

## **Minutes of the Charter Revision Commission September 10, 2008**

**Present:** Chairman Ernie Petkovich, Thomas J. Sheridan, Jr., Bobbie Kling, Eric Remington, John P. Murphy, Douglas Viets, and Rodney Dillman **Absent:** Elaine O'Brien. Mr. Petkovich called the meeting to order at 7:00 p.m. in the Town Hall lower level conference room.

### **Citizen's Comment:**

Sami Mehmed, 10 Dara Lane. Mr. Mehmed disagreed with the format of the Minutes and asked the Commission for more detailed minutes. He also said that if any person on the Commission that does not want his or her name associated with a comment should resign. He urged the Commission to also forward the Town's Annual Budget to a referendum after a Town Meeting which would be for informational purposes only. He also felt there should be certain number of residents attending a Town Meeting to constitute a quorum for passing a issue. (Mr. Dillman entered the meeting at this point)

He also felt that the Town doesn't need a Town Administrator. He feels the present form of government is sufficient. You can extend the term of the First Selectman to obtain continuity and the salary should be adjusted as incentives for the First Selectman to reach certain goals.

He again stressed the need for an Audit Committee for the Board of Education to track expenditures and report on those findings. He wants to know where the Board of Education's money is being spent. Mr. Petkovich said the Commission had discussed this topic and decided it was not recommended.

### **Minutes:**

Mr. Viets made a motion, seconded by Mrs. Kling to accept the August 20, 2008 minutes. The motion was approved by unanimous vote.

### **Action Items:**

Mr. Dillman supplied the Commission members with a draft definition of what the Annual Town Budget is made up of for clarification in the Charter. Mr. Dillman said the Charter uses a number of different terms for the Budget. The actual budget has the WPCA budget in it. He will continue to do a word search for where the word "budget" is addressed in the Charter and see if this definition will suffice.

### **Tracking Log:**

#27 Sec. 608 -Constables: Mrs. Kling made a motion, seconded by Mr. Viets to move this to the Not Recommended List. The motion was approved by unanimous vote.

#29 Sec. 703: Vacancies-The last sentence states that a person appointed to fill vacancies shall serve for the expired portion of the term vacated. What is the result if no term for

the position is specified, e.g. town counsel? Mr. Dillman feels there is an argument on this matter, in that the person serves forever unless they are removed for cause. He feels there should be specific terms on all positions. This also ties into #17 Sec. 403: Should the Board of Selectmen have the power to remove appointed officers and members of appointed boards and commissions without cause? As it currently stands, some members are appointed without terms and may be effectively appointed for life unless there is a cause for their removal.

Of the formal Charges by the Board of Selectmen to the Commission is C-5 Review the appointment and removal process for Town Counsel.

Mr. Dillman suggested specifying a term not to exceed four years as specified by the Board of Selectmen and if no term is specified, it will be four years. Mr. Dillman also felt that annual appointments for the professional staff with a potential for renewal every year. The Building Inspector, Town Counsel, Tree Warden and Dog Warden are all appointed with no specific terms. Mr. Dillman suggested language stating the Building Inspector will have a term of four years or such shorter term as may be determined by the Board of Selectmen.

Mr. Dillman made a motion, seconded by Mr. Murphy, with respect to the Administrator for Social Services, Superintendent of Public Works, Tree Warden, Dog Warden and Building Inspector that we add a sentence to each of those provisions that in the case that they will have a term of 4 years or such shorter term as may be determined by the Board of Selectmen. The motion was approved by unanimous vote.

#17 - Regarding the term of the Town Counsel, Mr. Dillman recommended that the term should be for one year or such shorter term as determined by the Board of Selectmen.

Although the counter argument is that you may want continuity because a new Board of Selectmen are not familiar on what they can and can't do and look to Town Counsel for guidance. It was also considered by another member that a two year contract would make more sense, because when a new Board of Selectmen comes in, they may want to change Town Counsel. The Commission agreed that this is a political patronage position and should run with the term of the Board of Selectmen.

Mr. Dillman suggested the following language: Town Counsel shall serve for such term as may be determined by the Board of Selectmen and may be removed by the Board of Selectmen with or without cause. Mrs. Kling suggested adding wording for a specific number of years for the term. Mr. Dillman added that you would want to state "not to exceed the term that would match the Board of Selectmen's term."

Mr. Dillman then suggested the following language: The Town Counsel shall serve for such term as may be determined by the Board of Selectmen not to exceed the remaining term of the then Board of Selectmen, provided, however, that the Board of Selectman may remove Town Counsel with or without cause at any time. Mr. Dillman made a motion, seconded by Mr. Petkovich to move this to the Recommended List, subject to

clarification of the language. All voted in favor with Mr. Remington opposed. Motion carried.

#31a- Sec. 706(g) Permanent Building Committee. Mr. Viets made a motion, seconded by Mr. Petkovich to place this on the Not Recommended list. The motion was approved by unanimous vote.

#32 Sec. 706(l) This was a technical correction to the wording. Mr. Dillman made a motion, seconded by Mr. Viets to reword #32 section 706(l) to replace “legislative body” with the Board of Selectmen”. Discussion on the motion followed.

Mr. Dillman made an amendment to the original motion, seconded by Mrs. Kling to strike the words “legislative body of the” in this section. The amended motion was approved by unanimous vote. A vote was taken on the original motion which was also approved by unanimous vote.

#33 Sec. 706(N) Does the Library Commission really need 12 members? Mr. Viets made a motion, seconded by Mrs. Kling to move this to the Not Recommended list. The motion was approved by unanimous vote.

**FIRST SELECTMAN/TOWN ADMINISTRATOR:**

Discussion on a draft of a description by Mr. Dillman of the duties of the First Selectman and a Town Administrator. The issue the Commission has been struggling with is how much authority to give a Town Administrator. The draft document vests in the Board of Selectmen the executive power of the Town. The draft also vests in the Town Administrator, the day to day operational power of the Town. It gives the First Selectman the official role in Town for purposes of ceremonial, for military purposes and receiving civil process. Mrs. Kling felt this draft takes away the role of the First Selectman as a full time employee. The First Selectman has been stripped of his working powers and full time salary and become merely ceremonial. Mrs. Kling feels the draft as submitted to the Commission really describes what a Town Manager does and not a Town Administrator. This is a big change in government and she is not ready to do this. Mr. Petkovich feels this description is exactly what we need to do if we want to be successful.

Mr. Remington felt that the consensus of the Commission was that they felt a Town Manager was too drastic a change in government. Mr. Dillman said we can go another direction and have a Town Administrator reporting to the First Selectman. The First Selectman will retain the Chief Executive powers of the town. Therefore you end up with two full time people. Mrs. Kling said if the Commission decides that the First Selectman be the CEO with a salary and then hire a Town Administrator, she wanted to be sure that the T.A. also retain the role of Human Resources. If the T.A. fulfills the role of Human Resources, then we already will have \$60,000 towards a salary which can be rolled into a salary for a T.A. She felt that T.A. should do all the human resource functions in the Town for uniformity and responsibility.

Mr. Petkovich felt that full authority should be vested in the Town Administrator, otherwise the position won't work. He then asked the other Commission members for

their comments. Mr. Remington felt that no matter what the commission decides, we still need political leadership, and someone to bring projects through the political process. Mr. Skinner's biggest frustration in Columbia was that he didn't have the political leadership to get some of his projects done. You still need someone who is accountable to the voters and take a leadership stand and make things happen to effect change. A Town Manager or Town Administrator can't do that. Mr. Murphy felt that a T.A. is a right hand person to the First Selectman. That person can help with the continuity problem and guide every new Selectman who comes in. He felt this is the direction the Commission should move in, but that the First Selectman retain full authority. To attempt to go from the current form of government to a Town Manager will be too much for residents to accept.

Mr. Viets agreed that going to a Town Manager form of government probably is not going to pass political muster, but at the same time, we need something specific in the Charter outlining what the position of a T.A. is and what responsibilities this person has. This might mean having two paid positions at this point until a transition goes through, but it must be clear that the Board of Selectmen through the First Selectman is the Chief Executive Officer of the Town and has the final authority for making all the decisions for the Town. The Administrator will implement the decisions, but he will also have authority over personnel.

Mr. Petkovich still felt that in order for this to work, a Town Manager is the way to go, however, any step in a positive direction is better than where we are now. Mr. Sheridan felt we should walk before running and one problem would be getting a Town Manager form of government passed at a Referendum. If we go this route and it's defeated, we are back to square one. He feels the First Selectman should remain the CEO of the Town and the T.A. report to the First Selectman rather than the Board of Selectmen. Mr. Viets added that the First Selectman is responsible to the Board of Selectmen who is the ultimate authority and policy settling group.

Changes to the draft would be (1) the Executive Powers rests with the First Selectman and not the T.A., and 504(a) The First Selectman shall be directly responsible to the Board of Selectmen for the administration of all offices and agencies of the Town. But 504(b) on who will supervise all town employees may fall under the T.A. and act as the Human Resource Director. Mr. Dillman will update the draft for the next CRC meeting.

**Next Steps:**

Bringing in individuals to interview from other Towns was suggested. Mr. Petkovich suggested speaking with the Towns of Columbia and Granby and inviting them to a CRC meeting.

**Adjournment:**

There being no further business, Mr. Dillman made a motion, seconded by Mr. Viets to adjourn. The motion was approved by unanimous vote. The meeting adjourned at 9:00 p.m.

Respectfully submitted,  
Christine Koren, Recording Secretary

**Next Meeting: October 8, 2008 at 7 p.m., Town Hall conference room.**