

**MINUTES OF THE TOWN OF SOUTHWINGTON
2009 CHARTER REVISION COMMISSION**

April 15, 2009

The Charter Revision Commission of the Town of Southington held their regular meeting on Wednesday, April 15, 2009. Chairman David Zoni called the meeting to order at 7:00 o'clock, p.m. with the following in attendance:

James Michlewski, Philip G. Landino, William M. Knoegel, Dennis P. Conroy, Kenneth J. Paradis, David Zoni, Sandra E. Feld, Andrew Meade, Joseph Landrie, Brian F. Callahan and David J. Derynoski. Richard E. Post joined the meeting at 7:40 p.m.

Excused: James M. Verderame

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 was led by David J. Derynoski and was recited by everyone in attendance.

Approval of Minutes

Chairman Zoni called for a motion to approve the April 1, 2009 minutes. Mr. Derynoski made a motion to approve the Minutes. Mr. Meade seconded.

Motion passed unanimously on a voice vote.

Commissioner Communications

Chairman Zoni commented this commission has 13 members which is quite large and he hoped that discussions could be moved along with respect given to any member speaking noting that the members' tendencies were to speak out of turn and he hoped members would only speak when acknowledged by the Chair thereby keeping the meeting on a professional level.

Other item Chairman Zoni commented on was that this commission is not a legislative body nor is it a regulatory body in any way. We are basically a fact finding commission to listen to public input, input from the staff and other commission members and to digest those issues, gather information and deliberate over the issues. I would suggest that due to the fact that we are a deliberative body and not a legislative or regulatory body that all the members acknowledge another member's desire to table an item for more information. He continued the commission's goal is to gather information and if some members do not feel comfortable dismissing an issue or moving it on to take more time to gather information, then he hoped the members could honor a table of an issue. All members agreed and no other members had further comments.

Charter Revision Commission
April 15, 2009

Review and Action on Schedule A

Schedule A is designated to determine any new items that come before the commission and to decide whether they are items that are to be talked about in the future and moved forward through the schedules. Chairman Zoni indicated only two items were new to Schedule A which were presented as a result of public input.

Item No. 1: No person can serve on multiple boards. Chairman Zoni believed the intent of this item was that currently a person could serve on an elected board as well as a commission or another chartered board. Not all boards are elected and there is a concern that people are serving on multiple boards. People can not, however, serve on multiple elected boards. Comments followed:

Mr. Conroy stated that if we were to adopt this item there are people sitting on this commission that would not be here. You are running the risk of restricting the search for talent. Chairman Zoni stated that he was not sure that was the intent of the speaker who had suggested the item. This is a commission that was formed by committee and it is not in our Charters. It is not like a Park Board, Police or Fire Board.

Attorney Sciota stated you have two types of boards, a standing board which are Charter and Ordinance boards and then you have boards that can be established by certain other boards. This board is established by the Town Council. If it was the desire to move forward in such a manner and you are worried about non standing boards, boards that temporarily exist, there is verbiage you can use on that.

Ms. Feld commented she did not remember who made the suggestion but felt that perhaps more input should be gotten and the matter should be tabled. Chair entertained a motion to table. Motion to table was made by Ms. Feld.

Mr. Derynoski stated that the comment was specific and was made in reference to a member of the Board of Finance who also serves on the Police Board.

Ms. Feld retracted her motion to table.

Mr. Meade then continued that in this particular case a fine point is made in that being a member of a Police Commission and being on the Finance Board discussing the other budget is wrong and it has to apply to every commission or board and it should be so worded.

Attorney Sciota then stated that it could as narrow or specified as needed because of the specific duties the Board of Finance. If this board desires, it could be worded to state that if a person is elected to the Board of Finance they cannot serve on any other standing board for the Town of Southington.

Mr. Conroy commented that currently in the Town Charter the statement exists and it would be a matter of changing the wording to include the Board of Finance. Point was clarified that the current Town Charter states that a member of the Town Council cannot serve on any other board or commission.

Charter Revision Commission
April 15, 2009

Mr. Landino agreed with the ideas. The problem, however, having served on the Town Council, is that there are times when there is a struggle to find people to serve on commissions. The last thing we want is to beg people to serve on commissions who don't want to. Now we are forcing someone who doesn't have the Town of Southington at heart when serving on a commission. Mr. Landino agreed with the stipulation for the Board of Finance and the Town Council because of crossing lines, but for the other boards it is better having someone who wants to serve rather than going out begging for people to serve.

Mr. Knoegel commented his main concern, and one of the major movements of this Charter Revision is to be more inclusive trying to expand or diversify. While we always say we can't get people to serve, if we promoted the fact that there were open slots maybe we would be able to draft more people to be part of the process.

Mr. Michlewski commented that the only real issue is very specific, very finite language and to somehow put language indicating cannot serve on a board that also influences or oversees another board. You can't be on both.

Mr. Sciota summarized the general administration by the Town Council over all boards. .

Mr. Callahan stated his only concern was if someone is on the Board of Finance that they shouldn't be on another board that has a budget. That is where the problem is, a conflict of interest. If they serve on the Finance Board and have to approve, and can increase or decrease the amount of money on another board they serve on, this should not be allowed.

Attorney Sciota then stated you would be hard pressed to find a board that does not have a budget assigned to it.

Chairman Zoni stated that enough discussion on the subject had transpired and there was something to address and requested a motion to move into the Schedule B. **Motion made by Ms. Feld and seconded by Callahan.** Motion passed unanimously by voice vote. **Item 1 was moved to Schedule B.**

Item No. 2: Should the Town Council be responsible for setting the mill rate.

Chairman Zoni opened the subject up for discussions.

Mr. Meade stated that the Town Council should be setting the mill rate. The Finance Board is a board that is supposed to recommend the budget to the Council and the Council as the executive board then, not only reviews it, but then makes changes or whatever the situation should be, either up or down, and then sends it back to the Board of Finance that they should in one evening set the mill rate. The Council should sink or swim by setting the mill rate because they change it, and they up it or whatever they do, Charter Revision Commission
April 15, 2009

and they are up for election in two years. Currently the Council may do something and the Board of Finance sets the mill rate and you can't pin it on anyone. It would be obvious if the Council sets the mill rate.

Motion made by Ms. Feld to move this to Schedule B, seconded by Mr. Derynoski. Motion passed on a voice vote with Mr. Michlewski casting a no vote. . **Item 2 was moved to Schedule B.**

Public Communications

Ed Foy, 945 Sweetheart Path –While not attending last meeting Mr. Foy learned about the public addressing the commission. The subject of his discussion was the annual budget where eight people opposed the vote by referendum. Only one person spoke in favor of it. His concern is that it would appear that people are opposed to this idea and this is not the case. Actually the majority is the minority. As a member of the group gathering signatures on the petition to form the committee he received a good education on the demography of the citizens of Southington. 80% of the people surveyed were in favor of voting on the annual budget. Another newspaper article indicated that people here have a purpose, an agenda. This is absolutely true. The agenda is accountability, and a mechanism like voting on the annual budget by referendum is. Thankfully there is a mechanism in place. Without it we would be \$6.5-10 million dollars further in debt building another City Hall. People spoke loudly and they want the same accountability when it comes to the annual budget.

Fran DePaolo, North Star Drive - Speaking on behalf of his neighbors and friends at the Southington Y, this current economic climate they object to any increase to the annual budget. Neighboring towns have a 0% increase, Newington, Berlin, and Cheshire are 0% and Plainville is 0.8%. You need these people to vote no. Chairman Zoni informed Mr. DePaolo that this was not the purpose of this committee. Talking about the Charter as it relates to the budget is but he is welcomed him to come to the next Council meeting to address the subject or attend the budget workshop tonight next door.

Robert Salka, 35 Nicholas Way – In commenting he indicated he was speaking against the budget referendum which he refused to sign the petition although asked about 20 times. It could be that many of the people signing the petition did not understand what they were signing. More specifically, he stated he did serve on the Board of Finance. Further commenting, he knew what the BOF goes through looking at every department, every line item, speaking with every department. It is a non-political board. If they disagree on an item they take a vote. If a majority is achieved a change is made. The BOF every year has a budget meeting like this evening. In the past almost no one showed up. While 4-5,000 people signed the petition, no one showed up at the meetings. The majority of the people do not understand the details of the budget, only the tax increase. Surrounding towns have budgets turned down 90% of the time, they go through three budgets and then finally the budget gets accepted after the 3rd proposal anyway. It is an effort in futility because the average person doesn't look at the budget. No one goes to town hall to get a budget, go through it and then talk intelligently about it. Only the percentage is challenged which results in a tax increase. The current method is appropriate, it is professional. If interested, people should go to the budget meetings to have their input heard.

Charter Revision Commission
April 15, 2009

Arthur Cyr, 103 Berlin Avenue – Thanked the chair for having the complete agenda on line. Mr. Cyr spoke again against voting on the Town budget, having just coming from the workshop. An intensive amount of time is devoted to preparing the budget. The budget is 141 pages in length. No one here can say a voter will read more than one or two lines. They may read the summary. If we are going to run the town as informed citizens we shouldn't be voting as citizens on the budget. We should leave it to the professionals who put it together, the people in the departments who deal with the monies and is overseen by the Town Manager, Town Council and the BOF who combined put in incredibly a thousand hours. The State of Connecticut had the same idea when it passed the Common Interest Ownership Act where budgets need to be ratified for condominiums. From personal experience 99% of associations never had enough people to ratify a budget. Most people leave it up to their elected officials. One provision in the Common Interest Ownership Act is that if less than 50% of the people vote on the budget, it is automatically approved. As money gets tight many people mistakenly think the solution to the problem is to vote on the budget and vote it down.

Another issue that everyone hears a lot about is that they think the Town Manager has been here too long. If we had a Mayor we could vote him out every four years. We shouldn't change the structure, we should change the person. The commission needs to think long and hard about changing the structure before changing the person.

Richard Burbank, 187 Blue Hills Drive – With regards to the earlier speaker who mentioned 4,000 signatures, he signed the petition yet he was here to speak against the public referendum to approve the budget. In the interest of democracy going forward he signed the petition; however, he remains 100% against the budget being put to public referendum. Also stated earlier was that 80% of the people who were canvassed were in favor of a referendum, but he questioned if everyone's primary reason for signing the petition was for a public referendum and if so how many would not have signed the petition. He was not sure too many specifics were mentioned when people signed the petition but still felt the process should go forward.

Mr. Burbank commented on a Record Journal article written on April 2nd quoting the Town Manager stating that the budget was very complex and technical, questioning how much time residents would take to study the budget. People look at the bottom line which is too simplistic. He also commented on how having worked at the polls on voting day how uninformed voters were and how they approached the voting booth.

Mr. Burbank further commented that if you didn't like the budget there were some things you could do about it. If unhappy, voters should work within the present system to voice their pros and cons. The way we allocate money in town doesn't need to be changed. Work to have a person who didn't work properly on the budget, vote him out or even run for office yourself.

Mr. Burbank continued, because referendums notoriously have a small percentage of voters a small group of very vocal and passionate, but wrong people could make a very vital decision for the town. Referring to The Southington Citizen and the headline, budget hearing remains calm and he then stated, "wow" Southington is very fortunate to have people dedicated people, people who know how to compromise, people who try to

do the best even though it may hurt them in some way. This article speaks of cooperation, congeniality, helpfulness by many people in town. In realizing his time was up he thanked the members for listening and closed by stating he was 100% against public referendum for the budget.

Ann Marie Conaty, Mt. Vernon Road - Ms. Conaty came before the members and stated that she was one of the people who had gathered signatures. The purpose of our efforts was so that we could have a Charter Revision Commission look at our Charter and make good changes. She stated that many individuals had asked her what she wanted to see changed and her response was that she was securing signatures for the process and it was not for her to tell anyone what she wanted to see changed. It is for individuals to decide if you have items of concern that you would like to see discussed. This would be your only opportunity. Ms. Conaty wanted to clarify that at no time did she ever tell people to sign this petition because we were going to have a budget by referendum. Personally I got involved because I did not like the budget process. I think our Board of Finance does a wonderful job but I think that no one wanted to stay the course and work all night long so they gave in at the end and they compromised their own principles. I am not sure I want to see a budget by referendum but if it is the only way I get a chance to vote, that I like the way the process went, then I would go for it. She continued what she would like to see is to give the Board of Finance more power because she did not like seeing what nine individuals on the Town Council were doing. I think that they were not doing a good job and we needed some change and that is why I joined this petition. I read an article where the number to override the Board of Finance would now be seven to two and I liked that idea because I do believe the Board of Finance does do their due diligence and I would rather see them with their expertise and the time expended come forward with a budget that serves the entire community rather than nine individuals playing politics at the end.

Another item I would like to see addressed is ethics or conflict of interest. Currently we have left it to individual interpretation so there is a lot of money been spent down town and there are people who are involved in LLC's or own property and they vote on the issues. Personally I would interpret that to mean that someone should reclude themselves but then they interpret it another way. I do feel that some black and white needs to be put into it. Another way that could be addressed perhaps if you are a council person, you can not be employed by the Town or the Board of Education and that would automatically eliminate some problems. In closing she reiterated that she never told anyone that there was an agenda or a certain issue. I just reminded people that this would be their only opportunity to have a say in how their government was run.

Illio Fusciello, 82 Autran Avenue - Mr. Fusciello commented that when it is budget time many different factions come out, i.e. teachers, police fire and after that you do not see anyone. He commented that someone working on the police force or in the school system should not be in the Town government. Mr. Fusciello voiced various other comments.

Lou Puglielli, 72 Candlewood Lane - Mr. Puglielli commented on an issue wherein the Town Council would set the mill rate. He stated he was against that issue. The Board of Finance spends many hours on the budget. If you take this authority from the Board of Finance of setting the mill rate then why do we even have these individuals on the Board Charter Revision Commission
April 15, 2009

of Finance? If the Town Council overrides the Finance Board, then I think it should go to the people on a referendum. Let the people decide.

Another issue he commented on was the amount over \$1million to go to referendum. Some individual made a suggestion that the \$1million should be increased by a percentage of the Town Budget. This is not good. If you put for example, two percent on the amount of a budget, you will someday end up where the people are only voting on very big amounts. I am definitely against that, no percentage should be used to raise that \$1million. Mr. Puglielli ended his comments by once again stating that if the Town Council overrides the Finance Board I believe it should go to the people for a vote.

No other public comments at this point.

Chair moved on to next item on the agenda, which was **Discussion, Deliberation, Debate and Action on Schedule B items.**

Item No. 1: Appropriations or Bonds Ordinances reimbursable by Grants be exempt from public referendum if net amount is below the threshold established in Section 746(b).

Chair opens for discussion. Mr. Meade commented that it is a good idea, monies being reimbursed and it is definitely something that should be moved on to Schedule C. **Mr. Meade makes a motion to move Item No. 1 to Schedule C, seconded by Mr. Derynoski.**

Discussion: Mr. Landino commented that he would like a refresher review on what it means to move an item to Schedule C and then to D.

Chairman Zoni responded that going from B to C, C is the point where the Town Attorney will start to draft language for the Charter. Once that is completed we will be able to discuss and deliberate the language. Once we agree on the language and we decide to move it forward to Schedule D that will be the final step. Any and all items on Schedule D will be voted upon and then forwarded on to the Council. Mr. Landino stated so in essence moving something to Schedule C is moving something to a vote because we have voted on the idea and now we are voting on the language. Mr. Zoni indicated that any item could be dismissed at any time or rewritten. Mr. Meade stressed that it is understood that the Town Council will vote prior to anything going into the Charter.

Ms. Feld questioned if Mr. Landino had any objections to this item. Mr. Landino responded no. Ms. Feld then commented that this item for the public is about a referendum only on the net which would be above the \$1million. The way Mr. Weichsel explained it, if there was a project for \$3 million and there was a grant coming for \$2million, then the referendum would be for \$1million, is that correct? Chair refers the question to Attorney Sciota.

Attorney Sciota commented that we always use referendum language when it is above \$1million even if we don't have a grant we always say the number is "X" and we anticipate grants in the amount of "Y". We do not change those numbers. The better example is that if it was \$2.5million project and we were getting a \$2million grant then it

would not go to referendum at all. We will still have to go to referendum using the other example because it is \$1million. Currently we are receiving \$3.35million from the Federal government through the state. If we were not at this point in time in the budget process we would then have to spend \$5,000 to \$6,000 for a referendum.

Ms. Feld questioned when we bond for the schools I believe it is apportioned by the State gradually as phases are completed. Consequently, we actually bond the entire amount in the beginning plus interest, correct?

Attorney Sciota then stated we get authority to borrow the money we may not bond a school project. By bonding I mean going to New York and selling bonds. What we have been doing is called money management. The Town receives the authority from the public. We have not actually sold bonds on the current school projects. I believe we are going to sell them in the spring. Yes to answer your question, what we received was the authority we may never actually issue bonds, we could take a short term note. It really is the authority to borrow that money some way or to use money management and never borrow money.

Query by Ms. Feld, will the de-nitrification be bonded? Response, no, we have received authority to borrow two-thirds of the amount from the State. We needed the authority from the public to do that. How would this new request affect the de-nitrification? Attorney Sciota commented, no effect because the two-thirds is money that we are borrowing so that still would need to go to referendum because we are talking about \$14million and two-thirds of that number is over \$1million.

Mr. Michlewski commented he would be very interested in the language to state “received” grants specifically not anticipated. Attorney Sciota responded that would be “confirmed” grants. Mr. Michlewski stressed that if this Item moves forward, he wanted specific language in there so there is no doubt about what we are talking about.

After the above discussion, motion passed unanimously.

Item No. 2: Appropriations or bonds ordinances mandated by court order be exempt from public referendum established in Section 746(b).

Mr. Callahan makes a motion to move this Item No. 2 to Schedule C, seconded by Mr. Meade.

Chair calls for any discussion Mr. Conroy asked if this section would affect the de-nitrification plant since we were under court order. Attorney Sciota responded no we were not under court order. The Town had the opportunity to keep the contained credits but I would ask for one proviso when the document is drawn up, assuming it passes. We should remember it says court order but it should state “court order” or “administrative action” because you do not get a court order from the DEP or EPA, you get an administrative order from them. I would, therefore, request some leeway when I draft the language.

Mr., Conroy then asked what would happen if we decided not to obey the “court order” or “administrative action” and in fact under our current system if the referendum was

defeated? Attorney Sciota responded the court would order us to complete the work and I as the legal Counsel for the Town of Southington would authorize in writing to the Board of Finance or to the Finance Department to issue the money. This is because the Town Charter under the laws of the State of Connecticut can not disobey an order of the court unless we appeal it.

Mr. Knoegel asked for a definition of administrative action from Attorney Sciota.

Attorney Sciota responded, if there was an area of town which happens to be a superfund site, and an order comes down from either the EPA, which is a federal entity or the DEP, which is a state entity ordering the Town of Southington to perform some sort of remediation over and above the \$1millions.

Chairman Zoni stated that he believed this information was supplied by the Town Manager and so I perhaps left it out accidentally in my effort to make it fit on the chart. In any event, Attorney Sciota does know the intent. Chair called for a vote on the motion, all in favor, **Item No. 2 moved to Schedule C.**

Item No. 3: No Council member can hold any other city office or employment during his elected term.

Chairman Zoni turns discussion over to Attorney Sciota in that extensive research on the subject was completed by Attorney Sciota.

Attorney Sciota stated that any credit on the research should go to his assistant Town Attorney because due to the budget he did not have a lot of time for research. Attorney Sciota stated he did review the findings, especially related to the court case. From what he saw and from what he could tell from what other Town Attorneys have discussed with him concerning the prohibitions they are dealing with, and to be blunt, we also have a prohibition in this Town concerning what a Council person can serve on or what they can not serve on. It is a minor issue but we have that also. The bottom line, referring to the Statute itself, which is an old Statute going back to 1949 and amended several times, up to the 1984 amendment. The issue in front of us is the fact that what right do we as a municipality have to tell an employee of the Town of Southington whether they can or can not run for the chief elected Board of the Town, which happens to be our Town Council. What you have in front of you is the research we found, the case is a Westport case which is a 1989 case and has been shepardized and still standing law. I requested information from town attorneys who specifically have this issue and asked what authority are you using, what case law are you using and the answer was, and to be perfectly blunt, what we have used in the past also, "oh it has been in our charter for as long as we can remember". Not one of the town attorneys or anyone else says anything different and it seems to me we would have a very difficult time withstanding challenges on this particular issue.

Mr. Meade questioned if that would apply also to people who are in administrative positions? We have department heads who are part of the unions and the Council negotiates the union contracts and anyone who is in a position of authority like that that there would be ah

Attorney Sciota responded, you are correct in the fact that there is one proviso in there which is (referring specifically to the Town Council because that is the area we are researching) if the Board has direct supervision over that officer or employee the courts have held and the Statute specifically states that they can not serve on that Board. In the Town of Southington there are two paid employees that are under direct supervision from the Council and only two and they are the Town Manager and the Town Attorney and those are the only two offices. Every other office under our Charter which is our Council/Manager form of government are the department heads that you mentioned are all under the jurisdiction of the Manager and/or separate boards and not under the jurisdiction of the Town Council. You can read it, review it and make your decisions.

Ms. Feld, there is a lot here to absorb, given the fact we only just received the information but certain things come to mind. You say only the Town Manager and the Town Attorney are under the direct supervision of the Town Council well to draw a parallel then only the Superintendent is under the supervision of the Board of Education?

Attorney Sciota responded, I don't know. I do not represent the Board of Education.

Ms. Feld stated the Board of Education Bylaws say, "And I am reading from them 'no member of the Board of Ed maybe employed for compensation by the school district if a board member is employed by the school district the office to which he or she was elected or appointed shall become vacant.' 'It would seem to me that if it applies in the case of the Town Council that it would apply in the case of the Board of Ed. Contrary wise precedent has already been set I would say for us doing this.'"

Attorney Sciota then stated that precedent can not violate state law and that is the whole point of this. He stated the fact is that we have, a Charter which says that no Council member can serve under an office of the Town of Southington. Looking at our Charter, what the offices are within the Town of Southington they include the Manager, the Town Planner, the Welfare Director, the Building official. That is all well and good but if that person wanted to run for a particular position, and based upon what I see, unless it is myself or the Manager, I think this particular case and the Statue the way it is worded and the dicta, which is the most telling in this, being the legislative intent, this is something that would be a problem for us. Do other towns have it? Absolutely. In fact 52 other towns have it. In fact the wording which is the most telling says in the 1984 amendment that "52 towns do not allow the employees to run for office so that it, the amendment, would no longer penalize these employees based upon where they live." The legislative intent in Hartford at the time, understanding that 52 towns had the amendment, including us, is that they were saying 'we don't care what the 52 towns have. What we are saying is that we are leveling the playing field for all 169 cities and towns if you are not directly supervised.

Mr. Post then stated that he felt irregardless of the findings, if we were to challenge our restricting Town Council members to not run for office, just the precedent that 23 or more towns already have the restriction and they have not been challenged indicates to me that is a restriction that can be put forward.

Attorney Sciota responded that the Westport case alone challenged it. No court case will order towns to change their charter. Believe me, read the '89 court case, read it as many
 Charter Revision Commission
 April 15, 2009

times as you want because I've read it 6 or 7 times looking for some different theory the court had. The court was very clear, very, very clear; they took the dicta from the legislature and said we are evening the playing field. You are not allowed, you 52 towns, not just the 23, all towns that have the language as of 1984, and probably no one added it after the 1989, because the case was there. Just because you live in a town that has a prohibition in your charter, why are you as a citizen in the State of Connecticut in that town being treated differently than someone from another town? That's what the court said and there is a lot of merit in that. Personally would it make life easier if no town employee served on any board administratively? Maybe it would. But the point is in this particular case you asked me to research whether it was legal to move forward with it. Attorney Sciota continued, there is an old saying in law school if you are never challenged, nothing is illegal. We could put in the charter that Dave Zoni needs to wear a purple suit every other Monday to go to the Town Council. It is not enforceable but it could go in. My job is to at least tell you that moving forward when I am asked what my opinion is as the Chief Legal counsel for the Town of Southington, I don't think a broad brush of this is legal. John Weichsel and I can't serve on that Town Council but anyone else would be challenged.

A motion was made by Mr. Conroy "based on the existence of case law and the interpretation of the Town Attorney I move to dismiss this item." seconded by Mr. Meade.

Discussion: Mr. Post commented at a minimum I propose that we table this issue for additional discussion because there are towns that have this and when we, as being part of these 4,000 signatures over the fall, this is one of the most significant comments that came out and I would challenge any of the town voters who feel strongly about limiting Town Council members to email this commission and voice your concern. Now I'm not an attorney, but Mark is right, you can put anything in you want and if it is not challenged legally then it can stick. Now because this is a very significant issue and I'd like to read if I may an email we got today from one of our citizens of our Town that feels very strongly about this. I would at a minimum oppose the motion to dismiss and that we table this issue because we need to do more research. I teach a college class and I literally saw this five minutes ago and I'm still teaching environmental science right now.

The letter is from Battiste Zombic. She addresses it as a concerned citizen, a taxpayer mother of two. Quoting a major part of this "It is impossible to serve and vote strictly from the point of the common good when as an employee you are affected by said vote. I don't think that anyone is capable of compartmentalizing their own interest for the sake of the common good. We are all human." What it means is if you are on multiple boards, if you are on the Town Council and also member of a town group it is very difficult to have a partial interest in what you are voting on. Town Council members should strictly, in my mind, must only be on Town Council and have no other compensation by the Town or be on any other Town organization because we are all human and we vote as a Town Council, who is effectively our Mayor system, then it is human nature they will vote in the interest of the other part of the Town they represent, be it the Board of Ed or anything else. So this must be tabled and me must have more than five minutes or an hour or two to research it further because if challenged or not there are a number of towns that have this restriction in their charter and as of right now I

believe it is still a valid, enforceable part of their charter. Now if the State came down and legally challenged it then that is a different story.

Mr. Meade commented, Mr. Chairman we have been told that this is illegal. It is illegal so we are going to put into a document something that is illegal or carry on this discussion.

Attorney Sciota interjected and directed to Chairman Zoni that he believed there was a motion to table and second and you should actually move on that. Confusion existed due to members talking. Chairman Zoni advised that there was a motion and second on the floor. Chairman Zoni commented that he didn't hear any motion to table or a second. Mr. Michlewski indicated his second to the motion to table. Again Chairman Zoni indicated there is a motion to table and a second which supersedes the motion to dismiss and there is no discussion on a motion to table.

Mr. Conroy then interjected, "I beg the chairs pardon, yes there is. My discussion would be on the motion as to whether or not it was good to table it, not on the motion itself." Am I correct?"

Attorney Sciota indicated that once you have a motion to table and you have a second you could ask because you have something to say for the motion to table be lifted as a courtesy but the motion can not be debated in any manner. Mr. Conroy stated that he thought under Roberts Rules that we may be able to discuss the rationale for tabling but not the motion itself.

Much confused discussion and Chairman Zoni indicated let's wind this back a bit. Chairman Zoni commented when Mr. Post requested to speak, he was speaking on the motion to dismiss and he said in the beginning of his talk that he believed that this issue needed further discussion and he thought we should table it. Someone states is not a motion to table. Mr. Post interjects it was a motion to table. Chairman Zoni indicated I don't want to split the finer points but I wanted to let you talk. Now if you stop talking we will take it as a motion to table but once you make a motion to table and we have a second there is no discussion to my knowledge on a motion to table. I was allowing you to speak because we were speaking on the Motion to Dismiss. Mr. Post then wants permission to make one last comment that he did not have a change to make. Chairman Zoni again asked Mr. Post do you want to withdraw your Motion to table? Mr. Post responded, no. Chairman Zoni stated, okay then I have a motion to table and a second and there will be no discussion.

Mr. Conroy directed his comment to the Chair, what are we voting to table. Chairman Zoni commented, we are tabling this issue and it will stay on Schedule B for further discussion. Mr. Conroy stated, "I believe there is a motion on the floor to dismiss, a motion to table I believe was to table the dismissal motion" that's the scenario I heard.

Chairman Zoni looked to Attorney Sciota for guidance. Attorney Sciota commented you had a motion to dismiss and a second. The person who made a motion to table, my assumption is I cannot speak for him, but he wants to table the issue because he wants more time to research it. Chairman Zoni commented and that is how he would interpret all motions to table, we are going to leave it right there where it sits. He continued, so we

have a motion to table and a second and there will be no discussion on the issue. Chairman Zoni calls for a voice consensus, there were yes's and no's, vote could not be determined. A roll call was requested.

Attorney Sciota then stated, "A Yes vote is to Table"

Post	yes
Michlewski	yes
Meade	no
Landrie	yes
Landino	no
Knoegel	yes
Feld	yes
Derynoski	no
Callahan	no
Paradis	yes
Zoni	yes
Conroy	no

The motion to table carried with seven yes votes.

Chairman Zoni then commented to do as much research as you need until the next meeting. Mr. Post then wanted to make a suggestion. Members then interjected the issue is tabled.

Item No. 4. No former Council member can hold compensated employment by the city until one year after the expired term.

Chairman Zoni calls for comments.

Mrs. Feld makes a motion to move Item 4 to Schedule C. Attorney Sciota has already sent us information. Chairman Zoni commented we have a motion to move it to C. Mr. Michlewski questions can we also include the Board of Education in that besides just the Council member? Attorney Sciota responded well if you wish that language to go in. Just remember all I am doing is drafting the language. I did not research the Board of Education, I researched the Town Council.

Mr. Meade then commented that he would like someone to explain to him the rationale behind this. If you have a member of the Town Council that is on a Board for a while or a teacher in the school system that leaves because they have an offer for a job, whatever the case may be, why should we tell someone, if they are in an elected office, that they have to sit for one year before they can accept a position. I do not understand this, what is the rationale?

Mr. Knoegel then commented that it is possible that the formulation of the job could have been put in place because of the current position you are in and may be unduly influenced in the hiring process. Mr. Knoegel then stated, he did not think that was all that

uncommon both in the state and throughout the nation. Mr. Michlewski commented that there is actually a revolving door policy within the state specifically about that because of some serious issues, including legislatures of getting involved in that whole situation and basically feathering their nests.

Mr. Meade then stated, we are talking about a municipality, you are talking about volunteers that run for the Town Council or for other boards and commissions, how could someone on the Town Council or whatever the case may be, feather their nest by taking a position on the state or national level when these guys basically control lobbyists. In a municipality you are actually paralyzing a person that is serving on a board. I have been involved for 30 some odd years and I can't remember one person that ever went from a Town Council position into a very favorable job in the town hall or a teacher that went on....

Mrs. Feld then commented that she believed Attorney Sciota had pointed out that there are seven municipalities. Mr. Meade then stated so seven have it out of 169 or something like that. Attorney Sciota explained what he did was he first looked to see if it was legal to do and then I looked at several, I looked at seven to see how they word them and they all seem to word it about the same. I am not saying there are seven municipalities, there are probably more but I opted for seven.

Mr. Knoegel then stated no one is saying forever, it is just indicating a cooling off period to make it look like there is no impropriety and all is above board.

Mr. Post then stated that simply for the fact that it is amazing on how many of the residents who signed our petition and have the impression and again the reality is the impression is that there is potential conflicts of interest that have happened in this Town and in business and we get other politics outside the community there are precedents where there is that restriction because it is actually easier in a small town like Southington where you can be on the Town Council and influence a situation whether it be from a contractor or from another town or another board, they can influence that and you can end up losing the Town Council vote or just say I don't want to run again and then it is very convenience to set up the politics behind that to be hired in that position that you have influenced. Mr. Meade frustrated commented, this is ridiculous. Mr. Post commented there are seven towns at least that we know about through Attorney Sciota. Mr. Meade commented, give us an example. Mr. Post commented that there is no reason; if it is right to do and you are the only one to do it, then knock your socks off. He continued we must not, in this Town, always have status quo mentality that we do not want to be out there out performing anyone else or we have done it for 40 years why should it change. He continued, let me tell you, those of us who have lived in five states perhaps have a different prospective in seeing what is better or what is worse. He commented his goal is that things should work better for the community, not a particular commission or a group and we are human so if we can limit those potential influences it makes sense. Again we are here not to propose a status quo but to improve; life should always be an improvement, not a status quo.

Mr. Callahan also frustrated commented and directed his comments to Mr. Post that he was not going to sit here and listen until 10 o'clock while Mr. Post pontificated. Furthermore, he did not want to hear from anyone on this Commission about their Charter Revision Commission
April 15, 2009

testimony concerning the 4,000 people out there and what they said and what they want on this Commission. The point is those people have not shown up as individuals or in mass. What I want to discuss are the issues that the people have that come here before us and can address to the 13 of us. Mr. Callahan also stated to Mr. Post that talking about what happened in other towns has no bearing in Southington. Chairman Zoni bangs the gavel to retain control of the meeting.

Mr. Michlewski then asked of Mr. Meade if it has never been a problem in the past, then what was his objection to it in the first place.

Mr. Meade responded, all the Council people are volunteers, all the Finance people are volunteers, commissions and boards in this Town are volunteers, it is not a paying job, it is nothing so if whatever the situation might be, if a person has an opportunity to move on, then why would we penalize a person for a year that he can not take employment, it does not make sense to me.

Mr. Landrie then stated he was making a point that a lot of people are missing and that was they had just tabled the preceding action, okay this one we have council members that are presently employed by the Town, by this wording, this exact wording a person if he loses his office, he has to quit his job so one goes directly to the other. If you can't have employment don't worry about this one year. The motion was just tabled relates directly to this. It is employment by the Town whether you are on the Council or if you have been removed from the Council there is a direct correlation. We tabled the other motion, we should table this one. Chairman Zoni wanted clarification, was a motion made. Response no.

Mrs. Feld then stated, I would ask if this one is okay, then why isn't the other one okay?

Mr. Conroy interjected, point of order Mr. Chairman, we are not supposed to be discussing the other issue.

Attorney Sciota stated that it is a very easy legal question. One is a property right and one is not. When a person is a current employee that person has constitutional rights. When a person is not employed by the Town and they voluntarily choose to serve on the Town council and they understand by serving on the Town council there is a prohibition in effect that is different than a town employee being told he or she can't serve on the Town Council. There is a huge difference.

Mr. Callahan then asked a question and stated that suppose we have someone who comes into Town and gets elected to the Town Council and while that person is serving on the Town Council, that person has the opportunity to be a teacher in Town, he can't take that job in Town because that is a Town employee? Attorney Sciota responded that is correct. Mr. Callahan stated that does not sit well with me. Mr. Callahan then directed comments to Mr. Post, giving a scenario similar to the above and requested his response.

Mr. Post stated nothing we can do will fix 100 percent of any situation. What is being attempted which is more important than anyone's employment is to maximize the transparency and that the Town Council and the Town Manager will maximize the benefit to the Town and if it goes against one or two individuals than so be it. Because
Charter Revision Commission
April 15, 2009

whenever you are on a commission or a council your responsibilities are elevated beyond you as the individual so I respect that person's inability to do that and I appreciate what you are stating but that person becoming a Town Council member has to give up if this thing were to pass for one year give that up.

Another comment he had was it is actually more important in a small town. In a small town because you do not the larger number of people to be on a Town Council so what the tendency is that a very small handful of people over the years we develop our prejudices, preferences and our special interests and it is more important in a small town than the city. Lastly he commented, we all must remember a voter is a voter whether they are here in person or verbally and we represent the voters and not just the people who are here right now.

Mr. Landrie made a motion to table the issue, seconded by Mr. Conroy. Motion passed with Mr. Meade voting no.

Item No. 5, Senior Center and Library Reporting Structure. Police and Fire Reporting Structure. Chairman Zoni indicated the Senior Center and Library Reporting Structure was an add on to the Police and Fire Reporting Structure. He suggested these two items be coupled together.

Discussion was called for by the Chairman. Chairman Zoni commented that these two issues came to light because many people in the community felt that these departments should report directly in some structure to the Town Manager's office rather than be autonomous in their own power base.

Mr. Conroy questioned if the Senior Center is governed by State Statue? Attorney Sciota stated that the structure itself, it is actually under one of our charters. I do believe we still have the ability to make a change.

Mr. Michlewski commented is it the intent to put all of those particular groups under the control or management of the Town Manager. Chairman Zoni indicated that that was the impression he received. Attorney Sciota indicated it is much bigger than that and has to be thought out more thoroughly. These boards are responsible for the oversight and they all have department heads that handle the day to day operation. I think if we are going down that path, and I don't think the intent was to eliminate the boards, my suggestion would be a broad based policy stuff would stay with the boards but the day to day operations would run from the department heads to the Town Manager.

Mr. Zoni commented that he believed people thought there was a disconnect to the management of the community which is the Town Manager.

Mr. Michlewski then stated that he got the impression that these particular commissions are almost acting without really any control from the Town in that they have already made their decisions and the Town has to live with them and that is what I believe they want to have changed.

Mr. Knoegel then commented that the feeling was that if we stay with the Town Manager form of government or some other type, whoever that was or is would still have the focal Charter Revision Commission

April 15, 2009

person which the budgetary issues would have to go through and the Board of Finance would be working off of that as well. That was his take on this.

Chairman Zoni indicated he thought it was more an issue of the day to day reporting versus budgetary issues. It concerned the organizational structure. The Senior Center, the Library, the Police and Fire are somewhat divorced from the Town Manager; there is not a direct connection.

Mrs. Feld then questioned Attorney Sciota as to how the department heads are hired. She questioned if they are hired now through their boards? She further questioned how would they be hired if they were all under the Town Manager's purview?

Attorney Sciota responded by stating right now each of those four boards has the jurisdiction to hire all department heads. Administration technically does not have any input. Under the Manager system of government all department heads would be hired and administrated by the Town Manager and that is what I believe was spoken by the public and also the Town Manager spoke in favor of this. Consequently under the true Town Manager form of government all department heads report directly to the Town Manager. The Town Manager is at the top of the flow chart so to speak.

Mrs. Feld questioned if we do this what then do each of these boards do? Attorney Sciota responded the boards would handle personal policy issues, they would have their monthly meetings as they all do now, get input as to the day to day situations and problems, budgetary matters formulated with the board and it is more of an over view as to where they would see their department going in the future but the day to day aspects and who they report to would be the Manager. The biggest issue would be that the Manager would hire and administrate that particular person.

Chairman Zoni stated if you recall at our last meeting during the public hearing portion, Councilman Pocock presented us with his version of what he believed the structure would look like. It was a radical departure from what we have now. If anyone would like to fold that into this discussion it basically is the same concept.

Mr. Michlewski stated that the only language that I might suggest be inserted would be that those particular commissions recommend to the Town Manager the individual to hire. In that case, you would be giving the board or commissions some input into the matter but the Town Manager would still have the final decision.

Attorney Sciota stressed that this is not a simple redraft because there is a lot that has to go into this. This is not a tweak and he suggested that if this moves forward he would like to sit down with the Chairman and maybe someone else and brainstorm as to how the Commission wants to move in this direction and then we get a couple of drafts. He again stressed this is not a simple five word change. You are speaking of what duties are remaining with the boards, what duties are being transferred to the Manager. It is not a simple wording; it is a policy change which is not something the Town Attorney makes decisions on.

Mr. Derynoski made a motion to table this item with the understanding that the Town Attorney would formulate some type of an outline. Attorney Sciota indicated he would sit down with the Chairman and the Town Manager and get some thoughts on this issue. Mr. Derynoski commented then at some point in the future we can have a more detailed discussion on this issue.

Mr. Conroy also commented that it would be a good idea to have the subcommittee involve the members of the respective boards and commissions.

Mr. Michlewski seconded the motion to table. No discussion, vote take and passed to table Item 4 which was combined with Item 5.

Item No. 6. Minimum percentage of voters to make referendum binding (Special Appropriations and Bond Ordinances)

Chairman Zoni requested that Attorney Sciota elaborate on that process now. Attorney Sciota responded yes we have no minimum. Chairman Zoni stated we have no minimum and this goes directly to Section 746. Attorney Sciota then commented the only time we need a minimum is certain aspects such as Charter changes wherein we have to have a minimum number of votes. He further stated that several individuals had come before the Commission to speak concerning the possibility of having a minimum number of votes. In this particular case I believe there was if the Council chooses to move forward with a referendum for a purchase for more than \$1million or more, then it would require "X" amount of percentage of the population before it even becomes effective or the flip side of that is if not enough people come out it automatically becomes effective. There are two ways to view it and Attorney Sciota had no opinion on either one.

Chairman Zoni asked if anyone has an opinion. Mr. Landrie responded he did in that he had brought it up. He stated that the reason he brought it up was because in the past we have had some referendums that have passed by less than 500 votes. Anyone can get a group together and get 400 to 500 people. The Board of Education can get 1,000 people together just like that. That is the main reason. I did not like to see, or allow a small special interest group to pass referendums that could be in the millions of dollars. Mr. Landrie thought that perhaps someone else might have some ideas somewhere in the neighborhood of 5 to 10 percent minimum required percentage of registered voters to come out to make a referendum binding. Chairman Zoni stated that would be somewhere around 1,350 to 1,400.

Mr. Post felt it was important and if it moved forward it may intertwine with another issue dealing with the financial amount to require a public referendum. Chairman Zoni questioned if Mr. Post was suggesting that if we set a threshold that threshold might vary depending on the level of the expenditure. Short discussion concerning past sewer referendums. Mr. Michlewski commented as related to the police facility. That was an issue and he was not sure if it was a case of apathy on the part of the people or total futility as to the way doing this Town. He further commented that he hoped it was apathy and not futility.

Mr. Landino commented isn't that why we are all here, because of democracy? He understood the minimum number of votes and you can get these special interest groups to
Charter Revision Commission
April 15, 2009

get out to vote, but that is democracy. If you can get people to come out and vote to be in favor of what they want that is democracy. He was not against it, but the idea of these little groups making some decisions if a person is against that then they should get larger groups to come out.

Mr. Michlewski then stated what he was referring to with regard to futility was how many votes on the Gura Building and how many votes on the Police Department. He stated he was quite sure by the second time the general population's attitude was "they are going to stick it to us, no matter what" and unfortunately that is the opinion around here. All you have to do is observe the number of people who turn out and thank God on the Gura Building enough people came out but if you have a referendum, fine it doesn't past the first time, then perhaps there should be a cooling off period not simply again. When that is done you start getting the general population to firmly believe that they do not matter. That is not what we want to have as a perception in this Town.

Mrs. Feld commented that she would support what Mr. Landino had stated, that the fact was that this is democracy and especially bringing up the Town Hall as an example of that. She further commented that one of the reasons the Town Council put the Town Hall back a second time as quickly as they did was because they felt that not enough people had come out to vote the first time. I do not agree with that, a vote is a vote and that is it.

Mr. Conroy then commented that he believed the Town Council had made significant changes in the proposals that they put back out? Chairman Zoni responded with the third one they did.

Chairman Zoni then stated that he wanted to comment on the issue as he thought it was a good one. He thought in having a minimum threshold for folks to turn out for a referendum vote is a good thing. A Council is elected by the people. It is a representative democracy. When a person is elected to the Council he or she is there to discuss and deliberate the needs of the community. The Council formulates those needs sometimes those needs have to be affirmed by the community. This is the whole concept behind this advice and consent of the referendum number. However, if a small number of people come out, then it is already determined by the people you have elected that this is in the best of the community or it would not be on the ballot to begin with. Now when it is on the ballot and not a lot of people turn out that indicates silence and in his opinion that means silence is an affirmation. It means its okay and the people do not need to come out and vote. Mr. Michlewski stated that he understood what Chairman Zoni was saying however he felt the perception in this Town is that if a referendum fails once, try, try again and if you keep trying it will eventually pass.

Mr. Meade commented if you go back in history, it took two to three referendums to get Mulberry Street widened; Pleasant Street was the same way, the Fire Station also. What he was stating, it is hardly ever, except the schools, when the Town wants to get involved it is very seldom that the issue is voted up the first time. Then it has to be decided, why? Did the people not have enough information? Whatever the case may be and then you have to present it again. If the perception is there, it is there because it is the truth. Due to the fact that it is very seldom, i.e. the Town Hall, sooner or later it will be built and it is going to cost a lot more money than it did before.

Mr. Michlewski then stated his first thought concerning the Town Hall would be to file a Freedom of Information request concerning the maintenance done over the years. Being involved in capital projects through out the state, many times it is neglect to make sure so it gets bonded. Chairman Zoni stated we are getting off track but he did say that when a Council decides there is a need for something, that something is not going to go away, and you can have new members coming onto the Council and the need will still be there. If it is a real need, it can not escape you.

Mr. Post then stated that new thinking sometimes comes up with new ideas. Mr. Post suggested a two tier system on this topic meaning below a certain amount is there is no minimum percentage of voters and then over a certain threshold that might help. Chairman Zoni asked if anyone liked that idea.

Mr. Landino responded he did not because then you are picking and choosing where democracy should work and where it should not work. Mr. Post disagreed. Mrs. Feld also once again agreed with Mr. Landino by stating a democracy is a democracy and you can not pick and choose.

Attorney Sciota then stated, Thomas Jefferson use to say “Democracy belongs to people who show up” and he could not say it any better.

Mr. Knoegel then commented that he believed the feeling is that there has not been enough of a vigorous oversight of the physical buildings in our Town and not enough of looking at how we are keeping these entities running. When the Town Council has to keep coming back over these issues, he thought the prevailing feeling is that there has been poor facility management, no global plan to keep physical plants up to code.

Mr. Derynoski makes a motion to dismiss Item No. 6, seconded by Ms. Feld. Chair calls for any discussion and a voice consensus. Vote undetermined, a roll call vote is taken. Attorney Sciota indicated a “Yes vote is to Dismiss”.

Post	no
Michlewski	no
Meade	yes
Landrie	no
Landino	yes
Knoegel	yes
Feld	yes
Derynoski	yes
Conroy	yes
Callahan	yes
Paradis	yes
Zoni	yes

Motion passes to Dismiss

Item No. 7. First vote by the Town Council on the budget must be an up or down vote on Board of Finance budget.

Mr. Conroy makes a motion to dismiss.

Mr. Knoegel comments the intent was to not have the Town Council add or amend what the Board of Finance was submitting. It is believed that the Town Council needs to make a point to the Board of Education that during deliberations, if they want to add on things they need to do this before the budget goes to vote before the Town Council. Mr. Conroy asked for a clarification. Chairman Zoni discussed the process stating the first motion generally gets made to accept the Finance budget as submitted, and then amendments get added to that and discussed. If accepted a motion is made, voted on and the motion either fails or passes. More deliberations usually occur and eventually the public would see which Council members voted on the Finance budget.

Attorney Sciota then attempted to make the issue more understandable by stating on the State level it is called fast tracking. In the case of the Board of Finance the budget comes before the Council, fast tracking simply means no one is allowed to put amendments on that bill, so if there are not five votes at the Town Council level to approve the Board of Finance budget as submitted that motion is defeated and then from there on motions are made to amend here or there. That is fast tracking.

Mr. Landino commented that he was only on the Council for a few years but he would be shocked if the Board of Finance budget did not get voted down the first time it was voted on. The Council receives the budget before that one night and the Council will not make these changes in the two hour meeting. They will look at it, at least one month before so they in essence have thirty days to look at this budget. He continued, if he was on the Council and looking at the budget one month before and there are some suggestions that he had that might actually lower the taxes he would vote down the Board of Finance budget just so he could make the suggestions. There are usually things in the budget that you always want to either add or subtract.

Mr. Michlewski then asked if there is actually a public vote on the budget submitted by the Board of Finance or does it simply come in and due to the fact that it simply is not what is wanted, amendments are made. Chairman Zoni commented that there is always a vote on the Board of Finance budget as submitted and then amendments take place. All this item would do is prevent the amendments from taking place.

Mr. Conroy then stated that no one gets a chance to make amendments to the Board of Finance budget until that motion is made to either accept or reject that budget. Nothing can be done until that motion is made and this item is just adding another process to the process.

Chairman Zoni requested from Attorney Sciota a clarification of what the provision would change. Attorney Sciota compares the process to fast tracking.

Mr. Meade commented that the Board of Finance makes a recommendation to the Council. It is not the actual budget, the Board of Finance is there to study, go through the different boards and make recommendations to the Council as to what they have decided they want. The Board of Finance currently is partisan, like it or not and so what that means if it comes to the Council and the Council simply has five votes, that is the end of it. The way the Charter is now any Council person has the right to bring up an

amendment because if those five votes are secured there are no amendments that can be made. Mr. Meade discussed the possible Board of Education budget.

Mr. Paradis asked if the Council gets the budget in advance, can't amendments be made. The answer is no. Mr. Meade commented that there are various caucuses and meetings that take place and noted that the Board of finance is not the executive board of the Town the Town Council is. It is important to centralize the town government not decentralize it.

Mr. Michlewski asked if there was ever a Board of Finance budget that was approved without any additions or amendments. Mr. Landino referenced a chart indicating increases in Board of Finance budget over approximately 20 years. The answer was no; however, Mr. Conroy interjected that it is important to note that when the Board of Finance received budgets from all the departments, amendments and changes have also been made by the various departments. That is what the entire process is about.

Mr. Meade spoke and referred back to the chart and commented if you do look at the chart we are talking increases of 0.03 per cent, 0.04 percent and in all the 20 years it has been .6%. Mr. Michlewski commented he understood however it still was an increase.

Ms. Feld questioned, "What is the harm in doing this?" and perhaps Mr. Meade could explain that. Mr. Conroy interjected, "I can, Mr. Chairman, if you allow me." "It is just another layer in the process that you know what is going to happen, they are going in there and vote it down and make their amendments anyway so why not have the discussion right up front." Mr. Conroy in frustration commented, "as we go around and listen to members of this community there is one overwhelming theme that I seem to be getting, distrust, there is a lot of distrust in the people that we are selecting as a community to fill offices, elected offices and if we are still going to have that skepticism about people running for office and not having them have our faith that the job they are going to do is within a certain code of ethics, within the Statutes, within the provisions of our Charter, we might as well do away with government" He further stated that he agreed with Chairman Zoni referring back to the comment when there was a referendum if there was not a big turnout perhaps they (the Council) got it right because if the public did not agree they would turn out in abundance to vote and those individuals who had voted for a certain subject would not be serving another term in office. He ended there is no reason for this provision to go forward.

Ms. Feld then commented the answer to mistrust is accountability. Mr. Knoegel commented if there was a change in the Charter for more of a mechanism to alter the budget before the final vote, would that somehow make it more contentious on the night of the vote?

Chairman Zoni then commented that this issue is something that bothers me on the night of the vote, basically the same things happen every time and some times good amendments come up at that budget meeting and we are, as a Council, forced to vote on the budget that night because it has to be done by a certain date. Mr. Zoni then stated he did not think the Council was serving the public in having to make decisions on amendments the Council was just hearing that night. Mr. Zoni further indicated perhaps

the answer was to change the Charter date in reference to the budget, to two weeks later where in there could be no amendments introduced at that point, just a final vote.

Mr. Meade then commented there is not something that a Councilman dreams up that he wants to add or subtract to the budget. It is a decision that either the Board of Finance cut it or the Board of Finance added it to the budget and the Council can not approve any item over and above what the Town Manager had put in. If an item is cut, the Council can restore it but it can only be restored up to the amount that was originally put in the budget. It is all controlled. Mr. Conroy reiterated that the Council does not have any authority at any time to add anything to the budget, at any time. Chairman Zoni then commented the Council only has the authority to restore up to the level of the Manager's budget but a particular Councilman decides a certain item needs to be restored it is okay that the motion is made, but sometimes several more are also made and all of those motions to restore but sometimes a person just needs a little more time to digest the facts.

Mr. Post stated that he liked the idea of having a certain period of time to review and it possibly could be that the reason this issue came up is because transparency is needed.

Mr. Knoegel commented that he tended to agree and that he would **move to dismiss the item this and add to A discussion on changing the time line.** Attorney Sciota then interjected that they had to be very careful with the suggestion, first of all there is a reason why the second Monday in May is chosen because the Town has to set the mill rate, the tax bills have to be printed and sent out and there is a very short period of time to do that. If this is moved anywhere, you have to truncate the time the Board of Finance has to look at the budget. More discussion continued. **Ms. Feld seconds the motion to dismiss. All in favor, motion passed.** The item will be discussed at the next meeting.

Chairman Zoni called for another motion. Mr. Knoegel stated not a motion but a request to add discussion concerning the time line for the Town Council to review and vote on the budget. More discussion on the timeline concept continued.

Item No. 8. Section 208 Board of Finance vacancies to be filled by the Board of Finance and Water Board.

Chairman Zoni stated this issue is to make all elected board vacancies filled by their board.

Mr. Derynoski made a motion to have the item moved to Schedule C, Mr. Landino seconded the motion, all in favor Item 8 moved to Schedule C.

Prior to next item, Chairman entertains a motion to adjourn.

Item No. 9. Financial Amount to require Public Referendum. Mr. Conroy makes a motion to dismiss the item and leave it the way it is, seconded by Mr. Meade.

Discussion followed, Mr. Post commented this is a significant issue. Chairman Zoni hesitated to just dismiss the item. Mr. Conroy then stated, this issue has been coming up and coming up and discussed at all of the Charter Revision Commissions that he had been on and the argument has always been if the million dollars is shown to be that going Charter Revision Commission

April 15, 2009

to referendum every two weeks because of the money they can form a Charter Revision Commission to change that one item. Discussion and debate occurred on the value of the issue.

Mr. Landino questioned Mr. Conroy what his concern was. Mr. Conroy stated that he believed the \$1million limit is adequate for today's day and age. He continued that doesn't mean two years from now that we find ourselves as a community having to go out to referendum frequently, five, six, seven time and when that happens that is the time for the Council to form a Commission to decide how to solve the problem. We have a representative form of government and they have been put there to act in the best interest of the community. Debate continued on the issue. Ms. Feld commented that she thought the position being discussed was to make the amount higher but some of the people who spoke indicated that they would like to see the \$1million lowered. Mr. Callahan debated Ms. Feld's comment by stating no one indicated they wanted it to go higher or wanted it to be a percentage. He stated the \$1million is 8/10ths of one per cent and that is really low. \$1million dollars done eight or nine years ago was a lot of money but it is a lot less today. The heated debate continued with views coming from all. It was obvious that the issue required more deliberations, discussions and debates.

Adjournment.

Mr. Landrie made a motion to adjourn, seconded by Ms. Feld. Motion passed by voice vote. Meeting adjourned at 9:35 p.m.

The next commission meeting will be on May 6th.

David Zoni, Chairman
Charter Revision Commission