

**Town of Southbury
Public Hearing
Town Hall, Room 205
June 4, 2009 at 7:00 p.m.
(Subject to Approval)**

PRESENT: First Selectman H. William Davis, Jr.
Selectman Carol Hubert
Selectman Ken Kerin
Selectman Barbara McLaughlin
Selectman Stuart Somers
Selectman John Turk

First Selectman Davis opened the Public Hearing at 7:00 p.m. and read the legal notice of the Hearing. The purpose of the Hearing is to hear comments on the proposed changes to the Charter in accordance with the requirements of the Connecticut General Statutes 7-191(b).

Carol Renza of 799 Peter Road objected to the increase in the term of the First Selectman from two years to four years. She feels all the selectman should have the same term of office, two years.

Bernard Kokinchak of 197 Strongtown Road was concerned about the length of a four year term and thought there should be a provision allowing people to petition for a midterm election. First Sel. Davis noted that there was no provision in state law for recalls. Sel. Hubert added that the townspeople can petition for a special election if someone resigns. Mr. Kokinchak pointed out that various petition initiatives in the charter call for differing numbers of signatures. He feels they should all require the same number of signatures. In **§508** Mr. Kokinchak feels that there should be a description of the committee membership for the Pomperaug District Department of Health and the Retirement Plan Oversight Committee. Mr. Kokinchak also suggests that, if the police referendum passes on June 9th, the fact of an independent police department should be reflected in the Charter. Lastly, Mr. Kokinchak suggests that "within Southbury" should be added to "or other public building" in **§303**.

Drew Morten speaking on behalf of the Southbury Democratic Town Committee, of which he is Chair, read a written statement in which he proposed putting into the Charter the position of Executive Administrator to be established at such time

as the Board of Selectmen shall so vote. Sel. McLaughlin asked if a position could be established without being listed in the Charter. Mr. Morten said it could be, but that by being in the Charter the possibility of such position would be a reminder to anyone reviewing the Charter.

Ginger Salisbury, Town Clerk, presented a list of suggestions:

In **§202** it should specifically state that the four year term should start with the 2011 election;

In **§302** the statement vesting legislative authority in the Board of Selectmen except as otherwise specifically provided should not have been deleted. Mrs. Salisbury said many times state statutes refer to a town's legislative authority and it should be clear what that means for Southbury;

In **§304** it should be the *Office* of the First Selectman (with the approval of the First Selectman) that establishes and posts the agenda for Board of Selectmen meetings;

In **§310C** "for cause" should not have been deleted from the power to suspend an employee for 30 days or less. Sel. Hubert said "for cause" was removed on legal advice as it was covered in state statute;

In **§507** the Director of Emergency Management should be listed here with a reference to §604 instead of just listed in §604;

In **§507 #9** the term for the Town Attorney should not have been deleted and should be the same as the term for the First Selectman. Sel. Hubert said that the Town Attorney is usually hired with a contract and serves at will;

In **§507 #12** the term for the Zoning Enforcement Officer was deleted. Sel. Hubert said there were only terms in the Charter revision if terms were mentioned in state statutes. Sel. McLaughlin asked why it was the Zoning Commission that appoints the Zoning Enforcement Officer. Charter Revision Commission member Attorney Gail McTaggart said the authority of the Zoning Commission to appoint the Zoning Enforcement Officer was in state statute;

In **§508 #M** where the Pomperaug District Department of Health is listed there should be a reference to **§605** Health Department;

In **§508 #Q** perhaps two (instead of one) of the three at-large members of the Rural Preservation Advisory Committee should be a Southbury resident engaged in farming. Sel. McLaughlin asked why one at-large member was supposed to be a member of the Heritage Village Civic Association;

In **§702D** "Not less than two (2) weeks" was substituted for "At least six (6) weeks", and Mrs. Salisbury is concerned that this might not leave enough time to issue absentee ballots for the budget referendum;

In **§803** there should be a reference to the specific town ordinance which contains the Code of Ethics;

In **§901** "An annual Town Meeting for the consideration of the budget . . . shall be held on the third Monday in May." Whereas in **§702E** it speaks of the "Annual Town Budget Meeting . . . held on the first Monday in May." Mrs. Salisbury suggests that instead of saying "third [or first] Monday in May" in **§901** it just refer to **§702E**; and

§1007 needs to be rewritten to include the effective date (December 1, 2009) of the proposed revisions. After some discussion of the effective date of the First Selectman's four year term, Sel. Hubert pointed out that, since the effective date of the revisions (December 1, 2009) came after the 2009 town elections, December 1, 2009 as the effective date for the four year term revision would mean effective with the 2011 election.

First Sel. Davis stopped the Public Hearing at 7:30 p.m. and continued it until Thursday, June 18, 2009 at 7:00 p.m. in Room 205 of the Town Hall.

Respectfully submitted,

Jocelyn Bagger