FIRST SELECTMAN'S OFFICE

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July 16, 2024

TO: Charter Revision Commission

FROM: Dan Carter, First Selectman

RE: Board of Selectmen's Proposals for Charter Revisions

Thank you for agreeing to volunteer to serve on the Charter Revision Commission. The time and careful thought you will put into this process is greatly appreciated. Under the provisions of §C11-7 of the Town Charter, the Town is required to conduct a charter review once every five years. This memo outlines specific recommendations that the Board of Selectmen believe should be addressed in your upcoming review.

There are a few important factors I would like to call to your attention:

- Under state law, once legally sworn and seated, Charter Commissions operate independently from Town Government. Although the Board of Selectmen have voted on a list of recommendations, this commission is not obligated to act on those recommendations, nor is it limited to only those recommendations. The Commission has the authority to review any areas of the Charter that it sees fit.

- Your Commission will be assisted by an independent attorney retained solely for the purpose of this charter review. Your attorney is Mr. Nicholas Vitti, who has significant experience in municipal law and has served previous Charter Commissions. Mr. Vitti will guide you through the legal process, ensure that all public reporting requirements are met and will craft the proper language for any alterations this Commission may put forward.

- Your Commission will be required to hold multiple public hearings throughout this process in order to gain feedback from the community. You will also be well advised to invite key Town department heads and other stakeholders to appear before the Commission to share their in-depth knowledge in areas of town operations.

Proposed Modifications to Charter 2024

§C2-5 Eligibility for Office

Section B currently prohibits town employees from serving on the Board of Finance, Planning & Zoning Commission, Zoning Board of Appeals and Inland Wetlands Commission.

Recommendation: Include Board of Assessment Appeals in the prohibition and prohibit Board of Finance members from simultaneously serving on any other board or commission to prevent conflicts of interest with regard to funding.

(Proposed by the previous BOS and adopted by the 2018 Charter Revision Commission)

§C3-3 Vacancies

Section C: This section cites the manner of filling a vacancy on the Board of Selectman prescribed by the Connecticut General Statutes. §C5-4 B (4) cites the Acting First Selectman assumes the role of First Selectman, until a Town Election or Special Election. $C3-3 should be updated to clarify the vacancy for a member, other than the First Selectman, will be filled in a manner prescribed by the Connecticut General Statutes.

Recommendation: Add a reference to §C5-4 in §C3-3 C.

(New)

§C3-4 Board of Selectmen

Section A: The Board of Selectmen is the only remaining elected board with a two-year term. The term of office should be made four years to allow more time for governance, oversight, and long-term planning. Longer term planning would provide more stability in town government.

Recommendation: Change term of office to four (4) years from two (2).

(Proposed by the previous BOS and not adopted by the 2018 Charter Revision Commission)

§C6-2 Procedure

In accordance with Robert's Rules of Order, a secretary should be elected at a Town Meeting. Historically, the Bethel Town Clerk has served as the secretary without an election by the Town Meeting.

Recommendation: Change §C6-2 to indicate the Town Clerk serves as the secretary for the Town Meeting. In the event the Town Clerk is absent, the Town Clerk may choose a clerk pro tempore. If unable to choose a clerk pro tempore, the Town Meeting will elect one.

(New)

§C6-3 Annual Town Budget Meeting

C.G.S 7-1 requires each town to hold an annual town meeting for the transaction of business proper to come before such meeting, which meeting shall be designated as the annual town meeting. Special town meetings

may be convened when the selectmen deem it necessary, or by petition (§6-6). The language in the Charter appears to limit the business that can be brought before the Town Meeting by only referring to the budget. In addition, the Town Meeting automatically adjourns to the referendum after the approval of the budget, requiring any other business to be done before the budget approval.

Recommendation: Align with state statute and clarify that other business can be brought forth at the Annual Town Meeting by changing references to the "Annual Budget Town Meeting" to the "Annual Town Meeting." Also, the meeting should not automatically adjourn, but the charter should say that when the Annual Town Meeting adjourns, it adjourns to the budget referendum.

(New)

§C6-3 Annual Town Budget Meeting

Section B (3): Voters have consistently selected "too high," regardless of whether the budget has passed or failed, rendering advisory questions ineffective in providing guidance.

Recommendation: Add a "Just Right" response to the non-binding advisory questions.

(Proposed by the previous BOS and amended by the 2018 Charter Revision Commission. The BOS recommended removing the too high or too low questions altogether.)

§C6-3 Annual Town Budget Meeting

Section A (1): Currently the Annual Town Budget Meeting is held within the first seven days of April. Since school spring break and the Presidential Primary take place in early April, having a larger window would provide needed flexibility.

Recommendation: Change the charter to hold the Annual Town Budget Meeting on one of the first 14 days of April.

(Proposed by the Registrars of Voters and adopted by the 2018 Charter Revision Commission)

§C6-3 Annual Town Budget Meeting

Section B (1): The Charter dictates that the Budget Referendum shall take place not less than seven nor more than fifteen days, excluding Saturdays, Sundays and legal holidays, from the date of approval by the Budget Meeting.

Recommendation: Amend the section to permit the vote no less than 10 days after the Annual Budget Town meeting.

(Proposed by the Registrars of Voters and adopted by the 2018 Charter Revision Commission)

§C6-5 Petition for Overrule

Section E: Board of Selectmen currently fix the special referendum not less than seven nor more than fourteen days after the certification of a petition.

Recommendation: Change Board of Selectmen to fix the special referendum at least ten days and not more than fifteen days, excluding Saturdays, Sundays, and legal holidays, after the certification of a petition.

(Proposed by the Registrars of Voters and adopted by the 2018 Charter Revision Commission)

§C6-8 Action Requiring Referendum

Currently, §C6-8 applies not only to all taxpayer-funded capital projects in excess of $1 million, but also, by extension, all capital utility projects not funded by tax revenue, rather by user fees. The referendum requirement comes into play even though utility projects have no impact on the town budget and do not rely on general tax revenue. In the past, a referendum has been required just to approve the acceptance of revolving water loans from the state in order to maintain and improve the town's public water system, even in cases where the state has mandated certain repairs and upgrades under penalty of fines for non-compliance. The low limit of $1 million has resulted in harmful delays expenses of conducting referendums in order to execute non-optional system upgrades.

Recommendation: Raise the referendum trigger to $2 million for capital utility projects that are funded exclusively through user fees, grants and/or loans.

(Proposed by the previous BOS and adopted by the 2018 Charter Revision Commission)

§C6-8 Action Requiring Referendum

It is important for large capital construction projects to be completed under budget. Without drawings, maps, documents, specifications, etc., it is difficult to obtain the most precise cost estimate for the project.

Recommendation: Update §C6-8 to require final completed construction plans prior to the scheduling of any referendum for approval of proposed capital construction projects of one million dollars ($1,000,000.) or more. Include waiver options by a vote of the Board of Selectman for school building projects receiving reimbursement or grant money from the State or sources other than purely Town sources for payment of the project and projects that rely on bonding and/or State or Federal funding sources.

(Proposed by the previous BOS and adopted by the 2018 Charter Revision Commission)

§C7-1 Appointments by Board of Selectmen

Section C: All members of appointive boards and commissions are required to be qualified electors of the town and vacate their positions upon ceasing to be electors of the town. This section should be updated to include a resignation process and should also identify who has authority to remove an appointed board or commission member when it is clear the individual no longer resides in town or for willful neglect of duty, the inability to serve, conviction of a felony or abandonment of office may constitute cause for removal.

Recommendation: Update the charter to specify resignation process for appointed board or commission members. Also, define the circumstances and a process for removal of an appointed board or commission member by the Board of Selectmen.

(Proposed by the previous BOS and AMENDED by the 2018 Charter Revision Commission. Note that the previous BOS addressed appointed boards. The 2018 Charter Revision Commission also addressed the resignation process for elected officials.)

§C7-5 Fire Commission (Added)

The Board of Fire Commission was established by ordinance in 2021. (See Chapter 13 of the Bethel Town Code) The current Commission consists of five voting members, four of whom are appointed by the Board of Selectman and the fifth member is a selectman that is chosen by the Board of Selectmen. The Commission also has two non-voting ex officio members, one for each fire department.

Given the fact that fire protection requires significant capital investments, it is appropriate to have taxpayer oversight when working with the fire departments on budgets and maintaining budget oversight.

Recommendation: Add the following new section to the Charter under Article VII Appointed Boards and Commissions:

A. The Board of Selectmen shall appoint, in accordance with the provisions of this Charter, a Fire Commission consisting of five (5) voting members each of whom have never served as a firefighter and each shall serve a four (4) year term. In addition, the Board of Selectmen shall appoint two (2) non-voting ex officio members to represent the two Fire Departments who shall be current firefighters employed outside of Bethel or former firefighters. The five (5) Commissioners shall serve overlapping terms. The ex officio members shall serve for a period not to exceed four years, at which time the Fire Department representatives shall be subject to reappointment.

C. Said Commission shall have the powers and duties as are now or may hereafter be conferred or imposed upon said Commission by the Connecticut General Statutes, Special Acts or local ordinances.

(New)

§C7-11 Public Utilities Commission

Section A: Presently the PUC consists of five members, the three selectmen, and two appointed members. Water and waste water operations have evolved into very technical and highly regulated operations. Expanding the appointed members would bring additional professional expertise and oversight of the town-owned public utility systems.

Recommendation: Expand the PUC to seven members by appointing four members in addition to the three selectmen.

(Proposed by the previous BOS and adopted by the 2018 Charter Revision Commission)

§C8-1 Officers and Departments

Section A: Section A lists administrative officers and departments for the Town of Bethel. It was necessary to establish a separate Public Utilities Department and credentials needed for the head of the department

Recommendation: Add Director of Public Utilities to the list of administrative officers.

(Proposed by the former First Selectman and adopted by the 2018 Charter Revision Commission)

§C8-1 Officers and Departments

Section A: The Director of Economic Development has been under the First Selectman since the inception of the position. In the 24-25 budget, the position and department have been separated from the First Selectman. Given the

role of the director and level of responsibility, coordination with state agencies, grants, etc., the Director of Economic Development should be added to the list of administrative officers.

Recommendation: Add Director of Economic Development to the list of administrative officers.

(New)

§C8-9 Department of Public Works

This section describes the duties of the department. Water and sewer functions are now contained in the Department of Public Works. Highway functions are a responsibility of Public Works.

Recommendation: Remove references to water and sewer and add Roads, Grounds, Fleet Vehicles, Buildings and Project Management to the description.

(Proposed by the previous BOS and adopted by the 2018 Charter Revision Commission)

§C8-13 Comptroller

§C8-13 C 4 (i): Cooperative Purchasing involves sharing procurement contracts between governments or within a government. Through cooperative purchasing arrangements, the dollars spent (purchases) increases, and this increased spend helps to leverage the organization's ability to obtain deeper discounts and achieve greater savings.

Recommendation: Authorize the Town of Bethel, the Procurement Committee and/or the Board of Education the use of purchasing cooperatives for any and all purchases or procurements, so long as such use of a purchasing cooperative complies with the provisions of this Charter and the laws of the State of Connecticut.

(Proposed by Theresa D. Yonsky, former Director of Fiscal Services for the Bethel Public Schools and adopted by 2018 Charter Review Commission. See "Technical Changes" for the recommendation to change references to "Comptroller" to "Director of Finance.")

§C8-13 Comptroller

§C8-13 E: Data Processing has grown into an Information Technology Department. As such, the data processing functions are not solely needed by the Comptroller nor should the department come under the comptroller.

Recommendation: Section E: Change to read: "The Comptroller shall direct and control the operations and activities of the Tax Collector in accordance with this Charter and town ordinances."

(New)

§C8-14 Department of Public Utilities (ADDED)

With the creation of a separate Department of Public Utilities, the Charter needs to be updated.

Recommendation: Establish the Department of Public Utilities, which shall have and encompass the powers and duties of the Town water and sewer department and further powers and duties as the Board of Selectmen may grant said Department. Describe the position of Director of Public Utilities to reflect the status as employee of the Public Utilities Commission and reporting to the First Selectman. Duties of the Director of

Public Utilities include strategic planning and advising the P.U.C. on operations of the water and sewer departments.

(Proposed by the former First Selectman and adopted by the 2018 Charter Revision Commission)

§C8-15 Department of Economic Development (ADDED)

With the creation of the Department of Economic Development, the Charter needs to be updated.

Recommendation: Establish the Department of Economic Development and powers and duties.

(New)

§C8-16 Information Technology (ADDED)

Data Processing has been a function referred to as a department in the charter under §C8-13 E Comptroller. However, there doesn't appear to be a record of the department being created. In addition, the department has expanded from traditional data processing functions and is referred to as Information Technology in budget documents.

Recommendation: Establish Information Technology and powers and duties.

(New)

§C9-1 General Board Procedures

The Charter is clear that the guide to parliamentary procedure for the Town Meeting is Robert's Rules of Order. (§C6-2) However, the Charter does not indicate what should be used for boards and commissions.

Recommendation: Update the Charter to indicate that the official rules for procedure for all boards and commissions shall be Robert's Rules of Order.

(New)

§C10-2 Preparation of Budget

Section E: The Charter stipulates that the Board of Finance shall hold at least one public hearing on the general town budget report not less than fourteen days before the Annual Town Budget Meeting. There should also be a "not more than" time requirement prior to the Annual Town Budget Meeting revision to avoid scheduling conflicts for the public hearing in an adequately sized facility.

Recommendation: Specify a time requirement for one or more public hearings of not less than seven days or more than fourteen days before the Annual Town Budget Meeting.

(Proposed by the former First Selectman and adopted by the 2018 Charter Revision Commission)

§C11-11 Meetings

The Charter requires meetings to be held at town hall. This provision as it is currently written prohibits the Planning & Zoning and Inland Wetlands commissions from meeting in the field to perform site walks. It also

prohibits the Police Commission to meet at the Bethel Police Department and the Library Board to meet in the Bethel Public Library.

Recommendation: Permit all board and commission meetings to be held in a town-owned facility accessible to members of the public. Designate an exception for field site inspections for Planning & Zoning and Inlands/Wetlands commissions.

(Proposed by the previous BOS and adopted by the 2018 Charter Revision Commission)

Technical Changes

§C2-5 A, §C-3-2, §C3-3 A, §C4-1 B, §C5-3, §C5-4 B (1), §C5-4 B (2), §C8-7, §C8-13 C (3), §C9-3

Recommendation: Change his to "his or her."

(New)

§C8-1 C, §C8-11 B

Recommendation: Change to his/her to "his or her."

(Proposed by the previous BOS and adopted by the 2018 Charter Revision Commission. Note that the BOS proposed changing "his to her" in §C3-2. "His" also appears in sections referenced above.)

§C4-4 B, §C4-4 D; §C4-5 A; §C8-13 C (4) (ii); §C10-2 G; §C10-4

The current warning requirements in the charter that reference newspapers are in line with the Connecticut statutes. However, under pressure due to the costs to municipalities, the statutes may eventually allow other mediums to warn residents.

Recommendation: Change charter sections to allow another medium consistent with the requirements of the Connecticut General Statutes.

(Proposed by the previous BOS and amended by the 2018 Charter Revision Commission. Note that original proposal by pervious BOS was to "change the word "newspapers" to "publications" to allow greater flexibility in publication of legal notices." This would not comply with Connecticut Statute.)

Table of Contents; §C8-1 A, §C8-13, §C8-13 A, §C8-13 B (1), §C8-13 B (2), §C8-13 C (1), §C8-13 (3) §C8-13 (4) (ii), §C8-13 D, §C8-13 E, §C8-13 F, §C8-13 G

Recommendation: Change references from "Comptroller" to "Director of Finance"

(Proposed by the Comptroller and adopted by the 2018 Charter Revision Commission to change the title to Finance Director. Other departments, except Emergency Management have the "director" title in front of the department title.)

§C10-9 Salaries

Recommendation: Change “proceding” to preceding

(Proposed by Tim Beeble and adopted by the 2018 Charter Revision Commission)

§C8-5 Director of Civil Preparedness

Director of Civil Preparedness is an outdated term and the position is referred to in state agencies as the Emergency Management Director.

Recommendation: Change Director of Civil Preparedness to Emergency Management Director

(Proposed by the Thomas Galliford and adopted by the 2018 Charter Revision Commission)

§C3-6 Board of Education and §C7-15 Insurance and Pension Plan Commission

Recommendation: Specify that members shall serve overlapping terms.

(Proposed by Tim Beeble and adopted by the 2018 Charter Revision Commission)

Sincerely,

Daniel E. Carter
First Selectman, Town of Bethel

CC: Bryan Terzian, Selectman
Richard C. Straiton, Selectman
Nick Vitti, Special Counsel
Melanie O’Brien, Town Attorney