



**MINUTES
TOWN COUNCIL
SPECIAL MEETING
December 18, 2023
5:45 PM - Scitico Room**

1. ROLL CALL

Present: Gina Cekala, Robert Cressotti, Douglas Finger, Bob Hendrickson, Michael Ludwick, Cynthia Mangini, Jim Nasuta, Ken Nelson Jr., Marie Pynar, John Santanella, Lori Unghire

Absent: None

Also Present were Town Manager, Christopher Bromson; Assistant Town Attorney, Mark Cerrato; and Town Clerk, Sheila Bailey. Attorney Maria Elsdon joined the meeting at 5:56 pm.

2. EXECUTIVE SESSION

Motion #6792 by: Marie Pynar seconded: Robert Cressotti

Upon a **SHOW OF HANDS** vote being taken, the Chair declared **MOTION #6792** adopted.

Yes: Gina Cekala, Robert Cressotti, Douglas Finger, Bob Hendrickson, Michael Ludwick, Cynthia Mangini, Jim Nasuta, Ken Nelson Jr., Marie Pynar, John Santanella, Lori Unghire

No: None Abstain: None.

The Executive Session of the Enfield Town Council was called to order by Chair Nelson at 5:46 pm to discuss the following matter:

A. Personnel Matters

1. Interim Town Attorney

Chair Nelson reconvened the Special Meeting at 4:53 pm and stated that during the Executive Session, no votes or actions were taken by the Council.

3. TOWN COUNCIL ORIENTATION

Assistant Town Attorney Mark Cerrato and Attorney Maria Elsdon reviewed the Charter, Freedom of Information Act, municipal authority, and the Ethics Ordinance, among other subjects, with the Town Council. ***A copy of the presentation is appended to these minutes.***

4. ADJOURNMENT

MOTION by: Cynthia Mangini, seconded: Michael Ludwick to adjourn.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION** adopted

unanimously, and the meeting stood adjourned at 6:46 pm.

Respectfully submitted,

Sheila M. Bailey, Town Clerk
Clerk of the Council



**ENFIELD TOWN COUNCIL
ORIENTATION**

Office of the Town Attorney

December 18, 2023

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Orientation Topics

- Source of Municipal Authority
- State Delegation of Municipal Powers
- Town Manager Form of Government
- The Enfield Town Charter
- Administrative Functions
- Town Attorney
- Ethics
- Land Use Issues
- Freedom of Information Act



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Source of Municipal Authority



- Local Governments Only Empowered Under State Law.
- In Connecticut, it is well-settled that as a creation of the state, a municipality has no inherent powers of its own. *Blue Sky Bar v. Town of Stratford*, 203 Conn. 14, 19 (1987). “A municipality possesses only such rights and powers that have been granted expressly to it by the state or that are necessary to discharge its duties and to carry out its objectives and purposes.” *Id.* See also *Buttermilk Farms, LLC v. PZC*, 292 Conn. 317, 326 (2009).

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State Delegation of Municipal Powers



Connecticut General Statutes

- § 7-193 “The municipality shall have a legislative body, which may be: . . . (C) a board of selectmen, **council**, board of directors, board of alderman or board of burgesses;”
- § 7-193 “The municipality shall have a **chief executive officer**, who may be one of the following . . . a **town**, city or borough **manager** . . .”

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Town Manager Form of Government



- Nationally, Council-Manager Form is Most Common Model.
- Promote Efficient Government Administration.
- Town Manager is the “CEO” of the Town.

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Town Manager Form of Government



- Selectmen – Town Meeting Remains Most Prominent Form in Connecticut and New England.
- In Connecticut, 33 of 169 Towns Have Town Manager.

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The Enfield Town Charter



The Town Charter – Enfield's Constitution

- Ch. III, The Town Council, Sec. 5, General Powers and Duties. "The legislative power of the town shall be vested exclusively in the council."
- Ch. IV, The Town Manager, Sec. 1, Appointment and Removal. "The council shall appoint a town manager . . . who shall be the chief executive officer of the town . . ."

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The Enfield Town Charter



The Mayor

- General Statutes § 7-193(a)(2) "Any municipality having a manager as its chief executive officer may also have a mayor who shall be the presiding officer of its legislative body, shall be the ceremonial head of such municipality and shall have such other powers and duties as the charter prescribes." See Charter, Ch. III, Sec. 2. Chair.

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Administrative Functions



- Charter, Ch. III, The Town Council, Sec. 9, Relation to Administrative Service. “The council and its members deal with the administrative service solely through the manager and neither the council nor any member thereof shall give orders to any of the subordinates of the manager either publicly or privately . . .”

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Town Attorney – Town Charter Ch. V, Sec. 1



- The town attorney shall be the legal advisor of the council, the town manager and other town officers, boards and commissions in all matters affecting the town and shall upon written request furnish them with a written opinion on any questions involving their respective powers and duties.

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Ethics



- Ethics: “Of or relating to moral action, conduct, motive or character. . . conforming to professional standards of conduct.” Black’s Law Dictionary.
- State Code of Ethics. Connecticut General Statutes § 1-79, *et seq.* (not applicable to municipalities but provides guidance).
- Enfield Code of Ethics. Town Code Sec. 2-121.
- Enfield Ethics Commission investigates complaints and may also issue advisory opinions.

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Conflicts of Interest



- Conflict of Interest: “Means a public official or municipal employee has an interest which is in substantial conflict with the proper discharge of his [or her] duties or employment in the public interest if he [or she] has reason to believe or expect that he [or she] or a close relative of his [or hers] will derive a direct monetary gain or suffer a monetary loss. . .” Town Code Sec. 2-121.

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Appearance of a Conflict



- “Public office is a trust conferred by public authority for a public purposes. Public officials and municipal employees should not place themselves in positions where private interests conflict with public duty.” Town Code Sec. 2-122(a).
- Public officials held to a higher standard.

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Ethics Ordinance



- Declaration of Policy.
- “Anything which tends to weaken such confidence and to undermine the sense of security of individual rights which the citizen is entitled to feel is against public policy.” Town Code Sec. 2-122.

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Prohibited Acts – Town Code Sec. 2-129



- Taking official action involving entities in which official or employee (or close relatives) have an interest of five percent or more.
- Obtaining an interest in a contract or transaction which is or may be the subject of official action.
- Disclosing confidential information, including from executive session.

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Prohibited Acts (continued)



- Unauthorized use of town owned vehicles, equipment, materials or property for personal convenience or profit.
- Affording special treatment to any citizen beyond that which is available to every other citizen.
- For a period of one year after town service appearing before any board in which the official or employee personally participated in a matter.

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Who decides?



- Consult the Town Code of Ethics or applicable statute.
- Ask yourself whether you can be fair or impartial despite the special relationship or circumstance.
- Consider whether the appearance of a potential conflict should be avoided.
- Enfield Ethics Commission.

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Additional Prohibitions for Land Use Agency/Commission/Board Members



- Conn. Gen. Stats. §§ 7-148t, 8-11, 8-21, 22a-42(c).
Members of land use boards and commissions prohibited from appearing before their agency or participating in matters in which they have a financial interest.

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Land Use Issues



Land Use Boards and Commissions Must Decide Based on the Public Record

- Ex parte communications prohibited.
- Predetermination or predisposition; bias of agency members.
- Undue influence by elected officials must be avoided.

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Freedom of Information Act



- Promotes open government.
- Broadly construed in favor of disclosure.
- Open meeting requirements.
- Exceptions: Executive sessions, caucuses, leadership setting agenda.
- Public records.

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THANK YOU!