

MINUTES OF THE TOWN OF SOUTHTON
2009 CHARTER REVISION COMMISSION

August 19, 2009

The Charter Revision Commission of the Town of Southington held their regular meeting on Wednesday, August 19, 2009. Chairman David Zoni called the meeting to order at 7:00 o'clock, p.m. with the following in attendance:

James Michlewski, William M. Knoegel, Dennis P. Conroy, Kenneth J. Paradis, Richard Post, Sandra E. Feld, Andrew Meade, Joseph Landrie and Brian F. Callahan

Staff: Mark J. Sciota, Town Attorney

A quorum was determined

Summary Minutes – meeting recorded on audio and video tapes.

The Pledge of Allegiance to the American Flag led by James Michlewski was recited by everyone in attendance.

Approval of Minutes

Chairman Zoni called for a motion to approve the August 5, 2009 minutes. Mr. Callahan made a motion to approve the Minutes. Mr. Michlewski seconded. Motion passed unanimously on a voice vote.

Commissioner Communications

Mr. Zoni asked if there were any commissioner communications or comments.

Mr. Michlewski commented he had one thing that had been discussed at the last meeting concerning policies and procedures and he was not sure if that was something that may end up being added to Schedule A or dovetailed with the Town Manager issue. He commented that was something he would have to look at a little further. Mr. Michlewski referenced Mr. Derynoski's discussion on policy and procedures at the last meeting and he indicated that this needs to get done in this town. He stated that everyone should be on the same page so to speak. If we had that (policies and procedures) and it was updated on a regular basis, perhaps we would not have had the problem we had the other night with everyone standing in this room.

Chairman Zoni requested Attorney Sciota if he would comment on the quantity of policies and procedures that we have on the municipal side of our government.

Attorney Sciota stated that we have many but he was certainly always open to new policies that would make our government better.

Charter Revision Commission
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Chairman Zoni stated at our last meeting Mr. Derynoski brought up how the Board of Education operates under a set of policies and procedures that they had originally purchased from a consulting group and that they have been modified over the years. Mr. Derynoski questioned why we did not have the same thing on the town side. Chairman Zoni further commented that he knew we have many policies.

Attorney Sciota stated that he thought what Mr. Michlewski was stating was that there are certain policies we do not have or each particular board has a separate policy. Currently we have a situation where each board has a chairman or ex officio who is assigned to that board and that person would discuss the agenda with the chairman and if there was an issue that possibly would need an additional room sometimes there are backups, sometimes there are not. During the summer time is not the best time to have backups because the schools are not readily available to us. Usually in cases we have, the administration handles that aspect of it. There is no regular policy that if there are too many people you go out and get one of the schools to hold the crowd.

Mr. Michlewski then commented that one of the things that was discussed was that the policies and procedures be in place and also that those policies and procedures be updated on a five-year cycle so that they are a lot more current. He further commented one of the things that he had heard from someone who had looked at the job descriptions, etc. was on the administrators' side, part of the job description was typing skills on a typewriter.

Attorney Sciota then stated that is something we all know but 98 percent or something of our town employees are union employees and the job descriptions and every policy that you (Mr. Michlewski) are talking about are collective bargaining issues. It is no great surprise that the unions as well as the Town will be updating the policies and procedures during the next negotiation rounds of updating. However, that is not something wherein the Town hires someone to do it. Attorney Sciota continued, what happens is during the collective bargaining process the Town and the union will usually agree upon a party to do new job descriptions. Once they are complete each side reviews those descriptions and if there are no major objections it is completed. The neutral party is normally very good about doing new job descriptions. He continued ours are very old but that is not something where the administration could do this on its own. It can not. Right now our unions are currently in a one-year extension and most of our unions, as you know, took a zero increase. The next time around they will be as much in favor of changing the job descriptions as the Town but that is not policies and procedures that the administration handles.

The other part of that is that every five years or whatever the contract is, which is normally a three-year contract, every three years that could be a situation where we deal with our labor lawyer and the union and indicate that every three-year contract we may want to look at the job descriptions or every six years. Attorney Sciota stated that five years is kind of an odd number or years but every six years might be something we want to look at.

Ms. Feld stated that she thought this whole business started because of Chapter VIII in our Charter. That Chapter deals with the merit system. She commented that she had made inquiry about that particular chapter and got a bunch of job descriptions from the Town Manager's office many of which have not been updated since the 1980's. My request was a Charter request that I was looking into and this I believe is something on the Charter that could be included along with what we are discussing.

Attorney Sciota stated that we would be doing every job description. Obviously the Charter job descriptions and all other job descriptions from mine to other non union officials right down to the union. When it comes to duties and procedures for non union officials, we have a policy or procedures on that part, i.e. the Town Manager, mine and some other non union people are actually in the Charter.

For example in referring to his job description, Attorney Sciota commented he was the attorney for all boards, must review all documents and be at the beck and call of the manager and the Town Council for any legal issues that may have. In essence it is a very broad job description. The Town Manager's job description is also very broad. Some jobs have less of a job description, i.e. Engineering Department. Those have not been updated.

He continued what the plan would be is that we would not just do union employees. If we were to hire a neutral individual we would hire that person to do all of the job descriptions even those where we do not have to deal with collective bargaining. He continued as long as you have your department heads the description is one way; however, if those department heads are doing more jobs then their original scope, i.e. Mr. Tranquillo. Mr. Tranquillo has two job descriptions. He is the Town Engineer and also the Director of Public Works. Both job descriptions are set forth in the Charter and there may be addendums that could be made but those are pretty well defined.

Mr. Michlewski then questioned if it was possible when a job is vacated for one reason or another to have the job descriptions updated to the skill level for that particular job without having to go to the union.

Attorney Sciota responded the answer is no. Any change in the union job descriptions at all is a collective bargaining issue but if you are talking about upgrading the position and upgrading the money for that position, I do not see that that would be much of a conflict from the union side.

Review and Action on Schedule A

Chairman Zoni indicated to the Commission that one new item, as a result of the last meeting under public communication came up and that item dealt with the reporting structure of the Parks and Recreation Department. He continued the speaker suggested that that provision of the Charter be changed so that the Department heads report directly to the Town Manager by Charter.

Chairman Zoni directed Attorney Sciota to elaborate on the current status of the reporting structure for the Park and Recreation Department.

Attorney Sciota commented that the current status is by direction of the Council or notification by the Town Manager and the Town Council acquiescing to that.

Consequently, the two department heads, the Director of Recreation and the Superintendent of Parks on a day to day basis and on a weekly basis report directly to the Town Manager. He continued the over all broad brush situations that go on in the Parks and Recreation Department are from the Park Board. That is currently what happens. Each Council can make their own decision as to whether they will do that or not.

Attorney Sciota in referencing the section in the Charter continued the Council can modify or eliminate the Park Board. They could also modify the duties but that is Council to Council and any new Council can make a different decision as much as eliminating the Board totally to turning the total control over to the Park Board which would include total control of the two department heads.

Chairman Zoni stated so that is how the Charter currently reads and does anyone want to make any comments on it.

Mr. Meade started the discussion by questioning Attorney Sciota as to the hiring and firing of a Department head?

Attorney Sciota responded it would be the administration's position that due to the fact that the day to day operations of those two department heads are under the Manager's scope, that the job hiring and/or firing would be with the Town Manager's office with this particular council. Attorney Sciota reiterated once again current with this Council the day to day operations of the two individuals are under the Town Manager's office. Under the Charter, come November 15th or whatever the next meeting date of the new Town Council was, that could change.

Mr. Meade then stated that he really felt strongly, and having missed the last meeting, he felt the same way about the fire and police department also. He knew, however, that it was dismissed. He continued by stating he had no problem with having commissions. They are fine, they operate under their own jurisdiction for the day to day operations; however, when it comes to hiring and firing, I think the Town Manager should definitely be in a position that he is not only consulted but he has the final decision. He continued that he stated this to eliminate any improper procedures so that the proper hiring procedures are following. He cited if you go back into the history of our Town, there have been times where that proper procedure has not been followed. The same thing applies with the Park and Rec Department, when it comes to the hiring of a new Park and Rec Director and/or Superintendent of Parks doesn't pretty much the Commissioners do that he questioned.

Attorney Sciota once again stated that the administration's position would be that the administration would handle any new hiring based upon what the current Council has told us and that is the Town Manager and myself are to be involved in the day to day

operation of that Department. He stated, to me the day to day operations and the fact that the Council will back that up and based on what we are told, the hiring/firing would rest with the Administration.

Attorney Sciota then commented the Charter specifically states “that the Council can change through resolution, which is a simple notification to the Manager, what the duties of his office is to the Parks Department”. It could be zero to 100%.

Mr. Conroy then commented it sounds to me that the Council is in complete control of the Parks Department.

Attorney Sciota stated the Council could eliminate the Park Department with a simple vote of five (5). Mr. Conroy commented they are in control,

Mr. Meade then stated yes they are in control however the fact of the matter is that if the new Council decides to change that procedure it could be changed and that is not the case with the police and fire.

Attorney Sciota stated, absolutely not. Boards that are covered by ordinance, i.e. the Library Board, Senior Citizen Board, those Boards have control over their department heads. Those are done by ordinance. The Council can change that at any time if they go to a public hearing and change the ordinance.

Attorney Sciota then stated that this specific section in the Charter is unique in the fact that the Council has direct control to eliminate an entire Commission on a simple vote.

Mr. Meade asked and that is for the Park and Rec Department, correct.

Attorney Sciota responded yes, just for that Department. They could not possibly eliminate the police or fire.

Mr. Meade commented that he agreed that they should not be able to, however, he was still saying he would have liked to see it in the Charter that when it comes to hiring or firing of any Department head the Town Manager would be consulted and also has the final say.

Ms. Feld questioned where it stated that about the Park and Rec Department only.

Attorney Sciota responded where they can eliminate, there is a section that the Town Council in the Charter could reduce or eliminate all powers of the Park Board.

Mr. Michlewski then stated that he had read that differently.

At this point Chairman Zoni interjected that Schedule A was something where new items are introduced, they are not really up for debate and we are trying to make a determination as to whether we feel this is something worthy to move on further. He

questioned the Commission if that was the general sense that we want this to move on or do we think it is okay the way it is now. He continued I think I understand the intent of the speaker the last time. The speaker was suggesting that the discretion be taken away and that the Charter states that these Department heads will report to the Town Manager.

Attorney Sciota then directed the Commission to the section that they should read: “nothing in this section shall limit the power (Section 503) and authority of the Council by ordinance which is five votes to assign the powers and duties of the board to any other commission, board, department or office of the Town of Southington or to assume the powers themselves or to terminate the existence of the board.” He further commented that is pretty strong language. That means that if the Council chooses to do an ordinance or to do a public hearing and have five votes which is all you need to say “we don’t want you any more”.

Mr. Michlewski then referred back to Section 104 which specifically states, “the Town shall have all powers granted by this Charter and all powers currently apply in or incident to the powers expressly granted and all other powers incident to the manage of property, government and affairs of the Town”. He commented it seems to make the fact that the police and fire are still in the gray area.

Attorney Sciota responded he did not read it that way in the fact that if you look at the other aspects of it, your position would be that the Council has the authority to eliminate all boards including Charter Boards.

Mr. Michlewski commented that is what I read. All that 503 does is basically gives them specifically the ability to eliminate the Park and Rec.

Attorney Sciota stated if you carried that forward, then there would be no necessity for a Charter Revision Commission that the Council wants to set up. If the Town Council said to me we all want to set up a Charter Revision Commission to study this section because we want it changed, then under that theory, which from an administration standpoint “yip pee” but that is not going to happen. They could say under Section 104 we don’t even need a Charter Revision section, we are taking that section right out, and I do not think that would pass muster and the reason why is that it is not proper that a simple five votes of any Council could change the Charter. He further stated under that theory that section would not hold water because it would give so much power to five members of the Council to in essence eliminate the entire Charter.

Ms. Feld stated with regard to the issue at hand I favor leaving it just the way it is. It is already dealt with and the Town Council has turned it over to the town Manager and also we have to be careful about how many issues we bring before the Town Council. We already are getting up there in numbers and we want to make sure that the issues we pick are hot/good issues and I do not consider this one of them because it has already been dealt with. The Town Council has already said the Town Manager handles it and that is my feeling.

Mr. Conroy commented if that is a motion to dismiss, I will second the motion.
Chairman Zoni stated, I have a motion and a second to dismiss, any further discussion.

Mr. Landrie commented I did not hear a motion to dismiss.

Chairman Zoni stated she was making a de facto motion to dismiss.

Ms. Feld commented it is a motion to dismiss.

Chairman Zoni had a voice vote taken, all in favor, **Item is dismissed** from Schedule A.

Public Communications

Arthur Cyr, 103 Berlin Avenue. Mr. Cyr indicated that he had come to the meeting and presented each member with a hand out (attached as part of these minutes). He continued this matter was discussed prior to public communication and it was dismissed. "That stinks" was his comment. If every body had read this hand out and looked at the bottom of the page, which is 503A, when Mr. Masci and Mr. Egidio leave, it will not be the Town Council or the Town Manager that will be filling their replacements. It will be the Park and Rec. Board. Mr. Cyr continued 503A that is exactly what it says and that is why when I copied this I put it on the same page. Apparently no one bothered to read the bottom because if I had my way, Mr. Chairman you would only see the blue highlight.

Mr. Meade commented we addressed that issue and I asked Attorney Sciota directly if the Town Manager would be consulted in the hiring and firing. Mr. Cyr responded he understood that directing his comment to Mr. Meade but that was why I was pointing out 503A because above it says the Town Council can take 100% control. He continued do you realize the Town Council and the Town Manager right now can't even track the comp time that these two supervisors are taking. They could not even keep track of the \$10,000 of tax payers' money two years ago that the Park and Rec Board let someone spend on fire works. Furthermore, the Park and Rec just spend money on a sign down on Meriden Waterbury Road for the drive in which is still a pile of dirt. Not enough supervision there. Mr. Cyr ended stating his discontent.

Chairman Zoni asked Attorney Sciota to clarify.

Attorney Sciota stated the Charter section says the Town could eliminate the powers of the Park Board. This current Council has stated point blank that the Town Manager has direct supervision of those two department heads. Mr. Cyr has some questions if the Town Manager is doing that well. Even if we took action the way Mr. Cyr is indicating, the Town Manager would still be the supervisor. This Council has said the Town Manager is the supervisor and the supervisor is in charge of hiring, firing and discipline. When there was a discipline issue, it went to the town Manager's office not the Park and Rec.

Ms. Feld then stated that is my point either way you look at it the Town Manager is in charge not the Park and Rec.

Attorney Sciota then stated the difference between this Board's and Mr. Cyr's opinion is they want to leave it to each individual Council to make a decision how much power if any the Park and Rec Board has, which is the current way it is now. Mr. Cyr's position is he wants to make it not in the Council's purview, he wants to make it in the Charter section which is a good academic discussion but being in a democracy those things don't always happen.

Illo Fusciello, 82 Autran Avenue. Mr. Fusciello started to speak on the importance of qualifications for the Town Manager and then gradually went off the subject. Mr. Meade commented that he was sorry that Mr. Fusciello was so obsessed over his proper issues.

Point of Order called out by Mr. Conroy regarding a heated discussion between Mr. Meade and Mr. Fusciello. Mr. Meade apologized and so did Mr. Fusciello.

Mr. Zoni asked if there was any other public input. There was none

Discussion, Deliberation, Debate and Action on Schedule C items.

Modify Budget Timeline Allowing Town Council amendments one meeting before final vote only.

Mr. Zoni commented that this matter had been discussed at length at the last meeting and he believed the Town Attorney was very clear as to what the Commission wanted to achieve.

Attorney Sciota then stated that at the last meeting he had commented that he would not be comfortable without first discussing the issues with the Finance Board Chairman. Attorney Sciota indicated he in fact had a meeting with him this week and he hoped by their next meeting he would have the wording that would be adequate.

At the end of Attorney Sciota's comments, Ms. Feld made a motion to Table the issue, seconded by Mr. Michlewski. Chairman Zoni called for a vote, voice vote taken, all in favor. **Item was tabled.**

Town Manager Serves By Contract.

Chairman Zoni defers to Attorney Sciota. Attorney Sciota commented that there was a section in the handout that was not in it. He referenced the Commission to the second paragraph, "he shall serve **under a written contract** for a period not ... (the bolded words had been left out). Attorney Sciota commented those words were in their originally.

Mr. Post then stated that he had taken what Attorney Sciota had e mailed to the Commission and inserted his changes to the complete language on 401 and then he had some additional changes which are simply for discussion. Mr. Post handed out the additional suggestions (see attachment made a part of these minutes) and stated it might help to see what Attorney Sciota has put in context of the entire section.

Attorney Sciota then made a statement that this is not normally how we do this and the language he had submitted was e mailed out under a quick scenario. He commented the normal changes would be incorporated into the entire text. He reiterated what they were looking at was for discussion only, not what they would normally receive.

Chairman Zoni in reviewing the changes questioned if the Commission wanted to discuss it now or wait until the next meeting and also give Attorney Sciota the opportunity to review all the wording. With that in mind, Mr. Callahan made a motion to table the issue, seconded by Mr. Michlewski. Chairman Zoni called for a vote, voice vote taken, all in favor. **Item was Tabled.**

Modification of Section 746 (a) Requiring Referendum to Coincide with General Election

Chairman Zoni made reference to the Commission that there was new verbiage from the Town Attorney. Chairman Zoni opened the floor for discussion.

Mr. Post questioned Attorney Sciota about his e mail referencing the top paragraph if it should be subparagraph (a) not subparagraph (b) which is the topic on Schedule C and also the last two paragraphs are they sub issues from Schedule D.

Attorney Sciota then stated all we did at 746 (a) was we eliminated all the listing of things and just put in there that the Council by a super majority of six votes could schedule a referendum any time outside of November. A little confusion then Mr. Michlewski read the language, “a referendum shall take place in November but can take place on a selected date other than November with a super majority vote of the Council.”

Ms. Feld and Chairman Zoni both speaking indicated that Attorney Sciota had modified the entire 746. Ms. Feld then commented that 746 deals not only with requiring that the referendum coincide with general election but also the two appropriations (Appropriations or Bonds Ordinances reimbursable by Grants be exempt from public referendum if net amount is below the threshold established in Section 746(b) and Appropriations or bonds Ordinances mandated by court order be exempt from public referendum established in Section 746 (b)) which had been forwarded to Schedule D. She commented that it is all grouped into one now.

Attorney Sciota then indicated that was why he could not see it, he was looking for a 746 (a). Yes we are incorporating it all into one now. Ms. Feld commented so it really deals with both. Attorney Sciota said yes it also deals with another section which we are to talk about tonight.

Chairman Zoni then commented well if we move this forward to the voters, will it be one question or more than one. Attorney Sciota commented it is a suggestion from this Commission to the Council and then the Council gives it to me and the Town Clerk. We try to put questions of similar nature together especially if they are close because we do not want to give the voters too many questions especially if they are similar in nature.

Chairman Zoni then confirmed that all items relating to Section 746 (the modification requiring the referendum to coincide with the general election and the two exemptions would be one question). Response was yes from Attorney Sciota.

Chairman Zoni questioned if everyone was okay with the wording as it is in Section 746 by a super majority. Ms. Feld commented that she was fine with super majority and then made a motion to move this Item to Schedule D, seconded by Mr. Meade. Chairman Zoni called for a vote, voice vote taken, all in favor. **Item was Moved to Schedule D.** Chairman Zoni then directed his comments to Attorney Sciota if he could rewrite the entire Section 746 to include all suggested revisions for the next meeting.

Update to Section 1107 to comport with Section 2-204 of the Code of Ethics.

Attorney Sciota stated during discussions there were two schools of thought. The original was we would work with Section 2-204 and there were some recommendation on how to change Section 2-204. The second part of it was we take the proposed draft and somehow work those together. That has not been done as of yet but it is hopeful it will be completed prior to your next meeting. Attorney Sciota reconfirmed what the intent would be. We are now looking at 2-204 and amending that section as two commissioners had sent him amendments to 2-204 and another commissioner passed out recommended changes to all of you at the last meeting which was a much different section to be inserted and which would encompass more than just defining what a conflict of interest would be. We could combine the two, whatever you would like.

Ms. Feld indicated that she would like to see it combined. Mr. Michlewski then stated he thought the main reason he liked the idea of combining the two was if you look at Section 1107 (conflict of interest) it really only concerns contracting and purchasing.

Attorney Sciota stated Section 1107 is almost 30 to 40 years old. The Town Council has chosen to use the ordinance method to deal with ethics; however, as was mentioned at the first meeting from a legal standpoint there is a problem. If Section 1107 is left the way it is some person might state that the Charter does supersede any ordinance. It is necessary to deal with Section 1107 and if you want both combined that can be done.

Chairman Zoni indicated the simplest way is take Section 2-204 is to supplant it. Attorney Sciota then stated if we take Section 2-204, which currently is the definition we use for conflict of interest, and we take that and place it into the Charter there were two very good suggestions that will be reviewed to modify Section 2-204. Whatever we

come up with Section 1107 and if it goes to the voters and gets approved, then the Town Council must amend their 2-204 to match

Mr. Conroy made a motion to table the issue, seconded by Ms. Feld. Chairman Zoni called for a vote, voice vote taken, all in favor. **Item was Tabled.**

Chairman Zoni indicated that ends the items cited on Schedule C.

Additional Discussion or Modification Proposals to Schedule D Items.

Chairman Zoni indicated this next section was added so that additional discussion could take place if commission thought it was needed.

Mr. Post referred to Section 210 which is the issue of eligibility and stated the second paragraph read, “no person serving on an elected board shall serve on any other board, elected or appointed”. He suggested, if appropriate, to include “or the Town Council”. He stated this is talking about whether a Town official can be on more than one board.

Chairman Zoni then queried, would not an elected board already be encompassing the Town Council. The answer is yes, the Town Council is an elected board. Attorney Sciota then stated an elected official can serve on an elected board and on an appointed board but not on two elected boards. Discussion from Attorney Sciota wherein he indicated he did not want to bar members of the Board of Finance and the Board of Education from serving on building committees because they should be on those committees. Attorney Sciota also added that administratively if he saw other issues that should be addressed in this section he would add them for the commission’s review.

Mr. Knoegel queried Attorney Sciota as to how many subcommittees there were.

Attorney Sciota then indicated we have very few standing committees from the government side but we have many subcommittees. For example every time we have a project under our ordinance such as a municipal project, a building committee is established.

The major standing committees that we already have are the ones that we discussed, i.e. sewer, ambulance committee, energy committee. Ms. Feld then stated there is an entire list of them under Southington Boards and Commissions. Attorney Sciota indicated there are other ones not cited also.

Mr. Knoegel then stated his concern that do the committees become a way to dovetail issues to be under subcommittees and have less participation from other people. Chairman Zoni then indicated that as far as he understood all the subcommittees are also public. Attorney Sciota then stated he thought what Mr. Knoegel was requesting was that he wanted more of the public to serve on subcommittees.

Miscellaneous

Ms. Feld discussed Section 209, Independent candidates and quoted “in addition to the procedure for the nomination of candidates provided by the General Statutes” and then stated it requires less than 30 days, no more than 45 days preceding the election, five percent of the total number of electors, it is in conflict with the Statute, could we just bring it in line with the Statute was her suggestion.

Attorney Sciota commented his suggestion would be not to bring it in line with the current General Statute, as amended. The Secretary of State’s Office and the State Statute certainly supersede anything that we have. As a clerical change you might want to refer to the Connecticut Statute that is currently under that and delete and simply state as set forth in Connecticut General Statutes et sup, which means even if a section is changed, the Charter does not need to be changed.

Mr. Knoegel then addressed comments made by Mr. Cyr and indicated there might be a way to address Mr. Cyr’s concerns when set policies and procedures are discussed involving the Town Council’s input. He did share some of Mr. Cyr’s concerns politically and publicly.

No further business.

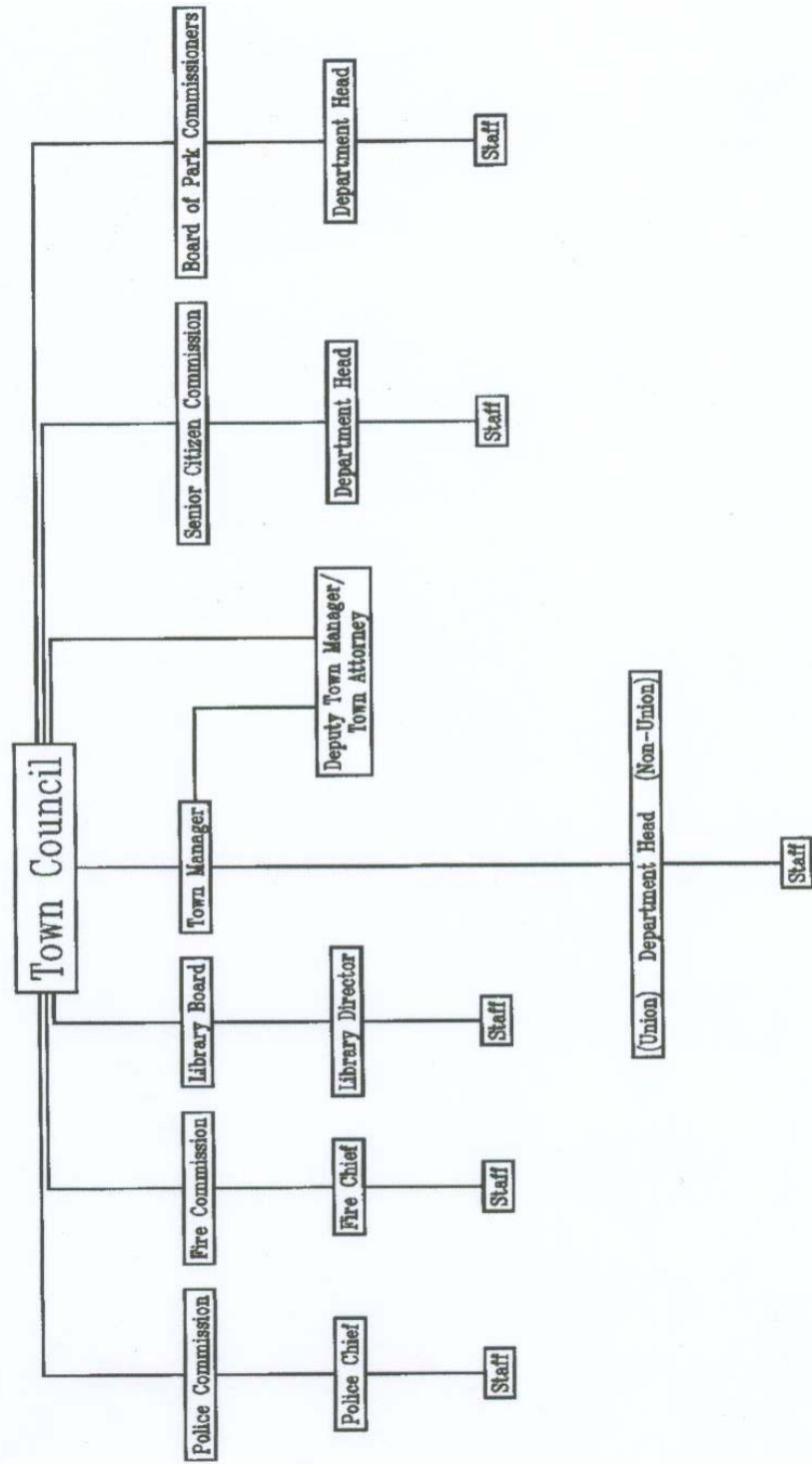
Adjournment.

Mr. Landrie made a motion to adjourn, seconded by Mr. Meade. Motion passed by voice vote. Meeting adjourned at 7:55 p.m.

The next commission meeting date is September 2, 2009.

David Zoni, Chairman
Charter Revision Commission

Attachments



SOUTHINGTON CODE

CHAPTER V. OFFICERS AND BOARDS DIRECTLY RESPONSIBLE TO THE COUNCIL

Section 503. Park and recreation board

There shall continue to be a park and recreation board consisting of five (5) members, which shall determine the uses of and maintain the town parks and public greens, recommend to the council the acquisition and development of new parks and recreational places, plan and provide recreational facilities for the town, and have such other powers and duties as may be conferred by order of the council. The members shall be appointed by the town council for a term of four (4) years. All members of the board shall serve without compensation. Nothing in this section shall limit the power and authority of the council by ordinance to assign the powers and duties of the board to any other commission, board, department or officer of the town, or to assume said powers and duties itself, or to terminate the existence of the board. Vacancies shall be filled by the council for the unexpired terms in accordance with the General Statutes.

(11-7-2006)

Section 503(a). Appointments by park and recreation board.

There shall be a director of recreation and a superintendent of parks to be appointed by the board of park commissioners, the powers and duties of whom shall be as determined by the board of park commissioners.

(11-3-1970)

Charter 401, Manager Qualifications, additional suggestions, 8/19/2009, R. Post

SUGGESTED EDITS to Schedule C Language (taken from Town web):

Underline italics = delete; **bold/large font** = add;
 highlighted = Attorney Sciota email 8/18/09

Section 401 Appointment qualifications and tenure

The town manager hereinafter referred to as the manager shall be appointed by the council. The manager shall be chosen on the basis of his/**her** professional experience and training and his/**her** executive and administrative qualifications with special reference to his actual experience in or knowledge of accepted practice in respect of the duties of his/**her** office. The town manager shall be (1) a graduate of an accredited college or university, **(2) must have an advanced degree**, his/**her** major field of study shall be accounting engineering or one (1) of the social sciences such as government sociology or history with special training in municipal administration or (2) **(3) in lieu of an advanced degree**, he/**she** shall have a **Bachelor's degree and meet the other requirements above**, had **and have** at least five (5) years experience in a responsible administrative position in a council manager system.

In hiring the town manager the council may waive any or all of the aforementioned qualifications by affirmative vote of not less than three-fourths two thirds **[FOR DISCUSSION: should not be reduced to 2/3, in fact should remain at 3/4 or even higher...10?]** of the council Membership. Such waiver shall be based upon a requirement to fulfill the requirements by a time negotiated between the town manager and the town council, **but not more than (2) years from when he/she is hired.**

He shall serve for an indefinite term at the pleasure of the council a period not too exceed three (3) years. He shall receive an annual review by the Town Council prior to any extension of the contract period. The Town Council in open session, **that is open to the public and scheduled in advance, and is video taped**, shall give summary of his annual review prior to voting on any extension of the contract. **The vote on whether or not to extend the contract shall also be done in open session, that is open to the public and scheduled in advance, and is video taped.**

At the time of his appointment he need not be a resident of the Town of Southington or State of Connecticut, but during his tenure of office he shall reside within the Town of Southington. He shall devote full time to the duties of the office.