

**Minutes of the Charter Revision Commission
June 10, 2009**

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

Mr. Petkovich called the meeting to order at 7:00 p.m. in the lower level conference room, Town Hall.

Citizen's Comment: None

Approval of Minutes of May 27, 2009:

Mr. Viets made a motion, seconded by Mrs. Kling to approve the minutes of May 27, 2009. The motion was approved by unanimous vote.

Selectmen's Recommendations:

Mr. Petkovich reviewed the concerns and recommendations from the Board of Selectmen to the CRC which was discussed at their June 3rd meeting.

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

The Selectmen believe this is the way that the process presently works. The Town Attorney works for the Town of Suffield, but can be removed at the discretion of the Board of Selectmen. However 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 Selectmen discussed this extensively. 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: Sections 601-607 – Clarify the terms for Administrator of Social Services, Superintendent of Public Works, Tree Warden and Dog Warden will be four (4) years." The Selectmen discussed this extensively. 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 Selectmen were in agreement with clarifying that Town Counsel and outside Counsel are retained and utilized at the discretion of the Board of Selectmen.

CRC "Technical Corrections"

Clerical errors that exist in the Charter can be corrected without a town vote. Other changes which have a material impact need to be brought to the town electorate. Two areas of concern were raised with respect to technical corrections. 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 – 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.

Mr. Petkovich said we want the majority of the voting members to be the regular members. The Board of Finance consists of 6 regular members, so if 4 board members are present only 1 alternate is seated. Ms. O'Brien said you can really seat 2 alternates to make 6 for a full Board. You can never exceed more than 6. She felt this section is worded correctly, but when it is read at first glance it appears to be backwards. It is not the best wording, but the intention is that the majority will be the regular members of the Board of Finance, not the alternates. She suggested that perhaps an explanation be attached to this section, stating that the intent of this section is to require that regular Board of Finance members always make up the voting majority of the Board. Mr. Remington suggested that this be put in the Bylaws for the Board of Finance and that it doesn't require a Charter provision. Mr. Petkovich suggesting checking with Town Counsel and discuss if the CRC should put in a statement of intent, or just have the Board of Finance place this within its Bylaws.

Mr. Viets made a motion, seconded by Mr. Remington to leave the wording in the Charter as it currently states and to add a clarification statement of the intent of the current Charter. The motion was approved by unanimous vote.

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 Selectmen received a significant amount of public input regarding this change and the Board of also spent a significant amount of discussion time on this proposed change. The majority of the Board felt that 250 signatures is too low to send a matter to referendum. 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 as 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.

Mr. Petkovich said if the CRC wants this approved by the Selectmen, it has to increase the 250 number. He didn't want to increase it by a percentage. He felt this is the reason we are having difficulties now. He supported a fixed number rather than a percentage of an increasing number which could bring the number back up to 800 with population growth. Ms. O'Brien, Mr. Viets, Mrs. Kling and Mr. Murphy agreed that 250 is too low and they would support a higher number. Mr. Remington, however felt that the present 800 number is not workable. When there was a lower number required, we had thousands of people who exercised their right to vote every year on the Budget. The people who pays the bills have a right to vote on the budget at a Referendum. Therefore he supports keeping it at the 250 number. Mr. Sheridan said it is very difficult to obtain 800 signatures and what this has done, was totally eliminate the referendum from our government process. It is not a detriment to have a Referendum, but should be viewed as a positive when people take part in the process. Therefore, he supports the 250, but would support no higher than 400. Mr. Petkovich felt that even 250 signatures is a lot of work to obtain, but would support 350.

Mrs. Kling made a motion, seconded by Ms. O'Brien to change the number of signatures for a petition to go to Referendum to 400. The motion was approved with all voting in favor and Mr. Remington and Mr. Petkovich voting opposed. Motion carried 5-2.

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

The Selectmen supported clarifying the process for calling a referendum. 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.

Mr. Petkovich said a Petition has specific wording on it which probably would negate most of the Selectmen's concerns. So if the wording isn't correct, it will be deemed invalid. Ms. O'Brien submitted language to Section 1009 to make it clear as to the referendum process. A person bringing in a petition has 10 days, but the Board of Selectmen has 14 days to send an issue to a referendum. The Selectmen questioned why there are two different time frames. Ms. O'Brien felt if you have people doing a petition who has 10 days and the Board of Selectmen decide maybe the issue should go to a referendum, then the Selectmen have that extra time to hold a meeting and send an issue to a referendum. Ms. O'Brien will check with State Statutes as to exactly when signatures on a petition can be collected.

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

There was concern by the Selectmen as to why this was being done, whether 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 authority over the WPCA and in particular their budget? If we are going to have a definitions section, we should define terms that are used in the Charter.

Mr. Petkovich said there are several places within the Charter where it refers to Annual Budget, Town Budget or Annual Town Budget. It is not clear if this includes the WPCA budget or not. The CRC wants it definition to describe it to be all inclusive. Mr. Petkovich feels the Charter should contain a Glossary of Terms that defines what certain terms mean. He would like to see the wording say “Annual Town Budget” to mean one thing.

Mr. Viets made a motion, seconded by Mr. Remington to keep the wording as originally submitted to the Selectmen by the CRC. The motion was approved by unanimous vote.

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 majority of the 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. The Board was also unanimous that there should be a clear separation of executive and policy functions. 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 or Manager be considered, not an Administrator that reports to a full time paid First Selectman. 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 more delineated separation of the executive and policy functions 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.

Mr. Petkovich said that everyone, with exception of Mr. Sheridan said they see the benefits of having a T.A., but what the Commission is disagreeing on is the authority given to the T.A. He felt in order to have the Selectmen approve the recommendation, the T.A. position needs to be strengthened. He suggested leaving the Director of Finance reporting to the Board of Finance and work with the First Selectman, Town Treasurer and add also the T.A. He also felt the T.A. should report directly to the Board of Selectmen

and not the First Selectman. The First Selectman should be part time and also put the Police and Fire Departments reporting to the T.A. He asked if anyone has changed their thinking to move toward a stronger position than what is currently before the Selectmen.

Mr. Viets agreed that the current definition outlining the T.A. functions will not be passed on by the Selectmen for a town vote. He realizes there are members on the CRC who have very strong feelings about the strength of the Town Administrator and it's his feeling that no one is going to change their vote on the definition of the T.A.'s power. If everyone is going to stay committed to the same position they had at the CRC's last meeting, then it doesn't make any sense for the CRC to spend any additional time going over it and just let the recommendation for a Town Administrator die. If there are three people still opposed to anything stronger to this position, then we might as well wrap things up and even though the CRC spent a considerable amount of time on it, it is just not going to happen during this CRC time. He was not interested in spending time at more meetings trying to hammer things out again, if we are only going to end up with people in exactly the same positions they are in right now. So, we either try to do something different with it, or just let this recommendation die. Mr. Murphy said he likes a strong Administrator but not a Town Manager. He wanted to talk about each issue one more time. A major change in the form of government is worth spending more time on it. Mr. Murphy was in favor of putting the Fire and Police personnel under the authority of the T.A., even though he was afraid it would be too much of a change right now, he was more in favor of taking smaller steps towards a stronger form of government. He has no problem attempting to tweak this position more and continuing the discussion for another meeting or two.

Mrs. Kling said early on that the CRC was looking to change the form of government, but to take baby steps to make a big major change in the direction of the Town. Therefore in doing so, the Commission went along with having the two positions. She said the Commission never discussed a part time First Selectman. All of a sudden the wording in the description was left out stating that the First Selectman is "full time" as it currently states.

Ms. O'Brien said she supports the change of adding the Police & Fire to report to the T.A.

Mr. Sheridan said that Scott Lingenfelter made some very good points at the Selectmen's meeting. We are always saying that the First Selectman is responsible for a 50 million dollar budget when in fact that is not accurate. He is responsible for about \$12 million and not the Board of Education and WPCA. Scott also pointed out that we do have professionals currently on staff that do a good job, so what will a Town Administrator do over and beyond what we currently have on staff? It seems that the CRC is willing to make all sorts of accommodations to accommodate a Town Administrator and not give the Selectmen and the current form of government the same opportunities, i.e., give them more authority. Yet, the CRC is perfectly willing to give to all kinds of power to a Town Administrator. Therefore, he asked what are we going to gain by a T.A. instead of a First Selectman? The only big thing is that we can hire a person strictly on qualifications.

Since a First Selectman is elected, we don't have any assurances that this person will be able to do the job properly. As far as continuity goes, he was not convinced that a T.A. is guarantee of that. If you have a good First Selectman who does a good job, he will have the job as long as he wants it and therefore, he is not going to vote for a T. A.

Mr. Remington said he advocates putting the Police & Fire Departments under the responsibility of the T.A. and would support it. However, if we go back to the discussions and compromise that we arrived at with the T.A. position, the spirit of the discussion we had was that we wanted to retain a strong First Selectman who is accountable to the voters and would provide the political leadership to the T.A. This is what the CRC agreed to. When he went through and read the job description and the drafting of the Charter, the language which was agreed on, the language we came up with did not capture the spirit of the agreement the CRC came to. We were still going to have a political leader and an Administrator working for the political leadership. So, he wanted language in the draft document that the First Selectman should be full time, but he didn't think the language we came up with accurately captures the agreement that the CRC arrived at. So unless we come up with other language, he would not be supportive of changing the draft description. There are people who want a Town Manager and no political leadership injected into the government. There are attempts by people who are trying to back door a Town Manager, despite the fact that is not what the spirit the CRC agreed to. If we can come up with compromise language that gets back to what the CRC originally agreed to, he may be able to go along with it.

Mr. Petkovich said he appreciates every member's effort during the last 18 months. He doesn't believe if the commission met for more meetings that they will accomplish anything different than what we currently have. Therefore, he would like the Commission to look at the positions that were eliminated in terms who was not going to report to the T.A., i.e., Fire, Police and consider moving them to reporting to the T.A. That will strengthen the position somewhat and maybe just enough to get the Board of Selectmen to send this onto the voters.

Ms. O'Brien felt the CRC should redraft the T.A. position. If the T.A. is going to report to the Board of Selectmen, then the Selectmen should have their responsibilities clearly outlined. We should outline what the First Selectman, Board of Selectmen and T.A. responsibilities are. Put the Police and Fire Departments under the T.A. There needs to be rewording for the responsibilities of the Police and Fire Commissions also. Mr. Viets wants to hear from Town Counsel on what will need to be done to change the Special Acts on these Commissions in the Charter.

For the next meeting of the CRC, we would look at a part-time First Selectman, Director of Finance reporting and rewording of the responsibilities of Police & Fire Commissions. We need to get Town Counsel involved to review these changes.

Adjournment: There being no further business a motion was made by Mr. Viets, seconded by Mr. Sheridan to adjourn. The motion was approved by unanimous vote. The meeting adjourned at 8:55 p.m.

Respectfully submitted,
Christine Koren, Recording Secretary

**NEXT MEETING: Wednesday, June 17th at 7 p.m., second floor conference room,
Town Hall.**