

**MINUTES OF THE REGULAR MEETING OF THE
CHARTER REVISION COMMISSION
APRIL 23, 2015**

Present: Bob Brooks, Brian Fitzgerald, Bob Parks, Jeff Kew, Brian Dudack, Charles Watras and Bobbie Kling. First Selectman Ed McAnaney was also in attendance. Chairman Brooks called the meeting to order at 7:01 p.m.

Approval of Minutes from April 16, 2015 Regular Meeting

Mr. Parks made a motion to accept the minutes of the April 16th Regular Meeting of the Charter Revision Commission (CRC) as presented. Mr. Kew seconded the motion. Vote 7-0 in favor.

Correspondence Received: *Ms. Krystal Holmes of 42 Michael Lane* sent an email in support of a Town Manager.

Public Comment: *Bruce Rietberg of 12 Devine Road* suggested that in light of the issues surrounding removal of Registrars in Hartford the CRC should consider ways to remove people in applicable positions. Chairman Brooks noted that it is difficult to determine the criteria and to apply it uniformly for appointed commissions.

Warren Packard of 2 Oxford Drive began by thanking the members for serving on the commission. He noted that he was glad to a point to see two Selectmen involved in the discussions since they were a good source of information. He cautioned that people who have been involved for a long time and part of the present administration may not have the best interest for the future of the Town in mind and may find change difficult. Mr. Packard came to say that as a former First Selectman he was here to provide his opinion since it was noted in the April 9th minutes that interviewing former First Selectmen past the last few, may not be worthwhile. Mr. Packard was in favor of keeping the Selectmen terms at 2 years. Over 40 years the average tenure has been less than 2 terms. He suggested not putting too much authority in the First Selectman to ensure that the position is not too powerful in case you have a non-fully qualified person in office. He went on to say that he believes the First Selectman should be a politician, known and liked in town and he said others can do the administration. He also recommended that both candidates for First Selectmen get elected to the Board of Selectmen if they are among the top vote getters. Chairman Brooks noted that in the elections of 2003, 2007 and 2009 where multiple candidates for Selectmen were endorsed, the losing First Selectman candidate did not have enough votes to displace any of the other candidates. Mr. Watras asked Mr. Packard if he'd recommend reverting back to an old practice where the highest vote getter in both races was elected First Selectman. Mr. Packard responded that he would not. Mr. Books noted that they are fundamentally different positions.

Mr. Packard said the way the treasurer position is defined, it isn't needed. He said we need a strong financial person to help the Board of Finance (BoF) and Board of Selectmen (BoS). He noted that the reporting line should be to the BoS. He noted that

the First Selectman effectively works as the BoS but the reporting line should be to the BoS. Mr. Packard said the Treasurer is not needed unless defined by State Statute. He noted that the Town always hires experts for difficult decisions. He noted that the CFO and Treasurer can be synonymous since we're using the position effectively in the same way.

Mr. Packard disagreed with a comment made by Mr. McAnaney (April 9th) that the electorate would lose their involvement in the government with a Town Manager. Mr. Packard said he sees the BoS and the First Selectman as a political and policy making board. Administration and planning can be done by a manager. People should know who their Selectmen are. Mr. Packard finished by saying that the town needs two strong people a strong financial person who can help the Selectmen and the BoF and some kind of administrator in case of a weak selectman.

Ms. Kling said that she thinks a politician should be a servant of the people who wants to make a change for the better. She said that she agrees with Mr. Packard that the BoS term should be 2 years since they would be re-elected if they do a good job. She disagreed with Mr. Packard's assessment of the Treasurer position. She said that the Treasurer showed the CRC 3-4 pages of job functions. Ms. Kling agreed that shifting power and authority to the First Selectman position would be dangerous.

Mr. Packard noted that he was in agreement with Ms. Kling. He also thanked Lisa for the clear minutes provided for the CRC meetings.

Mr. Parks said he respected Mr. Packard for his business expertise and what he brought to the First Selectman position. He asked if running the town is different than a business and if two years is enough time to get acclimated. Mr. Packard responded that budget development is difficult in the first year due to timing of the election. He said that the difference between municipal and private business is the interference by the State of Connecticut. There are lots of laws and rules to abide by. He noted that union negotiations are similar in both environments. Mr. Parks asked for Mr. Packard's opinion on changing the Police and Fire Chiefs to report to the BoS. Mr. Packard thought that was a terrible idea since they are professionals in a narrow dedicated field and having them report to a politician would be awkward.

Mr. Watras noted that Mr. Packard saw no need for two financial positions of Treasurer and CFO. He asked Mr. Packard how he would see the check and balance work out. Mr. Packard responded that in his experience it wasn't a problem. He said one person doesn't do everything and other qualified people working in the office can perform some of those duties.

Change the reference in charter (303B) to the Suffield/East Granby probate court judge to include Bloomfield and Windsor Locks.

Current language:

Section 303 – Elected State Officials

B. A Judge of Probate for the Probate District of Suffield, in accordance with applicable provisions of the General Statutes, for a term of four years.

Mr. Dudack explained that in 2010 the State Legislature consolidated Probate courts and now Suffield, East Granby, Windsor Locks and Bloomfield comprise the Tobacco Valley Probate court. Mr. Dudack said the options are to include the missing towns in the charter or to delete the provision.

Chairman Brooks suggested that since there is an election we should add the towns to the provision. Mr. Fitzgerald said no other multi-town positions are listed in the charter such as State Representative and State Senator. He believes that the provision was included when the position was exclusive to Suffield and he is in favor of deleting the provision.

Mr. Brooks moved that provision 303B of the Suffield Charter be deleted. Ms. Kling seconded the motion and it passed unanimously (7-0) in favor.

Mr. Fitzgerald asked that the Commission consider provision 302 L regarding the Zoning and Planning Commission. He suggested that the Charter be modified to standardize with the state which defines it as Planning and Zoning. He noted that in elections, the Commission is called Planning and Zoning on the ballot. Mr. Parks asked about associated costs to change legal documents, letter head, etc.

The item was be tabled. Chairman Brooks will investigate and report back.

Historic District Commission size.

Current language

Section 706 Appointed Boards and Commissions

H. Historic District Commission, consisting of five regular members and two alternates.

The CRC received an email from members of the Historic District Commission (HDC) stating that CGs section 7-147c (d) sets forth the requirement for five (5) regular members and three (3) alternate members in local historic district commissions. Suffield has five (5) regular and two (2) alternate members. The HDC requests that the composition of the HDC be brought in line with State requirements by adding one additional alternate member.

Mr. Brooks made the motion to modify 706H. Historic district Commission, consisting of five regular members and three alternates. Ms. Kling seconded the motion. Mr. Fitzgerald asked if we had to modify our charter or if home rule would allow us to keep 2 alternates. Mr. McAnaney said we should be able to define it as we see fit due to home rule. Mr. Fitzgerald explained that State Statute was defined for those towns without a charter but once a charter was enacted you can impose many of your own rules. But since the HDC requested the change, Mr. Fitzgerald supports it. Vote 7-0 in favor.

Change name of Civil Preparedness to Emergency Management Dept in charter (706F).

Current language

Section 706 Appointed Boards and Commissions

F. Office of Civil Preparedness, consisting of a director and a six member advisory council which shall include the Police Chief, the Fire Chief, Ambulance Director, the First Selectman and two electors of the town.

Mr. Brooks stated the since 9/11 the state operates under Emergency management. The Town of Suffield still calls this the Office of Civil Preparedness. Mr. Kew asked if this was a name change only and Mr. Brooks responded yes. Ms. Kling seconded the motion. Vote 7-0 in favor.

Mr. Parks moved that if there are any other references to Civil Preparedness that the CRC authorizes it to be done. Mr. Fitzgerald seconded the motion and the vote was 7-0 in favor.

Mr. Fitzgerald directed the members to Section 706M.

Current language

Section 706 Appointed Boards and Commissions

M. The Redevelopment Agency is hereby established.

He noted that in the 1994 the charter included language that said in 706 M.” The Redevelopment Agency shall be hereby abolished.”

Somehow in the 2002 printed version of the charter the language was changed to M. “The Redevelopment Agency is hereby established.”

Mr. Fitzgerald said we haven’t had a redevelopment agency since the 1960s.

Mr. Fitzgerald made a motion to delete paragraph 706M and renumber and remove any other reference in the charter. The motion was seconded by Mr. Parks. Vote 7-0 in favor.

Leases of a term of 5 years. (1006G).

Current language

Section 1006 Actions Requiring a Town Meeting

G. Real estate leases or lease options to which the Town is a party for terms in excess of five years. Real estate leases or lease options for terms less than five years shall be negotiated and executed by the Board of Selectmen.

Mr. Brooks noted that there was language for leases less than 5 years and more than five years but language for *exactly* five years is missing.

Mr. Brooks moved that the second sentence be modified as follows:

Real estate leases or lease options for terms *of five years or less* shall be negotiated and executed by the BoS. Mr. Fitzgerald seconded the motion.

Mr. Dudack asked how extensions or renewals would work. Mr. Fitzgerald said that the BoS should not be able to bind the town for a long period of time. Discussion followed and the language was drafted as follows:

Real estate leases and any extensions or renewals thereof or lease options to which the Town is a party for terms in excess of an aggregate of five years. Real estate leases and any extensions or renewals thereof or lease options for terms of five years or less shall be negotiated and executed by the BoS.

Mr. Watras suggested that the language be reviewed and presented at the next meeting for a vote. All members agreed. Mr. Kew suggested that the final submission be reviewed by independent counsel. Mr. McAnaney said he would confer with the Town Attorney to check the language. Mr. Parks said we have the experience to wordsmith the language without seeking independent counsel. Mr. Brooks said that independent counsel would be solicited if needed.

Referendum signature limit in Charter (1009C)

Original language:

Section 1009 Referendum

C. Regardless of the vote at a Town meeting, except for the Annual Town Budget Meeting, a petition may be presented to the Town Clerk within ten days after the town meeting requesting a referendum on the issue or issues which were either approved or rejected by the Town Meeting. The petition must be signed by at least that number of voters equal to ten percent of the electors of the Town. The Board of Selectmen must schedule the referendum for a date which is no more than twenty-one days from the receipt of a valid petition by the Town Clerk. (Section 1009 Approved 11-6-2001)

Chairman Brooks said that this item has been discussed at length and there was a general agreement to reduce the signature limit from 10% to 5% or 8%. There was also a dual threshold discussed of at least 10% of the electors to pass the referendum.

Mr. Brooks made the motion to amend 1009C to reduce the petition to be signed by voters from 10% to 8%. Mr. Fitzgerald seconded the motion. Discussion followed. Mr. Kew agreed that the 8% was acceptable but would rather have it be lowered to 7%. Mr. Watras said he'd like to see 5% based on looking at levels from other towns. He said that to get the population out to a Town Meeting the item must be a hot button issue.

Mr. Watras moved to amend the motion to reduce the percentage to 5%. The motion was seconded by Mr. Kew. Mr. Parks said he would only support 5% if there was a dual threshold involved. Mr. Brooks called the vote and the motion failed with Mr. Watras and Mr. Kew in favor and the remainder of the members against (2-5).

Mr. Kew moved to amend the motion to reduce the percentage to 6%. Mr. Watras seconded the motion. Mr. Watras noted that there were many towns less than 6% and if they had been inundated with increased referendums they would have increased their percentage. Mr. Brooks called the vote and the motion failed with Mr. Watras and Mr. Kew in favor and the remainder of the members against (2-5).

Mr. Parks moved to reduce the percentage to 5% with the provision added that there must be an affirmative vote of 10% by the electorate to pass at referendum. The motion was seconded by Mr. Kew. Mr. Brooks called the vote and the motion failed (3-3-1) with Mr. Watras, Mr. Parks and Mr. Kew in favor; Mr. Dudack, Mr. Brooks and Mr. Fitzgerald voting against and Ms. Kling abstaining.

Mr. Brooks called the vote on the original motion to amend 1009C to reduce the petition to be signed by voters from 10% to 8%. Vote 7-0 in favor.

Mr. Kew asked about reducing the percentage to 7%. Mr. Kew made the motion to dissolve the 8% motion that passed and to amend 1009C to reduce the petition to be signed by voters from 8% to 7%. No one seconded the motion so it failed.

Mr. Kew requested the consideration of changing Section 1008 Limitations Regarding Appropriations.

Original language:

Section 1008 Limitations Regarding Appropriations

No appropriations may be authorized by any town meeting unless such appropriation has been recommended by the Board of Finance, or such appropriation is requested in a petition signed by not less than ten percent of the registered electors of the Town as determined by the most recent official list of registered voters.

Mr. Kew made a motion to change the percentage in 1008 to also be 8%. Mr. Fitzgerald seconded the motion.

Mr. Kew said he seeks consistency. Mr. Fitzgerald agreed. Mr. McAnaney said 1005B still requires 10% and asked if there was a parallel between 1008 and 1005B? Mr. Fitzgerald said that could be argued. 1005B is the Annual Town Budget. Mr. Brooks called the vote with 6 in favor and Ms. Kling voted against. The motion passed (6-1) to change the percentage in 1008 to also be 8%.

Mr. Kew made a motion to change 1005B from 10% to 8%. The motion failed due to no second.

Mr. McAnaney asked if a time limit should be added for petitions for the start of gathering signatures and conclusion of signatures. He said 1005B addresses the completion date of the petition. He suggests that some language be added to 1008 and 1009C to say that you cannot collect signatures until the action is taken (such as the Town Meeting being held, etc). Mr. Watras asked if we should revert back to State Statutes. Mr. Fitzgerald said the Town Clerk said that petitions can be done 6 months in advance. Mr. Watras said to get 10% to sign a petition within 10 days within provision 1005B is very constrained time frame. The 10 days is important to get the budget passed, the mil rate set, etc. Discussion followed and Mr. Brooks summarized that you shouldn't be able to get a signature before the action is taken and should end in a

reasonable time after. Mr. Watras asked what if no action was taken and that's what people are upset about. Mr. McAnaney said that would be covered by 1007 to force a Town Meeting by petition with only 2% of signatures. Mr. Watras said that would give the electorate the ability to challenge officials. Mr. Brooks made a motion in section 1009C and 1008 to add an additional provision that signatures for the referendum on the petition must be signed and dated after the action has taken place for which the referendum is sought and completed in 60 days. Mr. Fitzgerald seconded the motion. Mr. Fitzgerald said it seems reasonable timeframe to give the populous time. Mr. Parks suggested writing it up so he can have time to think about it.

Ms. Kling moved to amend the time frame from 60 days to 30 days. Mr. Dudack seconded the motion. Chairman called the vote and the motion failed (3-4) with Mr. Dudack, Mr. Parks and Ms. Kling voting in favor while the remaining members voted against.

Mr. Brooks called the vote on the initial motion for section 1009C and 1008 to add an additional proviso that signatures for the referendum on the petition must be signed and dated after the action has taken place for which the referendum sought and completed in 60 days. The motion passed (4-3) with Mr. Watras, Mr. Brooks, Mr. Fitzgerald and Mr. Kew in favor and the remaining members voted against.

Town Meeting/referendum (1009A)

Current language:

Section 1009 Referendum

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.

Mr. Brooks said the objective of this item is to call a Town Meeting with a guaranteed referendum.

Mr. Fitzgerald explained that the BoS call all Town Meetings unless invoked by a petition. For major issues that the BoS would like to go directly to a referendum and skip the formality of a Town Meeting. Today we call the Town out for a Town meeting where they must vote Yes or No on an issue. Regardless of the outcome of the vote the BoS can send the issue to a referendum or a petition can send it to referendum. This two step process was put in the charter in 2001 and was meant to strengthen the Town Meeting but seems to have weakened it. He cited examples where items pass at Town Meeting by 60-70% and then fail at referendum. Mr. Fitzgerald would like to revert to State Statute rules prior to the 2001 Charter revision. so you can call an adjourned Town Meeting and have the vote take place at referendum. He noted that the Town Meeting and referendum scheduling add time to the process too. Chairman Brooks suggested that the group vote on it conceptually until the wording was developed. Discussion followed about the importance of the Town Meeting to be used for education/hearing purposes.

Mr. Fitzgerald said voting at referendum is a good option for those who work off shifts. Mr. Watras asked if you could modify the proposed item at the Town Meeting before the referendum. The answer was no.

Mr. McAnaney suggested that 1009A be changed to:

Notwithstanding the provisions of section 1007 of this charter the BoS may present any issue to the Town at an adjourned Town Meeting for vote by referendum.

Mr. Brooks made the motion to adopt the concept of an adjourned Town Meeting as suggested by Mr. McAnaney (above) subject to finalized wording. Mr. Fitzgerald seconded the motion. Mr. Kew clarified that there still could be a Town Meeting with a vote. The members agreed. Mr. McAnaney said most items will go to a Town Meeting for a vote but controversial items should be voted by the population at large at a referendum. Vote 6-0-1 with Ms. Kling abstaining.

Mr. Parks said that definitions should be added to the charter to explain the adjourned Town Meeting. It could be explained as an informational Town meeting or a dissolved Town Meeting.

Board/Commission size changes (Charter sections 302E, F, H, I, L and 706N and 706)

Mr. Kew made a motion to change no board membership sizes in the charge from the Board of Selectmen with the exception of the Historic District Commission (as previously mentioned in these minutes). Mr. Parks seconded. Mr. McAnaney said he'd prefer the CRC to make adjustments. He said that many boards and commissions are not statutory and grew from traditions when they performed tasks (which are now done by hired staff). The commissions are advisory and most have no executive authority. He noted that not every department has a commission and noted that it can be awkward at budget times for the commissions to advocate for the department they support. He said departments without a commission are at a disadvantage. He said their input is helpful but the size of the commissions can be a challenge. He also remarked that it is difficult to find people to serve on commissions. Mr. Kew stated that the Public Comment said people are happy with the commission size and Town Committee people he spoke to said they can find volunteers. Mr. Fitzgerald said there is a struggle to find people but boards like the structure that they currently have. The motion passed with a vote of 5-1-1 with Mr. Fitzgerald voting against and Mr. Brooks abstaining.

Ms. Kling moved to adjourn. Mr. Parks seconded. After a unanimous vote, the meeting was adjourned at 9:12 p.m.

Next Meeting will be held on April 30th.

Respectfully submitted,
Lisa Trase
Recording Secretary