

**TOWN OF CROMWELL
CHARTER REVISION COMMISSION
41 WEST STREET, CROMWELL, CT 06416
REGULAR MEETING MINUTES**

Wednesday, April 20, 2022
7:00 p.m.

Present: Chairperson Jennifer Lepore, Phil Gagnon, Ann Grasso, Marie Roberto, Mike Cannata, Geoff Oryell

Also Present: Town Council Member Al Waters and Deputy Mayor Steve Fortenbach

Absent: Lou Menendez

A. CALL TO ORDER

Chairperson Lepore called the meeting to order at 7:06 p.m.

B. APPROVAL OF MINUTES

MOTION made by M. Cannata and **SECONDED** by P. Gagnon to approve the meeting minutes of March 16, 2022.

In favor: J. LePore, P. Gagnon, A. Grasso, M. Roberto, M. Cannata, G. Oryell
Motion carried.

C. APPROVAL OF AGENDA

MOTION made by M. Roberto and **SECONDED** by M. Cannata to approve the agenda as presented.

In favor: J. Lepore, P. Gagnon, A. Grasso, M. Roberto, M. Cannata, G. Oryell
Motion carried.

D. PUBLIC COMMENTS

Al Waters, 86 South Street stated he was present as a tax payer and Town Council member. He thanked the Charter Revision Commission for volunteering their time to get things squared away properly in the Town. He asked the Charter Revision Commission to not combine the Board of Finance with the Town Clerk as he feels this will cause bigger problems down the road. This would be putting finance matters and decisions into the wrong hands, it will create more meetings for the Town Council. He added that in all of his years involved in the Town, he has never seen any issues with the Board of Finance. He stated that they are the most important board we have and they are very thorough. He reiterated that taking this away from the Board of Finance who does a great and thorough job, will create more work for the Town Council.

E. OLD BUSINESS

Chairperson Lepore informed the Commission that no one from Finance was able to make it tonight. She received answers from the Town Attorney and Town Manager to several questions they had at their previous meeting. She went over

the questions and answers received. See Attachment A for a list of the questions and answers.

A brief discussion was held by the Commission in response to Question #2, Emergency Expenditures. It was the general consensus of the Commission to request the specific statute from the Town Attorney. Chairperson Lepore indicated she would like to see if they could specify a limit on the amount of money the Town Manager could spend for emergency expenditures.

A brief discussion was held regarding Question #3, Personnel System. It was mentioned that this issue has come up over the years. Commissioner Ann Grasso said that the Town Council has appeared to be unhappy about having labor/employment items as part of the Town Council Meetings. She added that sometimes it is personal information that should not be in the public domain. It was the general consensus of the Commission to suggest to the Council not to change this section of the Charter, but to not require labor/employment issues be part of the Town Council meetings. It was acknowledged by all Commission members that there may be requirements in CBAs or other places that would not make this an easy change.

A brief discussion was held regarding Question #4, Director of Health. Commissioner Roberto suggested strengthening the Director of Health section specifically by ensuring that the Town add that the Director shall be “qualified” in accordance with the specific statute that is cited in the Charter.

Commissioner Cannata said that he spoke with Stuart Popper and his formal title is “Director of Planning and Development”. He recommended that his title be changed from “Town Planner” to “Director of Planning and Development” throughout the Charter. The Commission agreed.

F. NEW BUSINESS

Chairperson Lepore mentioned that a Public Hearing is coming up in May. She will make sure all Town staff are aware via phone call or email.

The Commission addressed Section 4.20 – Director of Economic and Community Development. There was discussion regarding leaving this language in the Charter and therefore leaving the position open for the possibility of filling the position in the future. It was acknowledged that the Director of Planning and Development acts as the Director of Economic and Community Development as well. It was decided to leave this section in as a place holder in the event that the next Director of Planning and Development in Cromwell would not be qualified, interested or required to assume this responsibility.

The Commission addressed Section 4.21 – Appointments of Board and Commissions. The Commission agreed to not include details and descriptions of each Board and Commission in the Charter, but by Ordinance. This was decided in the event that there are any changes that need to be made to the

details/descriptions of boards or commissions, as the process to amend an Ordinance is much simpler than amending the Town Charter.

The Commission agreed to leave the second paragraph under 4.21 labeled as (a) which was previously struck out in the red lined version of the Charter.

Under Subsection (b) of 4.21, the Commission **changed**: "...by an affirmative vote of not fewer than *five (5)* members..." **to**: "not fewer than *two-thirds* of the members..."

Under Subsection (c) of 4.21, the Commission changed the following sentence **from**: "Removal. Any member of any appointive Town board or commission may be removed by *the* Town Council for cause." **to**: "Removal. Any member of any appointive Town board or commission may be removed *by a simple majority* of the Town Council for cause."

Under Subsection (d) of 4.21, the Commission agreed to leave this as is. Commissioner Roberto provided some background on this subsection and stated that this was changed in the previous Charter Revision to allow for Unaffiliated party members to serve on Town boards and commissions.

The Commission left Subsection (e) of 4.21 as is.

The Commission addressed Article V of the Charter. The Commission left Section 5.01 as is.

Under Section 5.02 there was discussion about posing the Town Clerk and Tax Collectors as employees, not elected officials as a separate question. Chairperson Lepore asked how this would affect the process of the Charter changes in all areas. After a brief discussion, they decided they could give the Town Attorney permission to amend the Charter throughout as needed, in accordance with the approved changes.

Under Section 5.02 (3) The Commission agreed to amend:

- The reference to Section 4.17 to Section 4.21.
- For consistency, the wording **from**: "The number of regular members of the Planning and Zoning Commission for terms of six (6) years, required to maintain the total number of regular members at nine (9)" **to**: "The Planning and Zoning Commission shall consist of nine (9) regular members for terms of six (6) years."

Under Section 5.02 (4) The Commission agreed to amend:

- The reference to Section 4.17 to Section 4.21.
- For consistency, the wording **from**: "The number of regular members of the Zoning Board of Appeals for terms of four (4) years, required to

maintain the total number of regular members at five (5)” to: “The Zoning Board of Appeals shall consist of five (5) regular members for terms of four (4) years”.

The Commission left Sections 5.03, 5.04, and 5.05 as is.

The Commission addressed Section 5.06. Commissioner Roberto asked if someone could outline the budget process. The Commission then spent some time reading Article VIII, Annual Budget and Financial Procedures to understand the process.

There was a lengthy discussion. Several changes to this section were suggested. These changes included establishing qualifications for Board of Finance members, updating the lengths of the terms, amending the budget process, and adding reporting procedures. The Commissioners felt that any changes made by the Board of Finance to a recommendation made by the Town Council should be reported back to the Council so that they are aware of the final change.

There was also discussion regarding whether or not the Commission wanted to eliminate the Board of Finance completely or make changes to their make-up and responsibilities. It was the general consensus of the Commission that they were in favor of keeping the Board of Finance but would like to explore setting/changing some of the items previously discussed. The Commission also expressed that they would prefer the Finance Director and the Chairman of the Board of Finance be present to provide information and input to assist the Commission in better understanding the process and any changes that need to be made. Chairperson Lepore said she would reach out to see if they can make it to the April 27th meeting.

G. ADJOURNMENT

MOTION made by M. Cannata and **SECONDED** by J. Oryell to adjourn.

In favor: J. Lepore, P. Gagnon, A. Grasso, M. Roberto, M. Cannata, G. Oryell
Motion carried.

The meeting adjourned at 9:01 p.m.

Respectfully submitted,



Amanda Calve
Secretary

1. Regarding 3.04(11), it states that the town will periodically review and rewrite job descriptions. The question was asked whether this was something that should be or are in the ordinances.

This section pertains to the powers and duties of the Town Manager generally. It seems to me that this general duty is fine to remain in this Charter section. It is really an administrative function and it seems to me that the Town Manager is in the best position to know what each job should entail. The Town Manager is also in the best position to know what the existing Collective Bargaining Agreements (CBAs) would require for each union job.

By CBA the Town Manager has the authority to change job descriptions and would not recommend any changes in this area.

2. Regarding 3.04(12), it doesn't define "emergency expenditure" but there is a lot of power attached to the process. Is there a definition in the ordinance? Is there a limit where you can allocate town funds without the approval of town council?

Depending upon the nature of the "emergency" the Town Manager would be confined to the limits appropriated for that particular department/purpose. The Charter describes "Emergency" as a public emergency that threatens the lives, health or property of citizens. (See Section 8.09(b)). An example in my mind might be the October snowstorm that paralyzed the state and the Town Manager needing to use public works money or pay overtime to staff to get roads re-opened that were blocked by fallen trees such that residents could not get emergency assistance if needed. This type of expenditure obviously could not await a town council meeting.

The general statutes also place a limit on what the Town Council can appropriate under an emergency scenario.

3. Regarding section 4.02, "Personnel System," there was a concern about how much time is spent at the top of town council agendas regarding employment issues. Is it possible for town council to have a subcommittee to focus on employment issues or have a special meeting once a month or once every other month to consider these types of issues? This may be a question for council and not necessarily the charter but we spent quite some time discussing it so I want to share it with you.

This question is better posed to labor counsel. However, giving the town council general oversight over these functions and that of any committee created seems appropriate to me.

4. Regarding 4.08/4.09 ~~4.11~~, The Director of Health is a four year term and the term for the Director of Emergency Management is 2 years. Do you know why there is a discrepancy between the two? Another question posed about this was what are the static educational requirements for a Director of Health for a municipality? I understand that it is a relatively regulated position by statute so I want to be sure we are addressing the requirements appropriately.

See the attached memo from the Public Health Coordinator.

5. Regarding section 4.11(d) ~~4.13(c)~~ titled "Town Engineer" should this be a separate section not under the ~~Director~~ Department of Public Works?

I believe we discussed this last time and there was reason we left it here. I believe the Engineer's salary falls under that department but I must defer to the Town Manager for clarification. I certainly have no legal issue with making the Town Engineer separate. The Town Engineer reports to the Director of Public Works. This position works closely with all areas of Public Works.



**TOWN OF CROMWELL
HEALTH DEPARTMENT
Nathaniel White Building
41 West Street, Cromwell, CT 06416**

TO: Anthony J. Salvatore
Town Manager

FROM: Salvatore Nesci
Public Health Coordinator/Acting Director of Health
Emergency Management Director

DATE: April 19, 2022

RE: Charter Revision

Below is my response to the questions posed in the charter revision documents related to the positions of Director of Health and Director of Emergency Management.

The director of health is a four-year term and the term for the Director of Emergency Management is two years. Do you know why there is a discrepancy between the two?

The two are separate positions which in times of public health crisis may overlap. State Statute dictates the terms of office for both. The Town of Cromwell is not in a position to usurp the authority of Connecticut General Statutes related to these positions. The terms of office are specifically addressed in the following Connecticut General Statutes attached: Director of Health...Chapter 368 Sec. 19a-200 and Director of Emergency Management/Municipal Preparedness Officer...Chapter 517 Sec.'s 28-7 and 28-12.

Another question posed about this was what are the static educational requirements for a Director of Health for a municipality? I understand that it is a relatively regulated position by statute so I want to be sure we are addressing the requirements appropriately.

The Town of Cromwell strictly follows the educational requirements for the position of the Director of Health as stated in Chapter 368 Sec. 19a-200 of the Connecticut General Statutes (Attached)

I do not know why there is a difference between the two terms but they really do have differing obligations as not all emergencies necessarily relate to public health. The director of Health does require appropriate education and certifications. I would not suggest decreasing the term for the Health Director for the same reason we have discussed previously as to the council term. You are more likely to attract solid candidates if they have a longer set term.

Agreed



**TOWN OF CROMWELL
HEALTH DEPARTMENT
Nathaniel White Building
41 West Street, Cromwell, CT 06416**

Attachment
Pg 4

Discussion:

Section 4.08 (Attached), of the Charter of The Town of Cromwell is related to the appointment of the Director of Civil Preparedness. This position is also known statewide by all municipalities and by the appropriate governing state agencies as the Emergency Management Director (EMD). In the process of charter revision, it may be appropriate at this time to make reference to the position of EMD as the terminology is used in statute and statewide interchangeably. Section 4.08 also addresses the term of appointment in accordance with state statute and should not be disturbed.

Section 4.09 (Attached), of the Charter of the Town of Cromwell relates to the appointment of the Director of Health. This section of the code addresses the term of appointment in accordance with CGS 19-72a. This reference should be changed to CGS Chapter 368 Sec. 19a-200 as the previous reference to 19-72a is not relevant.

Please contact me if you have any further questions.

CGS Chapt. 368

Sec. 19a-200. (Formerly Sec. 19-75). City, borough and town directors of health. Sanitarians. Authorized agents. (a) The mayor of each city, the chief executive officer of each town and the warden of each borough shall, unless the charter of such city, town or borough otherwise provides, nominate some person to be director of health for such city, town or borough, which nomination shall be confirmed or rejected by the board of selectmen, if there be such a board, otherwise by the legislative body of such city or town or by the burgesses of such borough within thirty days thereafter. Notwithstanding the charter provisions of any city, town or borough with respect to the qualifications of the director of health, on and after October 1, 2010, any person nominated to be a director of health shall (1) be a licensed physician and hold a degree in public health from an accredited school, college, university or institution, or (2) hold a graduate degree in public health from an accredited institution of higher education. The educational requirements of this section shall not apply to any director of health nominated or otherwise appointed as director of health prior to October 1, 2010. In cities, towns or boroughs with a population of forty thousand or more for five consecutive years, according to the estimated population figures authorized pursuant to subsection (b) of section 8-159a, such director of health shall serve in a full-time capacity, except where a town has designated such director as the chief medical advisor for its public schools under section 10-205, and shall not, during such director's term of office, have any financial interest in or engage in any employment, transaction or professional activity that is in substantial conflict with the proper discharge of the duties required of directors of health by the general statutes or the regulations of Connecticut state agencies or specified by the appointing authority of the city, town or borough in its written agreement with such director. Such director of health shall have and exercise within the limits of the city, town or borough for which such director is appointed all powers necessary for enforcing the general statutes, provisions of the regulations of Connecticut state agencies relating to the preservation and improvement of the public health and preventing the spread of diseases therein. In case of the absence or inability to act of a city, town or borough director of health or if a vacancy exists in the office of such director, the appointing authority of

such city, town or borough may, with the approval of the Commissioner of Public Health, designate in writing a suitable person to serve as acting director of health during the period of such absence or inability or vacancy, provided the commissioner may appoint such acting director if the city, town or borough fails to do so. The person so designated, when sworn, shall have all the powers and be subject to all the duties of such director. In case of vacancy in the office of such director, if such vacancy exists for thirty days, said commissioner may appoint a director of health for such city, town or borough. Said commissioner, may, for cause, remove an officer the commissioner or any predecessor in said office has appointed, and the common council of such city, town or the burgesses of such borough may, respectively, for cause, remove a director whose nomination has been confirmed by them, provided such removal shall be approved by said commissioner; and, within two days thereafter, notice in writing of such action shall be given by the clerk of such city, town or borough, as the case may be, to said commissioner, who shall, within ten days after receipt, file with the clerk from whom the notice was received, approval or disapproval. Each such director of health shall hold office for the term of four years from the date of appointment and until a successor is nominated and confirmed in accordance with this section. Each director of health shall, annually, at the end of the fiscal year of the city, town or borough, file with the Department of Public Health a report of the doings as such director for the year preceding.

(b) On and after July 1, 1988, each city, town and borough shall provide for the services of a sanitarian licensed under chapter 395 to work under the direction of the local director of health. Where practical, the local director of health may act as the sanitarian.

(c) As used in this chapter, "authorized agent" means a sanitarian licensed under chapter 395 and any individual certified for a specific program of environmental health by the Commissioner of Public Health in accordance with the general statutes and regulations of Connecticut state agencies.

C65 Chapt. 517

Sec. 28-7. Local and joint organizations: Organization; powers; temporary aid. (a) Each town or city of the state shall establish a local organization for civil preparedness in accordance with the state civil preparedness plan and program, provided any two or more towns or cities may, with the approval of the commissioner, establish a joint organization for civil preparedness. The authority of such local or joint organization for civil preparedness shall not supersede that of any regularly organized police or fire department. In order to be eligible for any state or federal benefits under this chapter, not later than January 1, 2017, and biennially thereafter, each town or city of the state shall have a current emergency plan of operations that has been approved by the commissioner. The plan shall be submitted to the commissioner after it has been approved by the local emergency management director and the local chief executive. Such plan may be submitted with a notice stating that the plan remains unchanged from the previously submitted version. The emergency plan of operations of every town or city situated on the shoreline of the state shall contain provisions addressing an emergency caused by any existing liquefied natural gas terminal located on the Long Island Sound and every town or city situated on the shoreline of the state shall submit such plan to the joint standing committee of the General Assembly having cognizance of matters relating to public safety, in accordance with the provisions of section 11-4a, and the commissioner to obtain approval. The committee shall hold a public hearing regarding such plan not later than thirty days after receiving the plan. Not later than five days after the hearing, the committee shall (1) hold a roll-call vote to approve or reject the plan, and (2) forward the plan and a record of the committee's vote to the General Assembly. Such emergency plan of operations shall not be approved by the commissioner unless the commissioner determines that the plan proposes strategies that address all the activities and measures of civil preparedness identified in subdivision (4) of section 28-1. Each town or city of the state shall consider whether to include in such plan provisions for the nonmilitary evacuation of livestock, horses, pets and service animals, and the temporary sheltering of pets, service animals and animals trained to assist first responders.

(b) Each local organization for civil preparedness shall consist of an advisory council and an emergency management director appointed by the chief executive officer. The advisory council shall contain representatives of city or town agencies concerned with civil preparedness and representatives of interests, including business, labor, agriculture, veterans, women's groups, local and state animal humane organizations and others, which are important to the civil preparedness program in the particular community. The emergency management director shall be responsible for the organization, administration and operation of such local organization, subject to the direction and control of the commissioner. The chief executive officer may remove any local emergency management director for cause.

(c) Each local or joint organization shall perform such civil preparedness functions in the territorial limits within which it is organized as the commissioner prescribes. In addition, such local or joint organization shall conduct such functions outside such territorial limits as are prescribed by the state civil preparedness plan and program or by the terms of any mutual aid agreements to which the town is a party.

(d) The emergency management director of each local or joint organization may, with the approval of the commissioner, collaborate with other public and private agencies within the state and develop or cause to be developed mutual aid agreements for civil preparedness aid and assistance in case of disaster too great to be dealt with unassisted. The emergency management director of such joint or local organization may, with the approval of the commissioner, enter into such mutual aid agreements with civil preparedness agencies or organizations in other states. Such agreements shall be consistent with the state civil preparedness plan and program and, in time of emergency, each local or joint organization shall render assistance in accordance with the provisions of such agreements to which it is a party unless otherwise ordered by the commissioner.

(e) Each town or city shall have the power to make appropriations for the payment of salaries and expenses of its local or joint organization or any other civil preparedness agencies or instrumentalities.

(f) In the event of a serious disaster or of a sudden emergency, when such action is deemed necessary for the protection of the health and

safety of the people, and upon request of the local chief executive authority, the Governor or the commissioner, without regard to the provisions of section 22a-148, may authorize the temporary use of such civil preparedness forces, including civil preparedness auxiliary police and firemen, as the Governor deems necessary. Personnel of such civil preparedness forces shall be so employed only with their consent. The provisions of section 28-14 shall apply to personnel so employed.

(g) The state shall reimburse any town or city rendering aid under this section for the compensation paid and actual and necessary travel, subsistence and maintenance expenses of employees of such town or city while rendering such aid, and for all payments for death, disability or injury of such employees in the course of rendering such aid and for all losses of or damage to supplies or equipment of such town or city incurred in the course of rendering such aid.

(h) Whenever, in the judgment of a local emergency management director, with prior approval of the commissioner, it is deemed essential to authorize the temporary assignment, with their consent, of any members of civil preparedness forces who are not paid employees of the state or any political subdivision thereof, for a temporary civil preparedness mission, the provisions of section 28-14 shall apply. A complete written record of the conditions and dates of such assignment shall be maintained by the local director concerned and such record shall be available for examination by the commissioner and the Attorney General. The commissioner shall establish the necessary procedures to administer this section.

CGS Chapter 517 Sec. 28-12. Loyalty oath. Roster of members. No person shall be employed or associated in any capacity in any civil preparedness organization established under this chapter who advocates a change by force or violence in the constitutional form of the government of the United States or of this state or the overthrow of any government in the United States by force or violence, or who has been convicted of or is under indictment or information charging any subversive act against the United States. Each person who is appointed to serve in an organization for civil preparedness shall, before entering upon his or her duties, and every two years thereafter, take an oath orally before a local civil preparedness officer or officers empowered by the commissioner to enlist volunteers, which oath shall be substantially as follows: "I,, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the state of Connecticut, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter." Each local civil preparedness officer shall provide to the department a roster of sworn volunteer civil preparedness force members on or before the fifteenth of August each year.

Town of Cromwell, CT
Tuesday, April 19, 2022

Chapter C. Charter

Article IV. DEPARTMENTS, OFFICES AND AGENCIES

Section 4.08. Director of Civil Preparedness.

The Town Manager shall appoint, not later than thirty (30) days after the commencement of his term of office, and may suspend or remove, each such action with the approval of the Town Council, in accordance with the provisions of Section 28-7 of the General Statutes, as amended, a local Director of Civil Preparedness who shall serve for a term of two (2) years. Said Director of Civil Preparedness shall have all the powers and duties, not inconsistent with this Charter, conferred or imposed by Section 28-7 of the General Statutes, as amended, on local directors of civil preparedness, and such other powers and duties as may be prescribed by the Town Manager.

Section 4.09. Director of Health.

The Town Manager shall appoint, not later than thirty (30) day after the commencement of his first term of office under the provision of this Charter, and may suspend or remove, each such action with the approval of the Town Council and in accordance with the provisions of Section 19-75 of the General Statutes as amended,^[1] a Director of Health who shall serve for a term of four (4) years. The Director of Health shall have all the powers and duties, not inconsistent with this Charter, conferred and imposed by the General Statutes on local directors of health and such other powers and duties as may be prescribed by the Town Manager. Said Director of Health shall appoint and may suspend or remove, subject to the approval of the Town Manager and subject to such rules and regulations concerning Town employees as may be adopted by the Town Council pursuant to the provisions of this Charter, a Town Sanitarian and all deputies, assistants or employees in his office. The Director of Health shall administer in accordance with Section 19-72a of the General Statutes, as amended,^[2] the public health nursing service, and may appoint a group of persons not more than fifteen (15) to administer such public health nursing service.

[1] Editor's Note: See now C.G.S. § 19a-200.

[2] Editor's Note: C.G.S. § 19-72a was transferred to C.G.S. § 19a-138, which was repealed by P.A. 92-155, § 1, effective 7-1-1992.