

Approved January 14, 2013

Re: Confirmation of certain appointments.

The Charter Revision Commission recommends that the town eliminate the need for Confirmation of Appointments at a Town Meeting.

The Charter Revision Commission makes the following recommendations for modifying the Town Charter:

Charter Chapter VII Town Meeting

Section 7-6. Confirmation of certain appointments. Remove sections 7-6 (a); 7-6 (b) and 7-6 (c)
Rename Section 7-6. This Section left open for future use.

Rationale:

The Charter Revision Commission was asked by the Town of Somers in the Resolution dated April, 2012 to review Confirmation of certain appointments. It was the consensus of the members that there is sufficient representation for town residents by electing their town leaders, who can then effectively coordinate necessary appointments.

Re: Residency Requirements for members of appointive boards.

The Charter Revision Commission recommends that the town eliminate the need for residency requirements of certain paid, full time professional positions.

The Charter Revision Commission makes the following recommendations for modifying the Town Charter for the section(s) and subsection(s) noted below only:

Charter Chapter V Appointive Board in Office

Section 5-1 Board of Selectmen appoint. Section 5-1 (b) rewrite to state: *All members of appointive board shall be electors and residents of the town and their positions shall be considered vacated upon ceasing to be electors or residents of the town unless otherwise specified by charter or ordinance. Provisions for non-residents to serve in selected positions will be addressed in the appropriate sections pertaining to those positions.*

Section 5-18 Civil Preparedness Advisory Council. Rename *Emergency Preparedness Advisory Council* and rewrite to state first paragraph as written re-identified as 5-18 (a). Add new section 5-18 (b) *The appointive authority may suspend residency requirements for the following paid professional personnel: Resident Trooper; Fire Chief; Superintendent of Schools; and Superintendent of Highways.*

Rationale:

The Charter Revision Commission was asked by the Town of Somers in the Resolution dated April, 2012 to review residency requirements. It was the consensus of the members that certain full-time paid professionals have a fundamental role and responsibilities as may be defined in their job descriptions that necessitate their active participation in certain boards and/or

commissions. Allowing elected officials to waive residency requirements ensures our town has these individuals serving in such positions as may be necessary from time to time.

Re: Planning Commission and Zoning Commission.

The Charter Revision Commission recommends that the town retain an appointive boards for Planning Commission and a separate, second appointive board for Zoning Commission.

The Charter Revision Commission recommends no changes to sections 5-5 Planning Commission or 5-6 Zoning Commission, other than those stated previously regarding each commission's appointive term as voted on December 17, 2012.

Rationale:

The Charter Revision Commission was asked by the Town of Somers in the Resolution dated April, 2012 to review combining the Planning Commission and Zoning Commission. The Charter Revision Commission believes that the town of Somers will be better served by two distinct boards, each with its own expertise and separate duties and obligations. In Somers, the two commissions have long served as an effective set of checks and balances. An adverse recommendation on an application by the Planning Commission can only be overridden by a two-thirds majority of the Zoning Commission. Typical arguments in support of combining the two commissions will increase efficiency and encourage development.

There is no conclusive argument put forth by residents of the town that these benefits indeed support combining the two commissions, nor are the suggested benefits particularly relevant to the process the residents of Somers or developers face when working with town officials.

The functions of the Planning Commission and the Zoning Commission are discrete. The former updates the town's plan of conservation and development as warranted and considers whether proposed development projects are in keeping with the plan and sustainable in terms of the town's resources and demands. The latter takes a much more "nuts and bolts" approach to the particulars of an application.

The demands of dealing with the welter of land-use applications means that in most cases, a combined planning and zoning commission does very little in terms of thoughtful development and consideration of the town plan itself.

While some advocates of merging the commissions have argued that it would expedite development projects, townspeople have shown repeatedly — most recently in the just completed survey for the Plan of Conservation and Development Committee — that they have little interest in or appetite for changing the current mix of land uses or patterns of development. For precisely that reason, any proposal for a significant change in the town's development should be weighed deliberately and patiently.

Respectfully Submitted,

Tim Potrikus, Chair