



# TOWN OF MIDDLEBURY

*Charter Revision Commission*

**MINUTES**  
**CHARTER REVISION COMMISSION MEETING**  
**Monday, March 30, 2020**  
**Via Zoom**

**Present:** Diana Anton  
Curt Bosco  
Paul Bialobrzkeski  
John A. Jenusaitis  
Tom King  
Natrajan Kuppuraj  
Michael McVerry, Chairman

**Also Present:** Barbara Whitaker, Recording Clerk  
Joyce Berger

**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 March 24, 2020 Meeting**

Diana Anton MOTIONED to approve the minutes of the March 24, 2020 meeting, SECONDED by Tom King. Unanimous approval.

The Chairman sent each member via email a summary of what was discussed during the March 24, 2020 meeting along with the changes that were approved. There was some discussion on the summary.

**Section 202 (A) Staggered Terms of First Selectman and Board of Selectmen**

Bill Stowell submitted the attached recommendation. Mr. Stowell suggested said that the Board of Selectmen should also be elected for four year terms; he thought it was an opportunity to make the Board so that in the event there is a clean sweep of the Board now, there would be three members that are brand new. If you go to four year term it is an opportunity for the First Selectman to be elected in 2021; and then the Board of Selectmen be selected two years later, staggering the terms.

With regard to changing the term limits of the First Selectman and the Board of Selectmen; the Commission concurred as follows:

	<u>Concur to no Term Limits</u>	<u>Concur to Term Limits</u>
Diana Anton	X	
Paul Bialobrzkeski	X	
Curt Bosco	X	
John Jenusaitis	X	
Tom King	X	
Michael McVerry	X	

**Section 506 Changing Land Preservation and Open Space Acquisition from a Committee to a Commission to be added into the Charter**

With regard to changing the Land Preservation & Open Space Acquisition Committee to the Land Preservation & Open Space Acquisition Commission; the Commission concurred as follows:

	<u>Concur Not to Change</u>	<u>Concur to Make Change</u>
Diana Anton		X
Paul Bialobrzkeski		X
Curt Bosco		X
John Jenusaitis		X
Tom King		X
Michael McVerry		X

**Section 602 Adding Department Heads**

With regard to adding the Public Works Director, Assistant Public Works Director, Social Services Director, Police Chief and Library Director to Section 602 'Administrative Employees' the Commission concurred as follows:

	<u>Concur Not to Change</u>	<u>Concur to Make Change</u>
Diana Anton	X	
Paul Bialobrzkeski	X	
Curt Bosco	X	
John Jenusaitis	X	
Tom King	X	
Michael McVerry	X	

**Section 702c – Call for joint Board of Selectmen and Board of Finance meeting prior to public hearing requiring affirmative vote of each board**

With regard to calling for a joint Board of Selectmen and Board of Finance meeting prior to the Budget Public Hearing and requiring an affirmative vote of each board on the budget the Commission concurred as follows:

	<u>Concur Not to Change</u>	<u>Concur to Make Change</u>
Diana Anton		X
Paul Bialobrzkeski		X
Curt Bosco		X
John Jenusaitis		X
Tom King		X
Michael McVerry		X

With regard to increasing the size of the Board of Selectmen from three to five; the Commission concurred as follows:

	<u>Concur Not to Change</u>	<u>Concur to Make Change</u>
Diana Anton	X	
Paul Bialobrzewski	X	
Curt Bosco	X	
John Jenusaitis	X	
Tom King	X	
Michael McVerry	X	

Joyce Berger asked if the vote on the changes could be done as a Referendum. The Commissioners explained the costs involved with a separate vote from the election. Mr. King assured Mrs. Berger that there would be time for a public hearing on the accepted changes.

The Commission will convene on Monday, April 6, 2020 at 6:00 p.m. via Zoom.

**Adjournment**

Mr. King MOTIONED to ADJOURN, the meeting; SECONDED by Ms. Anton.

These minutes are submitted subject to approval this 1<sup>st</sup> day of April 2020.

Respectfully submitted,

*Barbara J. Whitaker*

Barbara J. Whitaker  
Recording Clerk

MIDDLEBURY CHARTER REVISION COMMISSION  
 Meeting of March 30, 2020  
 Suggested Changes from Meeting of 3/23/2020

Section 202:

H. Library Trustees

There shall be six (6) Library Trustees. At each biennial election two (2) Trustees shall be elected for terms of six (6) years on a rotating basis as terms expire. In addition to performing such duties and functions as are provided in the General Statutes, the Trustees shall be responsible for recommending a person to the Board of Selectmen for appointment as Library Director~~Librarian~~. Such person shall have such training and experience as specified in the position description on file with the Town Clerk.

SECTION 208. COMPENSATION.

Members of the Board of Selectmen, the Town Clerk, the Tax Collector, the Treasurer and the **Registrars of Voters** 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 accord with the provision of Section 9-167a of the General Statutes:

<u>Column I</u>	<u>Column II</u>
<u>Total Membership of Board, Commission or Committee</u>	<u>Maximum from One Party</u>
<u>3</u>	<u>2</u>
<u>4</u>	<u>3</u>
<u>5</u>	<u>4</u>
<u>6</u>	<u>4</u>
<u>7</u>	<u>5</u>
<u>8</u>	<u>5</u>
<u>9</u>	<u>6</u>

More than 9

Two-Thirds of Total Membership.

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SECTION 212. VACANCIES.

Except as otherwise provided by the law of the State of Connecticut and with the exception of the provisions set forth in Section 302-b, any vacancy in any elective Town office, from whatever cause arising, shall be filled within ninety (90) days of such vacancy by appointment by the Board of Selectmen for the unexpired portion of the term of the person vacating office or until said office is assumed by a person elected at the next biennial election, whichever shall be sooner; When filling a vacancy of any officer, board or commission member who was elected as a nominee of a political party, the Board of Selectmen shall fill the vacancy with a person of the same political party as the vacating officer, commission or board member from a list provided by the Town Committee of the Political Party of the vacating officer, commission or board member. ~~provided that when the person vacating the office shall have been elected as a member of a political party, such vacancy shall be filled by a member of the same political party.~~ The provisions of this Section shall not apply to vacancies on the Regional Board of Education.

Section 306. Variations in Selectman's Compensation

Section 702

D. Annual Budget MeetingReferendum.

The Budget shall be presented by the Board of Finance ~~to the Annual Budget Meeting for approval by Town Referendum, on the 1<sup>st</sup> Wednesday4th Thursday after the 1<sup>st</sup> Monday in May~~ and shall be adopted by majority vote of those present and voting at said Referendummeeting.

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Ten (10) days prior to the ~~4th Thursday1st Wednesday~~ in May, a report on the proposed budget containing substantially the information required by Section 702-C-2 of this Charter, shall be prepared for publication in a newspaper having substantial circulation in the Town and be available as published for the annual Town MeetingReferendum.

Copies of the budget to be presented to the Annual Budget Meeting-Referendum shall be available in the Town Clerk's Office not later than one (1) week prior to the ~~1<sup>st</sup> Wednesday4th Thursday~~ in May.

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Following approval of the Annual Budget at the Annual Budget ReferendumMeeting, the Board of Finance shall meet immediately and establish the mil rate on the taxable property of the Town for the next fiscal year.

Said Meeting shall have the power to decrease or delete any appropriation or item in any appropriation for the same purpose recommended by the Board of Finance. No appropriation shall be made exceeding in amount that for the same purpose recommended by

the Board of Finance and no appropriation shall be made for any purpose not recommended by the Board of Finance.

In the event that the Annual Budget Referendum Meeting shall fail to adopt the Budget, the Board of Finance shall revise the rejected budget and submit the newly proposed budget to Referendum within two (2) weeks of the vote to reject. In the event of a subsequent rejection(s) at Referenda on the proposed budget, the Board of Finance shall follow the above scheduled process until such time as the proposed budget is approved by Budget Referendum Meeting shall be adjourned for not over two (2) weeks and appropriate notice shall be given of the adjourned Meeting as provided in Section 903-D.

SECTION 901. GENERAL.

The Town of Middlebury has a combined legislative body consisting of the Town Meeting and the Board of Selectmen. The Town Meeting shall be the legislative body for matters set forth in Section 7-193(a)(1) of the General Statutes and as further provided by this Charter. Eligibility to vote in Town Meetings and at any referendum held pursuant to the provisions of this Chapter shall be governed by Section 7-6 of the General Statutes. The term "voter" as used in this Charter means persons eligible to vote as set forth in said Section 7-6. All Regular and Special Town Meetings shall be called by the Board of Selectmen by a warning as provided by this Charter.

**For additional discussion (tabled last week):**

Section 202 (A) first selectman and board of selectmen

Section 506 appointed boards, etc. -adding Land Preservation and Open Space Acquisition

Section 602 Administrative Officers – adding additional department heads

Section 702 c – Board of Finance Duties – language calling for joint meeting of BOF and BOS prior to public hearing requiring affirmative vote of each board

Public comment – additional members of Board of Selectmen

**SECTION 202**

***A. First Selectman and Board of Selectmen***

The First Selectman and two (2) other members shall be elected at the town election in the manner provided in Section 9-188 of the General Statutes for a term of two (2) years to perform the duties in Chapters III and IV of this Charter and Chapter 91 of the General Statutes except as modified in this Charter. No individual shall serve as the First Selectman for more than six (6) consecutive terms and no individual shall serve as a member of the Board of Selectmen for more than six (6) consecutive terms.

**The following shall become effective for the November 7, 2023 Municipal election:**

**A. (1)**

***First Selectman***

The First Selectman shall be elected at the town election in the manner provided in Section 9-188 of the General Statutes for a term of four (4) years to perform the duties in Chapters III and IV of this Charter and Chapter 91 of the General Statutes except as modified in this Charter. No individual shall serve as the First Selectman for more than three (3) consecutive terms.

**A. (2)**

***Board of Selectmen***

Two other members of the Board of Selectman shall be elected at the town election in the manner provided in Section 9-188 of the General Statutes for a term of four (4) years to perform the duties in Chapters III and IV of this Charter and Chapter 91 of the General Statutes except as modified in this Charter. No individual shall serve as a member of the Board of Selectman for more than three (3) consecutive terms.

No individual is eligible to be a candidate for First Selectman and Board of Selectmen during the same election cycle.