

MINUTES OF THE TOWN OF SOUTHTON
2009 CHARTER REVISION COMMISSION

January 6, 2010

The Charter Revision Commission of the Town of Southington held their regular meeting on Wednesday, January 6, 2010. Chairman David Zoni called the meeting to order at 7:00 o'clock, p.m. with the following in attendance:

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

Staff: Mark J. Sciota, Town Attorney (arrived at 7:25)

A quorum was determined

Summary Minutes – meeting recorded on audio and video tapes.

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

Chairman Zoni stated that the main purpose for tonight's meeting was primarily for a public hearing. The Commission had worked for several months now and there are some proposals on the table that the Commission is considering moving forward to the Council for their review and possible referendum.

Approval of Minutes

Chairman Zoni called for a motion to approve the December 16, 2009 minutes. Mr. Michlewski made a motion to approve the Minutes. Mr. Callahan seconded. Motion passed unanimously on a voice vote.

Public Communications

Steve Hensen, 73 Deerbrooke. Mr. Hensen commented on Section 746b. He thanked the Commission for taking this proposal all the way to the end zone and, having reviewed the wording, he was pleased to see that it was worded the way he had hoped. He questioned when it would go to the Town Council for approval and later on to the public to approve the Charter Revision he thought that other revisions to sections of 746 revisions were going to be merged into the wording to be voted on and he did not see them here.

Chairman Zoni commented that Section 746 encompassed the concept of making the budget referendums go to November to coincide with the general election.

Mr. Hensen acknowledged that the other two paragraphs in “blue” were revisions that made it through but others did not. Mr. Hensen thanked the Commission for their time and stated he hoped the Town Council would agree.

Mr. John Moise, Stonegate Road. Mr. Moise questioned wording in Section 725 stating that a public meeting would be at 8 o’clock pm no later than the third Monday in March questioning if it was necessary to specify the time

Mr. Zoni commented that this had been discussed by the Commission. He felt that it was changed and would verify this with the Town Attorney when he arrived. It was noted in the Charter as eight o’clock but the Commission had noted that meetings generally start at seven o’clock.

Mr. Moise’s feeling was that the meeting should not be tied to a specific time.

Arthur Cyr, 103 Berlin Avenue. Mr. Cyr also noted the same item concerning the meetings starting earlier than eight o’clock. He commented that perhaps when the Charter was written the meetings started later and ended sooner than today. He recommended deleting the start time and thanked all members of the Commission for their hard work over the past six months. He remarked about the small number of people present for this meeting and Government in general.

Public communications closed.

Commissioner Communications

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

Mr. Knoegel commented that after reviewing the last meeting all members need to be cognizant about speaking into the microphones. There are lost opportunities to pick up the audio.

Referring to the recommendation for Section 725 Ms. Feld moved **To delete “at eight o’clock pm” from Section 725. The new wording would be “there shall be a public hearing no later than the third Monday in March.”** Seconded by Mr. Callahan.

Chairman Zoni called for discussion. No discussion.

Chairman Zoni called for a voice vote, all in favor, none opposed, **Motion carried.**

Mr. Meade referred to an error in Section 208 where after deleting “elective offices, except” the sentence read “Vacancies in on the town council.” Mr. Meade moved **To delete the word “in” in the first sentence of Section 208.** Seconded by Mr. Derynoski

Chairman Zoni called for a voice vote, all in favor, none opposed, **Motion carried.**

Mr. Post referred to section 746b 4th line, 2nd word from the end of the black section “the” should be “that”. Mr. Post moved **To replace the word “the” with the word “that” in Section 746b to read “referendum called by the council for that purpose”**. Seconded by Ms. Feld

Chairman Zoni called for discussion. No discussion.

Chairman Zoni called for a voice vote, all in favor, none opposed, **Motion carried.**

Mr. Landrie commented on some items that went by in the past year. He commented on a letter to the editor stating that this Commission was not representative of the town population and (jokingly) apologized to the commission that he skewed the age of the commission too far to the right as the mature individual who is 73 years old.

He further commented that the commission was chastised for not having more than two members with children in the school system. Mr. Landrie stated that it had no bearing on this meeting and it was a pleasure serving with all members of the Commission. Mr. Landrie went on to say to the writer of the letter to the editor that if there is any doubt about his involvement in this Town he would be available to discuss or debate the issue at any time.

Mr. Meade commented that he personally had twenty-one grandchildren and about fifteen are in the school system.

Ms. Feld commented that most members have grandchildren and even if not in this particular school system the interest prevails.

Future meeting schedule.

Chairman Zoni stated that this item was added because from the initial meetings of the Commission he promised that before recommendations were sent to the Town Council all members should be present for the final vote. Since there was not much public input tonight and everyone is present he opened this subject up for discussion. If the committee felt that the proposals could be voted on today then this was that opportunity and he would entertain a motion to vote tonight or schedule another meeting to vote.

Mr. Callahan asked if a motion to do that was required or, if not, he would make a motion to vote on all items together tonight and pass them on to the Council, if that was in order.

Chairman Zoni responded that the original concept and the reason he had each recommendation broken down into separate schedules was to have the Commission voting on each item individually to move forward to the Council.

Mr. Callahan asked if this was necessary if everyone here was in agreement with them since they had been discussed, reviewed them and felt that everyone here was ready to

vote on them. He suggested they be voted on and the Commission move on to other business.

Mr. Conroy stated that while he would like to agree with Mr. Callahan there were items that he would vote against tonight and not send on to the Council. He was against making it a blanket package.

Mr. Callahan restated that this was why he questioned the issue rather than making it a motion.

Mr. Knoegel stated that it was his understanding that the Commission was locked in to send their recommendations to the Town Council on January 16th. He also commented that he had a concern that our Town Attorney was not present and there was language change that should not be a problem, however it would be better if he were present.

Mr. Conroy suggested that there be a fifteen minute recess called to wait for Attorney Sciota to arrive

Chairman Zoni called a fifteen minute recess at 7:14 pm.

Reconvene at 7:27 p.m.

Chairman Zoni briefed Attorney Sciota of the items discussed:

- Section 725, strike “at eight o’clock pm”
- Section 746 , “that” vs. “the”
- During the recess another item in 746, the last sentence of first paragraph, “with a vote of seven (7) members” should be “with an affirmative vote of seven (7) members”

Motion by Mr. Michlewski **To change the last sentence of the first paragraph, “with a vote of seven (7) members” should be “with an affirmative vote of seven (7) members”** second by Ms. Feld.

Chairman Zoni called for discussion. No discussion.

Chairman Zoni called for a voice vote, all in favor, none opposed, **Motion carried.**

Continuing to the next items to review:

- Section 208, first sentence strike “in”

Chairman Zoni verified with Attorney Sciota that there was no concern with any of the changes made. Attorney Sciota agreed there was no concern.

Next items discussed:

- Voting on each provision as they appear on Schedule D in the order as they had appeared in the last meeting when they moved forward.
- Future meeting schedule was to insure we had a full complement of members which we do have tonight and the commission wishes to make the final vote tonight

Attorney Sciota asked if any new provisions had been raised in the Public Hearing and he was advised there was none. Attorney Sciota advised that it was appropriate to move on with the vote.

Chairman Zoni began reviewing each section to be voted on:

Section 1107. Conflict of Interest. Chairman Zoni advised that there was no discussion on this section tonight and entertained a motion to approve as submitted.

Motion by Mr. Michlewski, **To approve Section 1107 as submitted in the draft report to the Town Council.** Second by Mr. Meade.

Chairman Zoni called for discussion. Attorney Sciota requested members state their name with motions and seconds to assist the acting secretary. No further discussion.

Chairman Zoni called for a voice vote, all in favor, none opposed, **Motion carried.**

Section 1107 will be included as submitted in the draft report to the Town Council.

Section 401 (Appointment qualifications and tenure), 402 (Powers and duties) for Town Manager serving by contract.

Attorney Sciota commented that these will not be addressed on an individual basis. They will be grouped in a logical manner. It will be up to the Council and the Clerk's Office to decide. Some towns do it in one item but that is not what is planned unless the Council decides otherwise.

Motion by Mr. Meade, **To send to the Council Sections 401 and 402 as submitted.**
Second by Mr. Verderame

Chairman Zoni called for discussion.

Mr. Knoegel commented that he had a concern in Section 401 that there should be at a minimum a post graduate degree required. The job requires more sophistication. While a person with a Bachelors Degree and a copious amount of business experience might fill

the bill, this is a most important position in town government and requested he be on record that his preference would be to require a post graduate degree.

Hearing no further discussion Chairman Zoni called for a voice vote, all members in favor with the exception of Mr. Knoegel who voted no. **Motion carried**

Sections 723 (Annual Town Budget), 725 (Budget hearing), 728 (Vote required for budget adoption by board of finance) and 729 (Action by the town council on budgets) which cover budget timelines

Motion by Ms. Feld **To accept all four sections as submitted.** Second by Mr. Derynoski

Chairman Zoni called for discussion.

Mr. Conroy requested the motion be amended **To delete the word “seven” in section 3 of 729 so a two-thirds majority as currently written in the Charter now stays the same.** Second by Mr. Landino.

Chairman Zoni opened discussion on the modification motion.

Mr. Landrie commented that this wording was agreed to before this meeting after discussing this item at length at two or three meetings. He stated that he was definitely opposed to removing the reference to seven members and leaving the two-thirds reference in.

Mr. Meade commented that his concern was that with a seven vote requirement the minority could control what gets approved or disapproved by the Board of Finance. The most you can have is six votes by the majority party on the Town Council. The minority can over rule what the majority of the Council wants to do. Initially he felt this was a good idea but after giving it additional consideration there is a real problem with the potential of the minority controlling what is going on with the Board.

Ms. Feld commented that one could say the glass was half full or half empty. Seven could also be called bi-partisanship.

Mr. Knoegel commented following up on Mr. Landrie’s comments that he felt it was ironic that after the November elections and a shift of parties it appears like it is partisan how this change has come about. People on record who wanted to change it back to six were at least tacitly agreeing to seven. He felt that Budget by Referendum was beaten closely, but beaten, and raising the bar to seven, super majority, he felt was a fair element. It doesn’t necessarily take away from the majority but it does mean you would need to get together with the other side and try to work together on the issue.

Mr. Callahan stated he originally was in favor of having seven people. At the last meeting Mr. Conroy's comments enlightened him. He hadn't thought of it but it did have nothing to do with the outcome of the last election. The minority should not be controlling what the majority got elected for by the populous of the town. If six who were selected by the voters decide they want to go one way or another on a particular issue and then they have the minority who can say no unless they get something else that they want. This will stop the entire process. He did not feel this is what the people would want. It worked for 42 years and he did not see any reason to change it now.

Mr. Michlewski stated that time should be taken to read what is being talked about. The issue is not a vote for the budget. This is a vote to restore items to the budget. This is something other than holding up the entire budget. Secondly he knows of at least one Republican who is now elected and says he wishes to have more bi-partisanship. Are we trying to go back to party politics?

Mr. Post agreed with Mr. Michlewski. Anyone on either party who switched their vote because their party is now in power should be ashamed of themselves. That is a major problem not only in this town but in this country. He felt that when his party was in power there should have been more bi-partisanship and favored seven. Saying the minority party can control the show is wrong because many times in bi-partisanship people can switch the view of their party. This is a special thing that both parties must have a say. Not getting the budget referendum, this is one chance for both parties to have a say regardless of who is in power.

Mr. Landino commented that he agreed with Mr. Meade. This could lead to backdoor politics. We want transparencies and working behind the scenes results in less. People work behind the scenes to get the extra vote. It puts people behind closed doors.

Mr. Michlewski again commented that we are not talking about the budget. We are talking about restoring an item to the budget. It is to over ride any item originally requested by the Manager or Board of Education and then add it back in.

Attorney Sciota agreed that this is to increase the approved budget of the Board of Finance.

Mr. Michlewski continued stating that he felt that they need bi-partisanship and there was a need to have everyone on board when items are added back.

Ms. Feld commented that if there were deals it could be made with six as easy as with seven. Today's Council is five/four and this happens more than not. More importantly she sees this as an opportunity for the Town Council to lead by their actions in creating bi-partisanship. There has been a lot of infighting in the Town Council and it is an opportunity for them to show their metal.

Mr. Meade commented that he took exception to the inference that votes are being changed because of a change in control of the Council. Having served on many Councils in the past and he acknowledges that there is a lot of politicking that goes on, like it or not. This is the reason he felt that the majority not the minority should have control.

Mr. Landrie commented that he did not like the “It has worked for 40 years, don’t change it.” That is why we are here, to improve this Town and how it operates.

Mr. Post commented that he respected Mr. Meade’s comment. No finger pointing was intended. Concerning not being transparent, if voting was done behind closed doors, this is not transparent. Part of deal making at any level is talking at meals or at the store. There are times the party line needs to be crossed. This was one of the few instances where seven is important. They are changing the direction based on experts in the town and why bi-partisanship is needed.

Mr. Callahan stated that partisanship does not mean you have control of the vote. It means that you agree with the majority or minority party. It does not mean that the minority should control the majority. That in his opinion is what seven would do. The people elected the majority and they should run the town. They should be able to run it and in two years they answer to the voters. He like Mr. Meade took exception to the earlier comments concerning vote changes due to majority party shift on the Council. He did not change his mind because of the change in power but rather due to the comment made by Mr. Conroy at the last meeting.

Ms. Feld commented that the minority controls the majority on the current Town Council with a vote of six, the very two-thirds being discussed. If six votes are needed and the majority party only has five what do we have? We already have that.

Mr. Verderame asked why seven were needed

Mr. Landrie commented that the reason seven votes were needed was because the way the Charter is written now you could have a majority of six and the majority party would have total control. Seven would retain bi-partisanship consensus to over ride Board of Finance decisions. Now there is a majority of five from one party. This was to cover if there was a majority party with six on the Town Council. That is why he supports the number seven.

Ms. Feld commented that the point she was trying to make was that it did not change any of the balance, the minority controlling from when you have two-thirds to seven. It doesn’t change anything and questioned why the objection.

Mr. Callahan commented if it didn’t change anything, why change from two-thirds to seven.

Ms. Feld repeated what Mr. Landrie said earlier, if you have a six/three majority on the Town Council it allows for bi-partisanship.

Mr. Knoegel commented that he felt the reason we had consensus with the seven issue was because we needed to have more of a super threshold because of fiascos in the past when there were attempts to add into the budget at the last minute. The feeling was that if you were the majority party you had to make your case and get some consensus from the minority. He felt it did beg the question of bi-partisanship and does increase inclusiveness to add things at the end of the budgetary process.

Ms. Feld questioned if a motion was needed at this point.

Chairman Zoni advised that there was a motion and a second on the floor at this time.

Mr. Callahan asked for clarification what the amendment was, to make it two-thirds.

Attorney Sciota stated the amendment to Section 729 was to remove “seven” and to have it remain as it currently is, “two-thirds”.

Mr. Paradis questioned if “yes” was to amend Section 729.

Attorney Sciota agreed that this was strictly a vote to amend and not a vote to send anything to draft at this point.

Mr. Conroy asked to confirm that this was strictly to remove the word “seven” with everything else staying the same.

Attorney Sciota confirmed. He continued saying that if approved the word “two-thirds” would go from “red” to “black” (remaining).

Mr. Paradis questioned if this was only a draft to be sent to the Town Council.

Attorney Sciota confirmed that assuming everything is passed tonight, Chairman Zoni would send this as a draft to the Town Council. The Town Council then has a few options. They could review and schedule a Public Hearing. They could send the draft back to the Committee make recommendations, ask questions, ask for modifications, look into something else or even approve them as submitted. If approved as submitted, then we would move it on to the voters. They could also deny them all. They do not amend, but they can suggest changes.

Ms. Feld stated that the Town Council can make their suggestions but by Statute the Charter Revision Commission may choose not to accept them.

Attorney Sciota agreed that this was in fact correct. The Commission could choose not to accept them and send them back to the Council. Then the Council could either accept them or deny them.

Ms. Feld continued stating that this would be a final that was prepared and sent to the Council and then the Council would set the date for the referendum with a forty-five day waiting period.

Attorney Sciota continued that the spirit here was to have it prepared for the November election. In fact if questioned by the Council Attorney Sciota would request it in the November election since one of the items the Commission has requested is that all major decisions be made in the November election.

Chairman Zoni commented about partisanship, bi-partisanship and maybe obstructionism. And maybe the need for having one more vote would add that in. But we never spoke about why it currently is six. Perhaps it is because it lines up with the maximum number from one party that could be on the Council. The Commission never discussed if maybe the Council should have seven from one party. If we move forward with this recommendation it is a shift in the balance of power. What comes from the Board of Finance now is just a recommendation based on the budget submitted by the Town Manager and the Board of Education. If it is made more difficult for the Town Council to modify it puts more power in the hands of the Board of Finance. It restricts the ability of the Council to exercise their ability to control their vision of the future for the Town of Southington. Most Councils are five/four. Therefore there is some level of bi-partisanship when the Council is five/four like it usually is. Mr. Zoni stated that he did not see this as a positive change. We are here for change but sometimes change is not positive. It may just be change to make things different. In summary if we changed to seven from two-thirds it would bring in obstructionism, not bi-partisanship.

Roll call vote (a yes vote is to agree to the amendment).

Mr. Verderame	Yes
Mr. Post	No
Mr. Michlewski	No
Mr. Meade	Yes
Mr. Landrie	No
Mr. Landino	Yes
Mr. Knoegel	No
Ms. Feld	No
Mr. Derynoski	Yes
Mr. Conroy	Yes
Mr. Callahan	Yes
Mr. Paradis	No
Mr. Zoni	Yes

Motion was approved.

Motion by Mr. Conroy **To adopt Section 723, 725, 728 and 729 as amended.** Second by Mr. Verderame

Chairman Zoni called for discussion.

Roll call vote (a yes vote is to approve the sections including the section amended.).

Mr. Verderame	Yes
Mr. Post	Yes
Mr. Michlewski	No
Mr. Meade	Yes
Mr. Landrie	No
Mr. Landino	Yes
Mr. Knoegel	No
Ms. Feld	No
Mr. Derynoski	Yes
Mr. Conroy	Yes
Mr. Callahan	Yes
Mr. Paradis	No
Mr. Zoni	Yes

Motion was approved.

Section 746 – Section to align the special appropriations of \$1,000,000 to be put on the ballot with general elections and also exempts mandated and grant funded items.

Chairman Zoni summarized Section 746, the section that aligns the special appropriations of \$1,000,000 where there were two minor modifications. The word “the” was changed to “that” and adding the word “affirmative”.

Motion by Mr. Conroy **To send this as a draft report to the Town Council with the two typographical errors corrected.** Second by Mr. Meade.

Chairman Zoni called for discussion.

Attorney Sciota clarified that “yes” was a motion to approve.

Chairman Zoni called for a voice vote, all in favor, none opposed, **Motion carried.**

Section 210 - Eligibility

Motion by Mr. Meade **To approve Section 210 as drafted.** Second Ms. Feld

Chairman Zoni called for discussion.

Mr. Knoegel commented that his biggest concern is whether or not the Council will use subcommittees and not allow enough committees to be formulated using the public at large. The concern is that if there is vast proliferation of sub committees and the power is concentrated and it does not allow the public to have a more vocal participation around policy development.

Chairman Zoni called for a voice vote, all in favor, none opposed, **Motion carried.**

Section 761 – Action by the town council on special or additional appropriations.

Motion by Mr. Conroy **To reject Section 761 in the draft to the Town Council.**

Second Mr. Callahan.

Chairman Zoni called for discussion.

Mr. Landrie commented that he knew that the vote would again come out seven to six. Once again he wanted bi-partisanship participation. This will not be gained with a two-thirds vote.

Roll call vote (a “yes” vote was to eliminate the section from the draft).

Mr. Verderame	Yes
Mr. Post	No
Mr. Michlewski	No
Mr. Meade	Yes
Mr. Landrie	No
Mr. Landino	Yes
Mr. Knoegel	No
Ms. Feld	No
Mr. Derynoski	Yes
Mr. Conroy	Yes
Mr. Callahan	Yes
Mr. Paradis	No
Mr. Zoni	Yes

Motion was approved.

Section 208 – Vacancies in elective offices. This item amended to delete the word “in”.

Motion by Mr. Conroy **To send section 208 with the correction of the typographical error to the council as a draft.** Second Mr. Meade.

Chairman Zoni called for discussion.

Chairman Zoni called for a voice vote, all in favor, none opposed, **Motion carried.**

Attorney Sciota stated that the Chairman would make the presentation to the Town Council at a time to be determined. The adjournment will be “sine die”, at the next call. The next regular meetings would not be held unless called by the Chairman.

Advance notice will be given to allow for planning.

Adjournment.

Mr. Conroy made a motion to adjourn sine die, seconded by Mr. Landino. Motion passed by voice vote. Meeting adjourned at 8:20 p.m.

The next commission meeting date will be determined by the Chairman

David Zoni, Chairman
Charter Revision Commission