

CHARTER REVISION COMMISSION  
KILLINGWORTH, CT  
SPECIAL MEETING MINUTES\*

April 27, 2021

Conducted as a Virtual Meeting via GoToMeeting

**Members Present:** Robert Rimmer (Chair), Walter Adametz, Joan Gay, Nancy Gorski, Mary Casey Jacob, Mary Meixell (7:37pm), Kathleen Zandi (7:07pm).

**Others Present:** Catherine Iino, Eileen Blewitt, Shauna Ham, clerk.

**1) Call to order.** At 7:02pm, Chairman Rimmer called the meeting to order.

**2) Public Input.**

N Gorski reported that she had received a call from Killingworth resident, Laura Lefko. Lefko had expressed concerns about minority representation regarding Selectmen, specifically as it applies to unaffiliated voters. N Gorski will ask for written comment from Laura Lefko for the record, or will ask her to attend a future meeting.

**3) Approval of April 14, 2021 and April 19, 2021 minutes.**

N Gorski moved to approve the minutes of April 14, 2021; no one seconded. MC Jacob listed numerous corrections, expressing that overall she felt the minutes as submitted were not reflective of the meeting discussion. There was some discussion about how amended minutes are displayed on the record. The motion was withdrawn; approval of the April 14, 2021 minutes was tabled pending further guidance.

The minutes of April 19, 2021 were reviewed and no amendments were made.

**Motion:** W Adametz moved to approve the minutes of April 19, 2021. MC Jacob seconded.

**Vote:** All in favor, motion passed unanimously (6-0-0).

**4) Review and Discussion of Current Charter.**

- R Rimmer reported that he had received legal guidance from Attorney Tycz. It is Tycz's legal opinion that the Town has the authority, by Charter revision, to increase the Board of Selectmen from 3 to 5 members, and that it also has the authority to limit the maximum number of members from the majority party at 3 rather than 4, which is the default maximum per CGS 9-167a (a) (1).
  - N Gorski expressed that, as discussed at previous meetings, one of the intentions of increasing the Board of Selectmen to five members was to increase the diversity of thought; decreasing the maximum from the majority party from four to three would help to ensure that.
  - There was discussion about how staggered elections would work if the maximum majority were decreased to three, and how much choice electors might have in any given election cycle.

J Gay suggested they look into different algorithms/methods for how the staggered situation could be set up.

- MC Jacob wondered if they could look at existing five-member boards to see how often it ends up being only one minority representative.
- R Rimmer stated that keeping the maximum majority at four would avoid any potential issue with staggered elections. Rimmer also voiced that another intention of increasing the membership to five was to solve the quorum issue (with membership of three, two members meeting or conversing constitutes a quorum; outside of an official meeting, two members of the same party constitutes a legal caucus, but two members from different parties constitutes an illegal meeting; in the current three-member board, the minority member can never converse with another member outside of an official meeting); increasing to five members, any two members could meet/converse. Rimmer expressed favor for remaining in keeping with the state statute default (four maximum), which allows the voters to select; decreasing the maximum number of majority party members would take some choice away from voters. Increasing the Board of Selectmen membership to six could also be proposed.
- N Gorski made a motion that if the Board of Selectmen membership is increased to five members, no more than three members of the board can be from one party. W Adametz seconded. Discussion followed. Concerns and questions raised included: are we setting it up to be divisive by structuring it too much; the will of the people is whomever they vote for; what are the benefits to limiting it to three? A suggestion was made to call back/consult with a political scientist on this issue.
  - N Gorski clarified that the intent of the motion was referring only to §4-7 (Board of Selectmen and First Selectman). Members questioned having different rules for different commissions. N Gorski withdrew the motion.

**Motion:** N Gorski moved to update the Minority Representation table in §4-3(a) to reduce the Maximum from One Party from four to three for elective boards with Total Membership of five members. No second. Discussion followed. MC Jacob voiced that if the table is changed, the language above the table will also need to be revised so it does not imply that it is representative of State statute; would need to be explicit that the Charter is more restrictive than the State statute.

**Motion:** N Gorski moved to table the motion pending further information and discussion. W Adametz seconded.

**Vote:** All in favor, motion passed unanimously (7-0-0).

- N Gorski reiterated her concern that a five-member board could have four members from the same party.

Reference is made to a list of issues that R Rimmer had created for further discussion and determination. The list is not intended to be all-inclusive, nor are the issues in chronological order of consideration or ranked in any other way. Said document is included at the end of these minutes.

- Appointment, rather than election, of tax collector – Charter §4-8; Conn. Gen. Stat. §9-189.

**Motion:** MC Jacob moved to remove the tax collector position from §4-8, changing the tax collector to an appointed, rather than elected, position. N Gorski seconded.

**Discussion:**

- J Gay expressed that she felt they should not take away an elected office without compelling reasons.
- C Iino voiced that the tax collector is a professional position with no policy component; it is an administrative position, constrained by state statutes, which requires qualification and continued education to be done properly. K Zandi expressed that, as a resident, she would prefer to know that the person is qualified. R Rimmer reiterated that the position requires specialized knowledge and training.
- There was some discussion about ensuring the appointment would be timed staggered away from the First Selectman election year, but members agreed the details should be discussed when the rest of §8 is addressed.
- J Gay stated that the parties recruiting the candidates are responsible for ensuring their nominees are qualified.
- Major disadvantages to an inexperienced/unqualified tax collector include a decreased collection rate and risking a town lawsuit.
- Eileen Blewitt asked if people are asking for this change, adding that the position has been elected for many years and none of these concerns have happened. N Gorski stated that if the tax collector is doing a good job, they will be re-elected. MC Jacob discussed survey responses which indicated favor for changing the tax collector to an appointed position.

**Vote:** M Meixell, MC Jacob, K Zandi, and R Rimmer voted in favor; N Gorski, W Adametz, and J Gay opposed; no abstentions. The motion passed 4-3-0.

**Motion:** MC Jacob moved that the tax collector be appointed for four-year terms, staggered from first selectman election year, and that the candidate be nominated by the First Selectman for approval by the Board of Selectmen, with reappointment possible. Seconded by M Meixell.

**Discussion:** Reference was made to other towns' charters, which appoint the tax collector for an indefinite term subject to removal for just cause. A professional may not be comfortable with only four year job security. Members agreed they should table and discuss this further when §8 is addressed.

**Motion:** MC Jacob moved to table the motion pending further discussion. N Gorski seconded.

**Vote:** All in favor, motion passed unanimously (7-0-0).

- Should a quorum be required at an Article III town meeting?

Members acknowledged that there is already a participation issue; a quorum requirement would likely almost never be met. Some issue garner public attention, but others, such as abandoned roads, see very little turnout.

Consensus was not to require a quorum; no change in the Charter, no motion required.

- Should the Planning and Zoning Commission be re-formed into a Planning Committee and a Zoning Committee? Charter §4-11.

Members were not sure if this exact question had directly been presented to the Planning and Zoning Commission (PZC), but they recalled that PZC members had expressed that they work well the way they are and are comfortable with the way they currently operate.

Consensus was to make no changes to the PZC structure; no change in the Charter, no motion required.

- Remove references to Probate Judge and Probate Court throughout the Charter.

**Motion:** N Gorski moved to remove all references to Probate Judge and Probate Court throughout the Charter. W Adametz seconded.

**Vote:** All in favor, motion passed unanimously (7-0-0).

- Create an Ethics Commission? See Charter §5-18.

Discussion included the following:

- There could be something broad in the Charter, just a provision that such a commission shall exist.
- Other towns may have one (or and Ethics Code), just not in the Charter; for example, the town of Portland does not reference in their charter, but they do have a 23-page Ethics Code by ordinance.
- Who would make up the board?
- Charter reference could be limited to “There shall be a Code of Ethics...”

Members agreed this would need to be discussed further.

MC Jacob and J Gay will prepare rough drafts of the changes discussed herein for the 5/03/21 meeting.

J Gay voiced that they need to check past press releases to see whether or not the public was told definitively that there would be more than one survey. R Rimmer commented that additional survey results may be useful for their final discussions.

**5) Adjournment:** The meeting adjourned at 9:22pm.

Respectfully submitted,

Shauna Ham

## **CHARTER REVISION ISSUES**

1. Appointment, rather than appointment (election), of tax collector - Charter §4-8. Conn. Gen. Stat. §9-189.
2. Should a quorum be required at an Article III town meeting?
3. Should the Planning and Zoning Commission be re-formed into a Planning Committee and a Zoning Committee? Charter §4-11.
4. Consider structure of Board of Fire Commissioners. Charter §4-14.
5. Consider structure and name of Public Health Nursing Agency. Charter §5-10.
6. Consider "Designated Medium" re: town notices in Charter §§1-2(b), 3-3 and 7-3(m). Conn. Gen. Stat. §7-3.
7. Consider use of gender terms throughout the Charter.
8. Remove references to Probate Judge and Probate Court throughout the Charter.
9. Consider maximum / minimum party representation for boards and commissions in Charter §4-3(a) and Conn. Gen. Stat. §9-167a(a)(1).
10. Consider eligibility of non-residents to appointive boards and committees. Charter §5-2.
11. Update regional organization membership provisions? Charter §5-14.
12. Create an Ethics Commission? See Charter §5-18.
13. Clarify annual budget responsibilities between First Selectman, BOS and BOF. Charter §§7-5, 9-2(1) and 9-3.

14. Limit offices to be held by BOS (and other?) members as with Charter §7-8?
15. Reform of Article VIII job descriptions.
16. Review of compensation structure for elected officials and employees.
17. Review of detailed BOF budget calendar in Charter §9-3.
18. Remove Charter §9-1(d) as superfluous?
19. Expand auditor term? Charter §9-4(b).
20. Review over-expenditure process. Charter §9-4(c).
21. Place responsibility for creating an Annual Report with the First Selectman rather than Board of Finance. Charter §9-5(e).
22. Increase Bid Procedure from current \$10,000.00? Charter §9-5(f).
23. Increase limit of annual transfer from General Operating Fund to Capital Reserve Fund from current 1.5 mills? Charter §9-7(b), Conn. Gen. Stat. §7-361.
24. Creation of a board or commission to govern pensions?