

Minutes of the Charter Revision Commission February 5, 2009

Present: Chairman Ernie Petkovich, Eric Remington, Bobbie Kling, Thomas J. Sheridan, Jr., John P. Murphy and Elaine O'Brien. **Absent:** Douglas Viets and Rodney Dillman. Also present was First Selectman Scott Lingenfelter and Selectman John Smith. Mr. Petkovich called the meeting to order at 7:02 p.m. in the Town Hall lower level conference room.

Citizen's Comment:

Present was Warren Packard. Mr. Petkovich read a letter from Warren Packard who made comments on the job description of a Town Administrator and First Selectman form of government.

Mr. Petkovich welcomed Selectmen Lingenfelter and Smith, and updated them on what the Commission has been exploring. He told them that the CRC has sorted through about 100 different recommendations and about 30 technical changes. There are two specific items which the CRC will be recommending. They will provide more flexibility in terms of the Town Counsel, by adding terminology that he will serve at the pleasure of the Board of Selectmen, and if there was a need for outside counsel, it will be by direction of the Board of Selectmen. The other significant change will be to Petitions for Referendum which current asks for 10% of the registered voters or 800 signatures to be required. The CRC will recommend that be changed to 250 signatures. Other key items which the CRC is still working on is a potential recommendation to employ a Town Administrator to run the day to day functions of the town and also consideration of extending the terms of the Board of Selectmen from 2 to 4 years.

Selectman John Smith said the CRC's idea to extend the terms of the Board of Selectmen from 2 to 4 years is a good idea, and possibly stagger the terms. Regarding the possible recommendation of a Town Administrator, he feels it would be in the best interest of the long range view of the Town to consider a Town Administrator. Selectman Smith also asked the CRC to review if the majority of the Board of Selectmen feels that an item should be added to a future meeting Agenda, that a specific issue could be added to an Agenda, whether the First Selectman agrees with it or not. First Selectman Lingenfelter said that a legal opinion said that the First Selectman sets the Agenda for all Board of Selectmen's meetings, as does the Chairmen of any Board or Commission. The Agenda, however, can be amended at a meeting by 2/3rds vote of the Selectmen.

First Selectman Lingenfelter said he also thinks that a four-year term for Selectmen would be a good idea to provide continuity which can lack with the current two-year term. He also agreed that the terms should be staggered but wasn't sure how that would work to avoid problems with minority representation. However, Mr. Lingenfelter said that he and Selectman Smith disagree on the Town Administrator position, which they

have discussed several times. Mr. Lingenfelter said he does agree if the CRC decides to go that way, it should be a strong position, such as a Town Manager, and eliminate the full time First Selectman as the Town does not need duplicate positions. However, he doesn't feel Suffield needs a Town Manager form of government as the Selectmen form of government has served the Town well for many years. He believes with all the checks and balances we have in place, even if the town elects an individual who may not possess all the necessary qualifications, there are many people in place that would keep him/her in balance. When people compare professional management to the Board of Education in our School system, and look at the rate that the school budget has grown through the years, as well as some of the concerns such as the school reimbursement issue, this is "professional" management. People will also complain that Suffield doesn't have professional government, when we have in fact, added many professional positions over the years.

Regarding the Town Counsel change that will be recommended, Mr. Lingenfelter, felt it will only confuse things. It may allow the Board of Selectmen to choose various attorneys, on any given matter which may arise. He felt that the Town Counsel currently works for all Board and Commissions with the exception with the Board of Education and Zoning & Planning. When situations do arise where a certain expertise is needed which is beyond the Town Counsel's control, then the Town has hired other counsel to assist with those kind of matters.

Selectman Smith added that he does not agree with a Town Manager form of government either, because a Town Manager has more power and control than an Administrator. He would rather have a strong Board of Selectmen who could hire and fire a Town Administrator and he doesn't believe all the power and authority should be turned over to one person and doesn't believe that would be good for Suffield.

Mr. Lingenfelter said he believe the democratic process works well in Suffield. We run an entire Country with an elected President for four years, as well as the State government. If the Country and State is run by professionally elected persons to serve four years, then why would Suffield need to hire an outside executive or manager to run the Town.

There being no further public input, Mr. Petkovich thanked everyone for their comments.

Tracking Log:

Item #86 - Sec. 1009(a) Referendum

Ms. O'Brien re-wrote this section and supplied copies to the CRC members.

(A) The Board of Selectmen may present any issue to the Town for vote by referendum, provided, that those issues set forth in charter Sections 1006A through 1006I, inclusive, must first be submitted to and decided by a Town meeting before the Selectmen may call a referendum on such issue or issues. A referendum may be called by the Board of

Selectmen or by a petition properly submitted, regardless of the outcome of said Town meeting.

In order for the Board of Selectmen to call a referendum on a matter decided by Town Meeting, (other than the Annual Town Budget Meeting) the Board of Selectmen must hold a Board of Selectmen's meeting no more than fourteen days after the Town Meeting and call for a referendum if such a decision is made by a majority of the Board of Selectmen. At that meeting, a date for referendum must be decided upon which will be no more than twenty-one days after the Board of Selectmen's meeting.

(B) In order for an issue to be brought to referendum by petition, a petition on a form prepared in accordance with Connecticut General Statutes*, be presented to the Town Clerk within ten days after the town meeting requesting a referendum on the issue o issues which were either approved or rejected by the Town meeting. The petition must be signed by at least 250 registered voters of the Town of Suffield. The Board of Selectmen must schedule the referendum for date which is no more than twenty-one days from the receipt of a valid petition by the Town Clerk.

(C) A referendum from the decision of the Annual Town Budget Meeting may only be called in accordance with the provisions of Charter Section 1005(B).

*The Town Clerk can provide the form and wording for the petition.

Mrs. Kling made a motion, seconded by Mr. Remington to approve the above revisions to Section 1009. The motion was approved by unanimous vote.

Approval of Minutes:

Ms. O'Brien made a motion, seconded by Mr. Remington to approve the Minutes of January 21, 2009 with the following amendment: Mrs. Kling wish to make the minutes absolutely clear that from the beginning, she has always stated that she would support a position of a town Administrator, provided she approved of the job description as drafted by the Charter Revision Commission. The motion with amendment was approved by unanimous vote.

Discussion on Town Administrator Job Description:

Mr. Petkovich recapped the job description scenarios, which the CRC has been deliberating on now for 13 months. In September, Mr. Dillman wrote the first version which described a Town Manager description. The CRC all agreed that the description was too strong from the standpoint that the Commission as a whole would agree on.

In December another version was written which described more of a Town Administrator position. However, Elaine O'Brien, Bobbie Kling, Tom Sheridan still didn't like the description and Eric Remington was undecided.

In February, Elaine O'Brien submitted her version of a job description which made the Town Administrator assist the First Selectman and took most of the authority away from the Town Administrator and left the primary authority with the First Selectman.

Chairman Petkovich felt if the authority in the December version is weakened, Mr. Dillman, Mr. Petkovich, Mr. Viets, and Mr. Murphy all would not vote for it. Therefore, the Commission will not be able to get the 5 votes needed to put this forth to the Board of Selectmen.

Mrs. Kling said she still had concerns over Section 611 regarding the Director of Finance. This section was attempting to change how the Director of Finance is hired and fired and also who had authority over this position.

Some of the members felt that the December version could be tweaked enough that everyone would agree on it. They felt that changes still could be made without lessening the power given to the Town Administrator in the December description.

Mr. Remington said the discussion and consensus of the Commission that lead to the December draft was that the Commission wanted an elected First Selectman who is accountable to the voters and provides political leadership. That was what lead to the two positions, and he doesn't feel that consensus has changed. Mr. Murphy said he was in favor of two positions, but not both having the same strong positions, as the December version describes. Ms. O'Brien said the December description provides for two full time people with basically the same power. Mr. Sheridan said in order for him to vote for a Town Administrator position, he would have to believe that the form of government Suffield has in place currently doesn't work. He has not seen any evidence of that to make a huge change in the form of government for the few occasions when things aren't perfect.

Discussion on this job description drafts for the Town Administrator and discussion over the Finance Director position ensued for some time. Mr. Remington asked with the current state of the economy, was concerned that the timing may not be right to try to make a change and pay two full time people.

The Commission had arrived at an impasse and decided not to meet next week and take some time to put it aside.

Adjournment:

Mrs. Kling made a motion, seconded by Elaine O'Brien to adjourn. The motion was approved by unanimous vote. The meeting adjourned at 9:20 p.m.

Next Meeting: To be determined and the members will be notified.

Respectfully submitted, Christine Koren, Recording Secretary