

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

**June 3, 2009**

The Charter Revision Commission of the Town of Southington held their regular meeting on Wednesday, June 3, 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, Richard Post, Sandra E. Feld, Andrew Meade, Joseph Landrie, Brian F. Callahan and David J. Derynoski and 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 led by Dennis P. Conroy was recited by everyone in attendance.

**Approval of Minutes**

Chairman Zoni called for a motion to approve the May 6, 2009 minutes. Mr. Meade made a motion to approve the Minutes. Mr. Michlewski seconded. Mr. Landrie requested an amendment to the May 6<sup>th</sup> minutes be made to page 15 wherein discussion by Mr. Post was cited and in fact the discussion was by Mr. Landrie. **Correction: Mr. Landrie said we have heard a lot of discussion tonight with various viewpoints for and against. I don't think anybody would want to vote one way or the other tonight after our lengthy discussion. We should consider looking at how we can revise Section 302 of the Charter as was suggested. That might eliminate a lot of our concerns. Mr. Landrie made a motion to table for discussion at a later date after we hear about the Section 302 possible changes.** Amendment to the May 6<sup>th</sup> minutes is added and Mr. Meade again made a motion to approve the May 6, 2009 minutes as amended, seconded by Mr. Michlewski.

Motion passed unanimously on a voice vote.

**Commissioner Communications**

**Presentation – Budget by Referendum**

Chairman Zoni commented there were guest speakers invited this evening. Chairman Zoni introduced first speaker, Mr. Michael Milone, Town Manager of Cheshire. Mr.

Milone was at the meeting to speak on budget by referendum and Cheshire's form of government.

Mr. Milone handed out reference pages from Cheshire's Charter. He started his presentation by indicating that by Charter the budget for Cheshire must be adopted by April 17<sup>th</sup>. The voters then have until May 11<sup>th</sup> to petition for referendum. A budget referendum is not automatic and must be forced by the voters and requires 10% of the registered voters to force a referendum. From the adoption on April 17<sup>th</sup> until May 11<sup>th</sup> is the timeframe and then the Town Clerk has five days to validate the signatures and the Council no later than June 20<sup>th</sup> has to call the referendum. The one requirement is that the notice of referendum shall be given at least thirty days prior to that June 20<sup>th</sup> date. The referendum can be earlier as long as the voters are given the thirty day notice.

The question, as designed by the Charter, asks three things and the electorate vote for one of the following choices: (a) I accept the budget; (b) I reject the budget because it is too HIGH; or (c) I reject the budget because it is too LOW. Mr. Milone then read to the members the following: (5) The referendum shall not be effective unless at least twenty percent of the qualified electors have voted. If fewer than twenty percent vote, the budget shall be deemed adopted. If at least twenty percent of the electors vote, and the total votes to reject exceed the votes to accept the budget shall be deemed rejected. In that event, the Council, taking into consideration the composition of the votes to reject, shall adopt a new budget and file it with the Town Clerk by June 27 of the current fiscal year.

Mr. Milone then commented that Cheshire has not had a petition since 1993 and that was the year the State of Connecticut adopted the state income tax and it was made clear by our tax group that a referendum would be called. Having said that Mr. Milone went on to suggest that if Southington was thinking of adopting the referendum for budget approval that you make sure that the Charter forces an adoption of a budget before the fiscal year starts.

There have been situations in the State of Connecticut where towns have gone, five and six months without a budget, they have multiple referendums and it is tough enough when there is an adopted budget it creates an incredible level of uncertainty and makes the job just that much more difficult. He cited the Amity School District as an example. Twelve or thirteen referendums took place and no adopted budget until June, the last month of the fiscal year, the cost of the referendums was high along with the frustration levels. He urged members to make sure an adopted budget was in place by June 30<sup>th</sup>.

Additionally, Mr. Milone advised that a decision should be made concerning the referendum being advisory or binding. In Cheshire it is advisory so the Board can ignore the outcome but of course there would be consequences. Also insure the clarity of the way the questions are written. Their questions are "I accept the budget, I reject the budget because it is too high, I reject the budget because it is too low." The possibility exists that almost the same number of people can vote each of the proposals. This situation does not help in a mandate for action. Mr. Milone felt that in this case a better

job could have been done to clarify the question. This could be confusing to the Council to determine what the mandate of the voters really is. In Cheshire's case they only have one referendum and it is advisory. The decision must be made to have one or multiple referenda. Looking at the Cheshire Charter and the New Haven Charter in his opinion these four points are the key items to consider.

Mr. Michlewski raised a question concerning the 10% of the electors registered in the last regular municipal election if it applied to everyone registered or in the town. Mr. Milone confirmed that it was everyone registered, not everyone who voted. This language could use a bit more clarity.

Mrs. Feld had a question about the clarity, if the Cheshire Charter were changed, how would he suggest changing it. He responded that if the budget were to be rejected you would want to know why it is being rejected. Is it too large or too small. That is critically important. With a one third vote for each of the three options, accept, reject too large or too small, more clarity is required. This could result in the budget being approved as submitted while there is a very different intent from the voters. A possible fourth question to further explain the voters' feelings if this situation arises could be drafted. That is the challenge Cheshire has with the way their Charter is worded.

Mr. Mede indicated that in Connecticut there are many RTM's and all type of governments. In Southington we have a Council Manager form of government. What are the pros and cons of having a referendum or not, and also how does the type of government in a community determine whether there would or would not be a referendum? Mr. Milone's response indicated that he is a non-elected person in a Council/Manager form of government and there needs to be a process for the voters to express their support or disapproval of the budget. If it were a chief elected official then the voters feel they at least have some recourse through the polling booth. In a Council Manager form of government the referendum at least gives them the opportunity to convey their feelings. He has seen it in Council/Manager and Mayor forms of government. There may not be one perfect model but that is why it was built into Cheshire's Charter. It gives the voters an opportunity to direct the agenda of the town which they would otherwise be able to do by voting somebody in or out of office.

Mr. Post asked for Mr. Milone's thoughts on having two referendums rather than one. Mr. Milone's concern was the need to have an adopted budget by June 30<sup>th</sup>. It would tighten the timeline of preparing the budget. The cost of the referendum is also a consideration, but it would give the voters a second bite at the apple. But then the question is what about three or four? Once beyond 1 there is a need to explain why not more. The key concern, however is the June 30<sup>th</sup> deadline. Mr. Verderame questioned if Mr. Milone had a choice of having or not having a referendum with a Council Manager form of government, which would it be. Mr. Milone responded given the way the Charter works, he is completely comfortable with it. It gives the voters some direct input into the budget outcome but it doesn't paralyze them going forward. Since there have not been many referendums the question was raised how reasonable the Council would react to a rejected budget and what that would mean to them. To M. Milone it is a very

workable document. Cheshire tries to pride themselves on open government and transparency and one of the best ways to defend that is to give the voters the opportunity to vote on the budget.

Mr. Landino asked if the size of the budget should have anything to do with determining if a budget should go to referendum. Mr. Milone responded no. In response to an earlier question concerning changing the questions, you might want to think about splitting the Town's budget and the Board's budget. People have very strong feelings about one or the other. As a result of how the Cheshire questions are written they could be directing their frustration at the Board of Education and unfortunately they have a dilemma. If the budget is rejected they are rejecting the entire budget which they really don't want to but they don't want to accept it. Consider splitting it because you don't know where the rejection is directed. Mr. Meade commented he was surprised that there has not been a referendum since 1993 in Cheshire. Southington has a Board of Finance and Cheshire does not. Cheshire has a budget committee within the Town Council and they act as the Board of Finance. Preparing a budget is a lot of work. Unless you can mobilize a large group of people and 10% of the registered voters is a large amount of work. Maybe the threshold is set too high or too low. This is another point that should be considered.

Chairman Zoni questioned the number of people who serve on the Council sub committee for the budget. Mr. Milone answered that Cheshire has three with a nine member Council. The voters therefore are looking at Mr. Milone's proposed budget presented to the sub committee. Chairman Zoni asked if many adjustments were made to the budget. Mr. Milone explained that what they do is have a joint meeting with the full Town Council while it is still in Committee. The Town Council members do participate in all the Budget Committee discussions, not in the other Budget Committee matters that come up and are routine. Since the entire Council has had participation in the preparation of the budget they have very intimate knowledge of the budget. While they have not made considerable changes to the budget, changes have been made in every year's budget. Another factor to consider is that in the six to eight weeks prior to accepting the budget better information is available such as information from the State, refinements to projections made, utility costs, etcetera.

Another item discussed by Chairman Zoni was the timeline of the budget being ready by June 27<sup>th</sup> which does not give lots of time to get the tax bills out. How are the tax bills prepared? Mr. Zoni commented Southington's bills are out prior to July 1<sup>st</sup>. Mr. Milone reiterated that Cheshire was lucky that they have not had a referendum. The deadline is May 11<sup>th</sup> and the tax bills are prepared on May 12<sup>th</sup>. All messages are ready for the bills. All that is needed is the confirmation of what the mill rate is. If we were to wait until June 27<sup>th</sup>, the bills would be late being issued. Due dates would have to be moved out and hope you have enough cash flow to get through the month of June. That does present a problem.

Mr. Milone has been the Town Manager of Cheshire since 2000 and prior to that position he was the Finance Director. He has been with the Town for 19 years.

Mr. Knoegel asked how big the budget is. Mr. Milone responded the size of the Cheshire budget is \$96 million with \$58 million for the Board of Education, \$11 million is debt service and the balance is the Town, approximately \$26 million.

Mr. Milone reiterated the disruption when it takes longer to adopt a budget the longer it takes to get the tax bills out and the more difficult time with tax flow causing possible need to borrow money. Also, now you pay for multiple elections and the cost of borrowing money.

Mr. Landino questioned clarification on some schedule dates. Mr. Milone responded in Cheshire the Town Manager's budget must be submitted to the Town Council by March 10<sup>th</sup>. April 17<sup>th</sup> is the date for adoption. May 11<sup>th</sup> is the date for petitioning for a referendum. Voters can petition prior to May 11<sup>th</sup>, as early as April 8<sup>th</sup>, but this is not usually done since knowledge of what is being petitioned for is not clear yet.

Mr. Landino questioned if it would make sense to put in the Charter that petitioning for a referendum could not be done before the budget is adopted by the Council since this serves no purpose other than some other possible agenda. Mr. Milone agreed that this would be an important safeguard which is not in the Cheshire Charter. Petitioning for a referendum to vote on a budget that has not been established was not the intent of the referendum in their Charter. Mr. Milone thanked the committee for allowing him to speak first on the agenda.

Chairman Zoni introduced the second speaker, Ms. Flo Stahl. Ms. Stahl served two terms on the Avon Town Council and later on the Avon Board of Finance and the Water Pollution Authority. Ms. Stahl later formed the Avon Taxpayers Association and is currently the President of the Taxpayers Association. Ms. Stahl also serves on the Board of Directors of the Avon Chamber of Commerce and runs a successful business in Avon. Ms. Stahl commented that approximately eight years ago Avon had a Charter Revision Commission and further commented how important this Commission's mission is. She stated, "you really are making history for years and years to come". Upon the recommendation of Avon's Charter Revision Commission Avon went from a Town Meeting form of government to an automatic referendum. No petitions, no hoops, automatic, just as though it were a bond issue, the people go to a referendum. The only caveat similar to Cheshire's is that nine (9%) of registered voters have to come out and vote or the budget would be deemed passed, similar to Cheshire. She explained the reason for that nine (9%) percent is that you do not want some faction that really doesn't have creditability or viability to overturn a budget. You need safeguards and that is the safe guard that Avon has and it works well. We also have a fiscal year that ends June 30<sup>th</sup>. In Avon's Charter we allow three referendums and we fit them all in before June 30<sup>th</sup>. In the eight or nine years that we have had the automatic referendum she estimated that roughly two-thirds of the budgets have passed even with automatic referendums. However, from time to time the public does oppose the budget when they believe the general tax increase is too high. One year the budget was defeated once, twice and passed on the third time. We had another year where the budget was defeated three consecutive times all within the framework of the fiscal year. In Avon during a

referendum you either vote the budget up or you vote it down and the message is clear to the Board of Finance and the Town Council. If a budget is defeated three times there is no other referendum the Town Council decides what the budget will be. Our annual budget is in the \$70 million range, Board of Education is approximately \$50 million. Our population is about 18,000.

Ms. Stahl, after discussing the statistics, talked about the “justice” and she spoke about the Federalist documents by James Madison. The question of how much can you trust the people, referring to the rabble which is an old, old question. The question has been debated many times in the United States because we are a leading democracy. She then stated once you take away the legalistic of how many referenda and the basic fear is can we trust the people to do the correct thing? After all this is a republic that means that we elect people to make decisions for us. Every day decisions are made for the people and that is the way it should be, except this one. She stated, why the budget? Why should that go to the people? The elected officials who are wise and elected, why shouldn't they make this decision? She commented in her humble opinion, others yes, this one no. The reason is because you are talking about property. Property is the closest, dearest thing that an American holds. The Board has the power of taxation on property which means that the Board has the power to lien that property if the taxes are not paid which further means that you (the Board) has the power to take that property. Ms. Stahl exclaimed, very awesome power which should not rest in the hands of five, seven or nine individuals on a Town Council. This issue should go to the people and this is where we are a democracy and not a republic. Further commenting the power of taking someone's home should be in the hands of the people. Ms. Stahl commented that she has not found any perfect solution to the budget. Should it be decided by the Council or by the people? Either way there is a possibility for errors, but she would chose in terms of justice, the people voting on the budget. With a nine (9%) percent electorate having to pass it, you have already bypassed a crazy faction. Questions followed by the members.

Mr. Landino asked what would you say then to a person that says if we have 10,000 people going to vote and 9,500 have never even read one word of the budget and are just going in and they say that is way too high and I am not going to vote on that? He continued I realize the feeling is to put the vote in the voters' hands; however, the feeling is amongst most people that the general public is not getting their hands on the budget and they are not reviewing it to really state this is why I do not like something or this is why I like something.

Ms. Stahl commented that she understood the question and Avon has wrestled with it. We know what budgets look like, they are thick, no one can fathom a budget but you know you are right the nays and yays have not studied each line item in the budget so on the one hand you can state the voter is uninformed and they are voting on emotion but you know what the voter is not that stupid and if you tell them that you are going to raise their taxes by a modest amount they say okay, we understand. However if the voters feel that their taxes have been raised in an inordinate fashion, then maybe there is a problem. Neither system is perfect, we have ideologues on either side of the spectrum. However most of the people are moderate and they will react moderately to a moderate proposal.

Mr. Knoegel asked before it goes to budget by referendum who actually establishes the budget from the outset? Ms. Stahl responded that similar to Southington, the Board of Education and the Town Council filter their budget through the Board of Finance. The Board of Finance reviews the budget, there are workshops, meetings just like Southington. The Board of Finance makes its recommendation and then it goes to referendum.

Mr. Conroy stated that Ms. Stahl had mentioned that the current Charter was adopted by a representative town meeting or was it adopted by a general New England style meeting? Ms. Stahl responded it was a direct town meeting, a voice vote. Ms. Stahl further indicated the Charter Revision did not change the form of government as Avon has always had a Town Manager/Council. The Charter Revision did not change Avon's form of government. It changed the way people voted for the budget.

Mr. Landrie stated that Ms. Stahl had mentioned that after three referendums the budget goes back to the Town Council. Does the Town Council then have the prerogative of doing anything they want? Are there any restrictions as to what their actions can be? Her response, there are no restrictions, which is very dangerous. She explained that no one ever fathomed that three consecutive no votes would happen so no caveat was put in for the Town Council. She gave the example that when it reverted back to the Town Council, due to some last minute expenditures, the Town Council did not reduce the budget, they kept it at the same amount that went into the third referendum. People were upset but there are no restrictions.

Mr. Callahan questioned, you only have an up or down vote correct? How would you know how much? She responded you do not and there is nothing in the Charter that states you must reduce each time. However on its face a rejection means that it is too high. The Council and the Board of Ed have always respected that feeling and have reduced it each time but we can not tell them how much to reduce it.

Mr. Post questioned has Avon compared the prior budget increases before the referendum to after the referendum, were there larger or smaller increases? Ms. Stahl then questioned do you mean have the reductions been the same in each case? Mr. Post responded, for example before the referendum was there any difference in the budget increase from the previous year versus once you had the referendum? Ms. Stahl's response was yes. Once we had the referendum and especially after the first defeat the trend has been downward in the terms of over all budget increases because of that sort of "hand on your shoulder" that says we have an automatic referendum.

Mr. Zoni questioned you stated the referendum needed nine (9%) to validate the budget. Is that nine percent in the affirmative or is it nine percent of the people? Ms. Stahl commented if fewer than nine per cent of registered voters show up at the polls the budget is passed even if of that nine percent the majority voted no, it passes. Mr. Zoni then stated so it would only take half plus one to defeat it? Four plus five percent plus one vote could defeat the budget if nine percent came out and four plus five percent plus

one voted no the budget would go down is that correct? Ms. Stahl responded yes. If you pass through the gate and you have more than nine percent of voters coming out yes if it is more than nine percent a majority of whatever is more than nine percent could defeat the budget. Mr. Zoni responded, so in a town of 18,000 people and you said approximately 9,000 are registered voters nine percent of the registered voters must come out or 810 voters must show up. To fail the budget 406 votes could sway the budget and that is a special interest group and anyone could do that. Mr. Zoni then commented that he brought the question up because Ms. Stahl had indicated in her talk that the number nine percent insured that a small interest group could not sway the vote but like I said 406 people voting is a small contingency in my opinion. Ms. Stahl then stated well you have to look at the other side and the people voting yes would be an even smaller contingency. She continued well in a democracy that is how it is.

Mrs. Feld then commented to Attorney Sciota and cited Jefferson by stating that 51% of the population tells 49% how to live. Attorney Sciota then stated it is actually less than that it is actually the 51% who come out. Ms. Feld then asked Ms. Stahl how many voters does Avon usually get out to vote. Ms. Stahl indicated between 25 and 30 percent just on the vote of the budget.

Mr. Zoni thanked Ms. Stahl for speaking. Attorney Sciota had one last question due to the fact that he would be writing the language to be reviewed. He stated, that the assumption in Avon is if you vote no for the budget you want the budget lower? That was not the way I was thinking of writing it and we were having that yes and no, higher and lower because I am not sure that is an assumption I would make because a lot of our PTO's feel our budget is never high enough. Ms. Stahl commented that she understood but the Council, the Board of Finance and even the Board of Ed feel that the interpretation of a no vote is perverse that on its face a no vote means it is too high.

Mr. Zoni welcomed Mr. Jack Walton as the next speaker. Mr. Walton is with the Town of Watertown, he has served on the Town Council and has negotiated contracts with the Board of Education for the Town of Watertown. He has also been a police commissioner and he heads the Watertown-Oakville Taxpayers Association and the Vice President of the Federation of Connecticut Taxpayer Organizations.

Mr. Walton also introduced Mr. Tom Caruso who is the Vice President of their tax group. Mr. Walton stated that their Charter goes by the State rules of referendum, 200 signatures required and a referendum takes place. The only difference between theirs and Avon's referendum is that Watertown has to get a yes vote before it is accepted. We do not go back to the Town Council or subcommittee for any answers. He continued to comment that what has happened over the years is that now the last four years, their referendum without Charter Revision has been automatic. When it first started out back some 18 years ago, it was adversarial between us and the Town Council or whoever made up the budget and it has now evolved into something that is now just automatic. Our Council just sets a date and a referendum takes place. It is no longer adversarial and there are no problems with it. Usually it gets to a point where there may be one or two referendums

but we finally end up with the yes vote around one percent, one and one-half percent, two percent increase and that is the way it goes and everyone is happy with it.

Mr. Meade asked what form of government does Watertown have? Mr. Walton responded Council/Manager. Query is there a Board of Finance? Mr. Walton responded no there was no Board of Finance, we have subcommittees.

Mr. Callahan asked what was the size of Watertown's budget? Mr. Walton responded \$61 million, population 23,000 and education is about two-thirds of the budget.

Mrs. Feld then asked what percentage of the voters come out for the referendum. Mr. Walton responded out of 14,000 voters usually about 3,000 will come out for a referendum.

Mr. Meade then questioned if it had ever been voted where the budget was too low? Mr. Walton responded not that he knew of.

Mr. Post asked if they were limited to the amount of referendums? Mr. Walton responded no, there is a referendum until a yes vote is achieved. Mr. Post then asked what was the record number of referendums? Mr. Walton responded the record was five but they usually end up with two and the cost is very small in comparison to what the budget is and everyone ends up happy with the result.

Mr. Zoni then asked what happens when the budget fails, does the Council go back and reduce it? Mr. Walton then responded yes and Department heads all get together and reduce it more to whatever they think they can function with and then it goes back to the voters. Mr. Zoni thanked Mr. Walton for coming and speaking to the members.

Mr. Zoni introduces Mr. Phil Meister who was from the Town of West Hartford. Mr. Meister is presently an attorney and is the past president of the West Hartford Taxpayers Association.

Mr. Meister commented in a follow up to what Ms. Stahl said there is a famous gentlemen by the name of Col. John Boyd who was one of the best tactical air fighters that we ever had. He formulated a strategic theory of what they called "Fourth Generational War" referring to the insurgencies. He commented that relative to war it can be won physically, mentally and morally. The point he was making if you win the war physically it will come back again, if you win a war mentally, fighting is given up for now but the problem is not solved. You must win the war morally in order to have the ultimate resolution, an example of that was our American Revolution. He continued winning morally can be related to a referendum. The referendum, if applied correctly, can lead to that moral victory that allows government here in our participatory democracy which is what our republican form of government is to come to a resolution of how to spend the peoples' money that is being given to provide for the public services for the public good.

In West Hartford we have a Town Council/Manager form of government. The Town Manager has to give his proposed budget by the first week in March. The Board of Education provides their budget in February and the Town Council has a subcommittee that meets all year around. They then get the final budget in March and will have one, two or three public hearings and by the last week in April they have to adopt the budget. We have twenty-five days to gather 4.5% of the number of people that are registered in the Town of West Hartford. It does not matter if they voted in the last election or not 4.5% of the total electorate to sign a petition must be achieved and then if it is verified, the referendum takes place on a Tuesday usually on the first or second week of June.

Mr. Meister commented that it was interesting that the tax payers of West Hartford were one of the very first Tax Payer organizations to be formed back in 1933 and West Hartford has had referendums probably longer than any other community. The referendums were designed and there are only two, and the process goes on forever because the second referendum if there is one, will occur in September of that year. With regard to the budget, what we have done in West Hartford to take care of the problem that a budget may be adopted sometime later, is the tax bill that is issued is based on whatever the first adopted budget was. If a budget is adopted after a referendum the tax bill will be adjusted for the second payment in January. There is no reason to worry, the tax bills are issued before July 1<sup>st</sup> and if there is an adjustment it is done on the second half of the bill. Mr. Meister continued under their rules 15% of the registered electorate has to come out to vote to guaranty that there is a quantum representative of the community. In all of the referendums that have taken place, we have never gotten less than 25% to come out.

Generally West Hartford electorates are informed and involved in the process. There is a lot of time that lapses between the elections that we have had. West Hartford has had a referendum average about every 3 to 4 years. Mr. Meister stated he was President of the Association from 1996 to 2006 and during that time there were three referendums, one year we had one, another year two.

Mr. Meister then stated that what he thought a referendum would do for our elected officials, West Hartford's is advisory, up or down either you adopt the budget or you do not, so if you are on a Town Council you have no question. If the electorate votes no they are saying reduce the budget. There is no confusion, it is a political process because you have to collect petitions. Once you start collecting petitions you harden the positions of everyone relative to the condition and that is where it makes a big difference in terms of it being automatic or it being by petition. You use your judgment to decide if it is a fair resolution. He stated that this year the Council actually reduced the over all budget.

The budget is \$212million with a population of about 60,000 people, with about 39,000 registered voters and the tax payers did not do a referendum. In 2008 we actually did two referendums. His personal feeling was that one referendum basically is enough because your elected officials are either going to listen or not listen. They (the Councilors) will know what the average person on the street thinks and a decision is made and if they want to fight the electorate there is always another election. He continued by having that

safety valve, that referendum you get a sense of what the electorate is feeling and that then can be the corrective element within the discretion of the system.

Mr. Meister then stated to give you an example when he was the President of the Taxpayers Association the budget increased from \$100million to \$200million, so it was a restraint but that didn't stop them from what they needed to do in order to provide the services. By us being there and involved in the process, it was a little something that would be in the back and yes it does take a certain amount of responsibility and there are some tax payers that get out of control. Overall the process gives that legitimacy and moral victory to do the peoples' business and by doing the peoples' business we all can benefit.

Mr. Knoegel just asked for a clarification, you have 60,000 and the budget is \$220million? Response, No \$212million. Mr. Knoegel then questioned, you said you were involved for a period of ten years and the budget increased from \$100 million to \$200million, it doubled in ten years? Response, yes.

Mr. Landrie questioned if there was any limit after the second referendum in September. Response, there are only two referendums under the Charter. If the first goes through the budget is adopted by the end of June. Then there is a 30 day limit to collect the signatures in July and then the 4<sup>th</sup> week of September for the referendum.

Mr. Meade stated in general, referendum or not, in our community we have a Board of Finance and a Town Council that review the budget. But we have the State of Connecticut that is half broke mandating programs down to the communities and we have binding arbitration allowing all Town Employees to join the Unions. Nobody knows better than the Board of Finance and the Town Council what the mandated programs and the contracts require. The biggest percent of the budget are built in. Going to the community the response is "You are too high this year." Yet, this year our teacher's contracts called for a 4% raise (Corrected to 4.94%). These programs and the money that goes out from the States and the Government don't go out for referendum. The State of California is broke. These programs and mandates that are killing lots of the local communities we have very little control over. In California, if left to the officials, the taxes would require another \$25 billion a year to close the gap and the people would not have the moral victory to say that is not what they want. Our elected officials put out the \$750 billion to bail out the banks when 90% of Americans were against it, how did you feel? Mr. Meister responded by having this system in place you can have an impact on getting to that moral victory. Mr. Meade then stated that the same officials both in the State and the Government got re-elected, and we know less about these officials than they know about the local budget.

Ms. Feld questioned, 15% of the registered voters had to vote. What happens if less than 15% vote? Response: The budget is automatically adopted. Mrs. Feld then stated, having sat in every Board of Finance meeting despite contracts, negotiation, etc. there are ways to cut the budget. The Finance Board finds them. People can also. When they vote

the budget is too high they say so. Comment was made that we do have a good Board of Finance.

Chairman Zoni asked if the Commissioners has any other communication, input, ideas. Hearing none, moved on to Schedule A

### **Review and Action on Schedule A**

Mr. Zoni commented, 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, not take action on them. Chairman Zoni commented after his review of the last meeting video, everything went well and everyone was respectful and addressed the Chair properly.

**Item No. 1: Update to Section 1107 to conform with Section 2-204 in the Code of Ethics (Conflict of Interest Section).** Chairman Zoni stated the Code of Ethics was updated in 2006 by Committee and adopted by the Council at that time but it does not line up with Section 1107. It is actually more stringent. The original thought was to make the two more compatible with each other.

**Motion made by Ms. Feld to move item to Section B, seconded by Mr. Paradis.** Motion passed unanimously by voice vote. **Item 1 was moved to Schedule B.**

**Item No. 2: Review of Section 302, the definition of Chairman and Vice Chairman that exists in our Charter.** Following the last meetings discussion of Mayor a suggestion to review the section emerged to perhaps give them a larger face in the community.

Mr. Derynoski stated that the intent was to identify what the ceremonial duties expected of the Chair or his designee is in the Town and also enhance to cover other duties more defined with activities with the State dealing with grants, etc. How the wording for this should be drafted is a question. Perhaps the Town Attorney could address this.

**Motion made by Mr. Derynoski to move item to Section B, seconded by Ms. Feld.** Motion passed unanimously by voice vote. **Item 2 was moved to Schedule B.**

**Item No. 3: Modification to Section 746A Requiring Referendums Coincide with Regular Elections.** Chairman Zoni commented that this idea was brought up by a member of the community at the last meeting. Mr. Landrie stated that he agreed with the suggestion and it should be moved forward. **Motion made by Mr. Landrie to move item to Section B, seconded by Mr. Callahan.**

Discussion followed. Mr. Meade stated that it was probably already in there, but any type of emergency thing (sewer project) would be a good idea if they were to stay on an emergency basis but not any major project.

Chairman Zoni agreed that there would need to be some exceptions. Attorney Sciota will advise when these items are discussed which items should be exempt.

Motion passed unanimously by voice vote. **Item 3 was moved to Schedule B.**

### **Public Communications**

Chairman Zoni opened the floor for public communications

**Sev Bovino**, 285 High Tower Road – Mr. Bovino complimented the guest speakers and thanked the Commission for serving. Serving is an honor but it comes with a great responsibility to all the people of the Town to make thoughtful and calculated decisions on each issue debated. There is also a responsibility to look back at previous Committee’s decisions and give them proper consideration since they were also good, knowledgeable people with the best interest of the community in mind. Opinion, “If it isn’t broken, don’t fix it.” Mr. Bovino commented, when working outside of Southington comments from people relate to the good things about Southington, the way it is run and is under control. They wish they were here. All political leaders are a phone call away and ready to listen. Therefore we don’t need a Mayor. Also, paid professionals are best at handling things without being partial. We elect officials to serve the community; they with the professionals can set the tone and the direction for the town business. Hiring and electing the best then we need to trust their decisions and let them do their job until the next election. This committee is here tonight because 4,000 signatures were collected. When approached I was told that my taxes would go up if I did not sign the petition. 4,000 signatures are a lot of people but I don’t see one half of them attending these meetings.

**Lou Puglielli**, 72 Candlewood Lane – Mr. Puglielli commented on the decision of a Mayor or Manager form of government. Many people have spoken against the Mayor form, negative items, jail. There is good and bad in any profession. These decisions should not be part of the decision. One issue not heard was salary. Our Town Manager makes, I think, \$114,000. Southington has a population of about 42,000. Reviewing Mayors of other towns of the around the same size, the Mayor of Wallingford with 45,000 population makes \$73,000, West Hartford, population 53,000, \$81,000, Strafford, population 49,000, \$90,000, Hamden, population 58,000, \$87,500, Hartford population 124,000, \$125,000. Mayors qualified for the jobs, with the right parameters, make less than a Manager. Mr. Puglielli asked if the Town Charter discusses what the Town Manager or Mayor would receive for a salary or is it decided by the nine member Council. Attorney Sciota stated that the Town Charter states the Town Council is responsible for deciding the compensation for the Town Manager.

Mr. Puglielli continued stating that our Manager has been here for 45 years without a contract and he believes there should be one. If we can get a Mayor to do as good a job as a Manager can do, look at the salary. We can do the same for a Mayor setting the salary as we can for a Manager. Just set the rules for the qualifications.

Mr. Conroy questioned Mr. Puglielli concerning the research done on Mayor's salaries if he was able to determine if in the towns mentioned, if in addition to the Mayor they had a professional manager or the size of his staff. Mr. Puglielli stated he only looked at the Mayor's salaries. Mr. Conroy thought that there were a number of people who work in the Mayor of Wallingford's Office. Mr. Puglielli stated he only looked at the size of the town with respect to Mayors' salaries.

**Arthur Cyr**, 103 Berlin Avenue – Addressing Schedule B, what form of government we should go to, many years ago I worked in Hamden in the condominium industry. The local attorney he worked with ran for Mayor. He made \$73,000 per year and at the same time had an experienced, very expensive full time manager working under him. So, if we were to elect one of our Town Council members as Mayor, we would still need a manager under him because we can't expect one of our citizens to be elected as Mayor and know how to run a business. This should be kept in mind when considering changing our form of government. The four towns we heard from tonight have similar types of government, two do not have a Board of Finance. We have that other layer. Our Board of Finance does what other towns do by referendum. Clarifying the duties of Chairman of the Town Council may blur the line between the Chairman of the Town Council and the weak Mayor form of government.

Also in Schedule B the proposal concerning no former council member can hold compensated employment by the City, the committee should dismiss. If someone gets involved in politics and serves, and serves well, and has the opportunity to go into paid employment, nothing should hold them back.

Concerning the Fire and Police reporting structure the overall flow chart in the Town should be changed and they should report directly to the Town Manager and our Town Council and we make our Board of Police and our Board of Fire commissioners much smaller and advisory only. Our elected officials have direct control over every department in this town.

As for the budget referendum, no change is required supporting option 4, no change; we have a great system with our Board of Finance.

Mr. Michlewski addressed a point of clarification with Mr. Cyr. Concerning not preventing someone from having a job after serving, further work is being done on Section 1107, "Conflict of Interest" so that is no longer an issue. But, it also protects the public from someone feathering their nest.

Ms. Feld addressed a point of clarification with Mr. Cyr concerning the Police and Fire reporting structure so it reflects election. What about mid term? Mr. Cyr clarified by stating the Police is only responsible to only the Police Commission, not the Town Manager or Town Council. Both the Police and Fire Department should report straight to the Town Manager and the Town Council because the Town Council is elected. Ms. Feld asked his opinion about making both the Police and Fire Commissions elected. Mr. Cyr

did not agree because there would still be no direct reporting and the Town Council would not have direct control.

**Dr. Al Natelli**, 145 Meriden Avenue – Concerning the proposal to be voted on tonight changing to a Mayor from a Town Manager, I encourage keeping the Town Manager. Our Town Manager has been here for a long time. Not being a huge supporter of him, over the past nine months, listening to what he had to say with regards to a town budget and how things work in the community, while I may not like him and like someone once said he could use a Dale Carnegie Course, but he is a smart man. I think to elect a Mayor has the possibility of being a popularity contest. You may not get the right person with the skills.

With regards to the Police and Fire Commissions the way they are set up right now, does not reflect the committee. It reflects appointed people without answering to the Town Manager, Town Attorney or the Town Council. In business there usually is a President, Vice President, Secretary and Treasurer and a committee and members of the board sit on the committee as well as people at large. We have a Town Council and a Town Manager. These people should be part of those boards with people at large. At least there is some accountability that comes back to the Council and the Town Manager. The Dentistry Board has a local pier review and encourages outsiders to sit on the Board because they can give different views than maybe the two parties have at the back of their mind or the Town Manager

With regards to the budget referendum some interesting items emerged. Is the referendum budgeted in the Town Budget? How many would we do in Southington? West Hartford has a unique idea sending out the tax bill and go out and fix it for the second half of the year if necessary. Are we going to budget for a referendum and if so, are we polling in one or all places? Assuming the cost is between \$2,500 and \$5,000 per polling place, are we spending \$25,000 per referendum. The money could be spent better in the Town Budget. This committee has the ability to change the course of things. You need to look at many different aspects as anybody can open up the Town Charter.

Mr. Zoni addressed a point of clarification with Dr. **Natelli**. This commission is not in a position to implement a change. Everything discussed will be part of a report making recommendations to the Town Council and if they want to move them forward to the public and ultimately the public will decide what changes will be made to the Charter. We are talking, but not making the decision to change.

Mr. Steve Hensen, Deerbrook Circle – Concerning the modification to Section 746A requiring the public referendum of a multi million dollar spending initiatives coinciding with general elections which means national election day. Mr. Hemson suggested this several weeks ago and endorses it. Regarding an exception concerning emergency spending needs do not require public referendum at this moment and therefore would not be inhibited by this motion.

The purchase of open space land acquisition subject was also discussed a few weeks ago. There is often a seller time line involved. It was proposed in such a case that the Town Council could decide by a super majority that time was of the essence and authorize a special mid year referendum. This idea is endorsed, however with emergencies already taken into consideration, accept the suggestion to restrict the Town Council being authorized to have mid year referendum to open space purchases, and not others.

Concerning the Mayor vs. no Mayor issue, without personally knowing Mr. Weichsel, not having met him, stay with the current Town Manager type of government. Reason number one is to have the Town Manager act every day on behalf of the town and not gathering votes for the next election and number two the Town Council should have the ability to hire a professional to fill the role, not the winner of the popularity contest.

**Illio Fusciello**, 82 Autran Avenue – Mr. Verderame stated that the Chairman in a way is the Mayor and the Chairman comes every two years. It is really a form of democracy. Concerning the previous speaker who said he never met the current Town Manager, he is lucky. Short discussion, Mr. Conroy was able to extract from Mr. Fusciello that he was in favor of a mayor.

Mr. Paul Ceplinski, 63 MacIntosh Way – Mr. Ceplinski indicated he was speaking out against a mayor form of government. He stated he also sat on Planning and Zoning as an alternate and he understood what the members were going through and appreciated the time all the members were putting into the Charter Revision Commission. There have been many good points and from what he has seen in the past and read in the papers many people have spoken out against that form of government. He stated, “I implore you to hear and listen to what you are being told by the community as you consider your decision”.

He also wanted to address one of the comments you made earlier about the commission and what your duties are and that the commission is not making a decision. He stated although you are not making a decision to accept or to implement the further these things go they “grow legs” and become more politically charged. I think it is important that this commission really take into consideration what is being spoken.

Budget Referendum, he was also speaking out against a budget referendum I think we have had some good talks and having professionals come in to discuss the issue, there were some interesting comments that make your emotions go one way or another. Bringing our forefathers into the picture to talk about citizens having a voice and voicing their opinion I agree but I do not agree that a referendum is the way to do it. We have plenty of Town Hall meetings, plenty of public hearings, when the budget comes out the Town Council hears from the community, you can go to the Town Council meetings and listen to the people who come out for the Board of Education. Those are the people who show up and care and talk to other people in the community. I can not see spending additional money to hold a referendum when all of the above is taking place. I can not see that there will be anything more beneficial or anything new stated. If the Town

Council is hearing it at a public hearing, then they should listen at that time. We do not need to spend thousands of dollars to hear it again.

The last item Mr. Ceplinski addressed what was discussed by Mr. Hemson. The expenditures that he would classify as discretionary spending in the Town I also support in principle that policy and I think that is something we should adopt. I do think there are a short list of exceptions that should be imposed. He then stated that he believed in the past we have had expenditures that have been large that have been off election time, maybe we should have had a larger population vote. I would implore you to consider some type of form of what was presented here.

Mr. Ceplinski addressed Chairman Zoni concerning the report and the voting on said report. Chairman Zoni deferred to Attorney Sciota.

Attorney Sciota commenting the question is when this report goes to the Council, the Council has the right to pick and choose. Normally what the Council does is to send the report back to the Commission with some explanations. If they do not like something, they will explain to the Commission what they do not like about it and those things can be re-looked at by the Commission. The Council can pick and choose.

Mr. Ceplinski then asked, once it goes up for a vote by the population is it accepting all of the recommendations that the Council and this Commission have decided on? Are we voting on different items? The response the Town Clerk's Office and the Town Attorney's Office does the ballot so what we try and do is lump same issues together. An example the Police and Fire Commission item, should it go forward, will be placed together. We would not put that question together with a budget referendum question. If eight things go up we will try to truncate them. Question, so if eight went up, the Council could adopt eight or four. Answer, the Council could adopt, all, eight, five, none. Chairman Zoni further indicated that the people could vote them all down or all up also. Question, so some could go and some might not. Answer, yes a minimum number, the reason why we will try to have them either this November or next November is because you want have a minimum number of people coming out to vote because the Charter change requires a minimum number to vote.

Ms. Feld requested a point of clarification and stated that usually when a referendum takes place it is at one school.

Attorney Sciota commented usually when we have a referendum it is at Derynoski School and the cost is about \$6,000 and if we have it town wide the cost will be between \$22,000 and \$25,000

No other public comments at this point.

Chair moved on to next item on the agenda, which was Schedule B. Chairman Zoni reminded these were items that were moved forward from Schedule A and we will discuss them and possibly move them forward to Schedule C.

**Discussion, Debate and Action on Schedule B items.**

**Item No. 1: Modify the Budget Timeline to allow Town Council amendments one meeting before the final vote.**

**Mr. Meade makes a motion to move Item No. 1 to Schedule C, seconded by Mr. Derynoski.**

Discussion: Mr. Zoni commented that the only thing he would interject is that when Attorney Sciota begins to write the language for this Charter change is that the Board of Ed budget is something we deliberate in one night and we have no line control so we can not make any amendments. Attorney Sciota commented no amendments concerning Board of Education budget. Mr. Zoni further commented so this item is more applicable to the general government side of the budget.

**After the above discussion, motion passed unanimously.**

**Item No. 2: Mayor/Manager or Combination.**

**Mr. Verderame makes a motion for no change to the present form of government, seconded by Mr. Conroy.**

Chairman Zoni, just for the record, stated he would like to take a separate vote on each of the choices, i.e. strong mayor, mayor and manager, ceremonial mayor and no change. Chairman Zoni wanted to have motions on each category. Mr. Meade objected and questioned why would that be done when we have a motion for no change. Attorney Sciota interjects that there is a motion and a second for no change, that motion must be entertained. Mr. Zoni then stated, much discussion and work has been put into this item and he felt the public would like to hear where we stand. Mr. Verderame then commented the public has spoken as he had not heard but one or two in favor of a mayor form of government. Mr. Zoni then stated that he will assume if this motion is passed for no change then the other options are gone. Mr. Post commented that he felt some general discussion should take place first.

Mr. Conroy then interjects the fact is we have beaten this issue to death. We have talked about strong mayor, no mayor, mayor/manager, etc., etc., we have heard from the public and to go along with Mr. Verderame there has been no human outcry about making this change other than they were talking about the other issue which is still before us as to whether or not we want to change some of the responsibilities of the Chairman of the Town Council. I would, therefore, urge everyone to vote to dismiss this issue.

Mr. Post then commented that he was going to vote for no change; however, that we have a very strong Town Manager contract which is a Schedule C item. He stated that he assumed this issue would not go away. If for example a Town Manager's contract was light, then I might want to add another item to Schedule A to re-visit this whole issue.

Mr. Zoni stated that it had been voted to moving the manager serving under contract to Schedule C and we will have wording for that. The actual contract will be a matter between the Town Council and the Manager or the person that we will hire. Attorney Sciota interjected that the wording is there. Mr. Zoni questioned Mr. Post in that he was not hearing that you want us to write into the Charter perhaps the details of the contract? Mr. Post responded that he thought there actually needs to be some general requirements in the contract or the Town Manager's job description. There are some issues there that need to be defined so that we get a qualified person. Mr. Post stated that he agreed we need to have a professional Town Manager but we don't want to get a light duty manager who would be essentially a popular mayor and not really qualified. Mr. Zoni indicated that the duties of the manager would be clearly spelled out in his contract I am certain.

Mr. Callahan then stated that counting tonight we have had six meetings where we have discussed this mayor situation versus the Town Manager. We have had 54 people speak, six people have spoken in favor of a mayor or in favor of changing the current form of government. Only three people mentioned the word mayor of those 54 people. In addition the Meriden-Record Journal ran a survey on April 5-7, 2009 if we wanted a mayor or Town Council form of government. From that survey, 220 people responded, which is a lot of people and 71.1% said No to the Mayor form of government. The people who have come here, the people in that survey have given us a message, loud and clear, they do not want to change the current form of government, so I want to move the question.

Mr. Knoegel then commented that the Commission had just moved the review of Section 302, definition of Chairman and Vice Chair to Schedule B and it does kind of speak to the issue of ceremonial mayor or at least a ceremonial-mayor connotation. Consequently if we are going to move that to B, would it make sense to table this? Mr. Knoegel stated that he agreed with Jim (Mr. Verderame) and Brian (Mr. Callahan) that this has been a live dialogue to say let's not change the current form of government but if we are going to move this to B it is actually somewhat of a change in government.

Mr. Meade then stated that he was the Chairman for 14 years or so, the duties of the Chairman, he is ceremonial, he takes care of all of the events in town that he is invited to. There is no mention nor should there be any mention about a ceremonial mayor because that is confusing. Mr. Knoegel stated he was just going off of what Dave (Mr. Derynoski) had mentioned at the last meeting. Mr. Derynoski then stated he had never mentioned the word mayor. Mr. Zoni then commented Mr. Derynoski had just spoken on defining the role.

Ms. Feld then questioned Attorney Sciota if the members could vote for a manager and still keep Section 302 open? Attorney Sciota commented absolutely. Referring to Mr.

Drynoski's prior comments, it was to redefine or refine what we expect of the Town Council chairman.

Mr. Landino stated it was mentioned, and his comments were directed to what Mr. Post had stated, if you voted for no change and you didn't like the strength of the manager you were saying that you were open to putting something back on Schedule A to make something more of a ceremonial...my question does this eliminate mayor or any form of the word mayor from the Charter because I think that what it does mean and I don't think we want to go back after this and say okay we are not going to have a ceremonial mayor but then go back and let's say the Council Chairman is a "ceremonial mayor", that is out, correct?

Mr. Zoni commented that he believed the section that he was discussing was that the Town Manager will serve under contract, how specific as to the details that we get in the Charter are still open to debate. Mr. Landino agreed and referred back to Mr. Post's comments that he did not like the strength of what we did in the contract for that manager, Mr. Post then stated he would want to go back to Schedule A again with a new proposal. Mr. Zoni then stated that he did not believe we would ever really know that strength because it is determined by the Council when we develop his contract.

Mr. Conroy addressed Mr. Landino through Mr. Zoni as the Chairman and commented yes Mr. Post has that right but he is still only one vote.

Mr. Post then stated to clarify his main concern, in a perfect world which it is not, we would define the manager's contract and requirements first and then we would make a decision on this because I think I am in agreement in keeping a Town Manager. I think I like the idea of a professional Town Manager. I also like some contract limitations. In a perfect world we define a Town Manager and once that is done that could have some bearing on the mayoral position. It is not a perfect world, we will deal with this now and worry about it later.

Mr. Michlewski commented he agreed with Mr. Post. When we look at the definition of what the Town Manager does in the Charter, it needs to be looked at a lot more than what is in there now. It needs to have some changes done to it and a better over view and that needs to be in the Charter and not in a contract.

Mr. Meade then stated as far as he was concerned Mr. Michlewski was absolutely wrong. Wording like that, the Manager will work under a contract. The Board of Education hires a Superintendent of Schools. They have a contract, they have requirements of the contract and they hire someone. We have hired department heads and there is criteria under which they are hired whether it be education, background or whatever. You do not write something like that and the fact of the matter is that we have already adopted that the Manager will operate under a five (5) year contract and that will be up to the Council or the board that is selected by the Council that would be the hiring board of the manager.

Mr. Conroy then stated, I raise a point of order. We are not debating that issue. The issue before us is whether we are going to have a mayor or a manager.

Mr. Zoni then stated he wanted to make a few comments before the vote. He stated, the reason he did not want to jump right to the end of this is perhaps from his Council experience and may be my sense as a Councilman accountable to the people of Southington and I like for people to know where I stand. Last week I was pretty clear on where I stood on this issue and I just thought maybe we should all go on the record as to where we stand but we will take the vote this way and I am okay with it. I agree with Mr. Callahan there was a lot of discussion on this issue and much of it stemmed from people coming up to the podium, articles in the newspaper and in reality we put this on the agenda very early, we tabled it and our last meeting was actually our first discussion and debate on this concept. That is not to say a lot of dialogue did not take place and this is our second conversation and now we are ready to take a vote. Mr. Zoni calls for a roll call vote on this issue.

Attorney Sciota reemphasizes that the Motion is for No Change. Roll Call Vote:

Mr. Callahan	yes
Mr. Conroy	yes
Mr. Derynoski	yes
Ms. Feld	yes
Mr. Knoegel	yes
Mr. Landino	yes
Mr. Landrie	yes
Mr. Meade	yes
Mr. Michlewski	yes
Mr. Paradis	yes
Mr. Post	yes
Mr. Verderame	yes
Mr. Zoni	yes

Unanimous roll call vote, Motion is dismissed. Mr. Zoni indicated this issue is gone there will be no mayor.

**Item No. 3. No former Council member can hold compensated employment by the city until one year after the expired term.**

Chairman Zoni calls for comments.

**Mr. Meade makes a motion to dismiss, seconded by Mr. Derynoski. Discussion:**

**Ms. Feld made a motion to table the issue, seconded by Mr. Michlewski. No Discussion**

Roll call vote called for by Mr. Zoni. Mr. Conroy asked for a confirmation on the vote, a yes vote means to table and we go on with the conversation? Attorney Sciota confirms that a no vote means to go back to the motion that is on the table, which is the motion to dismiss. Roll call vote follows:

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

**Motion to Table fails.**

Discussion on the Motion to Dismiss.

Mr. Knoegel stated that he agreed with Mr. Michlewski in that if someone is in a Council position, that person can use their position as an advantage to position themselves for a payable job within that same town, that is a big advantage and a one year cooling off period reduces the appearance of impropriety and I firmly believe we should go forward with this and move to Schedule C.

Mr. Michlewski commented that he would be willing to dismiss this issue as long as we take the time on 1107, conflict of interest to tighten that up enough so that we do not have those types of issues. If an individual serves properly and then gets a job in the town, not a problem; but if they serve and somehow establish a position that they miraculously get, then they lose it. They are not going to feather their nest. There has to be some consequences and if there are none, then we have lost transparency.

Mr. Post stated that he also agreed with Mr. Michlewski and if this means by this issue being dismissed if we don't strengthen 1107 then we have lost any possibility of any transparency and accountability. He continued to state right now this Town does not have any transparency from the prospective of the corporate world that has a key on public relations and transparency. I know that if you are in the public sector and work for a consulting firm and you jump ship it is common to have strong restrictions for that person if he/she goes to work for a competitor in less than a year or two. He continued the Town Manager can act like a CEO and the Town must also act like a corporation and have transparency. Those of you who voted to dismiss this have essentially voted against transparency.

Mr. Conroy commented this is not a vote against transparency. It is a vote against instituting some sort of rule or regulation which may eliminate a top qualified candidate. Mr. Conroy stated he agreed with Mr. Michlewski, perhaps the language in our Ethics Code have to be strengthened but that has nothing to do with transparency. Talking about non competes in the business world and I use to write them for a living, non competes mean that you are not going to go out and compete against the company you left and sell another product. That is a completely different issue.

Mr. Callahan then commented that those non compete clauses get defeated in court all of the time. He further went on to state that he also agreed with Mr. Meade that he would like to see this issue dismissed but he thought that we certainly have to have the transparency or ethics thing cleaned up because there are several areas of the ethics where you should not be an employee of the Town that also has to decide what your budget is. Again I support dismissing this issue and move on to discuss the other area.

Mr. Post then stated he had a comment for Mr. Conroy and he said they are actually the same thing from the stand point of concept and intent and if it has an intent they are exactly the same thing.

Mr. Zoni then commented in a question to the Town Attorney that if he was not mistaken regarding employment by the Town, the vast majority of employees are part of a bargaining unit, is that correct? Response from Attorney Sciota was that the vast majority on the government side and the Board of Ed side are a part of a bargaining unit. Mr. Zoni then stated so it would be difficult for someone to serve on the Council and then say they want to work for the Town in a position that was not a bargaining unit position. Attorney Sciota responded there are nine of us. Nine positions on the government side was Attorney Sciota's response. Mr. Zoni then added so to "feather your nest" to try to get into a bargaining unit starting at the bottom...Attorney Sciota then commented that he did not believe Mr. Michlewski was referring to a bargaining unit. Mr. Michlewski in commenting disagreed, more discussion, bottom line it would be highly unlikely that this issue would be applicable in our community.

Mr. Derynoski then asked since 1966 when we went into the Town Manager form of government, has there ever been a Town Councilor who went on to work for the Town. Mr. Meade responded that he could think of none and not to forget a person is only one vote on the Town Council.

Mr. Landino then commented that he wanted to take a step back and explain his vote to dismiss. One of my thoughts is, and we just mentioned that we have never had this happen in the Town, some of the people on these boards, having served on the Council and Mr. Meade and Mr. Verderame are great examples, have served years and years on a voluntary board, gave of their hundreds of hours to volunteer and help this Town out and they decide in November not to be on the Council any longer, and a position opens up and they are the most highly qualified person in July or August of the following year. Well we are then going to say, "oh shucks we would love to have you but unfortunately

our Charter won't let us so we are going to take the second best person for this. That is ludicrous and it is ridiculous and I can not believe this is up for discussion.”

Mr. Zoni asked if there was any more discussion. Attorney Sciota reminded the members the vote will be to Dismiss.

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

**Seven yes votes. Motion to Dismisses passes.**

#### **Item No. 4, Police and Fire Reporting Structure.**

Mr. Meade addressed Mr. Zoni and stated that he did believe it would be good to have some language to be put in there where he would like to see the Commissioners be involved in the day to day running of the department, being involved in internal matters or whatever the case may be. However when it comes to hiring or firing or changing the makeup or policy of the department, I think the Town Manager and the Council should be involved just to make certain the procedures are followed.

**Motion made by Mr. Meade to move this item to Schedule C, seconded by Mr. Landino.**

Mr. Verderame interjected the question, “do I have any problem voting?” Attorney Sciota responded that Mr. Verderame has the right to discuss the issue but he would be best not to vote.

Attorney Sciota then stated that he had sent language out to everyone and further indicated that the only issue he did not have which came up tonight, and he did not know how much further the members would go with it, his language included the Town Manager involved in the decision making process and not the nine members of the Council. That issue could move into an entirely different area when you are discussing hiring police chiefs, etc. Mr. Meade then commented that he was only concerned about the proper hiring procedure are followed (referring to the Police Department issue and the hiring of an additional Captain). Attorney Sciota then stated that if you move this item to

C you can work off of the language that has been given to you and any modifications can be made at the next meeting.

Mr. Conroy then stated that he felt it should be pointed out that there has been no indication that there was anything but proper procedure that was followed by Chief Daly and the Board of Police Commissioners. Chief Daly went through an entire process and so did the Board, including counsel and the union. I do not know how much more of a different procedure could have been followed and because the union did not agree with his choice. Chairman Zoni commented that he believed the discussion was going off the path now.

Mr. Landino stated that he had no problem of hearing Mr. Verderame's comments. Attorney Sciota then stated for him to speak on the subject is fine but he does believe that even though Mr. Verderame does not receive compensation for his seat on the Board, he should not vote on the issue. Furthermore, his knowledge of the Police Commission is certainly something the members can use.

Ms. Feld then commented, "so Jim (Mr. Verderame) what do you think?"

Mr. Verderame then stated, Mr. Weichsel and Attorney Sciota are used a lot more than I can tell you. Our Chief talks to Attorney Sciota four/five days a week and the Town Manager a couple of times a week. Everything that is done at the Police Department if it doesn't come from me, it has already gone through the Town Attorney and/or Town Manager. Mr. Verderame continued even the issue with hiring of the Captain was done through the Town Manager, Attorney Sciota and our Labor Attorney. All of the "i's" and "t's" were crossed many, many months before we even adopted that.

Ms. Feld then asked of Mr. Verderame if he had any problem with the language that the members had received from Attorney Sciota.

Mr. Landino then asked of Mr. Verderame if you are saying that everything pretty much goes through there (the Manager, Town Attorney), then what would be the negative of putting in a structure point?

Mr. Verderame then commented that the reason we are all here is to give the people more of a say and if you take the Police Commission and the Fire Commission out of the loop, you are dismissing the public. I have served on the Town Council for at least 14 years and I think I have enough knowledge of what is going on in the Town. Furthermore if my hands were tied and I definitely had to go through there (the Manager/Town Attorney) I think the people who wrote the Charter, being an outside position being the Police/Fire/Library Boards is that we are there and I am talked to by the Chief every single day. It is a rare occasion that I do not speak to Chief Daly on what is going on at the Police Department. Additionally, I do not think the Town Manager, having all of these other departments that he has to reconcile, it is two more Boards he definitely has to worry about. Now we are going to an issue of where we need him. I do believe it is fine the way it is and furthermore this would have never been brought up if we did not have this problem with the union.

Mr. Conroy then stated that the fact of the matter is if you look around the State there are many towns, many communities that look to have civilian oversight of fire and police. Southington is one of those towns and it has had this since the time the Charter was adopted. If you look at some of the other communities, there is a big outcry as to why there is not some civilian oversight concerning these boards.

Mr. Zoni stated that he did not believe the Commission was trying to take away their oversight or their advisory role, it is a matter of a reporting structure of the Department head directly to the Town Manager.

Attorney Sciota then spoke indicating what the structure of the Manager/Town Council form of government was. Going back in history we have had a Selectmen form of government. The founding fathers back in 1966 decided they wanted to have expertise all over the Town. The founding fathers did not want to shove the entire situation when it came to the Town Manager or the Council, who were brand new to Southington, everything onto their shoulders. The purpose for that is that they wanted to give them some assistance so hence a Police Commission, a Fire Commission, a Library Board, a Senior Citizen Commission and Parks and Rec. Commission. Those Boards were established because our Town grew from a three-person Selectmen, which was just "Joe Blow" off the street whom people did not expect would have the ability to handle each and every one of those departments. On the flip side of that a true Council/Manager form of government has the Council, the Manager and he is responsible for all the Departments on the government side, which would include police and fire. With that in mind from a true Council/Manager form of government, the Manager should have some ability over those departments. The way it is written, you still have all your commissions in an advisory capacity and when it comes to the aspects of the actual hiring of the key people, i.e. the captains and the Chief the Police Commission is involved but the Manager as with every other Department head in Town has the authority which is no different than any other Town Manager form of government.

Mr. Knoegel then stated he was not sure how he was going to vote on this issue but he did share part of Mr. Verderame's and Mr. Conroy's concerns about the polarization of these departments, you certainly do not want that to happen and the civilian review of a part of it is a convincing argument.

Mr. Landino referring back to Mr. Verderame's comments we are not dismissing the Police or Fire Commissions. If the fact remains that they are all totally involved and the valuable information is being fed to the Town Manager I find it hard to believe that those individuals would not go to the Town Manager and inform the Manager of who they believed would be the best choice for a specific job. I do not think the Town Manager would reject their thoughts and comments. In the end if the Commission is still involved and they are readily speaking to the Town Manager then I do not think there would be much change of what ends up happening and you still have the public input and the Commission formulating the answers to their questions.

Mr. Michlewski then stated he agreed plus it would do wonders for the general public to understand that it is not individual departments and it is actually going through the Town Manager. If nothing else perception and as we all know perception is a big issue.

There being no further discussion, Mr. Zoni **called for a voice vote**. All twelve (12) members voted to move this to Item C with Mr. Verderame being the thirteenth vote abstaining. **Item moved to Schedule C.**

#### **Item No. 5. Financial Amount to require a public referendum**

Mr. Zoni commented that was Section 746, last meeting we began this discussion with the threshold for referendum.

**Mr. Conroy makes a motion to move this Item to Schedule C, seconded by Mr. Verderame.**

Mr. Zoni then stated more discussion is needed for this issue to be moved to Schedule C due to the fact that the Town Attorney needs to act on what our suggestion is. Mr. Verderame then stated his suggestion was one (1%) percent of the budget.

Mr. Zoni commented so this is now part of the discussion, two things came up, one was to adjust the fixed number which is \$1million and the other is to make it a percentage of the overall budget on a regular basis.

Ms. Feld then suggested it be \$250,000, the amount to move it to public referendum.

Mr. Post then stated that it should be a fixed number as inflation comes up if we have a percentage that is actually inflationary because a percentage of a big number increases. He commented he was all in favor of a specific number, \$250,000 as well,

Mr. Landrie then stated that he believed one (1%) per cent was too high and \$250,000 is too low. I am definitely opposed to a percentage because this thing can grow and grow and grow. I would say leave it where it is at \$1million. Mr. Derynoski also commented to leave it at \$1million.

Mr. Paradis then questioned how the \$1million amount came about. The answer was it came from a previous Charter Revision. Query what was it before that? The answer was \$500,000. Mr. Conroy interjected for historical information (and Attorney Sciota chimed in you are going back to that fire engine issue aren't you?...laughter...it was 2%, then it was \$2million and it ended up at \$1million. Mr. Zoni then read from a chart that indicated how the number had grown. In 1968 it was \$100,000, in a budget of \$7million it represented 1.3% of the budget. In November of 1972 it was \$200,000 in a \$11million budget it represented 1.76% of the total budget. In 1988 it was moved to \$500,000 in a budget of \$50million and it was actually .99% pretty much one percent. In November of 2000 it was changed to \$1million with a \$79million budget which represented 1.26%. Mr. Zoni then stated from the time of the origin of the Charter until now it has been

changed and the average amount it is with respect to the budget is 1.33% so 1% is actually less than the average that the voters approved since the inception of the Charter.

Mr. Landino then commented so by putting in that 1% we are saying we would like some restraint. Mr. Zoni stated it was a conservative number and it does grow to Mr. Post's observation but so does what you can buy with \$1million. What you can buy shrinks.

Mr. Callahan then commented that the \$1million over a 10-year period of time could be a strangle hold and could almost force another referendum or Charter Revision to change that. The point to be made is that Mr. Post speaks about how it will increase well yes everything grows if you put fixed numbers on things then all of a sudden \$1million ten years from now may only be worth a half million or a quarter of a million. That will restrict our ability and the only way to change that fixed number is to go back to a Charter Revision which I don't think we should have to put some language in the Charter that would require that. I do believe that one (1%) per cent is a fair number and as the time goes and everything grows it is a fixed percentage and when the time comes that it is getting out of hand it can be revisited and I do not believe we should be tying our hands right now. Short discussion on the large increase in West Hartford)

Mr. Knoegel then went back to the West Hartford issue. West Hartford has had a great expansion of low income into their town, they also have a great influx of special education into their town and a much larger percentage of seniors who require senior services. The fact that it grew that much in ten years, there were outside factors to be taken into consideration. The concern I have about the 1% issue is that it kind of in-builds the thinking from our Department heads that we have a little bit of room in the budget to maneuver and I am still wanting to see our financial people look at performance by objectives and looking at are there incentives to returning back money with the hope that on other out years they might receive a bigger percentage. When you have various departments spending money at the end of June just to spend money so not to return the funds just to say you saved some money so to get by with less that is my concern about going with a certain percentage.

Mr. Zoni indicated that the whole referendum issue is basically to get advice and consent from the public on a specific item. In fact if the item were actually to come during the budget process that item could be folded into the budget. It is really for special appropriations and special bond ordinances outside of the budgetary process and these things do happen. Mr. Paradis then questioned, how often does it happen and how often do we spend \$500,000 on an item?

Attorney Sciota responded when we do three or four road projects probably those and the two road projects that we have going on right now will be over that amount. Also most sewer projects are above that.

Mr. Paradis then responded then \$1million is not a bad number. We are talking the peoples' money, let them make that decision if it is over \$1million, let them vote on it. How many projects have we have that were under \$1million? Response, very few, three

in the last 15 years and those are the three that everyone remembers. The one amazing one is the property that was purchased on Old Turnpike Road, the Bulky Waste Transfer Station. The purchase price was a number higher than that, it was negotiated down to a number which happened to be \$950,000. I can tell you there are many that fall into the category that we did over the past fifteen years that were \$500-\$600,000 and that happens all the time. You see that through the public hearing process through the Board of Finance and the Town Council because they are just Bond Ordinances they are not referendums. The two road projects that are coming up will not be because the two roads are less than \$1million and therefore they will be bond ordinances.

Mr. Landino then spoke on the fire stations that come in under that \$1million those are out to bid and if that happens we deal. Mr. Paradis agreed but he thought a percentage was foolish. Mr. Zoni then commented that he thought that was Mr. Callahan's point you have to keep dealing with it when it is a reasonable percentage to begin with. Mr. Paradis then stated let the people vote and Mr. Landino commented my point is when you get to a point where there are too many of these projects and people feel the \$1million figure is not adequate, than you have to keep going to referendums that cost \$25,000, then the way we have to do it is to go back to Charter Revision.

Mr. Callahan then commented if there was a history in Southington that money was going out the door and our taxes were going up, our Bond rating was going down, etc. The fact of the matter is that Southington is probably one of the most efficient towns run in the State of Connecticut. We were just raised by Standard and Poors. That is incredible. We have a very efficient and trust worthy Town and the way things are run and I do not think I do not have a problem giving them a percentage. I trust the people in this Town because of the history and the way things are run, the efficiency and it is a very frugal government. I say give them the 1%. He further commented that he is a senior citizen and should be concerned about where the tax money is going. I have run businesses and I have owned businesses and I know you keep getting escalation and everything else goes up in price and then you have a strangle hold here and you can not make those decisions when you need them, you are putting the people that are running the Town, that you have elected in a box.

Ms. Feld stated we have a good bond rating and thanks to a good Board of Finance that holds down the spending, but we did hear from people who came forward and asked and I think we owe it to the public to keep it at \$1million.

Mr. Meade stated he would just like to add to what Mr. Callahan said and stated since 1966 if you think of all the schools and buildings that we have built over the last 30 years, the road improvements, we built all the fire stations in the last few years, we built the Parks and Rec. Department garage and on top of all of that we have a \$10million rainy day fund. The Town has been run very efficiently and I think it has done a great job and history tells us that we have to keep opening up every other year because of the contracts, etc., so time marches on and 1% is a very favorable amount.

Mr. Post then stated that we have to remember we are spending the peoples' money and those of us who work in corporations know that if you have \$100,000 to spend and the range goes from \$80 to \$150,000 then you think okay I am allowed \$100,000 and I will pad that a bit so I can have a rainy day fund in my project, whenever you limit that it challenges you. A well managed corporation will have those limits at a much lower level because we are all human and we will tend to pad it. He continued he thought the Town did a great job in buying that property for \$950,000 however what if the limit had been \$900,000 might someone had said, we want to buy a property and you are selling that property for \$950,000 and we will have to go to referendum and if the folks in Southington vote down that referendum than we can not buy the property. Subsequently you come in with a proposal of \$890,000 and it is a done deal. There is human nature there. \$250,000 would probably be the relative level to what you would be limited to. Our budget is large but not that large and \$1million in my mind is quite large without a referendum being required. Secondly, whenever you talk to folks and efficiency other states are run more efficient than Connecticut as opposed to other states. The efficiency not compared to Connecticut to the best performance which might not be in Connecticut.

Me. Callahan responded that he did not think you can put Southington in the same ball park as the way the State of Connecticut is run. Connecticut is probably one of the most inefficient states other than California in the way it is run.

Mr. Verderame questioned what the budget is right now. Mr. Zoni responded \$118million. Discussion between several of the members indicating that we are talking about \$1.2million versus \$1million, more discussion then Mr. Conroy interjects for Attorney Sciota's benefit write up the language and leave the number blank and we will discuss it when it gets to Schedule C.

**Mr. Meade then commented we have various numbers going across the table, why not table in and think about it and discuss it at the next meeting, seconded by Mr. Conroy. Mr. Zoni calls for discussion, none. All in favor, Motion to table passed.**

**Item No. 6. Financial Amount required for published bid.**

Mr. Zoni commented that in his opinion that relates somewhat to the threshold and if we could come to an agreement on the threshold then we could make that amount a percentage of that so everything ties together nice and neatly.

**Mr. Landino makes a motion to table, Mr. Meade seconds the motion. All in favor, issued tabled**

Mr. Zoni then stated that since the hour was getting late and the next issue will require much discussion I will entertain a motion to adjourn, seconded by group, call for discussion. Mr. Meade indicated that there was a problem with the next meeting. Three or four members will be unable to attend due to a golf tournament that was scheduled a year ago. Mr. Meade apologized for bringing the issue up so late. Discussion among all members and then Attorney Sciota requests that the motion to adjourn be withdrawn and

so it was. **Back in session.** Discussion again amongst the members with some confusion and then **Mr. Conroy makes a motion to cancel the June 17<sup>th</sup>, 2009 meeting, seconded by. Verderame, motion carries, meeting cancelled.** Attorney Sciota informed the members he would be unavailable for the July 1<sup>st</sup> meeting but it should not be cancelled because of his absence.

**Adjournment.**

Mr. Meade made a motion to adjourn, seconded by Mr. Callahan. Motion passed by voice vote. Meeting adjourned at 10:00 p.m.

The next commission meeting will be on July 1, 2009.

David Zoni, Chairman  
Charter Revision Commission