

MINUTES OF THE TOWN OF SOUTHTON
2009 CHARTER REVISION COMMISSION

November 30, 2009

The Charter Revision Commission of the Town of Southington held the special meeting on Monday, November 30, 2009 in Town Council Chambers. Chairman David Zoni called the meeting to order at 7:00 o'clock, p.m. with the following in attendance:

Richard Post, Sandra E. Feld, Andrew Meade, Joseph Landrie, James Verderame, Brian Callahan, William Knoegel, James Michlewski, Philip Landino, David Derynoski, Kenneth Paradis

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 Mr. Verderame was recited by everyone in attendance.

Approval of Minutes

Chairman Zoni called for a motion to approve the October 7, 2009 minutes. Mr. Landrie made a motion to approve the Minutes. Mr. Meade seconded. Motion passed unanimously on a voice vote.

Commissioner Communications

There were no commissioner communications.

Public Communications

Brian Goralski, 80 Buckland Street, Plantsville. Mr. Goralski came before the Commission as a current member of the Southington Board of Education. Mr. Goralski commented that he had come before the previous Charter Revision Commission regarding the length of terms. He was asking the Commissioners to consider the length of the Board of Ed term as an item to be placed under consideration to go back to a four-year term. He stated that he was willing to offer himself as an advocate to compile the necessary information for consideration. He further stated that at the last Charter Revision Commission he had presented information regarding the length of terms in other towns within the State of Connecticut and he was willing to do so once again. He reiterated that a two-year term does two things, first it brings politics to a board that is better served as a non-partisan board with the focus being on education and secondly because the Board of Education spends at least two-thirds of our town's budget is one

that involves much planning and fiscal responsibility. The two-year term limits the ability to do long range planning which is a big component of education, i.e. planning for curriculum and buildings. He stated those two components are limited with a two-year term. Mr. Goralski once again asked for the Commission's consideration in changing the term from a two-year to a four-year term.

No other speakers, Chairman Zoni moved to

Discussion, Deliberation, Debate and Action on Schedule A

Chairman Zoni stated there was one new item placed on Schedule A which was introduced by e mail to the Commission and has to do with the length of the term for the Board of Education and the consideration is for this Commission to deliberate whether we leave it as a two-year term or entertain the possibility of making it a four-year term. He reminded the Commission that this issue was discussed at the last Charter Revision Commission in 2006 where in fact it was changed to the current two-year term. Chairman Zoni opened the floor for discussion.

Mr. Meade questioned Mr. Derynoski (who has been a long standing member of the Board of Education) as to his opinion on the issue.

Mr. Derynoski commented that his personal opinion was in agreement with Mr. Goralski in that the planning portion of what the Board does takes a lot of time and nothing happens quickly. The gathering of the data and formulating the plans, budget related items, curriculum based issues, facilities, etc. and because of the nature of the Board which is based on subcommittees they do not meet as often. Attorney Sciota interjected that Mr. Derynoski can speak on specific questions as related to the Board but his personal opinions present other issues that should not be commented on or discussed.

Mr. Meade then commented that this issue had come up at the last Charter Commission and he could understand the point of the four-year term issue but at that particular time the Town Council was a two year term as well as other boards and the issue ended up being voted on by the public and it was voted on and this is only a matter of a few years. He did not feel there was merit to go back to four years.

Mrs. Feld then commented that she agreed with Mr. Meade and then referred back to the previous Charter Revision Commission where she, Mr. Meade, Mr. Conroy and Mr. Verderame were on the Commission. Mrs. Feld stated Mr. Conroy, Mr. Verderame and she voted yes to the two-year term and Mr. Meade voted no but then stated it was nice to hear that he would be voting yes now. (Laughter) Mrs. Feld then cited the public vote for that year. She indicated that the turn out was 63.3% of the registered voters and the vote was 5,788 against changing it to two years and 10,308 to change it to two years. She continued that is compelling information. We have all kinds of information on that vote mentioning Mr. Conroy and his article in the paper concerning the change. Mrs. Feld made mention of the late Bill DePaola and his comments concerning the change indicating comments concerning the Town Council and it having only two years, the

Board of Finance has only two years and while the learning curve may be difficult for the Board of Education members, it could not be any less difficult for those other two groups and his comment was “you have to hit the ground running”. Mrs. Feld then stated she strongly favored the two years as she believed people are entitled to have a little more than four years to vote people out. Further commented that in this election the electorate voted the same people back in so the people spoke and decided the job was being done right and that should be the peoples’ choice.

Mr. Landrie then stated in light of the overwhelming votes cast by the voters in 2006 he was making a **motion to dismiss this item, seconded by Mr. Michlewski**. No further discussion. Roll call is taken. Attorney Sciota indicated a Yes vote was to dismiss.

Mr. Verderame	yes
Mr. Post	yes
Mr. Michlewski	yes
Mr. Meade	yes
Mr. Landrie	yes
Mr. Landino	yes
Mr. Knoegel	yes
Mrs. Feld	yes
Mr. Derynoski	abstain
Mr. Callahan	yes
Mr. Paradis	yes
Mr. Zoni	yes

Motion is dismissed.

Discussion, Deliberation, Debate and Action on Schedule B

Chairman Zoni indicated the guest speaker, Mr. Tom West, the Superintendent of the Southington Water Department was here tonight to address the concerns of the relationship between the Southington Water Department and the Town of Southington. Chairman Zoni turns the floor over to Mr. West for his presentation.

Mr. West questioned what the Commission wanted him to present, was it the history? Chairman Zoni indicated a short history but a presentation on whatever could be said to clarify the relationship, why the Water Department is not in direct line to the management of the Town, being the Town Manager and by default the Town Council.

Mr. West then made his presentation as follows: The Southington Water Department originally started out as the Southington Water Company dating back to 1882. The Company was formed by several businessmen in the center of town and what they were attempting to do was secure additional water for fire protection for their mills and water for their mill production. The water was to take care of those businesses. The Water Company started up as a private utility, share holder owned. They tried to come up with enough farms, the various business entities that were interested in bringing water, but

could not raise enough funds in order to start the Water Company up. It ended up that they were \$15,000 short for their needs and they went to the town and the town agreed at that point to front some additional money and therefore became a one-quarter share holder in the original Southington Water Company. There was a caveat however as they had to go to the legislature to have a special bill passed back in 1883 and one of the provisions was that the Town within 20 years had the option to exercise a right to purchase the entire water works.

Fast forward to 1901 and the town then elected at a town meeting to purchase the Southington Water Company's works and the Water Company's shareholders at that time took issue with the sale, it started a legal battle, went to the Supreme Court. A Special Act of the legislature in 1901 that allowed the town to enter into that purchase took place. The Act had some provisions as to how the Water Department would be run, how the purchase would be made. The legal battle went on for ten years and the Supreme Court decided on the case in 1911. In that decision they referred back to the 1901 Special Act and back to the original enabling legislation of the Southington Water Company.

Basically in the 1901 Special Act, when the Town of Southington purchased the Southington Water Company, many provisions were in the agreement but it referred to the three commissioners having the same powers as the original Southington Water Company of 1882. The powers to charge water rates, levy fees for fire protection, fees for connection to the water works, set a budget and even to bond projects. Broad powers were given to the Water Department with the addition that the three water commissioners were to be elected in three year terms and elected by the general electorate of the Town of Southington. He stated that is where the Southington Water Department originated and only minor changes have occurred over the years. It has been expanded from a three member commission with three year terms to a six member commission with four year terms. Essentially the Charter of the Southington Water Department has remained in tack since 1911 and it was coming out of the Supreme Court decision that the water commissioners got their powers.

Chairman Zoni asked the Town Attorney if the above information cited was what he had learned in his research. Attorney Sciota commented that it is very similar to what Mr. West presented. Attorney Sciota then stated the only thing he could not determine was how we got from three water commissioners to six water commissioners. Query if anyone knew.

Mr. Landrie then commented the history was great but the bottom line is who owns the Southington Water Department. Mr. West responded, the Town of Southington owns the Southington Water Department.

Mr. Michlewski had a question relative to rate setting. He asked if the Southington Water Department sets the rates with no oversight from the Department of Public Utilities.

Mr. West responded as a municipal entity the Southington Water Department is not regulated by the Department of Public Utility. He questioned if that was true of Wallingford. Mr. West indicated that he was not sure about Wallingford. Another question was if there was any audit of rates or audit of the Department that is available?

Mr. West responded there is an annual audit done on a fiscal basis similar to the Town of Southington. An audit is done every year and provided to the Town and is also available at the Water Department. The audit is also submitted to the state OPM. Mr. West further stated that as far as rates were concerned, based on the state, the Town of Southington is in the middle of the pack, not excessively high or low, about in the 50th percentile.

Mr. Landrie commented he would like to reserve further questioning of Mr. West after the other two commissioners have spoken.

Mr. Post asked who verifies the audits. Is there a third party or are the audits done internally? Mr. West indicated it is a third party audit, which is required every year by the Office of Policy Management. The firm is Budwitz and Myerjack in Farmington.

Mr. Post questioned why does the Water Department seem to be a separate entity compared to other town departments? Mr. West responded the administration of the Southington Water Department reports directly to the Board of Water Commissioners, those elected, that is the way it was originally set up in 1911 and that is the way it is today.

Attorney Sciota then stated that the audit section is one of the few things that are covered in the Act of 1901, Section 12 which talks about the water commissioners and the audits that could be requested by the Town.

Mrs. Feld asked Mr. West what is a municipal entity? Mr. West responded we are owned by the Town of Southington, a municipality by definition. Mrs. Feld asked who does oversight of the Water Commissioners' decisions. Mr. West responded, the electorate. Mr. West reiterated that the Water Department is not under the umbrella of the DPU because it is a municipality and the Board of Water Commissioners set the water rates. Query who oversees their decisions, the response was no one.

Mrs. Feld asked about the billing that the Water Company sends out to the Town for inspections. She then made reference to the East Street project, the inspection fee of \$2,425 without any explanation as to what that involved. Is it possible to get a list of all of the projects that have been billed to the Town to verify that there has been no duplication? Mrs. Feld further commented that the Town does have an Engineering Department that does inspections and review as well. She suggested that it might be worth it in these difficult times to insure that there is no duplication.

Mr. West responded that the inspectors that are overseeing those jobs are inspecting the work for compliance with our regulations. They understand how the water works are to be constructed and he was not aware of any duplication of effort as Mrs. Feld was

referring. Mrs. Feld responded she was sure Mr. West was correct however could a list be secured anyway? Mr. West responded he thought a list could be compiled.

Mr. Robert Berkmoes, 25 S. Vernondale Drive, requested to speak as a Water Commissioner. He stated that paying for services is not uncommon. The Water Department hires the Police Department for roadside projects and we pay the Police Department what they are owed and for any other service that we might have. It is not unusual to pay another department for services rendered.

Mr. Post then asked where the profit from your earnings goes. Who insures that it is fair and is any distributed to the staff or employees as bonuses outside of their normal salaries?

Mr. West then commented we are not there for profit we are a municipal entity. A budget is set every year and any money that is carried over is utilized in the upcoming fiscal year. We have an ongoing capital program that we try to fund as much as possible through retained earnings so as to not carry huge amounts of debt. As an ongoing preventive maintenance plan we pay for a lot of replacement or expansion of infrastructure which is paid for through those funds.

Mr. Michlewski asked how much money was in the capital reserve. Mr. West indicated there was a couple million dollars that the Water Department would be utilizing for two large projects coming up which are a water tank that will cost about a million and a half and a mile and one half of water main on West Center Street and West Street that are in need of replacement which will cost about a million dollars plus.

Mr. Landrie then questioned Mr. West if all was well at the Water Department. Response from Mr. West was yes. Mr. Landrie then commented if everything was going so well then why wouldn't you tell me that the majority of your employees are in favor of the Town taking over the Department. Mr. West responded he could not venture into someone else's opinion. Mr. Landrie then commented that the main complaint was no accountability. He continued everything that is done is rubber stamped. Accountability. Mr. Landrie then questioned the status of the Department's CIRMA plan and started to venture into an area that should not be ventured into. Attorney Sciota stopped Mr. Landrie and instructed him to stop the line of questioning and to keep the questioning in a civil manner. Mr. Landrie apologized. Mr. Landrie then commented what it boils down to is that there is no accountability within the department. Mr. West responded that he disagreed with that statement.

Mr. Thomas Murphy came to the podium and presented himself as the President of the Southington Water Department. He stated that he disagreed that there is no accountability. The Board of Water Commissioners for many years standing has capable people, their integrity is top notch. We have run for the Board at various times and have been reelected time and again, himself four times. The voters in this Town are astute when it comes to voting and if you don't do a good job, you do not get put back to do the same job. By virtue of that fact, this recent election that we have just gone through, if

you take the top five vote getters in the community, cross party lines, two of those individuals are on the Board. That would not have happened if the integrity of our Water Board wasn't in tack.

We have a good Water Department, we have 23 full time workers, some have over 30 year service, nine of them have over 20 years and I am sure they would not have stayed working for a community or a department if the conditions were less than satisfactory. Very proud of the current staff but to say that everyone agrees all of the time is ridiculous. Management is currently in negotiations and he would only further comment by saying there is a good working relationship between management and staff.

Concerning the Board and accountability we have a water supply plan of development that addresses a 5, 10, 20 and 40 year plan and those plans are addressed annually through our Infrastructure Committee which is across party lines as is any committee on the Water Board. We go so far as to change our officers, president, vice president, secretary and treasurer every two years and when we do this, historically for over 20 years, you have a Republican, Democrat, Republican, Democrat and we have never had any difficulty.

The Board of Water Commissioners seeks out supplemental finances to keep our water services on key. The Commissioners meet with our state and national representatives and have sent our Superintendent to Washington for the past 5 or 6 years, we have a good relationship there. We have currently received over \$2million in finances which we have used to pay down our facilities construction and water mains that we have extended throughout the community. Our legislatures on the federal level, we have applied for and they have granted, \$9.6million of authorization for future needs of the Southington Water Department. We would not have had that had we not had justification, people on our board, creditable people on the legislature and nationally. We have always proceeded with a plan and justified those plans and that is how we receive monies. He reiterated that in his opinion we have the best run Water Department statewide.

Mr. Meade then stated that when the Charter was set up years ago people on the Board wished to separate all the Boards in Town. There has been talks about a Department of Public Works and I think the only thing we as a Commission can do, is to make a recommendation to the Town Council that they consider looking into whether or not the Town would benefit to save money or what is involved to set up a Department of Public Works and place the Water Board under the Town. There are many pros and cons but he stated that he felt the Water Department has done a very good job over the years. The question arises as to whether or not the Town would benefit in the future by incorporating the Water Department is a question, a good study would be necessary.

Mr. Michlewski thanked the gentlemen for their presentation, then stated that one of the things that came from this, one thing the public has gotten a little less confused about was what the Water Commissioners do and the fact that they(the Town residents) own the Water Department.

Mrs. Feld commented that the confusion may arise out of the fact that as residents we do not get billed by the Parks and Rec. Department for things or from the various other building and highway departments. But you, the Water Department, bill the Town for things other than just water, for example the fire hydrant rental. It was her understanding that last spring when the Board of Finance asked the Water Department not to increase that hydrant rental by 23% you refused. Mrs. Feld asked if that was correct.

Mr. Berkmoes responded that the fire hydrant fee, and we have about 1300 fire hydrants, Southington has always paid a fire hydrant charge and the last time that was increased was back in 1994. During that time there was no increase in charge for fire hydrant service which is maintenance, checking the hydrant, replacing the hydrant and/or parts if necessary and that all encompasses that charge. Additionally we have a little under 200 miles of water main in the Town of Southington and some of those mains are more than 100 years old and our goal is to try to stay one step ahead and replace those mains, to inspect the mains, to increase the size, making sure that we have adequate size for the Fire Department. If they have to hook up to a hydrant, we want to make sure that the hydrant is going to work and also that they have sufficient water at that hydrant.

He continued, a couple of years ago, the Department needed a new communications system in Town so we bought a new radio system, invested in a new trunk line which the Police Department, Fire Department and Public Works Department are all able to utilize. That cost was the Water Department's cost and there was no charge to the Town and we did that as a service.

Another thing the Police Department came to us a few years ago concerned about how they would be able to patrol wooded areas. Well we have about 1500 acres of water shed that we have to maintain and an issue was if there was any possible way to secure a vehicle for the Police Department. We, as the Board of Water Commissioners, purchased the vehicle for the Police Department.

Another thing that we did, was our well head protection program, referring to their property at 65 High Street. We consider that beautiful and have been working on that project for 10 years. He continued we could have just raised the old water building and put a chain link fence around the property but the concern was what do we have to do to compliment the down town area that everyone is concerned about. He continued we all live in Southington that is a major concern for us. Sometimes we feel like we are a part of you and in my opinion this Water Department is one of the best run municipal departments.

He then discussed the criticism that has arisen concerning the cell towers. He continued congratulations should have been in order to secure income from a piece of property that the Water Department purchased, built the tank using its own funds and was able to obtain additional revenue, that is an accomplishment and that is not something that should be looked down upon.

Chairman Zoni then commented that he felt the misunderstanding came from some people being told that the land that the towers are on is not actually owned by the Water Department but in fact owned by the Town of Southington. Mr. Berkmoes then commented as far as they could tell it is owned by the Town of Southington, however, it was purchased, built, maintained, and insured by the Southington Water Department. Mrs. Feld questioned if they paid taxes on the property. The answer was no.

Mr. Landino then stated he was curious as to where this topic was heading and what we were thinking about and the more I think about it, someone mentioned the word, grants and I remember being on the Council and hearing about those grants and thinking how the Water Department took those steps to secure funds and why not the other town departments rather than just take their budgeted funds and be done. He applauded the Water Department for taking the steps to secure grants and to keep the water rates reasonable. In his view of government the last thing we need to do is “grow” government. The bigger it gets, the harder it is to maintain and control and the harder it is for accountability. The bigger you get the less accountability you have. He stated he did not like the concept of growing the government.

Mr. Michlewski then commented, you do not get any money from the town budget, correct? The answer was we get nothing. Mr. Michlewski then stated so basically those charges are to sustain the Water Department and the only thing you get from the tax payers is the water billings. Response was yes.

Mr. Berkmoes then addressed the fire hydrant fees and indicated there was a purpose for that. Mr. Michlewski commented he understood. Mr. Berkmoes then stated the Board is dedicated and committed. The charge that we have, when we run for the Water Board Commission, is taken seriously. It is not a two, three or four hour meeting every second Thursday of the month. We are dedicated and we know our mission. We know what we have to do for the Town of Southington. We have a good relationship with our legislatures, local and congressional. Sen. Lieberman and Congressman Larson and Johnson prior have all been to our Department to look at our accomplishments. They were with us from the beginning, they saw the need, and they knew what we had to do to protect our well source. Water is as important as any other service to a town and we are determined to make sure that we provide water to the Southington residents, industries, hospitals, schools as best as we can. For 100 years this has worked very well. He stated what comes to mind is “don’t fix something that is not broken”.

Mr. Knoegel asked Mr. West about the use of personal cars for their use. Mr. West commented we are able to utilize department owned vehicles for personal use and we are taxed on that benefit.

Mr. Knoegel then stated there is an assumption with acreage under the Water Department that that is considered open space. It was his understanding that certain Water Departments throughout the state have sold off land for development purposes, how much of a possibility is that in this Town? Mr. West responded that we own several

hundred acres in the Town of Southington and about 1200 acres in the Town of Wolcott (one of the largest land owners in Wolcott is the Town of Southington) and we fall under heavy regulation by the Department of Public Health when it comes to Water Company owned or controlled land. The Department of Public Health would come in if the Water Department opted to sell off any parcel of land and they would be first to review that possibility. There is just not that much land you could sell off of a water shed. Mr. West explained what a water shed was, which was if a drop of water falls on the piece of land and eventually ends up in one of our reservoirs it is water shed land. Consequently anything that flows toward our reservoirs the State will not allow a Water Department to sell off. Likewise around the well heads the State will not allow you to sell off land that is within the protected area of that well.

Attorney Sciota also interjected that we have the State Statute 8-24 that the Town Council and Planning and Zoning all would have to approve in addition.

Mr. Post asked if there was any opportunity to have some land put aside for open space to limit future development and that might have the water shed issue also. Mr. West indicated that one of the commissioners does sit on the Open Space Commission, Mr. Berkmoes. We do purchase and provide letters to the Town Planner when it comes time for certain parcels to be purchased in the Town of Southington where it might be in close proximity to one of our resources.

Attorney Sciota then commented about the purchase of the Crescent Lake property and at that time the Water Department approached the Town because of the dam that was there and we worked together jointly and he was happy to hear Mr. West state that the Water Department is a division of the Town. Again he stated we have worked together as a "town" and he was again happy to hear Mr. West state the division of the Water Department is a division of the Town. Everyone has finally heard that, it is part of the Town. On the flip side of that the Open Space part of it we have worked together in the past. Mr. Berkmoes stated it was a mutual benefit to both the Town as a recreational area and to the Water Department as a resource for us to recharge the Quinnipiac Basin. He explained during periods of low flow the Water Department is able to supplement the flow of the Quinnipiac River by utilizing the water in that reservoir.

Mrs. Feld then stated there was no denying that the Water Department is working well but she believed that when the Town water rates, for example are increased by 20% regardless of how long it has been, there is a lack of transparency as to why you need that. You brought up today, for example, about the vehicles that are being used. The other Departments, their budgets and their auditing are all done through the Town so we can see how they are spending their money. The public does not know how you are spending your money and she was wondering why your budget and audit is not done through the Town.

Mr. West responded that he assumed it referred back to the original Charter of the Water Department in which we provide an audit to the Town and it is a public document to anyone upon request. Mrs. Feld then commented but you do not budget like the other

departments do that the Town owns, i.e. Parks and Rec. Mr. West responded no we set a budget based upon our water rate, we live within that budget because that is the only money we will receive.

Mrs. Feld asked when the Charter was instituted. Mr. West responded it goes back to 1911 Supreme court decision, the 1901 Special Act and the 1888 Special Act. Attorney Sciota once again referred to Section 12 which is the auditing section and in his opinion is and it states very clearly "if the Town wanted to have an audit, they have the right to do an annual audit on the Water Department". Currently the Water Department does an audit, they hire their own auditing firm and the firm does the audit. If the Town so desired they can get the auditors that we currently have to audit. Section 12 is clear that says accounts that the Water Department have shall be annually reviewed by the "town". If the Finance Board wished to have our auditors audit the Water Department they could do so.

Chairman Zoni then wanted to address the issue of transparency and stated to Mr. West and the two Commissioners, your meetings are open to the public except for an Executive Session which is typical for any Board or Commission; your minutes are posted on line, your budget is posted on line, your audit is posted on line (no not posted on line but is available for review) it is an open process and the only thing you are not doing is having your meetings in this room with a camera watching you. The response was yes.

Mr. Murphy commented the Insurance Service Office (ISO) or the New England Fire Rating Bureau regulates the insurance on every piece of property or house in the town. The rates we pay are based on the ability of the Fire Department to put out any potential fire that may occur within the Town. He spoke with knowledge of this as he had been Southington's Fire Chief for over eight years and Assistant Chief for over eight years prior to that. The water that pours through the mains could easily service a home with a four inch or two inch main. However the main required to protect your homes and businesses, etc., requires that the main size supplying that water be much larger than the four inch main. Many of the supply lines in this Town are 8 inch, many are 12, 14 or 16 inch in diameter. The need to maintain that high level standard means we have to keep those mains in tip top shape so that the water is there when needed by the Fire Department. That is one of the reasons why hydrant rental is paid for by the Town of Southington. In effect it is good fire insurance for your Fire Department to have the water necessary to protect the properties of every one of us.

Mr. Murphy continued addressing the rate increase of 23% that you spoke of, over a 14 year period we would have been better if we instituted a 2% increase annually. At the same time our rates occurred the year prior we had given notice to the Town to prepare their budgets. Mrs. Feld commented but it came at a time when many people were in a not so good economic state and Mr. Murphy responded as we were also.

Mr. Landrie questioned what is your projected gross margin for this year, last year and next year? Mr. West responded the Water Department is a municipal entity and there is no gross margin. Mr. Landrie stated you must have some profit, slush money built into

your budget. Mr. West responded we have a capital budget and I referred to it earlier, the large water tank and the water main work. Mr. Landrie continued to ask the same question until attorney Sciota interjected and asked if the Water Department has bonds. Mr. West then responded we have bonds, have closed on two and a third bond coming up and over the last year about \$3.7million worth of capital. Attorney Sciota asked if their capital budget was funded by bonds. Mr. West responded it is funded by a combination of bonds and cash money that we retain. We have small capital projects and we have larger capital projects. Mr. Landrie continued to question Mr. West with the same question, question after question and then Chairman Zoni banged the gavel, sending the message, enough! Chairman Zoni commented that the inner workings of the Water Department do not have anything to do with the Charter and this is not an inquisition.

Chairman Zoni stated that the representatives were asked to appear because the Commission was concerned with the relationship between the Water Department and the Town of Southington. As you know this Commission is not a standing committee, ad hoc, as needed basis from time to time.

During this period of Charter Revision there were articles that appeared in the paper concerning revenues that the Water Department derives from rentals on cell towers. There were questions as to how come the Town does not share those revenues and obviously those rental revenues benefit the rate payers, they absolutely do but all rate payers are tax payers but all tax payers are not rate payers so that is where the difference is. How do you justify that statement? All the tax payers are not rate payers and yet all the tax payers do not benefit when the Water Department derives revenues that really should perhaps benefit all of the tax payers because the land is owned by the Town of Southington.

Mr. West then responded the land was purchased by the Southington Water Department, the infrastructure was built and paid for by the Water Department, the infrastructure that is there is maintained by the Southington Water Department and we are defraying a cost that would have been borne by our rate payers. Chairman Zoni responded absolutely and that benefit perhaps should be for the entire universe of tax payers benefiting and that is what has spurred this issue.

Mr. Berkmoes then stated that eventually when the Water Department is able to put mains throughout the Town, maybe then the Town could benefit but right now the Water Department is 120 years old and there is a process we have to do. The Town is benefiting by the Water Department being able to provide fire service to the areas that it serves. Chairman Zoni stated so there is a benefit and an explanation. Response was absolutely. Chairman Zoni then made the statement that sometimes the Town is treated just like a customer and other times the Water Department is part of the Town. Mr. Berkmoes responded in kind and Attorney Sciota commented and perhaps that is something that can be worked on in the future. A short discussion on the issue of being billed by the Water Department when an employee is working his normal hours during the day was discussed versus the police officer working a private duty job.

Mr. Post questioned the Superfund Site settlements if the Water Department received any monies. Mr. West responded yes. Mr. Post asked attorney Sciota who paid for the legal fees. Mr. West explained that there were two sites, the old Southington land fill site and then there is the Solvents Recovery superfund site. The Solvents Recovery superfund site impacted Wells 4 and 6 of the Water Department and those wells were no longer able to be utilized. We had to shut them down and a battle started, the case was finally settled last year. Mr. Post wondered why some of the money did not get returned to the Town of Southington to defray the legal costs. Attorney Sciota indicated that there were two different issues, the Water Department's claim was the loss of use of the wells through its rate payer. Attorney Sciota stopped discussion due to confidentiality. Mr. West commented what the Water Company received pales to the cost of loss.

Mr. Meade stated what we are getting into and out of is not the proper place to come before the Charter Revision Commission and as stated before we could make a recommendation to the Town Council concerning a Department of Public Works.

Mr. Callahan asked if the Water Department were to be included in a Department of Public Works so to speak where would all of the money be handled, i.e. through the general fund and controlled by the Council? Attorney Sciota then stated our larger departments, for example our Highway Department which is already a division of the Department of Public Works, has their own budget which is submitted to the Manager, submitted to the Board of Finance and then to the Town Council as part of the entire government side budget. In that it has things in there be it under a \$100,000 capital those are all in there which I believe Mr. West was speaking of, anything above \$100,000 , 5 or 10 year life expectancy goes into a separate budget, capital budget, which the Highway Department has a section in the Capital Budget. Income is placed into a separate part of the budget, Accounts Receivable income, fees that the Park and Rec get, fees from the Building Department, etc.

Mr. Callahan then stated but the Water Department is different than any other department in my mind in that they have an income coming in all of the time, except the Sewer Department. Attorney Sciota gave the similarities of the Sewer Department and the Water Department. Mr. Callahan further commented from his point of view the Water Department is being run like a well run business, even though it is part of Southington, a division so to speak, it is well run, money is accumulated, money is put aside and planned for the future. In other towns in Connecticut and likewise out of state, there were and are problems with the water and in some areas the water was shut down for weeks. He did not feel it would be wise to take the Water Department and place it into a group where there is going to be politics and who is going to get the money when basic water is absolutely a must for us, our children, our fire department. Unless someone can point out to him that there is an advantage to do away with the Water Commission and set it up as a separate entity, he saw no reason to make any changes and with that statement **Mr. Callahan made a motion to dismiss, seconded by Mr. Landino.** Chairman Zoni called for any further discussion.

Mr. Derynoski commented in the light of the Supreme Court ruling and the Special Acts, could the Charter actually be revised to do something different than what was enacted by legislation? Attorney Sciota responded that he had given the Commission members his opinion on that wherein there were some issues where the Charter Revision can talk about special acts and modify special acts but what he recommended was if the Commission felt strongly about management changes in their report. They would add a section to the Town Council wherein the Town Council would visit with the legislatures and have a Special Act drawn. He was uncomfortable saying to them if they wished to change the management structure just change it in the Charter.

Mrs. Feld then stated she wanted to address a statement that Attorney Sciota had made concerning all the tax payers are not paying for the charges. She continued when the Town is invoiced for various things by the Water Department all tax payers pay. Attorney Sciota responded that he was referring to the main trunk lines, but any bill the Town receives is paid for by all tax payers. Mr. Callahan interjected and the Town benefits from that because we have the fire hydrants and the fire service which keeps the fire insurance costs down. Mrs. Feld stated that is anecdotal and there are many towns that do not pay for hydrant rentals. No further discussion, Chairman Zoni requested that the roll be called on the motion and a yes meant dismissal of the motion.

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

Motion to dismiss passed.

Chairman Zoni thanked Mr. West and the Commission members for their time.

Additional Discussion or Modification Proposals to Schedule D.

Chairman Zoni noted to the Commissioners that Schedule D is where proposed modifications that are to be recommended to the Town Council reside. We have not taken a final vote and it is needed on the agenda only for purposes of obtaining any possible changes that have developed since they were last discussed. Chairman Zoni identified all the items that were moved along. All the verbiage has been written through our Town Attorney and they are only pending a final vote. As stated at the start of this Commission, Chairman Zoni restated that he would like that final vote to have the

unanimous board present when we take the vote. Attorney Sciota was asked to elaborate on the future meeting schedule.

Attorney Sciota commented back on December 9th of 2008, the Town Council set forth a request that the Charter Revision Commission report back within one year. Obviously that will not happen. He requested from this commission permission to report and request from the Council at the meeting of December 12th:

The final report is not ready and we will have to request from the Town Council an extension. The law allows up to 16 months which gives an additional four months from December 9th. Attorney Sciota asked for a consensus from the Commissioners as to how many months should be requested. Chairman Zoni stated that he felt that only two months would be required. Mrs. Feld questioned why this was necessary. Attorney Sciota explained that under the Statute the Council has the right to establish when the final report is due. If we do not comply we could be technically disbanded. After all this year's work he felt that this is something that we would not want to have happen. Therefore he asked for permission to request the extension. **Consensus reached was to request the four month extension.**

The meeting for this **Wednesday, December 2nd will be cancelled** but the meeting **scheduled for December 16th will be held.** A report must be submitted to the Clerk's Office before the end of the year assuming the Commission would continue the first and third Wednesday schedule. After short discussion **the next two meetings were confirmed to be December 16th and January 6th.**

Chairman Zoni expressed his hope that all the members would be present at the December 16th meeting for the vote on the final package. He continued asking if it would be wise to send out a packet of all the final language of what is being recommended. Obviously there will be no additional changes to what has been discussed since no one has any additions or deletions. Attorney Sciota advised that all the language has been completed and he would put together a packet. Attorney Sciota reminded that the Statute requires a full public hearing that must be publicized, not the normal public hearing. Attorney Sciota requested a 10-day advance notice of when the Commission felt they wanted the hearing scheduled.

Mr Meade recommended that when the final packet was sent to all members that it is very important that everyone make an attempt to be present so the Commission can vote on the recommendations.

Attorney Sciota asked if the Commission wanted to have a public hearing for the next meeting since the recommendations cannot be voted on before the hearing. At the (next Council) December 14th meeting a four month extension will be requested and asked if the Commission felt they were ready to have a public hearing scheduled prior to the initial draft report for the December meeting or wait for the January meeting. Mrs. Feld suggested the January meeting. After a short discussion and potential availability by all members present for the January 6th meeting it was agreed that the public hearing would

be scheduled for January 6th. It was clarified that the vote did not need to happen at the January 6th meeting but it could be. Chairman Zoni will contact Mr. Conroy to verify if he was also available for the January 6th meeting.

Miscellaneous

No further business.

Adjournment.

Mr. Verderame made a motion to adjourn, seconded by Mr. Derynoski. Motion passed by voice vote. Meeting adjourned at 8:30 p.m.

The next commission meeting date is Wednesday December 16, 2009.

David Zoni, Chairman