

**MINUTES OF THE TOWN OF SOUTHINGTON  
SPECIAL MEETING  
CHARTER REVISION COMMISSION  
April 7, 2010**

The Charter Revision Commission of the Town of Southington held a special meeting on Wednesday, April 7, 2010. Chairman David Zoni called the meeting to order at 7:00 o'clock with the following in attendance:

William M. Knoegel, Dennis P. Conroy, Richard Post, Sandra E. Feld, Andrew Meade, Joseph Landrie, Brian F. Callahan, James Verderame, David Derynoski and James Michlewski

Staff: Mark J. Sciota, Town Attorney; Lou Martocchio, Assistant Town Attorney

A quorum was determined

Summary Minutes – meeting recorded on audio and video tapes.

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

**Approval of Minutes**

Chairman Zoni called for a motion to approve the January 6, 2010 minutes. Mr. Derynoski made a motion to approve the Minutes. Mr. Verderame seconded. Motion passed unanimously on a voice vote.

**Review and discussion on the modifications requested by the Town Council**

Chairman Zoni stated that the main purpose for tonight's meeting was for a review and discussion on the recommendations for modifications from the Town Council. Chairman Zoni informed the Commission that Lou Martocchio, Assistant Town Attorney was here tonight as the acting attorney for Section 401 concerning the Town Manager Portion of the Charter and the institution of a contract.

Town Attorney Sciota recused himself from participating in discussion concerning the Town Manager.

Chairman Zoni stated that the Town Council had commented on this section and the Commission would proceed through them one at a time to resolve them.

Mr. Landrie asked to address the Commission. Mr. Landrie was in attendance at the Town Council meeting when the proposals were discussed. He encountered a total lack of understanding of what the Commission was trying to do. In his opinion the Council had only a very cursory approach to everything. One Councilman opposed a vote of seven to six and he was not referring to the right section. Only the Chairman showed any

intelligence on the matter. Therefore tonight there is a hard task before us. When talking about the Town Manager's job they are looking at two years on even years so it didn't interfere with elections. In his opinion this is a total lack of knowledge on how to hire a Town Manager. Example given was if the best qualified person was living in Michigan, as discussed before, moving a family for a two year contract was not feasible. The Commissions' job tonight is to put in language where the Town Council can understand what the Commission spent one year doing. One Councilman said "I have a gut feeling" about five times. Mr. Landrie wanted an understanding of what was proposed. Therefore the Commission had the job of putting in wording of what the Commission means and intended for the Town Council to accept.

Mr. Meade commented that he agreed with most of Mr. Landrie's comments. However, in the contract deal the Commission was quite clear that it would not exceed a five year contract. If the Town Council wanted to give a one year, two year, five year or no contract, that was up to the discretion of the Council. Mr. Meade agreed with the example given concerning moving from out of state.

Mr. Michlewski commented that he felt that it was inappropriate for the Town Manager to give his opinion. That was something that should not have happened. The Town Manager should have recused himself.

Ms. Feld commented that Dr. Urillo noted that everywhere she would like to see "his/her." The Commission had no problem with that request. Ms. Feld started to review the first item in paragraph one.

Chairman Zoni stated that he had intended to go through these one by one. And, if there were no additional comments he would start going through the items.

### **Section 401: Appointment and qualifications and Tenure**

First line concerning the initial item that Ms. Feld brought up there was no problem using "his/her."

Second paragraph concerning Ms. Miceli's concern requiring an advanced degree and pointed out by Mr. Palmieri that there was a waiver provision, it looks like it was left up to the Council if they chose to waive that requirement. The Commission agreed that the current language was adequate.

Ms. Feld quoted the language as "preferred but not required."

Chairman Zoni stated that some members of the Council felt that it should be required and asked if the Commission was comfortable with the current language or if it should be required.

Mr. Callahan commented that he frankly would rather see someone hired who had an undergraduate degree in this profession with ten, fifteen or twenty years experience rather

than someone right out of school with a Masters Degree. Many can pass the school book test but do not have any “street smarts.”

Several Commission members voiced their agreement. Ms. Feld reiterated that the language stated with at least five years with a responsible administrative position.

Mr. Landrie reiterated that the Commission had hashed this over many times. Some members of the Board said if we required an advanced degree this would tie the hands of the Council. He felt an advanced degree was a prerequisite for any Town Manager of a Town this size.

Mr. Michlewski stated that what the Commission said was “preferred” but it could be waived. Someone could be working on a Masters Degree but working as an Assistant Town Manager for ten or fifteen years and that is the individual we would want not someone fresh out of college with no experience. He felt that the way the recommendation was written this was clearly stated and it should stay there.

Chairman Zoni asked if we need to change the wording and the consensus was that it should stay as stated.

Chairman Zoni continued with the next item which was the issue of seven votes. The Commission changed it to three-fourths to make seven to make that waiver. It was pointed out at the meeting that there were some inconsistencies in the Charter since some places required six or two-thirds. The difference is due to the gravity or importance of the situation that required six or seven votes. Chairman Zoni asked if the Commission felt that this was an important issue and should stay at three-quarters or be changed. Chairman Zoni pointed out that this came up several times in the proposed changes to the Charter.

Mr. Meade commented that in most places in the Charter it was a six vote requirement. He felt that he would be more than willing if the Council felt this was not acceptable to leave it at six votes.

Mr. Conroy commented that he agreed with Mr. Meade. Two-thirds majority on a vote like this with a hiring authority, when the extra vote is put in it tends to shift the power to the minority. He felt that this was something that should not be in the Charter.

Mr. Knoegel commented that way back it was three-quarters in the Charter when it was formulated. He felt that making a waiver exemption for something this high of a position does need to meet the benchmark. He did not agree that throughout the Charter having a benchmark of six was proper. Some items require a higher threshold to meet and this is one.

Ms. Feld commented that looking back on all the Charter Revision changes from previous Commissions three-fourths has been in since the very beginning which would

indicate the people who wrote the Charter felt that if the requirements for the Town Manager were to be waived it would require a vote of seven.

Mr. Post agreed. It has been a long term standing of seven while in most cases it should be six, but this is a very special case. He would much rather have someone with a Bachelor's degree and personally felt that five years was not enough experience. With that in mind he preferred keeping the requirement at seven.

Mr. Michlewski stated that we are hiring a Town Manager who is supposed to be working for both sides. The power shifted this year from one party to the other and it will happen again. We should have a consensus of the vast majority of the Town Council on who is going to run the town on a day to day basis. He felt that six did not quite do it. Even if there is a maverick on one side or the other we need a consensus.

Mr. Landrie agreed with seven. It should not be changed because one Councilman wanted a consistency of six. He did not agree with the Chairman saying it diluted power. It requires the entire majority. If a minority party is required to pass it that is good. We are talking about the hiring of a Town Manager for this Town.

Mr. Meade agreed that he was mistaken earlier thinking that it was six votes. It was always seven and had no problem with it staying that way.

Mr. Callahan asked to move the question.

A verbal vote was taken and the motion passed unanimously. Three-fourths vote will remain.

Term of the contract: Mr. Zoni stated that basically the Town Council had the same discussion that this group had concerning the term of the contract. In his opinion they are the ones that need to sign the contract. Unless we feel strongly only one way or the other there should be some defined parameter in the Charter and we could even consider abandoning that requirement and let the timeframe be decided by the Council.

Ms. Feld stated the Commission gave them all the leeway they needed. It seems that they were doing what they would do once they were talking about the actual hiring of a Town Manager. We have given them "a period not to exceed five years." Each member came up with some variety of suggestions that met that parameter.

Mr. Zoni requested a legal decision as to whether they the authority with the wording that was there to do whatever they want as long as it does not exceed five years.

Assistant Town Attorney Martocchio stated that the Town Council would have the authority to enter anything from one or even less than one up to five years. The language is very clear and there is no ambiguity and absurd as it may sound they could do a six months period, trial period or even day to day. They have up to but not to exceed five years. If they wanted to negotiate beyond that time period there would be an issue. The

town does have ample authority to negotiate up to five years. Concerning hiring a qualified person who would come from out of state and need to move their family, perhaps no one would do that for a year that is relevant. But that is not in this group's realm of jurisdiction. That is up to the Town Council if the candidate is worth investing up to five years or whatever. This is part of the negotiation with salary and other things.

Mr. Meade asked Assistant Town Attorney Martocchio if he would be there to explain this to the Town Council. Assistant Town Attorney Martocchio responded that he had no objection doing so.

Several Committee members agreed that this would be helpful.

Mr. Knoegel stated that he has strong objection to backing down on this issue. The Town Manager's position does require a contract. While only four-thousand people signed a petition, from several people who did not sign he had heard uniformly that the Town Manager position did need a contract. The open ended "serving at the pleasure of the President", even the President only works two terms, eight years. We have a Town Manager who has served forty-three years. The contract needs to be specific not to leave any leeway to be served at the pleasure of the Council.

Chairman Zoni stated that this was only a minority opinion. The majority did want to keep it under a contract.

Mr. Landrie again reiterated that the Council understood the limit of five years. A maximum of five years offers the option of less than five years. It appeared that no one on the Council understood that. They felt that going beyond two years would tie the other Councils.

Mr. Verderame and Mr. Michlewski requested to move the question.

Mr. Callahan asked Assistant Town Attorney Martocchio to address his concern of a five year contract. If after a year something happened and we needed to buy out the contract for someone it would be an expensive situation. He suggested that language be inserted that if the person was arrested or did something in violation of something, that he would be terminated without any buy out.

Assistant Town Attorney Martocchio stated he understood the concern. Assuming a worse case scenario that the Town did grant a five year contract hiring the wrong candidate for the job, generally contracts have escape clauses. It usually is a character clause and there is a data bank full of them that can be used if we have not used or written them in the past. These could go to the Council for the proposed contract. Could there be a lawsuit if the contract was terminated, unfortunately there most likely would be. If crafted appropriately, would it expose the Town to a legitimate four year buy out he did not think so.

Mr. Callahan stated that this was his concern. This Commission does not have the authority to instruct Assistant Town Attorney Martocchio to do that but he asked that this be done.

Assistant Town Attorney Martocchio stated that he would do this for the Town.

Mr. Derynoski stated that there was a way to put verbiage into the contract to cover the Town in any regard, be it ethics, conduct or performance. The key is documentation and a series of reviews.

Mr. Michlewski stated that this is why we suggested a yearly review.

Ms. Feld stated that this was beyond the purview of this Commission. This is something that the Town Council would do. This is not for this Commission to do.

Chairman Zoni summarized the discussions of the Commission stating that the Commission would not be making any changes to this section as originally presented.

A voice vote was taken and the motion passed unanimously. There will be no changes made to this section as presented.

Manager's review with open session:

Chairman Zoni asked Mr. Derynoski how this was handled with the Board of Education.

Mr. Derynoski stated that the employee had the option of requesting his evaluation in an open session or in executive session.

Ms. Feld stated that a summary was requested in open session, not the actual evaluation. She read the wording "will receive an annual review by the Town Council prior to any extension of the contract period. The Town Council in open session shall give a summary of his annual review and the summary of his review prior to voting on any extension of the contract."

Mr. Derynoski stated that he felt they were asking something different.

Chairman Zoni stated that the Chairman of the Town Council was concerned on how the review was done at the Board of Education with the superintendant and what was done in open session.

Mr. Landrie again stated that the Town Council did not understand the word "summary". We are not talking about a complete public documentation of the review, only a summary. If they understood the word summary he felt they would accept it.

Mr. Conroy stated a performance review, a personnel matter, is something that is allowed to be taken up in private in executive session per the Freedom of Information Act. In

private session the Council would rate the Town Manager stating where he/she had done well, poor, etc. After the review they would take it out to the Council and disclose how they scored the Town Manager in different areas. Then they would take a vote, if any, on what arrangements were to be made on salary, extension, and etcetera.

Motion by Mr. Callahan, seconded by Mr. Conroy to leave the wording as submitted.

A voice vote was taken and the motion passed unanimously. There will be no changes made to this section as presented.

Mr. Callahan questioned if what Mr. Conroy said could be incorporated as an example so the Council could understand where they were coming from. Chairman Zoni agreed that this would be done.

Mr. Post asked if the Assistant Town Attorney Martocchio could also be available to explain to the Town Council Mr. Conroy's example if the write up did not work.

Chairman Zoni stated that there was one additional issue on this section that was addressed. It was the residency issue. Some felt that twelve months was more than sufficient. Chairman Zoni asked if the Commission felt they should leave it so the Council had the latitude to extend it or did they feel they wanted to eliminate the power to extend.

Ms. Feld felt the language should stay as submitted.

Mr. Conroy explained the process of negotiations. In the past he argued about having all these parameters in the contract. In negotiations between the hiree and the hirer involve things like termination clauses, salaries, probation periods, residency, Masters Degree, time periods, etc. If the person from Michigan doesn't feel they want to move for a two year contract, so be it. If the Council feels that this person is so good that we could ever hire, they will give them the five year contract. These terms are open for negotiation between the hiring authority and the candidate.

Ms. Feld requested to move the issue.

A voice vote was taken and the motion passed unanimously. There will be no changes made to this section as presented.

Chairman Zoni thanked Assistant Town Attorney Martocchio for attending.

Town Attorney Sciota rejoined the Commission.

Town Attorney Sciota summarized that the only changes in Section 401 was the gender changes and requested that Assistant Town Attorney Martocchio revise the wording to allow for timely submission to the Town Council.

**Section 723, The annual town budget; Section 725, The budget hearing; Section 728, Vote required for the budget adoption by the Board of Finance; Section 729, Action by the Town Council on Budgets:**

Chairman Zoni stated that all of the movement was designed for two purposes, to allow the Town Council to hold a Public Hearing on the budget and put that Public Hearing in the Charter. This is acceptable to the Council. They did not want it cast, however, on a specific Monday. They would like to have it at the discretion of the Council. The Commission established a specific Monday for the Public Hearing.

Ms. Feld stated that the Council did not understand that 729 was dependant on 723, 725 and 728. In other words, 723, 725 and 728 make it possible for 729 to occur. Attorney Sciota worked very hard to get the Board of Finance to agree to certain dates to make 729 possible. The purpose was to have the meeting that the Town Council has before they decide on the budget would be the only time they could discuss amendments. Therefore when they go to the next meeting, which is the vote on the budget, they don't have people popping up at the last minute and they don't have time to think about it and review it. They need to vote on it that night.

Chairman Zoni stated that they had no problem with 723, 725 or 728. They wanted to make room for their Public Hearing. They only had a problem with the amendment process.

Mr. Conroy stated that since 723, 725, 728, and 729 are all part of the same change he felt they should be left as is.

Motion by Mr. Conroy, seconded by Mr. Verderame to leave this section as is.

Chairman Zoni stated that there was one concern that was valid. There was no way out left for them and they wanted some flexibility to address some emergency situation that could come up to make a revision. Example given something changing at the State level that requires a change in the budget.

Mr. Meade questioned if we didn't already have that. He did not feel that we needed to hold their feet to the fire. As long as they had that Public Hearing before the budget is voted on if something comes up if they had a meeting on a Monday night or Wednesday night there is no reason why we need to insist on Monday.

Chairman Zoni felt that the sticking point was not the changing of the date and time. It was more the amendments. This was the entire Council that had difficulty with it. They were concerned if they did not bring up an amendment the meeting before they would not be allowed to bring it up the night of budget approval. If there was an emergency that they need to make a change there was no flexibility. Basically there was no way left to make any changes at the final meeting.

Mr. Landrie stated that this was exactly why the issue was brought up. The commission wanted to eliminate what happened two years ago. They went back in forth for four hours making various changes at the last minute. If they don't understand the budget and can't make the proposals why give them the opportunity at the last minute. He felt the proposal should stay as it is.

Mr. Michlewski felt we were embarrassed as a Town with all the last minute changes. That was the whole idea to stop that type of grandstanding out.

Mr. Meade questioned Town Attorney Sciota if there was an emergency that could come up at the last minute that needed to be addressed.

Town Attorney Sciota stated that there could be something that could come up because of the State since this is the time period when they are in session.

Chairman Zoni proposed that for emergency situations we allow an amendment with a three-quarters majority. If not he felt they would not pass it without the safety valve.

Mr. Conroy questioned Town Attorney Sciota if the budget vote was taken tonight and it passed and tomorrow a new number came out of the State that affected the budget for the year what would the Council do.

Town Attorney Sciota stated that if more money was needed after July 1, a special appropriation would be needed to obtain the money.

Mr. Conroy's point was that there is a process so why change it.

Town Attorney Sciota commented further stating that if the opposite situation was to occur and the State gives us numbers that are higher, that could be an issue. Granted if it is money the Town needs it is a special appropriation after July 1.

Mr. Knoegel stated that the reality of it is to think that the legislature is going to have all their final budgetary issues in line to meet with ours is rather illusionary. Last year it wasn't approved until September. Most years it is mid May. So is it a possibility that some of the money you think is guaranteed might be in the State budget, possibly, but if we have done our homework and we talked with our legislatures and we have the best information at the time, I think this request is unreasonable.

Mr. Post asked if Monday could be changed to Tuesday so there is at least one day after the weekend.

Town Attorney Sciota commented that you can take out the word Monday but the Council only meets the second and fourth Monday of the month only. So you can take out the word Monday but Monday is the reality. What this Commission was trying to limit was amendments that were raised the night of the budget that other members of that particular board were not aware of and did not have a chance to research. That is the

bottom line. If we want to reword that based on what the Council thought and still achieve that goal, we can try to do that.

Chairman Zoni agreed that he would like to try to do that but if we did not put some type of safety valve where they can bring up an amendment with a super majority or something it would get rejected.

Mr. Callahan stated that we cannot predict what is going to happen. There could be a fatality on the Council. Anything could happen. Make the meeting the week of rather than the Monday should something happen that the Monday meeting could not take place.

Town Attorney Sciota stated that the public hearing could be any day. The real point is that between that Public Hearing day and the vote day, is there a mechanism where all amendments have to be brought up at a certain date and then a time period goes by and when the final vote of the budget takes place where no amendments can be brought up. That is what is proposed. If that is what the Commission wants then we need to work on the wording that will make the Council comfortable.

Ms. Feld pointed out that the Council meets on Monday nights and the amendment night would have to be the meeting before the budget is voted on and that meeting is on a Monday night.

Mr. Callahan asked Town Attorney Sciota if it is in on a Monday and for some unforeseen reason they cannot meet on a Monday, what the legality issues would be.

Town Attorney Sciota stated that there were already three rulings on this issue. When the Board of Finance Public Hearing said Monday at eight o'clock, in the seventeen years he has been doing this they have never met Monday at eight o'clock. We met Monday at seven o'clock and sometimes Mondays and Tuesdays. Yes in the issues of possibilities or issues of reliance a Town Attorney has given a ruling that you cannot meet on that certain Monday. If we want to say the first meeting in April, the first meeting in May there is no problem saying that. But the real crux of this is what we are doing about the Public Meeting, the amendment meeting and the final vote.

Mr. Conroy summarized that right now we have a public meeting, a meeting to propose amendments and a final meeting to vote on the budget. He added that what he heard is that if something comes up after the budget is adopted there is a mechanism to address it.

Mr. Meade questioned if the concern was if something came up between the last meetings and when the budget was voted the Chairman had a good solution to address it.

Mr. Conroy responded that after all the years he was on the Council, when something came up after the budget was adopted we have a mechanism to correct it.

Mr. Meade again stated that the Chairman's suggestion was in his opinion a good solution to that situation. If it is that critical to the Council, three-quarters of the Council have to vote to have the amendment. One party could not sway it one way or the other.

Chairman Zoni again stated that he felt strongly if that was not done, the Council will reject this section.

Mr. Post commented that maybe to alleviate the exact day and do it generically would eliminate the performance standard. On the second point concerning amendments, while not being opposed to a three-quarters vote, limit it to circumstances beyond the control of the Town of Southington.

Chairman Zoni stated his concern that this Commission would be defining what they considered an emergency. He felt this had to be left in the Council's hands.

Mr. Callahan asked for Chairman Zoni to restate his proposal for the three-quarters majority.

Chairman Zoni restated that amendments could be introduced at the meeting prior to the final vote. We did not give them the mechanism to introduce any additional amendments after that vote. In fact we really did not want them to. Their argument was what if something happens in that timeframe. If an emergency comes up or something that was cut they find cannot be cut they need a mechanism to make that amendment on the final night. If that amendment requires seven votes could control adds.

Town Attorney Sciota asked the Committee to look at 729 together and asked if there was consensus if, similar to the earlier discussion, where we said the first meeting in April and the second meeting in April if in this section it said the first meeting in May and the second meeting in May. The Committee agreed. The second issue was "failing to raise any amendment at said meeting shall bar any amendment to be raised except by an affirmative vote of blank Council members." (The Commission filled in the blank to be three-quarters.)

Chairman Zoni said this would give them the safety valve. There legitimate point is they want to have some kind of control at the end in case they want to make a last minute change. But if there is going to be a last minute change it has to have some validity. That is what the three-quarters vote would provide.

Ms. Feld asked what if they wanted six instead of seven.

Chairman Zoni felt the Commission should stick with seven.

Mr. Conroy requested to withdraw his previous motion for the purpose of making a new motion. Mr. Verderame withdrew his motion.

New motion by Mr. Conroy “To remove the Monday night specifics for the Public Hearing as long as there is a Public Hearing before the amendment vote and to make an amendment on the night of the final vote requires a majority of seven Council members to adopt.” Ms. Feld seconded.

Town Attorney Sciota asked for clarification prior to voting on the motion. The motion is to have the wording changed to say “The Town Council Chairman shall have a Public Hearing prior to the meeting for the proposed amendments to the budget.”

Mr. Conroy continued that this would still provide the Public Hearing, the proposed amendments and the final vote. And the night of the final vote it would require seven votes to adopt any new proposed amendments.

Chairman Zoni commented that some of the Council people gave him their comments. They believe that this is how government works. Things change at the eleventh hour. Having time to study proposals will allow to govern better.

A voice vote was taken and the motion passed unanimously. Section 729 will be amended as stated.

Town Attorney Sciota will rewrite the section and put it in the Council package for their next meeting.

**Section 402, Powers and Duties:**

Section 402 was approved by the Council as submitted.

**Section 746:**

Chairman Zoni stated that there was an issue with the “off referendum”, six votes verses seven votes. The Committee felt that this was an important issue

Motion by Mr. Landrie, seconded by Ms. Feld to leave the section as is.

A voice vote was taken and the motion passed unanimously. There will be no changes made to this section as presented.

**Section 1107, Conflict of interest:**

Chairman Zoni stated that there was some concern with language added from the original 2-204 that included a member of his or her household including domestic partner, spouse or minor dependant. That was in addition to 2-204.

Ms. Feld questioned what if someone’s elderly father moved in with them. It does not mean we kick someone out. It simply states that the person should recluse themselves. It is simple and suggested it remain.

Motion by Ms. Feld, seconded by Mr. Landrie to leave the section as is.

Mr. Meade commented that in his opinion the thing that they were complaining about concerned a minor dependant.

Chairman Zoni stated that this had more to do with disclosing the conflict. The Commission's feeling was if there was someone in your household that you may have a conflict you would want to disclose that.

Mr. Knoegel commented that what the Commission was looking for was making someone being on the Town Council as "squeaky clean" as possible. He questioned if people are going to get upset if a Town Councilor's kid gets a job with Park and Rec. for the summer. But if there is a viewpoint that somehow that position got steered and favoritism was made to make that job available that's what people are looking for. The Commission went through multiple codes of ethics. This language is in many other towns and cities. He felt the language should stay.

A voice vote was taken and the motion passed unanimously. There will be no changes made to this section as presented.

Town Attorney Sciota pointed out that Section c of 1107 was also sent back for modification. The issue raised is valid. This is part of the original Section 2-204 which is under the State guidance how 2-204 was passed in 2006. Specifically the words "all part time employees of the Town shall be available at times necessary to fulfill their duties or at the convenience of their supervisor and other departments to facilitate Town business during their hours." Our employees are mostly Union so there are contracts to cover them. Town Attorney Sciota suggested the wording be changed to "all part time employees of the Town of Southington shall be available to fulfill their duties to facilitate Town business during the hours Town business is customarily conducted."

Motion by Mr. Conroy, seconded by Ms. Feld to change the wording in Section c of 1107 to "all part time employees of the Town of Southington shall be available to fulfill their duties to facilitate Town business during the hours Town business is customarily conducted."

A voice vote was taken and the motion passed unanimously. Section 729 will be amended as stated.

### **Section 210, Eligibility:**

Section 210 was approved by the Council as submitted.

**Section 208, Vacancies in elected offices:**

Chairman Zoni advised the Commission that while the Commission was trying to eliminate inconsistencies, the Council felt that all appointments should be made by the Council. The Commission removed the inconsistencies by stating that the vacancies would be filled from the same board with the vacancy.

Motion by Ms. Feld, seconded by Mr. Post to leave the section as submitted.

Mr. Meade commented that any commissioner or board would recommend to the Council the person they would like to see fill the vacancy but the final decision should be with the Council. The Council is the executive branch of the government. This would eliminate putting one of their buddies. At least the Council is separated from the board.

Mr. Michlewski questioned who put the people on the board. The voters did. So if there is a vacancy the next highest vote getter should get the position, not the Council.

Chairman Zoni clarified that this is not what is in the Charter. He further stated that the majority of the Council wanted it to stay as presented.

Mr. Michlewski felt that it was a voters decision not that of the Council.

Ms. Feld added that when there was a vacancy on Planning and Zoning due to Ms. Micelli being elected to the Council, the replacement was with the next highest vote getter, Mr. Kenefick. She was a Democrat and the next Democrat that got the highest vote was picked to fill the position. She felt that this is the way it was always done.

Mr. Conroy commented that this was not always true. It just happened that is how the last few positions were filled. Looking back twenty years it is not how things necessarily happened.

Ms. Feld continued that it is critical to say "until the next election" for the Water Board and the Finance Board as well as the other boards that have the luxury of a next election. Both the Water Board and the Finance Board do not have the person who is filling in to the next election. They have the person filling in until the term expires of the person he or she has taken.

Town Attorney Sciota stated that this is currently in the proposed change to the Charter presented to the Council. Town Attorney Sciota also stated that the vast majority of the Council members agreed with the current language.

Mr. Conroy added that while he will vote to keep the language as is, the rational behind having the Council make the appointments is that when there is a vacancy on a board whose primary focus is on one issue that board would tend to put someone on who would only be focused on that particular area. Maybe the Council wants to have someone who is not only focused on that area but also keeps in mind the other parts of government.

Ms. Feld requested to move the issue.

A voice vote was taken and the motion passed unanimously. There will be no changes made to this section as presented.

Town Attorney Sciota summarized the final outcome of the review as follows:

- Section 723 – Okay by Council, Okay by this Board
- Section 725 – Okay by Council, Okay by this Board
- Section 728 – Okay by Council, Okay by this Board
- Section 729 – Modified as discussed
- Section 401 – Gender changes only
- Section 402 – Okay by Council, Okay by this Board
- Section 1107 – (Replace current 1107) and take out the two partial sentences in “c”

Mr. Landrie questioned if the proposal for the Town Manager is approved, when would it go into affect and would it affect our current Town Manager.

Town Attorney Sciota responded that it would go into affect following the November election, the following day and it would affect our current Town Manager.

Mr. Landrie agreed with earlier comments that input from the Town Manager are not appropriate and he should not participate in any discussions concerning the position.

Motion by Ms. Feld, seconded by Mr. Callahan to approve the final report as outlined by the Town Attorney.

Roll call vote

Mr. Verderame	Yes
Mr. Post	Yes
Mr. Michlewski	Yes
Mr. Meade	Yes
Mr. Landrie	Yes
Mr. Knoegel	Yes
Ms. Feld	Yes
Mr. Derynoski	Yes
Mr. Conroy	Yes
Mr. Callahan	Yes
Mr. Zoni	Yes

**Motion was approved.**

Mr. Meade questioned if Town Attorney Sciota could be present at the meeting when the final report is presented to answer questions, if any.

Town Attorney Sciota responded affirmatively

Mr. Knoegel thanked the group for the opportunity to participate on this Commission. The movement came about because there was a feeling that the Town was being mismanaged. While everything everyone wanted did not get through the lesson to be learned is when grass root people come and seek to have issues addressed, be respectful. At times people were shouted down in parking lots but this is an open democracy and we do want participation from the masses and that should be kept sacred.

Chairman Zoni thanked the Commission members for their participation.

**Adjournment.**

Mr. Derynoski made a motion to adjourn sine die, seconded by Mr. Meade. Motion passed by voice vote. Meeting adjourned at 8:10 p.m.

David Zoni, Chairman  
Charter Revision Commission