

FIFTEEN ROPE FERRY ROAD
WATERFORD, CT 06385-2886



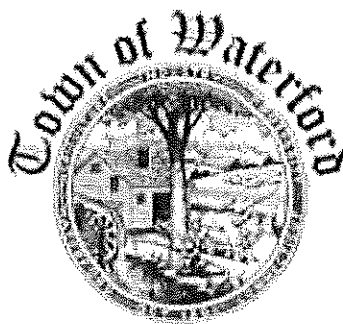
PHONE: 860-442-0553
www.waterfordct.org

LEGISLATION & ADMINISTRATION COMMITTEE OF THE RTM
SPECIAL MEETING AGENDA
AUGUST 15, 2024 7:00 P.M.
WPD TRAINING RM (41 AVERY LANE)

1. Establishment of quorum and call to order.
2. Public Comment.
3. Consideration and action on minutes of the February 22, 2024, committee meeting.
4. Consideration/review of issues previously referred to committee:
 - Review how RTM considers recommendations for committee assignments (RTC 6/6/22)
 - Public Act 22-3, AAC Remote Meetings Under the Freedom of Information Act (RTC 2/6/23)
 - Review of a "Public Comment Ordinance" (RTC 2/6/23)
 - Police Commission expansion to seven members (RTC 10/2/23)
5. Initial consideration of Review of YFSB/Senior Citizens ordinances (RTC 8/5/24)
6. Adjournment

encl: L&A Minutes 2/22/24
Childs Letter re: YFSB/Seniors Reorg
Kepple/Avena Letters re: YFSB/Seniors Realignment
Chptr 2.96 YFSB Ordinances
Chptr 2.72 Senior Citizens Comm Ordinances

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2024 AUG 13 | A 8:01
ATTEST: *David J. Longo*
TOWN CLERK



Legislation & Administration Committee

Meeting Minutes—Feb. 22, 2024

Members Present: Susan Driscoll, Tom Dembek, Mark Campo, Ursula Moreshead

Members Absent: Christina Jessuck

1. Call to order: Chair called the meeting to order at 7:05 p.m.
2. Public comment: None.
3. Previous Minutes: Motion by Dembek, second by Moreshead, to approve the Sept. 18, 2023, minutes as presented.
Voice vote: Unanimous Motion passed.
4. Initial consideration of issues previously referred:
 - Review how RTM considers recommendations for committee assignments (RTC 6/6/22)
 - Public Act 22-3, AAC Remote Meetings Under the Freedom of Information Act (RTC 2/6/23)
 - Review of a "Public Comment Ordinance" (RTC 2/6/23)
 - Police Commission expansion to seven members (RTC 10/2/23)

For the benefit of new members who were not in office when these issues were referred, discussion started with brief description of reasons for/goals of referral requests (except for PA 22-3 review, for which no written request was submitted). Consensus to focus first on the public comment and RTM appointment issues, which both involve expanding public participation, and address the other two issues in future meetings.

RTM appointment process: While the charge was to look for ways to "de-politicize" appointments, members expressed interest in making all appointments more open to all citizens. Consensus to start with just RMT appointments for now. The traditional process of taking recommendations only from Democrat and Republican Town Committees was explained. Majority of committee members felt that this provided no opportunities for a large section of the population who might be interested in volunteering for public service to be "sponsored" or even be aware of the numerous boards and commissions. Suggestions included quarterly postings of expiring terms—on the town website's main page or on Commission sites, in *The Day*, in *The Loop*, and on bulletin boards in the Town Hall and Community Center. Another option might be creating a new RTM Nominations/Vacancies Committee to interview/vet/recommend candidates for boards and commissions. Campo offered to draft a process map for current appointment method; Moreshead offered to write up benefits/goals of a revised process.

Public comment: Consensus that with limited board/commission response to RTM Jan 2023 recommendation to include public comment periods, providing written guidance to these specialized groups would be helpful—e.g., setting parameters such as time limits for each speaker or restricting comments to agenda items, and explaining that it is not a Q&A session, but speakers could contact boards/commission members after the meeting if questions weren't answered in deliberation. The FOIC's requirement that while there is some flexibility in handling public comment periods, the standards/rules during each public comment period must be applied equally to all speakers. Town Attorney will be consulted on whether RTM options include codifying universal public comment periods through ordinance, resolution, or "strong recommendation."

5. Adjournment: Motion by Moreshead; second by Campo to adjourn at 9:02 p.m. Voice vote: Unanimous.

Submitted by
Susan Driscoll, L&A Chair

August 1, 2024

To: Paul Goldstein, RTM Moderator
15 Rope Ferry Rd
Waterford, CT 06385

From: Mary Childs, RTM District 2

Re: Request for referral of Issue to Legislation & Administration Committee

Mr. Moderator:

As you may recall, the RTM first learned of the reorganization of the Youth and Family Services Bureau and the Senior Citizens Commission during our May 2022 budget hearings. It came as a surprise to many of us that, several months previously, following the departure of the Senior Citizens Director, a decision was made to have the YFSB Director oversee both agencies so that our senior services would not be left to flounder. In the discussion that followed, we learned that this was not a temporary action, and that details such as whether the two agencies would be combined, what staffing changes were planned, were still being worked out.

We were assured that a full explanation of the new organization would be forthcoming later in 2022. When that did not happen, I requested that the First Selectman schedule a presentation to the RTM, and he graciously assured us that he would do so after the 2023 budget hearings.

As Waterford's legislative body, the RTM is responsible for codifying any changes in the makeup of our town government, which includes departments, agencies, boards and commissions. Ideally, the review, revision, and public hearings on the applicable ordinances takes place before a reorganization is implemented. Failing that, we still must take the appropriate action, even if it is after the fact.

I respectfully request that the issue of the YFSB and Senior Citizens Commission reorganization be referred to the Legislation & Administration Committee for appropriate consideration and ultimate recommendation to the full RTM. I expect this would involve a review of the following ordinances: Chapter 2.96, Youth and Family Services Bureau; Chapter 2.72, Senior Citizens Commission; and Chapter 2.08, Town Officers. There may be other ordinances to check, depending on cross-references, but I trust the committee and the Town Attorney will address them as needed.

Thank you for your consideration of this matter.

Mary Childs, RTM District 2

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Suisman Shapiro

Attorneys-At-Law

July 29, 2022

Robert A. Avena
Raymond L. Barabasz, Jr.

James F. Berryman
Michael A. Blumhardt

Eric W. Callahan
Michael P. Conery

Richard S. Cook
John A. Collins, III

Robert V. Del Vecchio
Jennette M. Donahue

Eileen C. Duggan
Rachelle C. Dwyer

Bryan P. Ewing
Theodore W. Fisher

Jeffrey W. Hill
Condon P. Kelly

Nicholas F. Kepple
Robert B. Keville

William K. Miller
Samuel M. Monahan

Laura A. Raymond
Kyle J. Zaruba

John M. Morrison
Andrew J. Brand

James F. Brennan
James J. Cavanaugh

L. Patrick Gray, III
Michael Y. Kage

Matthew Shalton
Ellen M. Shapiro

Charles J. Soliman
Thomas H. Wilton

Conrad C. Wood
OFF Counsel

Shirley R. Kinnell
Jap B. Lecky

Richard A. Schatz
cc: Robert Brule, Baird Welch-Collins, Bill Sheehan, Elizabeth Sabilla, Jody Nazarehyk, Joe

Sent via email: gpatters512@gmail.com
Mr. Glenn Patterson, Board of Finance Chair
Town of Waterford
15 Rope Ferry Road
Waterford, CT 06385

RE: Staff Realignment

Dear Glenn:

First Selectman Rob Brule has asked me to respond to your recent questions about the realignment of staff responsibilities for Senior and Youth and Family Services. The shift in staffing responsibilities was initiated by the First Selectman in response to two staff vacancies in our Senior Services organization. Pursuant to his authority under Sections 3.2.3 and 3.2.5 of the Waterford Charter (see attached) which grants in Section 3.2.3 the chief executive the power to "direct the administration of all departments and officers" which authority is further stated in 3.2.5, "All town agencies and officials with the exception of the board of education shall be under the administrative supervision of and report to the First Selectman acting for the Board of Selectman."

Please also note Section 6.5 of the Charter entitled "Controlling Authority" which states, "In the event that any provisions of any special act or ordinance of the town shall be in conflict with the provisions of this charter, the provisions of the charter shall be controlling."

The language in the Charter regarding the executive authority of the First Selectman was subsequent to the ordinances regarding Youth and Family Services and the Senior Citizens Commission; therefore, Section 6.5 applies and the Charter language controls. Nevertheless due to Rob's efforts collaborating with these Commissions, Human Resources, Town and Labor Counsel and the Personnel Review Board a consensus was achieved where all parties were in agreement with the revised staff responsibilities (please see attached PRB meeting minutes).

In our opinion, therefore, as Town Counsel, there is no "risk" to the Town arising from the proper exercise of the First Selectman's authority to administer Senior and Youth and Family Services in a manner he and the two interested Commissions see as the most effective manner to administer these services.

Sincerely,


Nicholas F. Kepple
Waterford Town Attorney

NFK/pmn
Attachments

cc: Robert Brule, Baird Welch-Collins, Bill Sheehan, Elizabeth Sabilla, Jody Nazarehyk, Joe Filippetti, Kevin Petchark, Kimberly Allen, Ronald Fedor, Robert Tuneski, Eileen Duggan, Robert Avena

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WATERFORD, CT
2022 AUG - 5 P 6:40
ATTEST: 
TOWN CLERK

Robert Brule

From: Robert Avena <RAvena@sswbagg.com>
Sent: Wednesday, July 20, 2022 11:47 AM
To: Robert Brule; Nicholas Kepple
Subject: FW: Creation of Human Services Position

CAUTION: This email originated from outside of the organization.

Do not click links or open attachments unless you recognize the sender's email address and know the content is safe.

Dear First Selectman Brule : The Town Attorney's office took several steps in legally evaluating the proposed new position of Human Services Administrator and the position relative to the existing town positions, involving the Senior Citizens Commission and Youth and Family Services Bureau. With the assistance of your office, Human Resources, Labor Counsel, and the existing administrators, we took a look at the Town Charter, specifically in regard to the powers of the First Selectman regarding employees of the town, and any other specific language in the Charter regarding the Senior Citizens Commission and Youth and Family Services Bureau, and the Personnel Review Board. We also involved labor counsel to work with the union on any union contract implications for the new position and existing union employees. We also reviewed all applicable Ordinances regarding the respective Senior Citizen Commission and Youth and Family Services Bureau.

Our legal review concluded that the First Selectman is the chief executive officer of the town and "shall direct the administration of all departments and officers" subject to any functional responsibilities or authority of any other town agency or official under state statutes or other authorities. We therefore looked at the creation of the Senior Citizen Commission under 4.4 of the Charter, and its requisite Ordinance, the Personnel Review Board under 4.5 and its ordinance, and the Ordinance creating the Youth and Family Services Bureau. Given that both the Commission and Bureau, upon consultation, had no issue with the reorganizing of the assigned town staff to them, we then looked to the rules of the Personnel Board to propose, through HR, the role and position of Human Services Administrator, which met its approval. With the assistance of labor counsel, the applicable town union also agreed to the reconfiguration of the union town employees under the rules of the union contract. Once these steps were taken, the First Selectman, working closely with the staff and members of the affected Commission and Bureau, and HR, made the final selection of the requisite new position employee and reconfigured staff. Not all staff departments in town have specific ordinances in place, so the decision to create an Ordinance regarding a proposed Human Services Department would rest with the legislative initiative of the RTM.

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ATTEST: *David H. Carpenter*
TOWN CLERK

Chapter 2.96 - YOUTH AND FAMILY SERVICES BUREAU^[7]

Footnotes:

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Editor's note— Amend. of February 4, 2019 amended Ch. 2.96 and in doing so changed the title of said chapter from "Youth Services Bureau" to "Youth and Family Services Bureau," as set out herein.

2.96.010 - Authority.

Pursuant to Chapter 164, Part 1, Sections 10.19m-10.19p of the Connecticut General Statutes Annotated, and Chapter III, Section 3.1.1 of the town Charter, there is established a Youth and Family Services Bureau for the town.

(R.T.M. 12-3-90, § 1)

(Amend. of 4-1-19)

2.96.020 - Purpose.

The Youth and Family Services Bureau shall be the coordinating unit of community-based services to provide comprehensive delivery of prevention, intervention, treatment, and follow-up services. The Bureau shall be responsible for the planning, coordination, evaluation and implementation of programs for the youth and families of the town, including services for delinquent, predelinquent and troubled youth referred to it by schools, police, juvenile courts, local youth service agencies, parents and self-referrals by needy youth.

(R.T.M. 12-3-90, § 2)

(Amend. of 4-1-19)

2.96.030 - Duties.

The Bureau shall be responsible for administering the overall policy and program direction of youth services. This agency may provide, but shall not be limited to the delivery of, the following services: individual and group counseling, parent training and family therapy, crisis intervention, drug alcohol awareness, dial-a-teen job placement, court advocacy, information and referral, and outreach programs to ensure participation and planning by the entire community for the development of youth services. The Bureau will also encourage positive youth development and programs supporting services for families. Such services shall also be designed to meet the needs of troubled youth by diversion of such youth from the justice system as well as by the provisions of opportunities for youth to function as responsible members of their community.

(R.T.M. 12-3-90, § 3)

(Amend. of 4-1-19)

2.96.040 - Personnel.

The Bureau shall be composed of a full-time Youth and Family Services Director and such additional personnel as required, within its budget, to carry out the programs and mission of the Waterford Youth and Family Services Bureau. The Youth and Family Services Director shall be hired by and responsible to the Board of Selectmen of the town.

(R.T.M. 10-6-97 (part); R.T.M. 12-3-90, § 4)

(Amend. of 4-1-19)

2.96.050 - Authorization.

- A. The Bureau shall be authorized to apply for such federal and state funds that are available for youth and family bureaus and programs.
- B. The First Selectman shall be authorized to sign such contracts with service agencies or associates that will provide assistance in the implementation of youth programs, provided that legal authority is received from the Board of Selectmen prior to taking such action.

- C. The advisory committee shall be authorized to accept only gifts and donations. Such gifts and donations shall be deposited in the Waterford Youth and Family Service Bureau's special revenue account and used for the specific purposes designated at the time of the donation/gift.

(R.T.M. 10-6-97 (part); R.T.M. 12-3-90, § 5)

(Amend. of 4-1-19)

2.96.060 - Advisory committee.

A. Composition of Advisory Committee.

1. The committee shall be composed of no less than eight required members at all times.
2. The committee shall include the following: the chief of police, the superintendent of schools, the director of recreation and parks, and the municipal agent for children or their designated representatives; one representative from a private youth serving agency, two parents representing different school levels, one student representative.
3. The advisory committee may also contain other representatives of town agencies, parents, students and members of the community at large.

B. Appointment of Committee Members.

1. Appointments are to be made by the Board of Selectmen after consultation with the Youth and Family Services Bureau Director and chairperson of the advisory committee.
2. Members of the committee shall be appointed for three-year terms; except that the initial appointments of the committee, or of any increased membership on the committee, shall be made for a term of office from one to three years so that one-third of the terms will expire each year. Vacancies in unexpired terms shall be filled for the remainder of the term.

(R.T.M. 4-6-98; R.T.M. 10-6-97 (part); R.T.M. 12-3-90, § 6)

(Amend. of 4-1-19)

2.96.070 - Funding.

The Bureau shall be funded through a budget which has been reviewed and approved by the Board of Selectmen.

(R.T.M. 12-3-90, § 7)

(Amend. of 4-1-19)

Chapter 2.72 - SENIOR CITIZENS COMMISSION

2.72.010 - Created—Membership—Purpose.

There is a commission consisting of eight persons who are each electors of the town, to study the needs of, sponsor, initiate and coordinate programs of the senior citizens of Waterford.

(Prior code § 2-131)

2.72.020 - Designation.

The commission is known as the Waterford senior citizens commission.

(Prior code § 2-132)

2.72.030 - Compensation—Appointment.

Members of the commission shall serve without compensation and shall be appointed by the representative town meeting for terms of three years. The terms of current commission members shall remain unchanged.

(R.T.M. 10-2-00: R.T.M. 6-1-92: prior code § 2-133)

2.72.040 - Meetings.

The senior citizens commission regular meetings shall be scheduled as approved by the commissioners on an annual basis, filed with and posted by the town clerk in December of the preceding year. Additional meetings may be held at the pleasure of the commission if filed with and posted by the town clerk as required by Connecticut General Statutes.

(R.T.M. 12-5-94: prior code § 2-134)

2.72.050 - Organization.

The commission shall elect from its membership a chairperson and a representative as liaison to the regional commission on aging, each to serve for a term of one year.

(Prior code § 2-135)

2.72.060 - Duties.

The commission shall:

- A. Identify, analyze and evaluate services and facilities for Waterford senior citizens provided by public and private agencies of the community, state and federal governments;
- B. Formulate and administer policy while continuously studying conditions and needs of Waterford senior citizens in relation to housing, economics, employment, health, transportation, recreation and other matters concerning their welfare; and
- C. Define the term "senior citizen" as it shall be construed for the purpose of administering the duties and responsibilities of the commission.

(Prior code § 2-136)

2.72.070 - Authority to employ necessary staff.

The commission is authorized to employ, within its budget, staff necessary to implement a comprehensive senior citizen program as contemplated by this chapter.

(Prior code § 2-137)

2.72.080 - Finances.

The financial needs of the commission shall be funded in the same manner as other town commissions, except that any gifts and donations, without limitation, to the Waterford senior citizens commission shall be deposited in the Waterford citizens commission's special revenue account and used for the specific purposes designated at the time of the donation/gift.

(R.T.M. 2-5-03 (part): prior code § 2-138)