

**BOARD OF SELECTMEN
SPECIAL MEETING
June 25, 2009
(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

ALSO PRESENT: Town Clerk Ginger Salisbury, Assistant to the First
Selectman Jennifer Naylor, Members of the Charter
Revision Commission, Interested Citizens, and Members of the
Press.

CALL TO ORDER

First Sel. Davis called the Special Meeting of June 25, 2009 to order at 7:02 p.m. in Room 205 of the Town Hall.

PLEDGE OF ALLEGIANCE

All joined in the Pledge of Allegiance.

TRANSFERS

Upon a motion by Sel. Turk, seconded by Sel. Somers, it was unanimously

RESOLVED, that the Southbury Board of Selectmen hereby approves and refers the following Transfer to the Board of Finance:

09-20 A	DEPARTMENT:	Highway	
	FROM:	Fund Balance	\$9,679.95
	TO:	River Trail Project	\$9,679.95

Upon a motion by Sel. Turk, seconded by Sel. Somers, it was unanimously

RESOLVED, that the Southbury Board of Selectmen hereby approves and refers the following Transfer to the Board of Finance:

09-40	DEPARTMENT:	Highway	
	FROM:	Contingency	\$1,600

TO: Salaries – Overtime \$1,600

Funding to cover for storm damage, flooding on roads and trees down.

APPOINTMENT – LIBRARY ASSISTANT

Upon a motion by Sel. Kerin, seconded by Sel. Hubert, it was unanimously

RESOLVED, that the Southbury Board of Selectmen, upon the recommendation of the Interview Committee, hereby approves the hiring of Louise Bisch of Southbury as a Library Assistant for 15 hours per week, subject to a satisfactory records check.

CONTINUED CHARTER DISCUSSION

Sel. Turk, Chairman of the Charter Revision Commission, recused himself and left the Table because he felt that for him to have two votes on charter revision issues would violate his personal code of ethics.

In answer to a question raised by Sel. McLaughlin, Town Clerk Ginger Salisbury, said that the entire Board of Selectmen did not have to be present to make its Recommendations to the Charter Revision Commission. Mrs. Salisbury added that, later in the summer, a majority of the entire membership of the Board of Selectmen is needed to approve or reject the Charter Revisions.

First Sel. Davis asked the members of the Board for their comments on changes to the Charter.

Sel. Somers began:

in **§202A** and **§301** the First Selectman's term of office should remain 2 years;

in **§203B** the first line should refer to *other towns* [plural] comprising the probate district;

in **§303** the first sentence should read, "or other public building *in Southbury*";

in **§304** the third sentence should read, "The *office* of the First Selectman shall establish and post the agenda";

in **§310 C** and **D** Sel. Somers asked why the words "for cause" were deleted with respect to removals and suspensions;

in **§506** Sel. Somers agrees to adding Human Resources Director and Technology Director;

in **§508M** and **§605** options other than the Pomperaug District Department of Health should be allowed for; and

in **§802** the provision allowing the Building Official to be also the Zoning Enforcement Officer should not have been deleted. Sel. Somers said it might be

that the Board would want the hired Building Inspector to be one of the land use inspectors.

Sel. McLaughlin had the following comments:

in **§202A** and **§301** the Board should recommend that the First Selectman's term stay at 2 years;

in **§402 1.C** the First Selectman's ability to hire and terminate town employees should be subject to the approval of the Board of Selectmen. (Sel. Hubert, a member of the Charter Revision Commission, said that change already had been made.);

in **§507 4.** Sel. McLaughlin asked why the Director of Services for the Elderly serves a 2 or 4 year term at the discretion of the First Selectman instead of the Board of Selectmen;

in **§507 8.** if state statute does not require the Tax Collector to be an appointment, the Tax Collector should be a hired employee like the head librarian;

in **§507 9.** The Town Attorney is to serve at who's will – the First Selectman or the Board of Selectmen;

in **§507 18., 19., and 20.** the positions of Town Historian, Human Resources Director, and IT Director should not be added to the Charter. These people can be hired without being in the Charter. Sel. Hubert asked about **§507 10.** which provides for a Town Engineer position to be established. Sel. McLaughlin said she thought the Town Engineer could be removed too;

in **§601** it should read the Town *shall* [instead of *may*] ensure that fire, police, and other emergency management services are available. Sel. McLaughlin feels strongly that the duty of town government is to provide public safety;

in **§702 D 1.** the word "reviewing" or the word "considering" should replace the word "approving" because the Board of Finance does not have the authority to *approve* the budget ; and

in **§704D** Sel. McLaughlin says that project committees should be able to keep appropriated funds for at least a year after the last expenditure. She is concerned about the last sentence which says that unexpended annual appropriations lapse at the close of the fiscal year. There was some discussion of the word "annual" being ambiguous.

Sel. Hubert said she had no comments since she is on the Charter Revision Commission.

Sel. Kerin said:

with respect to the "place holder" positions in **§507**, he agrees with Sel. McLaughlin that they are unnecessary as the Board of Selectmen has the authority to create positions if needed. Also, he asked if the Board would be stuck with a position that is in the Charter once that position is filled;

in **§507 18.** which reads, "Town Historian(s) shall be appointed," Sel. Kerin said it does not look like a place holder position. He said it looks like a town

historian must be appointed and it looks like a paid position. Sel. McLaughlin pointed out that the Historian was to be appointed by the First Selectman with no approval of the Board of Selectmen. Sel. Kerin pointed out that there was no term of office for the Historian. He asked if it was to be a lifetime appointment; and

in **§202A** and **§301** Sel. Kerin said he would stay with a 2-year term for the First Selectman in response to comments made at the public hearings.

First Sel. Davis said in **§507 14.** he thought it should be "Land Use Administrator" to be consistent with the title of the person who has the job now. Sel. Somer said he thought it should remain "Town Planning Administrator" because sometime a Town Planner might be wanted.

Sel. Hubert brought up **§602** which says, "The First Selectman shall be the Chief of Police until an independent local Police Department is established..." She pointed out that a police chief needs to be certified. Sel. McLaughlin pointed out that **§602** also says the "Board of Selectmen shall determine the number of Police Officers," and she asked why the Board did not also determine ranks and administrative structure of the police. Sel. Kerin mentioned the CRO and detective positions.

RECOMMENDATIONS

1. **§202A** and **§301** – All were in favor of a 2-year term for the First Selectman except Sel. Hubert who abstained.
2. **§203B** – The Board agreed that it should be "towns" [plural] in the probate district.
3. **§303** – The Board agreed that "in Southbury" should be added after "public building."
4. **§304** – The Board agreed that it should be the "office" of the First Selectman that establishes and posts the agenda.

Regarding the deletion of "for cause" in **§310**, Attorney Gail McTaggart, a member of the Charter Revision Commission said that it was deleted because Connecticut is an "at will" state.

5. **§507 8.** – The consensus was to ask that the state statutes be checked regarding the appointment/hiring and term of office of the Tax Collector.

The consensus was not to change Town Planning Administrator to Land Use Administrator in **§507 14.** Sel. McLaughlin disagreed.

6. **§507 10., 18., 19., 20.** – The Board agreed that all four positions (Town Engineer, Town Historian, Human Resources Director, and Technology Director)

should be taken out of the Charter. Sel. Somers was doubtful about removing the Town Engineer.

7. §508M and §605 – The consensus was to recommend changing the wording to allow for other options than the Pomperaug District Department of Health.

8. §601 – The consensus was to recommend that the town "shall" or "should" [instead of "may"] ensure that fire and police services are available.

9. §602 – The consensus was to ask the Charter Revision Commission to change the paragraph to account for the training necessary for a chief of police and for the Board of Selectmen being able to determine the structure of the police department.

10. §704D – The consensus was to recommend making a separate paragraph of the last sentence, "Any portion of any annual appropriation remaining"

11. §702 D 1. – The consensus was to recommend another word instead of "approving" in the beginning of the third sentence. It was pointed out that there is no mention there of the Board of Finance "approving" the budget in the current Charter.

12. §802 – The consensus was to recommend that the wording be looked at so that paid employees could do two over lapping jobs.

Upon a motion by Sel. McLaughlin, seconded by Sel. Somers, it was agreed (with four Aye votes and Sel. Hubert abstaining) to send the above Recommendations to the Charter Revision Commission.

Sel. Kerin moved, seconded by Sel. McLaughlin, to adjourn the meeting at 8:10 p.m. All were in favor.

Respectfully submitted,

Jocelyn Bagger