

Minutes of the Charter Revision Commission March 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 6:45 p.m. in the lower level conference room, Town Hall.

Citizen's Comment

None.

Minutes:

Mrs. Kling made a motion to approve the Minutes of March 11, 2009, the motion was seconded by Mr. Murphy. The motion was approved with all voting in favor and Mr. Dillman and Ms. O'Brien abstaining.

Meeting Schedule:

The next meeting is scheduled for April 8th. The first draft will go to the Board of Selectmen on April 15th. The date for the Public Hearing on the draft report will be on April 22nd. Due to the Town Budget Meeting which is scheduled on May 13th, Mr. Petkovich made a motion to reschedule our May 13th meeting to May 27th. The motion was seconded by Mr. Dillman and approved by unanimous vote.

Town Administrator:

Mr. Petkovich asked each member their thoughts on the draft description for the T.A.

Mr. Petkovich started and said he was not entirely happy with the description. He believes that a Town Administrator should be stronger in authority. With this description, we are putting another layer of the decision making. But he does feel that we need some professional on-going guidance from a continuity standpoint. Also he believes that regardless of what he thinks about the position, ultimately the voters should be given the opportunity to decide whether they think it's the right thing to do. Therefore, he will be voting in favor of 2-25-09 draft job description.

Rod Dillman said he echoed Mr. Petkovich's comments. What we will get by this T.A. in the form drafted is someone who will bring some professionalism to a budget which is over \$40 million. The Town is a business as much as we would like to think Suffield is still a quaint old town, it has a \$40 million dollar budget. All the past Selectmen we've had all have the best intentions, but they all learn on the job and it takes at least 12 months to get up to speed. What we need is someone who has already learned about municipal finance and operations and the only way to do that is to have a professional in that position. Mr. Dillman agreed that this is not a perfect draft document, but think it is

a step in the right direction and has a very good chance of being passed at a Town Election.

Elaine O'Brien does believe in professional government. However, if you are adding the position of a Town Administrator, then you need to have oversight by the Board of Selectmen and this should be written specifically into the Charter. We cannot assume this will happen without it being written into the Charter and you need to have checks and balances written into the Charter and this is exactly why she disagreed with the job description. While she believes that voters should have the opportunity to decide, she believes it is the Charter Commission's responsibility to prepare a responsible job description so therefore, she will be voting against it.

Bobbie Kling stated that at the beginning of the process, she favored a Town Administrator or more professionalism in government at that particular level, but as things went on, the Commission developed a job description which she cannot agree with and would not recommend it to the town. The T.A. position was discussed at length, and perhaps this just may not be the time for this change to happen. This draft document is not in the best interest of the town. Also the checks and balances have suffered in this process and therefore, will not vote in favor of it.

Doug Viets stated that he agrees with the pros and cons stated tonight, but does think that the learning on the job that we currently have and as things become more complicated, this isn't the best way for the Town to go. We do need to have continuity of government. The authority as the Charter is written gives the Board of Selectmen the ultimate authority to direct the T.A. in implementing policies and decisions. The job description is clearly not everything that he would like to see in this particular position, but it's a step forward in the process of evolution for our government that will set up additional steps in the future that will take us to where we eventually will need to be. Therefore, he believes that this should go forward to the electorate and will be voting to support it.

John Murphy thought we would get something started, in five years tweak the position more, and improve upon it. Getting something established was his goal. There are still items in this description which is separating members of the Commission. One thing he was concerned about was why the Commission can't continue to work on a description. He believes the Commission has an obligation to keep tweaking the particulars of this job description until the end. If that is in place, then he has no problem voting in favor of this.

There are still a dozen or so items that other members on the Commission should have the right to address and talk about it. If we are trying to come up with a decent product for the voters, this is our obligation, and he feels this should be debated until the very end.

Tom Sheridan felt the description on the table is about the best we are going to get at this point and even though it may not be exactly what everyone wants, and he still feels we don't even need a T.A. at this time, however, too many times a decision is made that effects the entire Town by very few people, without the voters getting a chance to voice

their opinions. He feels voters should have the chance to vote on this. The vote we are taking doesn't necessarily have to be whether we favor the description or a T.A. or not, as long as we favor letting this go forward so the voters can decide on it.

Eric Remington said some people view this as a step in the direction of a town manager which he opposes. Several items are of concern to him in the job description. Carving out the Fire & Police Commission's employees specifically not reporting to the T.A. We are creating more chiefdoms than we have today and the language in the job description makes this worse. It is clear through all our discussions that the First Selectman's position is supposed to be a full time position overseeing the T. A. However, the draft we are asked to be voting on tonight, that language has been taken out. Currently the Town's Charter states that the First Selectman is the full time CEO of the Town. The words "full time" have been taken out and therefore, this is a deal breaker for him and he will be voting against it.

Mr. Petkovich said what the Commission is voting on tonight is what they will be sending forward to the Board of Selectmen. Mr. Murphy felt that some people will have concerns over two full time people and this could be the deal breaker. He wanted to keep working on the job description. Mr. Petkovich told him that the commission has gone over this for nearly 18 months and this job description is the best consensus that the Commission has come up with. Mr. Murphy said there are members on the Commission that still have issues they want addressed in this T.A. position and we owe it to ourselves to hear them out.

Mr. Dillman said he wanted to address Eric Remington's issue. He said he intentionally did not put in the job description that the First Selectman would be a full time position. He wasn't sure how these positions would play out. He didn't want to bind the First Selectman in being full time. Mr. Remington said it was the Commission's intention to have the First Selectman a full time position. If this is taken out of the Charter, you could have a Board of Finance who doesn't like the First Selectman and eliminate the salary of the First Selectman. Mr. Dillman agreed that this would be a risk.

Mr. Petkovich clarified that if the words "full time" as it stands in the current Charter into the job description if he would change his mind. As discussed, there still must be 5 affirmative votes to make an amendment to the description. He doesn't want to go back to the drawing board making a lot of individual amendments and then having to re-vote on this job description.

Ms. O'Brien said the Commission will consider Mr. Remington's amendment to get his vote, but the Commission refuses to hear her concerns. Mrs. Kling said she understood that they would be voting on the T.A. job description of 2-25-09 and she will not listen to any amendment to anything else.

Mr. Dillman made a motion, seconded by Mr. Viets, to adopt the 2-25-09 discussion draft as submitted by Ernie Petkovich and recommend it to the Board of Selectmen. Petkovich, Dillman, Viets, Murphy voted in favor of the motion with O'Brien, Kling, Sheridan and Remington voting opposed. Tie vote 4-4. Motion failed.

Mrs. Kling made a motion to adjourn, seconded by Mr. Viets. Mrs. Kling and Mr. Murphy voting in favor with all others voting opposed. Motion failed 3-5.

Mr. Dillman made anew motion, seconded by Mr. Petkovich, that the Commission adopt the 2-25-09 draft with adding the words "the First Selectman is the full time Chief Executive Officer of the Town." Petkovich, Dillman, Viets, Sheridan and Remington voted in favor of the motion with Murphy, O'Brien, Kling, voting opposed. Motion carried 5-3.

Mr. Petkovich said now that there is a change to the document, he wants to vote on the changed document. Mr. Dillman disagreed and said there is no need to vote again.

Mr. Petkovich made a motion, seconded by Mr. Viets to approve the 2-25-09 document as amended by Mr. Dillman that the First Selectman will be the full time CEO.

Discussion followed with Mr. Dillman arguing that another vote is not required and asked why would he wants to vote again and risk getting a different result as one member has already changed their vote. Mr. Sheridan said he thought he was voting on the amendment, not the entire job description. Ms. O'Brien said she wanted to make an motion to amend to the 2-25-09 document. At this point Mr. Petkovich withdrew his motion.

Ms. O'Brien made a motion, seconded by Mrs. Kling to amend Section 402 to add (B) on the draft she submitted. "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. She added that if we are going to add a T.A., we need to put the oversight of that T.A., directly into the Charter. O'Brien, Murphy, Kling voting in favor, Dillman, Petkovich, Viets opposed and Sheridan and Remington abstaining,. Motion failed 3-3-2.

Mr. Petkovich made a motion, seconded by Mr. Viets, to approve the 2-25-09 draft description with the change from the First Selectman is the Chief Executive Officer to the First Selectman shall be the full time Chief Executive Officer of the Town, and recommend it to the Board of Selectmen. Discussion followed. Mr. Sheridan said he doesn't approve of the position, but wants to move it forward to the Selectmen and let the voters decide. Mr. Petkovich said we are voting on approving the position with the new wording. Mr. Dillman asked to go on record stating that he felt the Commission has already voted on this and by voting again we could have the same motion with two different results. There being no further discussion, Mr. Petkovich called for a vote.

Petkovich, Dillman, Viets, Remington and Sheridan voted in favor of the motion with O'Brien, Kling and Murphy voting opposed. Motion carried 5-3.

Adjournment:

There being no further business a motion was made to adjourn by Mr. Petkovich and seconded by Mr. Dillman and approved by unanimous vote. The meeting adjourned at 7:35 p.m.

Respectfully submitted, Christine Koren, Recording Secretary