Committee,

Please consider having a discussion on changing the Tax Collector position to an appointed position for the next term.

This has been a hot topic of discussion for the last few years and was just brought up again at the last spring legislative session. It will probably resurface in some form again.

This is by no means saying you do not need a collector, because you do.

Currently there are 95 appointed collectors and 74 elected.

The Office of Policy and Management is currently working with the Collector's Association to finalize and update the current Tax Collectors education requirements, classes, certification requirements

as well as institute a new recertification process that starts in 2021. They are trying to model this after the Assessors education and requirements.

Tax Collector's perform a job function that is expressly governed by State Statute, we are not policy makers. Our functions are administrative. In many municipalities, other department Heads, such as Assessor, Building official,

Library Directors, etc. are appointed based on professional experience. When you appoint, the person is chosen based on work history, training, knowledge and experience, and from a larger pool of applicants, and not just from town and

without sufficient knowledge of the duties and statutory responsibilities of the job, and without political party affiliation

In these ever changing financially challenging times, The Town is entitled to have an employee who is accountable, responsible, and

Professional, and knowledgeable.

I do appreciate that we have had successful and hardworking elected Tax Collectors over the years, myself included, as well as other towns.

Thank you for your consideration.

Brenda Carter, CCMC

--
Michael J. McVerry
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Naugatuck, CT 06770
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H.R. }

Public Works Director
Asst. Public Works Director
Social Services Director
Police Chief
Library Director

NULL & VOID 12-4-14

SECTION 208 COMPENSATION

Registrar of Voters?

Members of the Board of Selectmen, the Town Clerk, the Tax Collector, and the Treasurer shall receive such compensation as shall be provided in the budget. All other elected Town officers, board members and commissioners shall serve without compensation.

SECTION 209 MINORITY REPRESENTATION

Minority representation on any appointive or elective commission, committee, board, agency or similar body of the Town shall be determined in accordance with the provisions of Section 9-167a of the General Statutes:

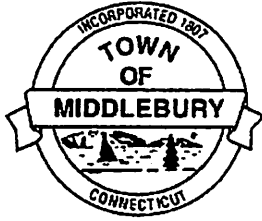
Total Membership of Board, Commission or Committee	Maximum from One Party
3	2
4	3
5	4
6	4
7	4 5
8	5
9	6
More than 9 Members	Two-thirds of Total

For the purposes of this section, a panel of alternates shall be considered as a separate body.

The procedure set forth in Section 9-167a of the Connecticut General Statutes shall be followed to determine:

minority representation

1. The maximum numbers of any political party who may be elected at any given time;
2. The winners of any election where more candidates from the same political party have run than were eligible for election thereunder;
3. The party membership of candidates;
4. Any other questions arising from the application of this section.



TOWN OF MIDDLEBURY RECEIVED FOR FILING

July 6 2016 at 12:43 P.M.
Office of the Selectmen TOWN CLERK'S OFFICE
MIDDLEBURY, CT

Edie Salisbury
TOWN CLERK

TO: Land Preservation & Open Space Committee Members
FROM: Edward B. St. John, First Selectman *Edward B. St. John*
DATE: July 6, 2016
RE: COMMITTEE NAME

Please be advised that at the June 20, 2016 the First Selectman explained that the discussion of the formal name of a Committee is something that should have been addressed by the Charter Revision Commission.

The changing of the name of the Land Preservation & Open Space Committee to Commission was never addressed by the Charter Revision Commission. Therefore the Board of Selectmen took the following vote:

The First Selectman MOTIONED that the Land Preservation and Open Space Committee will remain a Committee that is reappointed annually, SECONDED by Selectman McCormack. Unanimous approval.

Please refer to the Committee as such.

Thank you.

cc: Attorney Robert Smith
Attorney Dana D'Angelo
Edie Salisbury, Town Clerk

TOWN OF MIDDLEBURY, CONNECTICUT

BY-LAWS

Rigoberto M. Bennett, Jr.
TOWN CLERK

LAND PRESERVATION AND OPEN SPACE ACQUISITION COMMISSION

Section 1. MISSION STATEMENT

The mission of the Land Preservation and Open Space Acquisition Commission (The Commission) is multifaceted to include: (1) The ongoing management of Town-owned Fenn's Farm and other properties as acquired; (2) The encouragement of Middlebury residents to preserve existing open space; (3) The acquisition, acceptance and inventorying of select pieces of open space; (4) The obtaining of public, private and/or corporate funds to assist in the acquisition/preservation of managed properties and (5) Developing and implementing programs to educate the public as to the importance of open space acquisition.

Section 2. NAME

The Land Preservation and Open Space Acquisition Commission hereafter is also known as "Commission".

Section 3. LOCATION AND RECORDS

The office of the Commission shall be the Town Hall, Whittemore Road, Middlebury, Connecticut 06762 where all official Commission records, documents and maps, etc. will be kept and filed or recorded by the Office of Town Clerk as appropriate.

Section 4. MEMBERSHIP

- A. The Commission shall consist of a minimum of seven members appointed by the Board of Selectmen, to whom it is responsible. Terms will be for one year.
- B. Resignation from the Commission shall be in writing and submitted to the Chairman and/or the First Selectman.
- C. The Chairman will inform the First Selectman of any member who misses three (3) consecutive meetings or 50% of the Commission's regular meetings in one calendar year, and that unless there are compelling and/or extenuating circumstances as determined by a two-thirds vote by the members, that member shall be considered to have resigned from the Commission and may be replaced by the Board of Selectmen. The member affected by this action will be notified by the Chairman in writing promptly but not later than ten (10) days after such action by the Commission.

Section 6. STAFF AND THEIR DUTIES

- A. The Commission shall have a Recording Clerk who shall attend all meetings and hearings, keep the minutes and maintain those records of the Commission designated by the Secretary of the Commission. Should the Clerk be unable to attend a meeting or public hearing, alternate arrangements shall be made to ensure the minutes are recorded and documents are preserved as part of the public record. In addition, the Recording Clerk shall:
1. Prepare the Commission's meeting agenda of regular, public, and special meetings under the direction of the Chairman and so inform the members and the public by the appropriate means pursuant to statute.
 2. Arrange and ensure mandated legal notices, meeting announcements, and all other administrative matters related to the Commission's public responsibilities are served and/or accomplished at the appropriate time.
 3. Attend to Commission correspondence so as to ensure that all correspondence addressed to the Commission is entered into the public record as appropriate.
 4. Distribute meeting agendas. Distribute Minutes from previous meeting to all Commission members.

Section 7. ELECTION OF OFFICERS

- A. The first meeting in January shall be the Annual Organizational Meeting (and at each Annual Meeting), officers will be elected and by-laws reviewed and made part of the minutes of the meeting. All members must be notified of the Annual Meeting before election of officers can take place.
- B. A candidate receiving a majority vote from the entire membership of the Commission shall be declared elected and shall serve until his or her successor takes office.
- C. Officers shall not serve more than four (4) consecutive terms in their respective positions unless by a two-thirds vote by the regular members present and exception to those by-laws as deemed appropriate, because officer's exceptional leadership to achieve the Commission's goals, his or her contribution in time and expertise to achieve such goals and most importantly his or her clearly demonstrated dedication to upholding the principles of the Commission, as set forth in the Mission Statement.
- D. Vacancies in office shall be filled by regular election procedure.

Section 11. AMENDMENTS AND CHANGES OF BY-LAWS

These by-laws may be amended by majority vote of a quorum of members present and in session at any regular meeting, provided that notice in writing has been given to each member at least ten (10) days prior to such meeting, or provided that such amendment was read at the last regular meeting of the Commission.

THE WITHIN BY-LAWS WERE APPROPRIATELY ADOPTED BY THE TOWN OF MIDDLEBURY LAND PRESERVATION AND OPEN SPACE ACQUISITION COMMISSION BY A MAJORITY VOTE ON THE ___ DAY OF _____ 2007.

TOWN OF MIDDLEBURY
LAND PRESERVATION AND OPEN SPACE
ACQUISITION COMMISSION

CHAIRMAN

ATTEST:

SECRETARY

PUBLIC HEARING COMMENTS (10/20/11):

1. Language in Charter regarding pay raises for Selectmen
2. Merger of Assessor and Tax Collector positions
3. Provision for Board of Finance to review labor contracts prior to vote on approval
4. Conflicts between charter and statutes
5. Creation of Veteran's Committee
6. Inclusion of Social and Elderly Services within Charter
7. Expenditures in excess of \$25,000.00 approved by BOS an BOF
8. Provision that any monies received be subject to town policies
9. Blight Ordinance
10. Cultural Arts Commission
11. Term limits for selectmen with provision of only consecutive terms
12. Provision for Health District
13. Definitions of capital expenses and reserve funds
14. Creation of Ethics Commission
15. Receipt of bids for engineering and legal services
16. Specific terms for commission chairs
17. Term limits for all boards and commissions

Charter suggestions

- **Chapter II, Section 202H**

Remove "Directors" and replace with "Trustees" -Statute changed Library Board of Directors to Library Board of Trustees in 2007

"Head" Director Should be "Library" Director per Statute

- **Chapter II, Section 212 Vacancies**

Consider changing "for the unexpired portion of the term...or until said office is assumed by a person elected at the next biennial election..." to "for the unexpired portion of the term of the person vacating office". This would eliminate vacancies on the ballot.

- **Chapter III, Section 306**

Change "Varitions" to "Variations"

- **Chapter VII, Section 702D Annual Budget Referendum**

Change "on the first Wednesday in May" to 1st Wednesday after the 1st Monday in May, or at such other date, hours and location as maybe determined by the Board of Selectmen (So as to coincide with the Board of Education budget referendum timeline).

- **Chapter VI**

Add "Land Preservation and Open Space Committee"