

**Remarks Concerning Draft Charter Revision Report
Public Hearing April 27, 2010
By J. W. "Bill" Sheehan**

Thank you for giving me this opportunity to address the Charter Revision Commission regarding the Draft Report of the 2009-2010 Waterford Charter Revision Commission.

First, I commend the Commission for their dedicated and detailed work since forming last May. During the past eleven months you have heard from a number of Waterford citizens and local officials regarding possible charter revisions and worked diligently in determining what changes should be made to the Town Charter. I hope that the Commission will accept my comments and recommendations to improve the draft report.

Page 3 – First Paragraph lines 13 and 14. The Term of office of Town Treasurer predates the financial irregularities of the Town Treasurer in the early nineties and I would recommend deleting that sentence.

Page 6 –After Recommendation to delete Section 4.3 of the Charter regarding the Board of Fire Commissioners – I recommend including a sentence similar to that on Page 4 after the recommendation of eliminating the Personnel Review Board – **“The subsequent Charter Section 4.4 and its subsections should be renumbered to reflect this deletion.”**

Page 7 – Regarding new Section 5.19 – Fire Marshal – Chapter 530 of the Connecticut General Statutes has been deleted and the new Chapter is Chapter 541 (CGS Sec 29-297). The cited CGS provides a choice for appointment of the Fire Marshal. I would recommend changing Topic 4 Recommendation B to read as follows:

“B. Add a new section 5.19 as follows: “5.19 FIRE MARSHAL: 5.19.1 There shall be a fire marshal appointed by the Board of Selectmen pursuant to Chapter 541(CGS 29-297 or any succeeding statute) of the Connecticut General Statutes, with all the powers provided by ordinance and state statute.”

I have included a copy of the State Statute with this testimony.

Page 9 – Topic 9 – Expansion of BOS to five members – I respectfully request the Commission to revisit this topic. With the additional responsibility regarding budget reviews, it is even more crucial that there be more than three voices during that initial check of departmental budgets. Since there is no recall permitted by State Statute, the threat of losing a majority on the BOS may be a proper check on a First Selectman if the electorate considers that the First Selectman has “gone astray” in the first two years of his or her term. Due to minority representation requirements, it may even be advisable to increase the number to seven to insure that there are two members of the minority on the BOS. The lack of any Selectmen on a ballot will tend to suppress voter turnout so having a larger board with split elections would be a better solution.

Page 10 – Topic 10 – Budget Preparation and Submittal Responsibility – The Commission may want to clarify this change by adding a mention of the Board of Finance and the Representative Town Meeting. A possible revision would be:

“3.2.5.1 BUDGET PREPARATION AND SUBMITTAL RESPONSIBILITY. All boards, commissions, agencies, department heads and administrative bodies shall be required to prepare and submit their annual budget to the board of selectman in such a manner as may be provided by ordinance prior to preparation of the budget by the board of finance in accordance with section 3.32 of this charter.”

As I recommended in my initial testimony to the Commission, I hope that you will include as an appendix to your report, a draft of the proposed ordinance changes that will be necessary to support the Charter Revision changes. From experience with implementing the changes from the 1996 Charter Changes, it took the RTM five years to get all of the necessary ordinance changes done since the L & A Committee of the RTM had no hints on how to proceed. Recommended changes will give the RTM standing committees a leg up on making the appropriate ordinance changes and possibly speed the process.

Subject to your questions, this concludes my testimony. I again thank the commission for their diligence and hard work over the past eleven months.

Sec. 29-297. Appointment of local fire marshals, deputies and provisional fire marshals. (a)

The board of fire commissioners or, in the absence of such board, any corresponding authority of each town, city or borough, or, if no such board or corresponding authority exists, the legislative body of each city, the board of selectmen of each town or the warden and burgesses of each borough, or, in the case of an incorporated fire district, the executive authority of such district shall appoint a local fire marshal and such deputy fire marshals as may be necessary. In making such appointment, preference shall be given to a member of the regular or volunteer fire department of such municipality. Each local fire marshal shall be sworn to the faithful performance of his duties by the clerk of the town, city, borough or fire district and shall continue to serve in that office until removed for cause. Such clerk shall record his acceptance of the position of local fire marshal and shall report the same in writing to the State Fire Marshal within ten days thereafter, giving the name and address of the local fire marshal and stating the limits of the territory in which the local fire marshal is to serve.

(b) The board of fire commissioners or, in the absence of such board, any corresponding authority of each town, city or borough or, if no such board or corresponding authority exists, the legislative body of each city, the board of selectmen of each town or the warden and burgesses of each borough or, in the case of an incorporated fire district, the executive authority of such district may, upon the death, disability, dismissal, retirement or revocation of certification of the local fire marshal, and in the absence of an existing deputy fire marshal, appoint a certified deputy fire marshal as the acting fire marshal for a period not to exceed one hundred eighty days.

(1949 Rev., S. 3669; 1955, S. 1993d; 1967, P.A. 567, S. 1; 1971, P.A. 569, S. 1; P.A. 95-13.)

History: 1967 act empowered executive authority of an incorporated fire district to appoint local fire marshals and deputies; 1971 act provided that local fire marshals serve until removed for cause; Sec. 29-45 transferred to Sec. 29-297 in 1983; P.A. 95-13 added Subsec. (b) allowing appointment of certified deputy fire marshal for up to 180 days in absence of local or deputy fire marshal.

Annotations to former section 29-45:

Language of statute is sufficiently unequivocal to be mandatory but insufficiently specific to be self-executing. 185 C. 445. Held to be constitutional under Conn. Const., Art. I, Sec. 1. 192 C. 127.