



STATE OF CONNECTICUT – COUNTY OF TOLLAND
INCORPORATED 1786

TOWN OF ELLINGTON

55 MAIN STREET – PO BOX 187
ELLINGTON, CONNECTICUT 06029-0187

TEL 860-870-3100 FAX 860-870-3102

www.ellington-ct.gov

Ted Graziani
Chairman

Tom Palshaw
Vice Chairman

Bill Correia
Keith Durao
Jim Prichard
John Ridzon
Heather Stavens

Charter Revision Commission

SPECIAL MEETING MINUTES

January 31, 2018

MEMBERS PRESENT: Bill Correia, Keith Durao, Ted Graziani, Tom Palshaw, Jim Prichard, John Ridzon and Heather Stavens

OTHERS PRESENT: Lori Spielman, First Selectman

I. CALL TO ORDER:

Chairman Graziani called to order the Charter Revision Commission (CRC) Special Meeting at 6:31 p.m. in the Town Hall Meeting Hall, 55 Main Street, Ellington, CT.

II. CITIZENS' FORUM [Non-agenda items]:

No one came forward.

III. APPROVAL OF MINUTES:

A. December 13, 2017 Special Meeting

MOVED (PALSHAW), SECONDED (PRICHARD) AND PASSED UNANIMOUSLY TO APPROVE THE CHARTER REVISION COMMISSION REGULAR MEETING MINUTES OF DECEMBER 13, 2017.

IV. UNFINISHED BUSINESS:

A. Consider Changes to the Town Charter

The CRC reviewed the proposals that were received to date.

1. Identify Proposals that will be considered for inclusion in CRC Draft Report

By consensus, the CRC will consider the proposals to change Sections 602, 205, 808, 923, 1011, 302, 701 and 605 as detailed on the attached Charter Revision Proposals Table.

The members felt that changes to Section 923 should be presented as two separate proposals: (1) to change the language to give the Town flexibility in determining who will provide emergency services to the Town; and (2) to add a Director of Emergency and Medical Services position to oversee all three agencies (Ellington Volunteer Ambulance Corps, Ellington Volunteer Fire Department and Crystal Lake Fire Department). Mr. Palshaw distributed a list of reference documents he is using to research this topic (attached).

In addition, the CRC will consider changes to Section 302 and 701 as one proposal.

2. Identify Proposals that will not be considered for the CRC Draft Report

By consensus, the CRC will not consider the follow proposals:

- Change form of Town Government to Town Council/Town Manager
- Place restriction on how many consecutive years the Town uses the same auditor
- Consider language to reopen budget approvals
- Consider adding a "lockbox" feature whereby the funds can only be diverted for a different purchase if approved by referendum vote

3. Discussion Regarding Charter Revision Questions that Failed at the November 7, 2017 Election

Chairman Graziani stated that two Charter Revision questions failed at the November 7, 2017 election and asked the CRC if they would like to consider them in their Draft Report:

- Shall a section be created adding a permanent Patriotic Committee? Yes No
Currently the Patriotic Committee is an ad-hoc committee.

Chairman Graziani stated that the voters have spoken and felt it sends a bad message if we bring back something after they have voted it down. Mr. Correia stated that he cannot understand why creating a permanent Patriotic Committee failed. By consensus, the CRC will not consider this proposal for the CRC Draft Report

- Shall the minimum monetary amount that would require competitive bidding be increased from \$7,500 to \$25,000, as prescribed in State Statutes Chapter 98, Section 7-148v? Yes No

The CRC reviewed the Town Ordinance Concerning Competitive Bidding Requirements (attached) which mirrors State Statutes Chapter 98, Section 7-148v. The members felt that they should include a question regarding the minimum amount that would require competitive bidding and are considering the following language: "Shall the minimum monetary amount that would require competitive bidding be changed to comply with the Town Ordinance Concerning Competitive Bidding Requirements?" They want to remove the dollar amount from the Town Charter. Mr. Palshaw distributed the Office of Legislative Research Report #2017-R-036 entitled "Competitive Bidding Requirements for Municipalities" dated December 21, 2017 (attached).

4. Other Changes

No other changes have been submitted.

V. NEW BUSINESS:

None

VI. ADJOURNMENT:

MOVED (PALSHAW), SECONDED (RIDZON) AND PASSED UNANIMOUSLY TO ADJOURN THE SPECIAL MEETING OF THE CHARTER REVISION COMMISSION AT 7:37 P.M.

Respectfully submitted,



Marie Sauve
Recording Secretary

Charter Revision Proposals

Received as of December 5, 2017

Charter Section	Proposed Change	Submitted by	Status
1. Section 602 Annual Town Budget Meeting	Change the date of the budget referendum to allow for timely publication of the legal notice.	Diane McKeegan, Town Clerk	The CRC will consider for inclusion in Draft Report
2. Section 205 Vacancies – Elective Offices, Subsection (a) and (d)	Change the term of office for elected official vacancies to serve until the end of the current term vs. until the next election.	Diane McKeegan Town Clerk	The CRC will consider for inclusion in Draft Report
3. Section 808 Public Safety Commission	Repeal; in active	Jack Turner, E911 Municipal Coordinator/Selectman	The CRC will consider for inclusion in Draft Report
4. [A] Section 923 Emergency Services	Add language to give the Town flexibility in determining who will provide emergency services to the Town	Lori Spielman, First Selectman Peter Hany, EVAC Chief Jack Turner	The CRC will consider for inclusion in Draft Report
[B] Section 923 Emergency Services	Add Director of Emergency and Medical Services position to oversee all three agencies (Ellington Volunteer Ambulance Corps, Ellington Volunteer Fire Department and Crystal Lake Fire Department).	Charter Revision Commission	The CRC will consider for inclusion in Draft Report
5. Section 1011 Purchasing	Remove the dollar amount, \$7,500, regarding the minimum monetary amount required to obtain competitive bidding and add language that the minimum monetary amount will comply with the Town Ordinance Concerning Competitive Bidding Requirements.	Charter Revision Commission	The CRC will consider for inclusion in Draft Report
6. [A] Section 302 Election and Terms of Office: Town Election, Subsections (a) and (b) [B] Section 701 General	Change the terms of office for the First Selectman and Board of Selectmen from two (2) years to four (4) years Change the terms of office for the First Selectman from two (2) years to four (4) years	Lori Spielman First Selectman	The CRC will consider for inclusion in Draft Report

Charter Section	Proposed Change	Submitted by	Status
7.	Section 605 Power to Overrule – Town Meeting Actions, Subsection (d) Remove the language regarding the 15% majority requirement to overrule action taken at a Town Meeting.	Tom Paishaw CRC Member	The CRC will consider for inclusion in Draft Report
8.	Change Form of Town Government to Town Council/Town Manager	Mark Joyse Laurie Burstein Peg Busse	The CRC will not consider for inclusion in Draft Report
9.	Place restriction on how many consecutive years the Town uses the same auditor	Peg Busse	The CRC will not consider for inclusion in Draft Report
10.	Consider language to reopen budget approvals	Peg Busse	The CRC will not consider for inclusion in Draft Report
11.	Consider adding a “lockbox” feature whereby the funds can only be diverted for a different purchase if approved by referendum vote.	Peg Busse	The CRC will not consider for inclusion in Draft Report
12.	Section 207 Voting Districts Consider adding language that would allow the Town to establish a third voting district	Susan Luginbuhl	This proposal was withdrawn by the Registrar of Voters

List revised 1/31/18

ELLINGTON EMERGENCY SERVICES REFERENCE DOCUMENTS

CONTROLLING DOCUMENTS

ELLINGTON CONTRACTS WITH 3 AGENCIES
EVFD STANDARD OPERATING PROCEDURES MANUAL
ELLINGTON EMS PLAN
ELLINGTON TOWN CODE CHAPTER 13
CGS 19a-181 DEPARTMENT OF HEALTH EMS REGULATION
CHAPTER A400 CLFD TAXING DISTRICT LEGISLATION
ELLINGTON POLICY AND PROCEDURES MANUAL SEC 5,6,7
TOWN CHARTER SECTION 923

ADVISORY DOCUMENTS

2016 EVAC SERVICE ASSESSMENT
2016 PPC SUMMARY REPORT ELLINGTON FPSA
2003 EMERGENCY SERVICES STUDY
EMERGENCY SERVICES AD HOC COMMITTEE 12 MONTH REPORT

OTHER TOWN CHARTERS

ANDOVER
BOLTON
EAST WINDSOR
SOMERS
VERNON
COVENTRY
MANCHESTER 8TH UTILITIES DISTRICT
ENFIELD

ORDINANCE CONCERNING COMPETITIVE BIDDING REQUIREMENTS

Pursuant to the authority granted by Connecticut General Statutes, Section 7-148v, as amended by Public Act 13-71, that authorizes Charter Section 1011 be amended by Ordinance, the second sentence of Charter Section 1011 is hereby amended so as to read, *For any purchase estimated at twenty-five thousand dollars (\$25,000.00), or more, the Finance Officer shall invite sealed bids unless the Board of Selectmen shall decide it to be against the best interest of the town* and the last sentence of Charter Section 1011 is hereby amended so as to read, *For any purchase less than, twenty-five thousand dollars (\$25,000.00) or such other amount required by law, the Finance Officer or his designee shall negotiate directly with prospective suppliers prior to the Finance Officer awarding the contract.*

APPROVAL RECORD FOR ORDINANCE:

Board of Selectmen Approved for Public Hearing:	August 26, 2013
Public Hearing Notice Published On:	September 5, 2013
Public Hearing Held On:	September 16, 2013
Board of Selectmen Recommend Adoption:	September 16, 2013
Town Meeting Notice Published On:	October 10, 2013
Approved by Town Meeting On:	October 21, 2013
Town Clerk Published Legal Notice upon Passage On:	October 24, 2013
Effective Date of Ordinance:	November 14, 2013

Competitive Bidding Requirements for Municipalities

By: Jennifer Proto, Principal Analyst
December 21, 2017 | 2017-R-0360

Issue

Briefly describe competitive bidding requirements for municipalities under state law.

Summary

State law generally does not require municipalities to use competitive bidding to award contracts or make purchases, but municipalities may adopt such a requirement individually by ordinance or charter. Competitive bidding requirements depend on the contract's funding source. If funded by the municipality, then the requirements, if any, would be governed by the local charter or ordinances. If the project is funded in whole or in part by the state, then additional statutory requirements may apply.

Municipally Funded Contracts

As a general rule, a municipality's legislative body cannot supersede a requirement of the municipality's charter by adopting an ordinance. If the charter is silent on an issue or allows the legislative body to address an issue by ordinance, however, the legislative body can establish a requirement by ordinance. State law (1) allows municipalities to establish, by ordinance, competitive bidding requirements for contracts or purchases of real or personal property and (2) limits, to \$25,000, the value of contracts or purchases that the ordinance may exempt from these requirements (CGS § 7-148v(a)).



Absent such an ordinance, competitive bidding requirements, if any, would be governed by the municipal charter. The law does not prevent a municipality from establishing competitive bidding requirements by charter, rather than ordinance, nor does it set any limits on competitive bidding requirements established by charter. Thus, it appears that municipalities may establish, by charter, a competitive bidding threshold of more than \$25,000. However, in the case of a special services district, the law requires it to award any contract costing more than \$5,000 to the lowest responsible, qualified bidder after a public invitation to bid (CGS § 7-339q).

CGS § 7-148v(a) and any ordinance adopted under it may not be construed to limit the ability of a municipality to enter into a contract under CGS § 4a-53a, which allows the Department of Administrative Services (DAS) commissioner to serve as the contracting agent for a group of three or more municipalities. As the contracting agent, DAS may perform administrative functions for the municipalities in accordance with state procurement laws and regulations, including, but not limited to, the competitive bidding process.

State Funded Contracts

Municipal projects that include state funding may be subject to additional requirements. For example, if a municipality administers a public works project that costs more than \$500,000 and is funded in whole or in part by the state, then it must (1) advertise the project on the State Contracting Portal and (2) award the contract to a bidder prequalified by DAS (CGS § 4b-91(a)(4)).

In addition to this general requirement, other state programs may establish specific bidding requirements for municipalities. For example, contracts for school construction projects must generally be awarded to the lowest responsible qualified bidder (CGS § 10-287(b)). Additionally, state agencies that administer STEAP (Small Town Economic Assistance Program) grants may require competitive bidding for STEAP-funded projects (CGS § 4-66g).

Purchases from Existing Contracts

The law authorizes municipalities (notwithstanding state statutes, municipal charters, special acts, or ordinances) to purchase equipment, supplies, materials, or services from certain entities. These entities are persons that have a contract with a regional educational service center or regional council of governments to sell such goods or services to other state governments; political subdivisions of the state, including municipalities; nonprofits; or public purchasing consortia (CGS § 7-148v(b)).

JP:bs