

**MINUTES OF THE
SPECIAL MEETING OF THE
BOARD OF SELECTMEN
June 3, 2009**

Present: First Selectman Scott Lingenfelter, John Smith, Vicki Spellman, Brian Fitzgerald and Timothy Reynolds. First Selectman Lingenfelter called the meeting to order at 7:00 p.m. in the Town Hall lower level conference room on Wednesday, June 3, 2009.

Approval of Minutes:

Selectman Fitzgerald made a motion to approve the minutes of May 20, 2009. The motion was approved by unanimous vote.

Selectman Fitzgerald made a motion to approve the minutes of the Public Hearing of May 20, 2009 on the Charter Revision Commission's recommendation. The motion was approved by unanimous vote.

Public Input:

Tom Sheridan (member of the Charter Revision Commission) of 1529 Ratley Road spoke as a concerned citizen and not as a member of the Charter Revision Commission. He felt that the Commission's recommendation to lower the number of signatures to require a referendum down to 250 is good and fair. Presently to try to attempt to get 800 signatures is nearly impossible which denies voters the opportunity to vote on an issue.

Rod Dillman (member of the Charter Revision Commission) of Catherine Lane, spoke as a resident and not as a member of the Charter Revision Commission. He submitted a detailed alternative to the job description for the Town Administrator than what was before the Selectmen currently. He stated that he was in favor of a strong form of Government and supports a Town Manager to run the town and remove the executive power from the First Selectman. He would like to see a Town Manager/Administrator have complete power and authority over all boards and commissions including the Fire and Police Commissions. He said although he voted in favor of the CRC's recommendation which is currently before the Selectmen, he felt the job description for the Town Administrator was too weak.

Bobbie Kling (member of the Charter Revision Commission) of 1120 Newgate Road was upset that Mr. Dillman presented his own version of the Town Manager/Town Administrator form of government to the Selectmen. She said there is a process in place set by State Statute for Charter Revisions and that process should be followed. The CRC passed its recommendations and that recommendation is presently before the Selectmen for their consideration. The document submitted by Mr. Dillman is his version only and was not passed and approved by the CRC. She felt, however, the CRC recommendations are not in the best interest of the Town and asked the Board not to send any of the recommendations to the residents for a vote.

Gerry Chase-1221 N. Grand St. was supporting the CRC recommendation to reduce the number of signatures required for a petition to 250. He said he travels a great deal and cannot attend town meeting and felt more issues should go to a referendum.

Matt Falkowski-Bridge Street. Felt the 250 signatures required for a petition is a reasonable number.

Jim Sheridan-1320 N. Grand Street. Believes in the democratic process and we should give everyone a chance to vote. He presented the Selectmen with a petition with several names upon it requesting the Selectmen to give the public a chance to vote on the CRC recommendation. He said to acquire over 800 signatures to bring a matter to a referendum is nearly impossible to attain within the allotted time requirements.

Sami Memhed, 10 Dara Lane-was concerned over why the Selectmen would not want to make it easier for issues to be brought to a referendum.

Ernie Petkovich, (Chairman of the Charter Revision Commission) 40 Valley View, said Suffield needs professional management to provide continuity in government. The Job Description for the T.A. position presently before the Selectmen was a compromise, but is a step in the right direction. The CRC recommendations should be put to the voters at a referendum and be given the chance to decide. He also stated that as Chairman of the CRC, he will expect a written document from the Selectmen on their decision by tomorrow.

Firefighters Grant-2009

Chief Bellmore was present was requesting approval to apply for a Grant for personal protective equipment. If the Grant is awarded, the Federal shares is \$54,276.00 and the Town will be responsible for 5% of the amount approved in the grant, or \$2,856.00. That amount will be taken from the Fire Commission's budget. This project entails funding for the purchase of 25 sets of personal protective turnout coats and pants, 1 washer/extractor for washing turnout gear and 1 hydrostatic testing unit.

Selectman Smith made a motion to authorize the First Selectman to submit an application for funding in the amount of \$57,132.00 through the FY 2009 Assistance to Firefighters Grant program, and if approved, authorize the Board of Fire commissioners to expend the funds, the Town's share to be taken from the Fire Commission's budget. The motion was approved by unanimous vote.

DPW-request to purchase Road Salt:

Public works director, Jack Muska and Highway superintendent Mark Cervione, were present requesting permission to approach the Board of Finance to request to purchase Road Salt in this current budget year. The Board of Finance will determine how much to purchase which will come from the Contingency account. There is approximately \$205,000 remaining in contingency.

Selectman Reynolds made a motion to recommend to the Board of Finance the DPW request to purchase up to \$75,000 for Road Salt from Contingency in the current fiscal year. The motion was approved by unanimous vote.

Inmate Monitor Position:

The Town was seeking to create a new position. The position would be for an Inmate Monitor to supervise work details of prison inmates. The position would be for 1 day a week with no benefits.

Selectman Smith made a motion to create the position of Inmate Monitor to fit within the budget of the Town and forward to the Board of Finance for approval. The motion was approved by unanimous vote.

Appointments:

Housing Authority: A letter was received from the Executive Director of the Housing Authority stating that Mary Steinka and Ann Taylor had resigned. The Housing Authority had 2 volunteers who wished to be appointed to these positions.

Selectman Reynolds made a motion to appoint William Davis and Kim Emmons to the Housing Authority to fill the unexpired terms of Mary Steinka and Ann Taylor. The motion was approved by unanimous vote.

Charter Revision Commission-recommended Charter Changes

The Selectmen reviewed each of the eight recommendation from the Charter Revision Commission. A great deal of discussion centered around the recommendation to lower the number of signatures needed to petition the town of a referendum. Currently for residents would need to acquire 800 signatures or 10% of the voters. The CRC was recommending lowering it to 250 signatures. The Selectmen had reservations about making the number so low. Selectman Fitzgerald felt that the lower number of signatures required would make it easier for elected officials to abdicate their responsibility. Selectman Fitzgerald felt the bar should not be so low that we would be going to a referendum over almost every issue. It costs the Town about \$5,000 to hold a referendum.

The recommendation to hire a Town Administrator was also discussed in detail. The CRC felt a Town Administrator would bring professionalism to the Town and would provide for more continuity. Under the CRC proposal the First Selectman would remain the official head of the town, but with reduced responsibilities. The Selectmen felt the job description for the Town Administrator was too weak and preferred the position to have much more power. Selectmen Reynolds and Spellman favored a Town Manager with a Town Council form of government. A Town Council would eliminate the Board of Selectmen and Board of Finance. However, First Selectman Lingenfelter felt the Town would be better off strengthening the First Selectman's powers instead of making a complete change to the current form of government.

Selectman Reynolds made a motion, which motion was approved by unanimous vote, that Mr. Lingenfelter send the Chairman of the CRC a letter summarizing the Selectmen's discussions and suggestions as follows:

CRC proposal: "Section 407 (E) and 603 (F) – Clarification that Town Counsel will serve at the pleasure of the BOS"

The Board of Selectmen was in agreement with this clarification. This is the way that the process presently works. The Town Attorney works for the Town of Suffield. S/he is selected and can be removed at the discretion of the Board of Selectmen. If there is doubt about that, then it should be clarified.

CRC proposal: "Sections 601 to 607 – Clarify the terms for Administrator of Social Services, Superintendent of Public Works, Tree Warden and Dog Warden will be four (4) years"

The Board discussed having these positions (with the exception of Town Counsel as previously discussed) to be appointed/hired by the Executive Power. These are employees of the town, with the exception of the Administrator of Social Services position that no longer exists. Ultimately the majority of the Board supported CRC's proposed change to this section.

CRC proposal: "Section 603 (B) – Clarify use of outside council (sic) as directed by the BOS"

The Board is in agreement with clarifying that Town Counsel and outside Counsel is at the discretion of the Board of Selectmen.

CRC proposal: "Section 1005 (B) and 1009 (C) – Adjust the number of voters required to petition for a referendum to 250 (from currently over 800)"

The Board received a significant amount of its public input regarding this change and the Board of also spent a significant amount of its discussion on this proposed change. The majority of the Board felt that 250 signatures is too low to send a matter to referendum. But, there was also a majority opinion that the current format requiring ten percent of the electors may be too high of a threshold. The recommendation to CRC is to look again at this section and further consider what the threshold for a petition for referendum should be. The Board would like the bar to be set by a percentage rather than a stagnant number, so that it can adjust with the future growth, or reduction, in the population of Suffield. A five percent threshold was discussed by the Board, but not voted on.

CRC proposal: "Section 1009 (A, B, C) – Standardization of the process and number of days for call for a referendum"

The Board supports clarifying the process for calling a referendum. There is concern amongst the Board that more should be done to clarify this procedure. For example, when can one begin collecting signatures on a petition? Does it need to be after the vote at the Town Meeting? Can it be collected and submitted prior to the Town Meeting, which would essentially adjourn the Town Meeting to a referendum? What if signatures are collected prior to the Town Meeting, but the question being voted on changes at the Town Meeting, does that negate all signatures collected prior to said change? Do signatures need to be dated? These are things that should be looked at when standardizing the process to call for a referendum.

CRC proposal: "Add Section 1212 for definition of Annual Town Budget to include WPCA"

There was concern as to why this was being done, if it is necessary and what change is really being made. Are we conflicting with State Statutes when making this change? Does this change give the Board of Finance and in extension the Town Meeting regarding the budget authority over the WPCA? If we are going to have a definitions section, we should define other "terms of art" that are used in the Charter.

CRC proposal: “Provide for a professional Town Administrator with training and experience in municipal and state government policies to manage the day-to-day operations of the Town and to supervise the majority of Town employees.”

CRC proposal: “Section 611 (C, D) – Director of Finance reports to the TA”

The Board looked at these changes as one total change. We received much input on this proposed change and also focused much of our discussion on this proposal. The entire Board was not supportive of the proposed change and would like it reexamined. The entire Board was also unanimous that we need to create clearer lines of authority and reporting as well as strengthen the executive power in Town. While the Board is unanimous on having the proposal be reexamined, we are not unanimous in the direction this change should ultimately go in.

The majority of the Board would like to see a much stronger Town Administrator/Manager be considered. We use the term “Administrator/Manager” recognizing that they are different forms of government, but the individual terms seem to be used interchangeably with only the description that follows the term determining which form is truly being proposed.

The majority of the Board would like to clearly separate the policy making function from the executive function. They would like to see the Town Board of Selectmen or a Town Council perform the policy making function. To go along with that they would like to have an Administrator/Manager that has clear authority and control over the executive function. Essentially the Board would like to see a much stronger position than that which was proposed.

There was also discussion as to why the police and fire were not included in the proposed change to be under the authority of the Town Administrator. Those two departments make up two of the biggest portions of the town side of the budget and should be included under the directive of the town’s executive.

There was also confusion as to the restriction on current members of the Boards of Selectmen and Finance not being allowed to be appointed as the Town Administrator. It was questioned as to whether or not this sort of provision is legal, and whether or not we may be setting the town up for a lawsuit with that included.

CRC “Technical Corrections”

Clerical errors that exist in the Charter can be corrected without a town vote. Other changes though that have a material impact need to be brought to the town electorate.

Two areas of concern were raised here.

The first is the clarification of the Board of Finance seating of alternates (§802). The proposed change is material. Presently under the Charter, the Board of Finance needs to have four members present to have a quorum (there was discussion at the Board meeting as to whether this is four regular members or just four members – I believe that the Charter is clear that it is four members, regardless of regular or alternate). If the Board of Finance has a meeting with only four members present, three of those members need to be regular members and only one can be an alternate member. If you have five or six total members present, then no more than two alternates can be seated and voting. The intent here is to avoid having the three alternates with the power to make decisions virtually on their own. If the three alternates and one regular member meet, they would have a quorum and could take action, but our present Charter prohibits that. It requires that a majority of those voting are always regular members.

The proposal changes that. It allows for two regular and two alternates to sit together and make decisions. The Board did not discuss if this was good or bad, but clearly feels this is a material change that can not be made administratively.

The second area of concern with the technical changes is with respect to real estate leases or lease options (§1006 (G)). Presently the Board can approve a real estate lease or lease option for up to and including five years in length, as well as options that are up to and including five years in length without town meeting approval. The proposed change prohibits the Board from creating a real estate lease with an

option, if the original terms, plus the option terms exceed five years, in total, without town meeting. While this is the intent of the CRC, it is different than the intent and specific language of the present Charter.

Presently, an option can be exercised or not exercised at the discretion of the Board. This allows the Board the ability to negotiate terms that may be advantageous for the Town for a longer period of time, while not committing the Town to those terms until the time comes to exercise the option. For example, we can enter into a five year lease under certain terms and have the option to do five more years upon the conclusion of the first five year period. If upon conclusion of the initial five year term we feel that the lease worked out well and that the terms of the lease are still in the best interest of the town, we can enter into the option...this is essentially a new lease, just under the same terms. On the other hand, if the market conditions or the relationship dictates that we are better off making a change we can elect not to exercise the option and negotiate new terms. Therefore, the requirement that leases with options which in total may exceed five years requiring town meeting approval is a material change to the present Charter and should be treated as such.

Adjournment:

There being no further business to conduct, a motion was made by Selectman Smith to adjourn. The motion was approved by unanimous vote. The meeting adjourned at 9:05 p.m.

Respectfully submitted,

Christine Koren, Recording Secretary

