

**MINUTES
TOWN OF GROTON
CHARTER REVISION COMMISSION
OCTOBER 22, 2007
TOWN HALL ANNEX – COMMUNITY ROOM 2**

1. Members Present: Shirley Dunbar-Rose, Nancy Moffat, Richard Moravsik, Ray Munn, Frank “Mick” O’Beirne, Ed Stebbins and John Wirzbicki.
Members Absent: Stan Dziurzynski and Robert Frink.
Also Present: Town Clerk Barbara Tarbox and Office Assistant Elga Concepcion.
2. The meeting was called to order at 7 p.m.
3. A motion was made by Stebbins, seconded by Moffat to approve the meeting minutes of **September 24, 2007**. The motion passed with five in favor, and two abstentions (Dunbar-Rose and Munn).
4. COMMUNICATIONS
 - a. Chairman: No report.
 - b. Secretary: No report.
 - c. Members: No report.
5. CITIZEN COMMENTS
None.
6. OLD BUSINESS
None.
7. NEW BUSINESS
Members continued their review of Chairman O’Beirne’s **TOWN COUNCIL** draft section of the Charter.

Clerk’s Note: All changes made by consensus or vote will be attached to these minutes. Please see “Compilation.”

- a. Sec. .5. Ordinance; Classes; Public Hearing Publication and Date Effective. (*based on Ch. O’Beirne’s draft*)
 - .5.1. Ordinances.
No changes.
- b. .5.1.1. *Bonding ordinances*.
No changes.
- c. .5.1.2. *Emergency ordinances*.
No changes.
- d. .5.1.3. *Legislative ordinances*.
No changes.

e. *_.5.2. Public Hearing, Notice and Publication.*

The Chairman suggested that “The Town Clerk may mail” be changed to “The Town Clerk shall provide”.

f. *_.5.3. Recording.*

No changes.

g. *_.5.4. Enactment of Ordinance.*

No changes.

h. *_.5.4.1. Bonding ordinances.*

Upon the request of the Chairman, the Town Clerk will discuss the dollar figure of \$750,000 with the Town Attorney. She will also review this paragraph with Chairman O’Beirne in the near future.

No changes.

i. *_.5.4.2. Emergency ordinances.*

No changes.

j. *_.5.4.3. Legislative ordinances.*

No changes.

k. *_.5.4.4. Veto.*

The Chairman suggested that a period be inserted after “as defined in Section 1.6”.

Commissioner Wirzbicki requested that the following be inserted after the last occurrence of “Town Council”: “recorded in the ordinance book, and Notices of Veto published.”

l. *_.5.4.5. Referendum.*

Chairman O’Beirne recommended that “passage by the RTM” be replaced with “adoption of the ordinance”.

m. *_.5.5. Publication.*

n. *_.5.5.1. Time.*

The Chairman requested that “similarly” be inserted before “published within ten” (second sentence). He also suggested that “may” be replaced with “shall” (third sentence).

o. *_.5.5.2. Content.*

The Chairman stated that this section was drafted utilizing the 1998 Charter Revision Commission’s recommendations.

p. *_.5.6. Date Effective.*

q. *_.5.6.1. Bonding ordinances.*

No changes.

r. *_.5.6.2. Emergency ordinances.*

No changes.

s. *_.5.6.3. Legislative ordinances.*

No changes.

(A short recess was taken at 8:10 p.m.)

t. Sec. 6. *Investigation.*

There was discussion regarding the substitution and usage of “books and papers”. Upon the request of Chairman O’Beirne, the Town Clerk will refer this section to the Town Attorney.

No changes at this time.

u. Sec. 7. *Relative to administrative services.*

No changes at this time.

v. Sec. 8. *Official bonds.*

No changes.

Secretary Dunbar-Rose distributed her draft of the **REPRESENTATIVE TOWN MEETING** section of the Charter which will be discussed at the next meeting.

Commissioner Moffat distributed her draft of the **INCORPORATION AND POWERS** section of the Charter and noted that she will add onto this text. Responding to Moffat’s comments, Chairman O’Beirne added that he will meet with her in the near future to discuss her draft.

Commissioner Stebbins distributed his draft of the **APPOINTIVE BOARDS AND COMMISSIONS** section of the Charter. (This item will be reviewed at the next meeting, time permitting.)

Chairman O’Beirne distributed his draft of the **BOARD OF EDUCATION** section of the Charter along with a reference to State Statute. (This item will be reviewed at the next meeting, time permitting.)

ADJOURNMENT

The meeting adjourned at 9:10 p.m.

Shirley Dunbar-Rose

Secretary

Approved: November ____2007.

COMPILATION from 10/22/07 meeting

Consensus that Sec. _ 5. to read as follows:

Sec. _5. Ordinance; Classes; Public Hearing, Publication and Date Effective.

_5.1. *Ordinances.* There shall be three (3) classes of ordinances. They are bonding ordinances, emergency ordinances and legislative ordinances.

Consensus that _5.1.1. to read as follows:

_5.1.1. *Bonding ordinances.* The Town shall have the power to incur indebtedness by issuing its bonds or notes as provided by CGS, subject to the limitation of this Charter. The issuance of bonds and notes shall be authorized by bonding ordinance.

Consensus that _5.1.2. to read as follows:

_5.1.2. *Emergency ordinances.* The Council shall have the power to declare the enactment of emergency ordinances on the grounds of urgent public need for the preservation of public health, safety or property. The facts showing such an urgent need shall be specifically stated in the measure itself.

Consensus that _5.1.3. to read as follows:

_5.1.3. *Legislative ordinances.* All other laws of general application regarding the public health, safety and welfare for citizens of Groton and all other laws not considered bonding or emergency ordinances, shall be deemed legislative ordinances.

Consensus that _5.2. to read as follows:

_5.2. *Public Hearing, Notice and Publication.* For all bonding and legislative ordinances, a public hearing shall be held prior to enactment by the Council. Notice of the public hearing shall be given at least five (5) days in advance by publication of the proposed ordinance, or a summary thereof prepared by the Town Attorney, with the date, time and place of the hearing, in a daily newspaper having a circulation within the Town. The full text of the ordinance shall be available in the Town Clerk's office at least five (5) days prior to the public hearing. The Town Clerk shall provide a copy of such notice to each member of the RTM on or before the date of publication. No notice or hearing shall be required for emergency ordinances.

Consensus that _5.3. to read as follows:

_5.3. *Recording.* Every ordinance, after passage, shall be given a serial number and shall be recorded by the Town Clerk in a book to be kept for that purpose, which shall be properly indexed.

Consensus that _5.4.1. to read as follows:

_5.4.1. *Bonding ordinances.* If any bond issue or issuance of notes, except notes in anticipation of taxes to be paid or other revenue to be received within the fiscal year in which issued, shall exceed when authorized, the sum of Seven Hundred Fifty Thousand and 00/100 (\$750,000.00) Dollars or which shall, when added to all other bond issues or issuances of notes previously authorized in the same fiscal year, bring the total of such bond issues or issuances of notes authorized for that fiscal year to a sum in excess of Seven Hundred Fifty Thousand and 00/100 (\$750,000.00) Dollars, said bond issue or issuance of notes shall be approved first by the Council, then by the RTM, and then by a referendum vote at any regular town, state, or special election or a referendum called for that purpose. If such bond issue or issuance of notes is less than said amount, a bonding ordinance may be adopted upon vote of the Council and then the RTM.

Consensus that 5.4.2. to read as follows:

5.4.2. *Emergency ordinances.* No ordinance shall be passed as an emergency measure except by the affirmative votes of not less than six (6) members of the Council. No emergency ordinance or resolution shall be adopted granting, amending, renewing or extending any public utility franchise or other special privilege or permitting the leasing or sale of any real property of the Town or regulating or fixing rates to be charged for public utility service or creating bonds.

Consensus that 5.4.3. to read as follows:

5.4.3. *Legislative ordinances.* A legislative ordinance shall be adopted, subject to the powers of veto and referendum hereunder, upon a vote of the Council.

Consensus that 5.4.4. to read as follows:

5.4.4. *Veto.* The RTM, upon a two-thirds vote of the total membership, shall have the power to reject any legislative ordinance passed by the Council, except for an ordinance of consolidation as defined in Section 1.6. Such veto shall be filed with the Town Clerk not more than forty-five (45) days after the enactment of such ordinance by the Council, be recorded in the ordinance book, and Notice of Veto shall be published.

Consensus that 5.4.5. to read as follows:

5.4.5. *Referendum.* Upon a petition of not less than five (5) percent of the electors of said Town of Groton, filed with the Town Clerk not more than fourteen (14) days after adoption of the ordinance, asking that the ordinance be submitted to the electors of said Town of Groton at its next regular election or special election, it shall be so submitted. Such ordinance shall remain effective unless a majority of the electors voting on such ordinance vote against such ordinance; and that the number of electors voting against such ordinance is equal to at least fifteen (15) percent of the electors listed on the last registry list. This section shall not apply to any ordinance for which a referendum right exists under any other provision of the Groton Town Charter.

Consensus that 5.5.1 to read as follows:

5.5.1. *Time.* Notice of the adoption of a bonding ordinance shall be published in a daily newspaper having a circulation within the town within ten (10) days of adoption by the RTM. Notice of the adoption of emergency and legislative ordinances shall be similarly published within ten (10) days of adoption by the Council. The Town Clerk shall provide the members of the RTM with notice of the adoption of any emergency and legislative ordinance by the Council within five (5) days of adoption.

Consensus that 5.5.2. to read as follows:

5.5.2. *Content.* Said notice shall include the title, serial number and complete text of the ordinance, except that if so directed by the Council, a description of the ordinance prepared by the Town Attorney may be substituted for the complete text.

Consensus that 5.6.1. to read as follows:

5.6.1. *Bonding ordinances.* Bonding ordinances requiring approval by referendum shall be deemed approved upon adoption by referendum. Bonding ordinances not requiring a referendum shall be deemed approved upon adoption by the RTM.

Consensus that 5.6.2. to read as follows:

5.6.2. *Emergency ordinances.* Emergency ordinances, unless a later date is specified, shall become effective upon publication. Any emergency ordinance shall expire no later than six (6) months after enactment, unless adopted as a legislative ordinance in accordance with this Charter.

Consensus that __.5.6.3. to read as follows:

__5.6.3. Legislative ordinances, unless a later date is specified, shall become effective forty-five (45) days after enactment by the Council unless vetoed by the RTM.

Consensus that Sec. __.6. to read as follows:

Sec. __.6. Investigation.

The Council shall have the power to investigate any and all departments, offices and agencies of the town, and for such purposes shall have the power to issue subpoenas. At the request of the Council, any judge of the Superior Court may issue a *capias* for the appearance of witnesses and the production of books and papers.

Consensus that Sec. __.7. to read as follows:

Sec. __.7. Relative to administrative services.

Neither the Council nor any of its members shall direct or request the appointment of any person to an office or employment, or direct or request the removal of any person from any office or employment which office or employment, by the provisions of this Charter, the Town Manager or any of his appointees are empowered to fill by appointment; provided the Town Manager may seek advice from the Council regarding appointment. The Council and its members shall deal with the administrative service solely through the Town Manager. A properly constituted meeting of the Council, which the Town Manager has been invited to attend, may call before it any employee or officer for the purpose of investigation. The Council and its members shall not give orders to any of the subordinates of the Town Manager either publicly or privately. Nothing contained herein shall prohibit any Council member from informing administrative department heads as to matters affecting the department. Nothing contained herein shall prohibit any member of the Council or RTM from exercising rights under the Freedom of Information Act (FOIA) as held by general citizens.

Consensus that Sec. __.8. to read as follows:

Sec. __.8. Official bonds.

The Town Manager, Town Clerk, Director of Finance, Treasurer, Tax Collector, Director of Public Works, Building Official, and such other officers and employees as may be required to do so by the Council or the CGS shall, before entering on their respective official duties, execute to the town in the form prescribed by the Council and approved by the Town Attorney and file with the Town Clerk a surety company bond in a a penal sum to be fixed by the Council conditioned upon honesty and the faithful performance of such duties. Nothing herein shall be construed to prevent the Council, if it deems it to be in the best interests of the town, from prescribing a name schedule bond, schedule position bond or blanket bond, or from prescribing which departments, offices, agencies, boards or commissions shall be covered by a specific type of the aforementioned bonds. Premiums for such bonds shall be paid by the town.