

## **Minutes of the Charter Revision Commission February 25, 2009**

**Present:** Chairman Ernie Petkovich, Eric Remington, Bobbie Kling, Thomas J. Sheridan, Jr., John P. Murphy, Elaine O'Brien, Douglas Viets and Rodney Dillman.

Mr. Petkovich called the meeting to order at 7:03 p.m. in the Police Station conference room.

### **Citizen's Comment**

None.

### **Minutes:**

Bobbie Kling made a motion to approve the Minutes of February 5, 2009, the motion was seconded by Tom Sheridan and approved with all voting in favor and Rod Dillman abstaining from vote.

### **Action Items:**

Mr. Petkovich updated the commission on the action items. He said a copy of the original Charter will be compared with all the new changes incorporated in it. Thereby the Commission members will be able to view all the updated changes.

There was extensive discussion on Item #29, Section 703: Persons appointed to fill vacancies for the unexpired terms. Elaine O'Brien said some position on boards and commissions do have specific terms. If someone vacates that position before their term is up, a new person will serve until the term has expired. However, the Administrator for Social Services, Public works director, Dog Warden, Tree Warden and Building Inspector, are four year terms and should one of those people vacate their position, a new person would be hired and appointed for a "new" four year term. They would not fill the unexpired term of the person who left. Mr. Petkovich said he needs to add a tracking log for Section 601. Then it was discussed to take out of the Charter Section 602 which only refers to Section 601, is confusing and should come out. However Mr. Dillman wants to leave it in.

The other items discussed were #17 Sec. 403 and #19 which is Sec.407. This deals with removal of the Town Counsel for cause. For a removal without cause, all the Selectmen should need to do is give a notice. Sec. 603(C) to limit the term of Town Counsel to be determined by the Board of Selectmen.

Item #43 Sec. 1212 was added to give the Annual Town Budget a definition. The Commission agreed that any reference to the definition of the Annual Town Budget will include the WPCA.

(Mr. Viets entered the meeting at this point (7:30 p.m.)

Elaine O'Brien made a motion, seconded by Bobbie Kling, to add Section 1212, Definitions as submitted by Rod Dillman to include the definition of the annual Town Budget. The motion was approved by unanimous vote.

Mr. Petkovich will take the original Charter and Mr. Dillman's new version and do a comparison in the Word which will show all the changes to have one final document.

Sec. 203: Membership of the Board of Selectmen and the number of persons from one political party. Ms. O'Brien said that Sec. 9-188 of the Connecticut General Statutes refers specifically to minority representation for a five member board of Selectmen, and states that no more than 3 members can be from one party.

Mr. Petkovich made a motion, seconded by Mr. Remington, to move Item #2 on the short list to the Not Recommended List. The motion was approved by unanimous vote.

**Town Administrator Discussion:**

Elaine O'Brien submitted a new draft version of the Town Administrator description for the Commission. Mr. Dillman made a motion, seconded by Mr. Petkovich, to vote on each change on Elaine O'Brien's document. All voted in favor with Elaine O'Brien and Bobbie Kling voting opposed. Motion carried 6-2.

Bobbie Kling felt the T.A. should be a nonpolitical position. She doesn't want to set up this position in tandem with the First Selectman's position that will lead to a political dynasty of two. She doesn't want to craft a job description of a T.A. for a former First Selectman, or someone who has politically elected in Town. She also was against the T.A. being in charge of the Budget. You don't give the responsibility of insuring compliance with the budget and accounting rules to someone who also has the authority to expend the money. There would be no outside checks or balances and that is what the Director of Finance does.

Section 302 added language: Any unsuccessful candidate for the office of First Selectman may be granted a seat on the Board of Selectmen, if the number of votes that candidate received is sufficient to be elected to such seat, in accordance with the provisions of Section 401 of this charter and Section 9-188 of the General Statutes. *Mr. Petkovich made a motion, seconded by Ms. O'Brien to approve the change in language to 302a as defined in Elaine O'Brien's document. Elaine O'Brien, Tom Sheridan and Bobbie Kling voted in favor with Ernie Petkovich, Eric Remington, Doug Viets and John Murphy voting opposed. Motion failed 3-5.*

Section 402B proposed new language "It is the duty of the Board of Selectmen that any legal settlement or binding agreement which is a result of any legal proceeding, including administrative, must be reviewed and agreed to by the Board of Selectmen before its final approval. Additionally, any such settlement or agreement that encumbers the Town must be reviewed and agreed to by the Board of Finance."

*Mr. Petkovich made a motion, seconded by Ms. O'Brien to approve the addition under 402B as defined by the language in Elaine O'Brien's draft. Elaine O'Brien, John Murphy and Bobbie Kling voting in favor and all others voting opposed. Motion failed 3-5.*

Section 405: The Board of Selectmen in accordance with the General Statutes and this Charter shall fix the time and place of its regular meetings and provide a method for the calling of special meetings. It shall determine its own rules of procedure, except that each Selectman shall always retain the ability to make a motion or proposal that shall be considered without the necessity of a second. **Additionally, items to be added to the agenda shall require a majority vote, rather than a two-thirds vote because of the size of the Board.**

*Mr. Petkovich made a motion, seconded by Mrs. Kling to approve the additional wording in bold in Section 405 concerning adding items to the agenda in Elaine O'Brien's document. Elaine O'Brien and Bobbie Kling voting in favor with all others voting opposed. Motion failed 2-6.*

Section 501: New second and third paragraph: The first Selectman shall be the political leader and primary spokesperson for the town of Suffield. The First Selectman shall be responsible for the general planning and direction of the town. In order to accomplish that task, he or she shall work with other town officials to prepare and implement a plan which encompasses the Town's Plan of conservation and Development along with a long term financial plan that includes planned bonding and or budgeting for the maintenance and or expansion of the Town's infrastructure.

The First Selectman shall work with any local, regional, state or federal agency on behalf of the Town in order to pursue or secure resources for the Town of Suffield. The acceptance of grants shall be subject to the approval process outlined in Section 804, paragraph E of this charter.

*Mr. Petkovich made a motion, seconded by Mrs. Kling, to approve the additional language in the paragraph of Section. 501 with a change to take out the word "political". The motion was approved by unanimous vote.*

Section 502B as is currently in the charter; The First Selectman is responsible for the care, maintenance and operation of all buildings, land, apparatus and property that are subject to the control of the Board of Selectmen. Additional proposed language **For the avoidance of doubt, all town owned buildings and property are subject to the control of the Board of Selectmen, except those that by Special Act or Charter have been designated otherwise.**

*Mr. Petkovich made a motion, seconded by Mrs. Kling, to approve the language in 502B as proposed in the document by Elaine O'Brien. Tom Sheridan, John Murphy, Bobbie Kling and Elaine O'Brien voted in favor with Mr. Dillman, Mr. Viets, Mr. Petkovich and Remington voting opposed. Tie vote 4-4. Motion failed.*

Section 504A: The Town Administrator shall supervise all town employees hired by the Board of Selectmen, by Town agencies, boards or commissions and by the Town Administrator, except that the Town Administrator shall not have supervisory authority

over the following Town employees: Elected officials, (Treasurer, Tax Collector and town Clerk) or the Town Attorney, Police Chief and Fire Chief, but such individuals shall cooperate with and collaborate with the Town Administrator to the extent required to ensure the smooth operation of the town. 504D The town Administrator, along with the Human Resource Director shall participate in the negotiation of all bargaining unit contracts and shall be a party to all grievance proceedings, settlements and discussions. No settlements or agreements shall be made which obligate the town beyond the limitations of the annual budget without approval of the Board of Selectmen and the Board of Finance. Additionally, compensation and benefits for the paid elected officials, the Police chief, Fire Chief, Ambulance chief and others who compensation and benefits are determined by a written contract, shall be subject to the review and recommendation of the town Administrator and Human Resource director. All such contracts shall be subject to the approval of the Board of Selectmen and Board of Finance.

*Mr. Petkovich made a motion, seconded by Ms. O'Brien to use Elaine O'Brien's wording to combine Sections 504 A & B using Elaine O'Brien's language as opposed to the draft of 12/17/08 which has A&B. Elaine O'Brien, John Murphy & Bobbie Kling voting in favor of the motion with everyone else voting opposed. Motion failed 3-5.*

*Mr. Petkovich made a motion, seconded by Mr. Remington to add Elaine O'Brien's proposed wording to Section 504D which would become 504I of the December 17, 2008 document with the changes of: “..(with the Human Resource Director, if any,.)” . And also add additionally compensation and benefits for the paid elected officials, **and any other official or employee**. The motion was approved by unanimous vote.*

Section 504(G) add: For the avoidance of doubt, that shall include all departments except for the Water Pollution control Authority and the Board of Education. Nothing however, shall preclude the WPCA from utilizing the services of the town Administrator. *Mr. Petkovich made a motion, seconded by Mr. Viets, to add Elaine O'Brien's wording to (G) which is actually (H) of the December 17<sup>th</sup> document. Motion approved with all voting in favor except Mr. Dillman voting opposed. 7-1.*

Section 611: Director of Finance. Mr. Petkovich made a motion, seconded by Ms. O'Brien to replace the language from the December 17<sup>th</sup> draft to Section 611 with Elaine O'Brien's language. Elaine O'Brien and Bobbie Kling voting in favor with all others voting opposed and Tom Sheridan abstaining. 2-5-1. Motion failed.

Section 611 was discussed further. There was disagreement regarding 611C regarding compensation or discharge requiring approval of the Board of Selectmen and Board of Finance. *Mr. Dillman made a motion, seconded by Mr. Viets, to add to the 12/17/08 draft, the existing Charter Section 611C, and to the 12/17/08 draft, 611C we delete references to discharge, and add the words Annual Town Budget. All voted in favor with Mr. Remington voting opposed. Motion carried 7-1.*

Section 502(F): The first Selectman shall prepare the Board of Selectmen's meeting agenda in conjunction with the Town Administrator. Mr. Remington wanted it changed

to ....with the **assistance** of the Town Administrator. *Mr. Remington made a motion, seconded by Mr. Petkovich, to change the language in 502F to change the word conjunction to “assistance”. The motion was approved by unanimous vote.*

Mr. Remington said he still felt that under Section 504A that the Fire and Police Chiefs should report to the town Administrator. Mr. Sheridan agreed with Mr. Remington. Mr. Remington said the Police budget is the second largest budget next to Board of Education.

Discussion was brought up again about the T.A. position not being a political position. Bobbie Kling said she does not want to see a former First Selectman come into this position as a Town Administrator. Elaine O’Brien had formerly proposed wording that the position of Town Administrator shall be nonpolitical and anyone having political affiliation within the Town of Suffield will be disqualified.

*Mr. Dillman made a motion, seconded by Mr. Viets, to add to the Town Administrator section under 503, a new paragraph to read: Any current or former member of the Board of Selectmen and the Board of Finance, shall not be eligible to be appointed as Town Administrator until at least two years have lapsed after the determination or expiration of said person’s term on the Board of Selectmen or Board of Finance as the case may be. Discussion followed. Elaine O’Brien said that wasn’t the intent of her wording. She felt the T.A. would not be politically involved in Town. This would be a non-political position. All voting in favor of the motion, with Elaine O’Brien abstaining. Motion carried 7-0-1.*

Mr. Remington had a concern over 504D the last sentence. He felt that whether or not the town Administrator can have the “full right” participate in the discussions of the Board of Selectmen should be left up to the Board of Selectmen. *Mr. Remington made a motion, seconded by Mr. Petkovich, to change the wording in 504D to read: “The Town Administrator may participate in the discussions of the Board of Selectmen, but shall not have the right to vote.” The motion was approved by unanimous vote.*

Section 504G: Mr. Petkovich wanted to take the word “keep or” out so it will read: “The town Administrator shall cause to be kept...”. The motion was approved with all voting in favor and Ms. O’Brien abstaining. Motion carried 7-0-1.

Adjournment: There being no further business Mrs. Kling made a motion to adjourn, seconded by Ms. O’Brien and approved by unanimous vote. The meeting adjourned at 10:00 p.m.

Respectfully submitted, Christine Koren, Recording Secretary  
**Next Meeting: March 11, 2009, at 7 p.m., Town Hall**