



Thomas S. Scarpati  
First Selectman

**TOWN OF MADISON CONNECTICUT**  
**06443-2563**  
**BOARD OF SELECTMEN**

William Gladstone  
Noreen Kokoruda  
Kathi Traugh  
Charles F. Walz

**MEETING DATE:**                    **Thursday, July 6, 2006**  
**MEETING PLACE:**                **Hammonasset Room, Town Campus**

Selectman Scarpati called the Special Meeting to order at 3:10 p.m. Present were Selectmen Scarpati, Walz, Traugh, Kokoruda and Gladstone.

1. Discuss and take action on awarding bid for development of softball fields on Green Hill Road. Selectman Scarpati recognized Assistant Town Engineer Mike Ott. Mr. Ott said that the Public Works Department received six bids for the first contract and the lowest bidder was Pinder Construction Company in Clinton at \$328,000. He said that during the construction phase other bids would be sent out for fencing, sod turf, and synthetic turf surface.

Selectman Kokoruda asked what the scope of work was for the first contract. Mr. Ott said clearing trees and removal, stripping topsoil and stockpiling it, all the required earth work for grading the two fields, precast concrete for the dugouts, scoreboard foundation, bringing power to the site, preparing the fields for sod turf and preparing field number two for synthetic turf.

Selectman Scarpati asked if the remaining \$128,000 of the \$500,000 budgeted finishes the fields within budget; independent of the synthetic turf on field number two.

Mr. Ott said the Public Works Department estimates the \$500,000 will bring the field project to completion with field number two ready for the synthetic turf. He said the remaining funds would be used for sod turf and irrigation, chain-link or timber fencing, and landscaping.

Selectman Gladstone asked if the expectation is that a fencing specialist could provide the fencing directly. Mr. Ott said yes and the general contractor doesn't have to

coordinate that subcontractor. He added that breaking out alternate contracts worked for the town in the past.

**MOVED** by Selectman Gladstone and seconded by Selectman Kokoruda to approve the awarding of the Green Hill Road fields contract bid to Pinder Construction Company in Clinton for \$328,000. This was unanimously approved.

2. Discuss and take action on matching grant from the Department of Aquaculture for Madison Shellfish Commission. Selectman Scarpati recognized Shellfish Commission Chairman Steve Nikituk. Mr. Nikituk said the Commission would like to use the funds to develop a shellfish grow-out facility in the Neck River by converting the Town Dock into a dual-purpose upweller: grow-out clams and oysters, and also function as a dock. In addition the Commission is planning to put 20 floating bags into the Neck River for second stage growing for oysters and also make an oyster sanctuary at the bird watcher station where the salinity of the water is low enough to protect the oysters from two parasites: Dermo and MSX.

Mr. Nikituk said that the \$22,300 matching grant is an economic development grant called the Agriculture Viability Grant, designed to support and promote agriculture in the state by investing in better facilities, equipment and technologies.

Mr. Nikituk said for the Town's portion would include putting in a bulkhead at the Town Dock and commercial fisherman have volunteered to do this with the value of their work being applied against the Town's contribution, and pay for the electricity to run the upweller. He said the money from the State would go to replacing the wood ramp and dock with an aluminum one, put in electrical alongside the bulkhead, recondition the boat's outboard motors, and purchase oyster seeds, portable hand-held GPS's, and a portable salinity and water temperature tester.

Selectman Scarpati asked what funds were already in the budget for the Town's in-kind spending. Mr. Ott said he assumes the funding would be coming out of the Public Works Department budget. Mr. Nikituk said that the bulkhead was already going to be done by the Town anyway.

Selectman Gladstone asked if there was going to be any public oystering. Mr. Nikituk said they may stock some oysters and clams at West Wharf.

**MOVED** by Selectman Traugh and seconded by Selectman Kokoruda to approve the matching grant of \$22,300 (Agriculture Viability Grant). This was unanimously approved.

3. Present to Board of Selectmen the revisions to the Long Range Financial Plan.

Selectman Scarpati discussed the updating of the Long Range Financial Plan following the closure of the 2005/2006 fiscal budget and the Board of Finance’s setting of the new mil rate. He said that revenue projections through the year 2013/14 would remain flat with \$2.2 million a year coming from the State, and yearly revenues from fees, and interest on cash reserves. He said Grand List growth would remain at 35 million a year up to year 2010/11 and then reduce to 30 million a year after that.

Selectman Scarpati then reviewed calculations of expenditure projections for the same time period (to 2014) and various debt/financing options. There are two calculation expenditure profiles that were taken into consideration. The first profile with yearly growth percentages set as: the Town at 5%; Board of Education at 5.5%; Capital Projects at 4% and Lo-Cap at 4%. The second profile had the Board of Education percent at 5.75% and the other figures the same.

With that there are three debt/financing options to consider: 1) No borrowing and no new debt; 2) borrowing at 7.5% of expenditures; and 3) maximum level of going to 9% new debt and allowing to sooner doing projects the town is interested in – both options assume an accumulated amount of debt leveling off at 25 million total.

Putting the two expenditure profiles and the three-debt/financing options against growth in the mil rate the picture becomes:

EXPENDITURE PROFILE 1 (Town at 5%; Board of Education at 5.5%; Capital Projects at 4% and Lo-Cap at 4%.)

<u>YEAR</u>	Zero Borrowing	7.5% Borrowing	9 % Borrowing
05/06	Mil Rate = 21.23	Mil Rate = 21.23	Mil Rate = 21.23
06/07	Mil Rate = 22.28	Mil Rate = 22.28	Mil Rate = 22.28
Borrowing begins in 2006/07 and interest payments begin in 2007/08			
13/14	Mil Rate = 29.04	Mil Rate = 29.95	Mil Rate = 30.03

EXPENDITURE PROFILE 2 (Town at 5%; Board of Education at 5.75%; Capital Projects at 4% and Lo-Cap at 4%.)

05/06	Mil Rate = 21.23	Mil Rate = 21.23	Mil Rate = 21.23
06/07	Mil Rate = 22.28	Mil Rate = 22.28	Mil Rate = 22.28
Borrowing begins in 2006/07 and interest payments begin in 2007/08			
13/14	Mil Rate = 29.40	Mil Rate = 30.30	Mil Rate = 30.38

Selectman Gladstone said he applauded the long-range analysis and that now the Town should develop studies to identify more tangible figures for proposed capital projects so the Town can decide what they want to do.

Selectman Traugh questioned what impacts could affect this analysis, i.e. changes in operations or changes in interest rates while the town is trying to hold to an annual 5% budget rate.

Selectman Traugh said a nice companion piece would be a discussion on services improvements and put them in a plan.

Selectman Walz said that he would like to see past estimated and actual student population figures for the Selectmen's edification.

4. Discuss and take action on Charter Revision Commission final report.

Administrative Services Assistant Helen Burland said that according to Chapter 9.9 of the Connecticut State Statutes the Selectmen have a 15-day window in which to either a) approve or reject the report as a whole; or b) accept partial, reject partial; and that the Town clerk will then have 30 days in which to publish the final version of the Charter.

Selectman Scarpati said that for the following Charter changes the Selectmen should make any comments and then vote to accept or reject each of the changes.

1. Section 2.1.1: Members of Town Meetings – Quorum from 50 Electors to 75 Voters.

This was unanimously approved.

2. Section 2.1.4.1: Annual Town Meeting – Date changed from within 60 days after receipt of audit to within 45 days from start of calendar year.

This was unanimously approved.

3. Section 2.1.4.4: Petitioned Town Meeting – Items petitioned to Town Meeting require 150 affirmative votes – increased from 100 affirmative votes.

This was unanimously approved.

4. Section 2.1.4.4: Petitioned Town Meeting – Town Clerk may reject a petition proposing action similar to previously petitioned and rejected action within a 6 month period. Petition requires 1200 signatures.

Selectman Traugh said that the town attorney said the Town has this authority.

This was unanimously approved.

5. Section 3.2: Annual Budget Referendum – Budget Shall be published twice prior to Referendum. Current practice – one publication.

This was unanimously approved.

6. Section 4.1.3: General Duties & Responsibilities of the BOS – Add requirement of preparation of a 10 year financial plan biannually.

This was unanimously approved.

7. Section 4.4: Board Pension Liaison – Change from Acting First Selectman to designee by the BOS.

This was unanimously approved.

8. Section 6.7: Filling of Vacancies on Executive Boards – Impose a 90 day requirement to fill vacancy; no appointments made between general election and seating of new BOS; established that replacement of unaffiliated members should also not be affiliated with a party.

This was unanimously approved.

9. Section 7.1.2: Town Chief Of Police – Appointments made by Police Commission with prior approval of BOS.

Selectman Traugh said that the State Statutes delineates Commission authority for this, for removal, and for management level hires.

Selectman Walz said the Police Chief hire can be appointed by the Police Commission but needs approval of the Board of Selectmen.

Selectman Scarpati said that legal opinion says the Selectmen can have approve/veto authority.

**MOVED** by Selectman Traugh to reject Charter Revision change for . Section 7.1.2. The motion was seconded by Selectman Gladstone and failed by a 1-4 vote.

Selectman Scarpati said that the Selectmen make it clear they don't want to be in the hiring process of uniformed officers.

10. Section 7.2.1: Employment & Duties of Town Employees – BOS shall employ positions as needed – eliminates list of positions.

This was unanimously approved.

11. Section 8.1: Appointive Commissions – Adds Conservation Commission and defines membership of the Commission.

This was unanimously approved.

12. Section 11.1: Charter Revision – BOS may not initiate a Charter Revision process, except when initiated by petition, sooner than 5 years after last adoption.

This was unanimously approved.

13. Section 11.5.1: Election of Alternates – Defines election of alternates for Conservation and Shellfish Commissions.

This was unanimously approved.

14. Section 6.5: Planning & Zoning Commission – Membership shall be determined by election – no longer by appointment. Section 11.5.2: Election of PZC, Section 11.5.3 PZC Transition from pages 25-26 'Appointed' to 'Elected'.

Selectman Scarpati said that in order for the Selectmen to take this to the public vote the Charter Revision Commission had to recommend the change to elected. He then read the Commission's proposed new sections added that pertain to the Planning & Zoning Commission, the Conservation Commission and the Shellfish Commission into record:

Introduction (from the Charter Revision Commission about the new section language) to the Transition Section (Old § 9.5, new § 11.5) from CRC Report p.45.

The proposed changes to the old Section 9.5 of the existing charter (now §11.5) are addressed primarily to a) the recommendation that PZC commissioners be elected for the reasons stated, and b) the removal of language addressed to issues created by the change in term limit of an earlier charter revision in 2003 no longer necessary for its original purpose. We have added only language guiding the transition to an elected PZC

and staggering of new appointments to the Conservation Commission and alternates to the Shellfish Commission.

In formulating the transition from an appointed board to an elected board we chose to effect a transition over time by providing that the terms of appointed commissioners would continue until their existing termination date and they would then be replaced by elected commissioners. This choice is based on the belief that a body of knowledge has been built up by the past operations of the PZC that would be lost if there were an immediate transition to an entirely new board. We believe it is in the best for the town to preserve this knowledge by a gradual transition. A tradition of training by fellow commissioners also exists within this commission which can be utilized better by a gradual transition. At present the terms of existing commissioners will expire in the following years in the following numbers: 2007 – 2; 2008 – 2; 2009 – 1; and 2010 – 3. Thus if the recommendation of an elected board is adopted by referendum, as of 2010 the entire board will have been elected.

As shown by (CRC Report) Appendix D, if the concept of an elected board is not adopted, the only transition language for the Conservation Commission and alternates to the Shellfish Commission is necessary.

### **Section § 6.5. Planning and Zoning Commission**

There shall be a Planning and Zoning Commission consisting of nine members and three alternates., who shall each hold office for four year terms. As provided by Section 11.5.1, during a period of transition, the Planning and Zoning Commission shall consist of both elected and appointed members, and the function of the PZC shall be as described by State law At the completion of the transition period, the Planning and Zoning Commission consisting of nine elected members and three elected alternates, who shall each hold office for four year terms, and the function of the PZC shall be as described by State law

### **Section § 8.3 Phasing out of Appointed Planning and Zoning Commission**

The Planning and Zoning Commission shall cease to exist as an appointed commission except to the extent provided by Section 11.5.1 during a period of transition to an elected commission. Consistent with Section 11.513, during a period of transition there shall be a Planning and Zoning Commission consisting of nine members and three alternates, who shall each hold office for four year terms, but the commissioners and alternates shall

consist of both elected and appointed members, and the function of the PZC shall be as described by State law

**Section § 11.5.1. Transition of Planning and Zoning Commissioners from Appointed to Elected Commissioners.**

Except to the extent terms of existing appointed members of the Planning and Zoning Commissioners have not expired as of the effective date of the amendments to this Charter, the existing Planning and Zoning Commission shall cease to be an appointed commission of the Town. The terms of appointed commissioners and alternates of the Planning and Zoning Commission shall continue until completed, and as the terms of existing commissioners and alternates expire, they shall be replaced by an equal number of elective commissioners and alternates elected at the prior general election. The elected Planning and Zoning Commission replacing the terms of expiring appointed commissioners and alternates shall each assume all the obligations, powers, and duties of the outgoing appointed Planning and Zoning Commissioners and alternates as provided by state law, and they shall do so consistent with due process and law. During the period of transition created by the un-expired terms of appointed commissioners and elected replacing commissioners, the Planning and Zoning Commission shall consist of both appointed and elected commissioners and alternates. Upon the expiration of the terms of the last three appointed commissioners, the appointed Planning and Zoning Commission of the Town shall cease to exist, and the elected Planning and Zoning Commission shall have assumed all the obligations, powers, and duties of the outgoing appointed Planning and Zoning Commission as provided by state law.

**Section § 11.5.2 Staggering of Conservation Commission.**

Of the members first appointed to the Conservation Commission, three shall be for two-year terms and four for four-year terms. Thereafter, as terms expire, members shall be appointed for four-year terms.

**Section § 11.5.3 Staggering of Shellfish Commission Alternates.**

Two of the alternates on the Shellfish commission shall be appointed to four-year terms and one of the new alternates shall be appointed to a two-year term. Thereafter all alternates will be appointed to four-year terms.

Selectman Traugh said to bear in mind the appointee's will serve out the end of their term year and this is only during the transition period.

Selectman Traugh said that with regard to her husband currently serving on the Planning & Zoning Commission, the Secretary of State's office saw no conflict and the

town attorney rendered her opinion. She said she was advised she has both the right and responsibility as a Selectman to participate in this discussion and vote. She said she has not discussed her vote with her husband and that her vote and her opinions expressed at the Board of Selectmen are her own and reflect what she believes are in the best interest of the community.

Selectman Scarpati said that while he is not in support of an elected Planning & Zoning, he proposes breaking the Charter Revision vote into two ballots: one with the appointed remaining to be voted on at the November voting, and the second with just the elected sections extracted out to be voted on separately at a special referendum. He added that for this special referendum – 15% of the 12,800 registered voters, or 1920 electors would have to affirm they want the change.

Selectman Traugh said that given the nature of the discussion in Town the Selectmen should not decide this as the Board of Selectmen, the electorate should. She said this should be handled separately to make it clear it doesn't reflect what the Selectmen think.

Selectman Kokoruda said that she agrees this has to go to a vote and she would want to make sure it's an informed group vote.

Selectman Walz said he strongly agrees that the process that the Town has done has built a unique town and a lot of the Town's 'special-ness' is because the town's had a great Planning & Zoning. He said as such, he agrees with this proposal – a stand-alone election, is the necessary solution.

Selectman Gladstone said he likes providing the opportunity to have this question set aside and let the town address this in its own time and place where the Town can get an informed electorate to vote on this.

**MOVED** by Selectman Traugh and seconded by Selectman Kokoruda to accept the Charter Revision Final Report with the corrections needed as discussed, and separate out those Sections that pertain to the Planning & Zoning Commission for a special referendum, and leave the remaining Sections to vote on the full report at the November Election.

Selectman Gladstone asked about the timeline.

Mrs. Burland said that for the November ballot the ballot questions has to be to the Town Clerk no later than September 8, 2006 because all ballot questions must first be approved by the Secretary of State.

Mrs. Burland then informed the Selectmen that there is a required custody time for the machines to not go back onto service for another vote – i.e. in the event there is a recount ordered on a vote that has taken place. She added that the Town Clerk has requested that a special referendum not take place before the Election Day so as to accommodate the custody time period before the Election Day vote.

With regard to a special election, Mrs. Burland said that the Selectmen have up to 15 months after today's action to both author the special referendum questions and to set the date.

Selectman Traugh said that she believes the Selectmen's intent is a date earliest allowed following the November election.

Selectman Scarpati recognized Madison resident Bob Roxborough. Mr. Roxborough said that when this petition action started they wanted the November ballot given that a 15 percentile is needed to affect the change. He said that the electorate has been informed for two years now already.

Madison resident Peter Sakalowsky said holding this single issue out for a special referendum incurs a different standard than other issues facing changes within the new Charter Revision report. He suggested that the proposed change to the Planning & Zoning be taken out as a separate item but be voted on at the November election.

Selectman Walz said the Charter Revision Commission said this should stay appointed and the Selectmen said let's put this as a separate issue. He said the he supports a special election with a single headlined issue and have it be vetted out – but as far as how soon after the November vote time to make a referendum date that that might not be the time for the special referendum and the Selectmen will address whether or not to wait for the winter residents return for the summer.

Selectman Scarpati said he thinks this is the fairest way – that if a 35-year old process is potentially going to change, it ought to stand on its own as a question the Town decides.

Selectman Gladstone said he sees this in a similar light as the town addressed the issue of Bauer Farm.

Charter Revision Chairman Dan Sullivan said inquires whether the two steps of voting proscribed in the current Motion create some confusion.

Mrs. Burland said that the town attorney vetted this with the Secretary of State's office and was advised this is a process that is acceptable. She added that the town attorney will author the ballot question and brought to the Selectmen for approval and then the question will be sent to the Secretary of State's office for approval.

Madison resident Herb Gram said his biggest concern would be if the town has a vote on the Charter and then there can't be a second vote.

Selectman Gladstone said that if the Selectmen are told that special referendum ballot question couldn't be done other than the November vote then the Selectmen will put it back.

Selectman Traugh said the Selectmen would know long before then.

Selectman Gladstone said the town will have it and it will be its own question and it will be addressed forthrightly.

Mrs. Burland said that the State indicated to the town attorney that this was an acceptable process.

Selectman Scarpati called the motion and it was unanimously approved.

**MOVED** by Selectman Traugh and seconded by Selectman Walz to adjourn the special meeting at 5:47 p.m. This was unanimously approved.

Respectfully submitted:

Recording Secretary