

MINUTES OF THE TOWN OF SOUTHTON
2009 CHARTER REVISION COMMISSION

MARCH 4, 2009

The Charter Revision Commission of the Town of Southington held their regular meeting on Wednesday, March 4, 2009. Chairman David Zoni called the meeting to order at 7:00 o'clock, p.m. with the following in attendance:

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

Absent: David J. Derynoski

Staff: Mark J. Sciota, Town Attorney

A quorum was determined

Summary Minutes – meeting recorded on audio. It was determined at the end of said meeting that the video taping had not worked.

The Pledge of Allegiance to the American Flag was led by Ms. Feld and was recited by everyone in attendance.

Approval of Minutes

Chairman Zoni calls for an approval of the February 4, 2009 minutes. Mr. Meade made a motion to approve the Minutes. Ms. Feld seconded.

NB: Via an e mail to all members, a change to the January 7, 2009 meeting Minutes by a vote at the February 4, 2009 meeting will be added as follows:

The cost of the videographer shall be \$75 per meeting.

The cost of the stenographer shall be \$250 maximum per meeting for summary Minutes.

(Motion passed unanimously on a voice vote.) Minutes approved with change.

Commissioner Communications

Chairman Zoni commented that he had received a letter from the Town Manager that will be placed into the record; he indicated that the letter cited a couple of suggestions that would be placed on Schedule A for discussion at the next meeting. Mr. Michlewski suggested that the Chair might want to inform the public body as to what Schedule A is. Chairman Zoni proceeded to explain that at the last meeting there was a public hearing and members of the public came before the Commission and gave ideas/ suggestions and

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those ideas/suggestions have now been reviewed and each and every idea/suggestion will be addressed by this body in one form or another. Schedule A will be items that have come before the body and we will determine whether we are going to move forward on those issues and move them to Schedule B. On Schedule B those items will then be debated by this body for possible action. If decided that we move items to Schedule C, then the Town Attorney will draft sample verbiage for possible Charter change. We will deliberate that verbiage and finalize. Items that we wish to move forward will then go to Schedule D and will be ready for final action by the Board and final recommendation to the Town Council. Chairman Zoni equated the process to a step ladder, one thing at a time, some will move forward and some will be dropped off. Chairman Zoni did stress that the Commission will not stop new ideas being presented at each and every meeting under public communications. He indicated that public communication would be limited to five (5) minutes. Public hearing will come later in the procedure. He further indicated that the Commission would be acting upon items placed on Schedule A either from the meeting or from public input. Mr. Landino questioned when we go to final vote do we go by a line item on each provision of the Charter? We are not grouping items? The Chair responded more than likely each item that is brought forward will affect a certain portion of the Charter when the language is finalized a vote will be taken on that whole section of the Charter individually. Chair asks Attorney Sciota for direction.

Attorney Sciota indicates that you can go on specific questions to a Charter Revision report and the report is approved by the Town Council to move forward to the public. The language in the report is a brief synopsis of what is being changed and then there is a written report. Refers to the Town of Newington's most recent report. Chairman Zoni indicated that more than likely the changes will be in the form of a report with attachments explaining the changes and the exact language we will forward to the Town Council..

Mr. Landino then questioned when we vote for items in Schedule A, what will move them to Schedule B? Chairman Zoni responded, a consensus vote. Official voting will be items only on Schedule D that will move forward. Moving up the "ladder" will be consensus voting only. Mr. Landino then commented so whatever moves from Schedule B to Schedule C will more than likely end up on the final vote? Chairman Zoni responded that it is done to the point where we need actual language unless one of us comes up with a question that had been forgotten and with 13 individuals that probably is not likely.

Ms. Feld questioned what would be done with part 2 of Schedule A? Chairman Zoni indicated that as we were going through the items from the public hearing, some things brought up are not applicable to the Charter. The ideas themselves were not bad ideas but not related to the Charter, it may have something to do with a policy, ordinance or a regulation. Those will be separated out in Schedule A, related to the Charter and non-related to the Charter. The Town Attorney will elaborate on each of those. Chairman Zoni made it clear that he wanted the public to understand that even if an idea is not Charter related, that the public deserved an answer to their suggestions/ideas as to why an idea can not move forward as to a Charter standpoint.

Mr. Post asked when it would be appropriate to suggest that an item be placed on Schedule A. Chairman Zoni indicated that he would prefer any suggestions be saved for miscellaneous discussion.

Ms. Feld questioned if the explanation of the Charter and the flow chart will be addressed? Chairman Zoni responded, yes. Further indicated that at the last meeting one of the Commissioners requested that the Charter be put into outline form so that each section would define what that section did. The Town Attorney and the Town Clerk have worked on that and have provided us with that and it will be discussed under miscellaneous. The Chair further indicated that he would like it posted on the website but did not want to do that until it was approved by the Commission.

Action on Schedule A next on agenda.

Automatic Charter Revision Provision. The Chair commented that in order to form this Commission by procedure the Council could vote by a super majority vote also it could be done by petition as this one was done. The suggestion was made to put something in the Charter so that every so many years you would have to form a Charter Revision Committee. Action tonight would be is this something by consensus we want to investigate and move forward or is this something we want to dismiss. Mr. Conroy makes a motion to dismiss this item, second by Mr. Landino. Discussion: Mr. Michlewski asked Ms. Feld how many Charter Revision attempts have there been? Ms. Feld responded this is the eleventh and they happen almost every two years. How many have been by petition versus a vote? Response from Ms. Feld was no other except this one that she knew. No further discussion, voice consensus taken, **moved to DISMISS** by consensus.

Recall of Elected Officials. Chair requested that Attorney Sciota elaborate. Attorney Sciota indicated that there are several municipalities that have a recall provision. Elected officials recall is allowed under the Connecticut constitution and some towns do have it and I have provided those to you. Mr. Callahan questioned if those recalls were for specific things or whatever or did they break a law? Mr. Sciota responded that most of those that he had reviewed had a serious issue. Ms. Feld makes a motion to consider this item. Mr. Post seconded. Chair calls for all in favor. Mr. Conroy interjected we need discussion on the motion. He commented in this community everyone elected to public office serves for a period of two years is a result of the last Charter, now you are going to go through a process to try and remove someone that may have a short period of time to serve in that office. Probably there will be some sort of court action and taking up the Commission's time to discuss this issue on recall from a two-year term, why? When you will have the opportunity to get rid of them anyway?"

Ms. Feld commented that there are not all two year boards, PZC is four years and there are three boards that are two years, Town Council, Finance and Board of Ed. and I believe it will matter on how it is written. If it is written carefully and unemotionally so that it is reasonable I think it is something that gives transparency to the town

government and that is something we all want. Mr. Landino commented I believe that for our Town Council, it requires a minimum of six months before a petition could be brought for ouster of this person, nor could you start this if there was only 90 days left in a term so any person elected to office would have a minimum of six months before any recall vote could be cast and we should consider that.

Mr. Post commented that he agreed it was important to have a transparency as long as it was done with neutrality and also with some limits. I think it is important to do that because it does add transparency so I would agree to move it forward.

Mr. Meade commented we do have an Ethics Committee where anyone can write and the Ethics Board has a hearing and a result is determined. As far as I know we have had a couple of instances but never has there ever been a reason where we have been in a position to recall someone. It is a small town, you know people who are running it just seems to me we are adding language that does not make much sense.

Mr. Callahan commented that for the most part he would be against moving this item forward because it is cumbersome however the only way I would support moving this forward is if it was for a specific reason. If a public official was arrested for a felony or as a pedophile or some other reason, I certainly would not want that person sitting on a Board for six months, nine months, etc. I would want him out quickly. The only way I would see this moving forward is to cite a specific issue. Ms. Feld commented that this is just to move it forward for discussion at this point. Mr. Landino commented to Ms. Feld that she wanted it moved forward at this point and was there something specific she had in mind? Ms. Feld responded that she did not actually add this item to the list but she felt it was worth a discussion.

Mr. Zoni at this point wanted to clarify the moving from Schedule A to Schedule B. He commented that this Schedule A is an initial triage for the Commission that indicates we want more information, more research done on this issue and then have an opportunity to talk on that research. I do not think it is particularly bad to dismiss something but if the majority of people think an item deserves more research, then I think that is reason enough to move something forward. Mr. Michlewski commented look at City of Hartford as an example to realize things happen. If it is written well, written very specific I see no reason why it would not be feasible. Mr. Conroy responded that if we are going to discuss this issue on recall, it has to be for something specific. It can not be for a political whim it has to be something like malfeasance of office, a felony, something serious. Mr. Post commented that approximately five of our voters brought this issue up at the hearing or through an e mail and so this is an issue and just because it goes on Schedule B or C does not mean it will be continued. Chairman indicates there is a motion to move it forward, voice consensus taken, all in favor, **moved to FORWARD the item to Schedule B.**

Police and Fire Reporting Structure. Section 601 refers to how the police and fire report within our structure as they do now. Mr. Meade what does it mean? Section 601 provides that we have a police and fire commission and those commissions are somewhat

divorced from the Town Manager and the managerial structure of our community and the Town Council for that matter and I think there was some concern as to the managerial structure and how it exists right now. Mr. Meade makes a motion to move this item forward to Schedule B. Mr. Landino seconded the motion. Voice consensus taken, all in favor, **moved to FORWARD the item to Schedule B.**

Town Manager serves by contract. Chairman Zoni commented this has been brought up by several individuals and currently the Town Manager serves at the behest of the Council and the Council can remove him with five votes. There are individuals that believe the Town Manager should work under a contract and how that is structured would be up to our recommendation. Language in the contract would be determined by the Town Council. Mr. Meade makes a motion to move this item forward to Schedule B. Mr. Landino seconded the motion. Voice consensus taken, all in favor, **moved to FORWARD the item to Schedule B.**

Town Council elected by District. Chairman indicated that this was something that existed years ago. Mr. Meade makes a motion to dismiss this item. Seconded by Mr. Conroy. Voice consensus taken, all in favor, **moved to DISMISS.**

Commissioners of Police and Fire (Elected vs. Appointed). Chair commenting that this is related to Section 601 and has to do with police and fire commissioners being elected versus appointed. Mr. Conroy moves to dismiss because this item can be brought up under Item 3. Mr. Michlewski seconds. Chair indicates that is a good idea as they are somewhat related and we can talk about this as we discuss Item 3. Voice consensus taken, all in favor, **moved to DISMISS.**

Financial Amount to Require Public Referendum. This deals with special appropriations or bond ordinances. Chair indicated it is currently \$1 million dollars and there is some talk about changing the number or making it a percentage of our general budget so that it would not have to be reviewed by Charter Revision. Mr. Meade made a motion to move this item forward to Schedule B. Discussion: Mr. Michlewski commented that one of the issues that he was concerned about was language being inserted so that bond projects were not split to keep them under a certain amount and avoid a referendum. I also understand that we have a history here of something similar. Ms. Feld commented then you want to discuss this and Mr. Michlewski said he wanted to discuss this at least under Schedule B and he felt there was a need to tighten the language. Mr. Michlewski seconds. Voice consensus taken, all in favor, **moved to FORWARD the item to Schedule B.**

Financial Amount Required for Published Bid. Chair indicates it is currently \$10,000 and Attorney Sciota will explain our bidding procedure. Attorney Sciota commented that anything under \$10,000 requires three different quotes and is handled by a department head. Anything over \$10,000 per the Charter requires a public bid. Mr. Meade makes a motion to dismiss this item. Seconded by Mr. Conroy. Discussion: Mr. Michlewski indicated that having been a state employee, contracts for more than \$3,000 had to go to the Attorney General and some contracts actually went to individuals who were

connected with state employees. I have concerns about the way the Town does this. Under state rules if an employee tries to do a contract, it must be done in an open and competitive manner which does not include only three bids, it can be a lot more. It requires a notice in the paper, etc. and that is to prevent sweet heart deals and that is one of my concerns with just dismissing this item. Mr. Callahan commented that he would like to hear a little bit more on the Town's process.

Attorney Sciota commented that under \$10,000 the rationale was that the cost of the RFP, putting it in the paper, which is not cheap, was the theory behind that. The Charter specifically mentions that as the trigger standpoint to go out for your public bid and advertising. Policy right now under \$10,000 is with the department heads. Query by Mr. Callahan if an item is under \$10,000 does it go to the Town Manager for approval? Attorney Sciota responded not all of them, for example department heads have line items, i.e. maintenance line items, purchasing parts, these type of items do not go to the Town Manager for approval. Mr. Conroy questioned so what you are saying if a department head needs something under \$10,000 that department head still gets three quotes?

Mr. Post questioned what the Town Manager has to sign off on? Attorney Sciota responded purchase orders. Once it is decided by the department head that a purchase is going to be made, the department head, through our computer system, there are purchase orders prepared and the Town Manager or myself review the purchase order and we either approve or disapprove. Mr. Post questioned and this is after the three quotes? The answer was yes.

Mr. Michlewski questioned if there was anything in the Ethics section or the Contract section as to related parties? Attorney Sciota responded that there is specific language, not in the Charter, Ethics are in our Ordinances. Yes specific things i.e. type of relatives that you have and certainly that would be a violation. It is possible for a relative of a department head, through the bidding process, the open bidding process over \$10,000 to participate. Mr. Landino indicated that he would like to see this item move forward due to the discuss that has taken place and the fact that he did not know when that figure was put into the Charter. Query was it two years ago, ten years ago?

Chairman Zoni responded there are costs associated with going out to the competitive bid process and \$10,000 might actually be too low especially if it costs \$500 or \$600 to prepare paperwork, adds, etc. and you are then taking away money that could have been spent on the item. Mr. Callahan commented that it would be a good idea to get some feedback on the process and the costs associated and does the Town Manager's office believe that the \$10,000 is a fair number. Chairman believed there was a motion to dismiss, (some? voiced) and it was indicated that there was a motion to move forward (questionable), Chairman indicates there is a motion to move it forward, voice consensus taken, all in favor, **moved to FORWARD the item to Schedule B.**

Mayor/Manager or combination. Chair commented this deals with the concept of a mayor, manager, one or the other or combination mayor/manager type government. This

is a big item, it goes to the heart of how we govern ourselves, the structure of our government and we can not take this lightly. This will require a lot of research.

Mr. Meade commented that this issue has been discussed many times in Charter Revision Commissions and despite the number of times it came up, the decision was to stay with the manager type of government. As a progressive government and in my estimation it is the best way to go. You know you have a professional person and I feel this should be dismissed. What I liked is what you said at the last meeting. We should not be looking to throw someone out because someone does not like John Weichsel. You do not throw out the entire form of government because of that fact. What we should be doing is to strengthen it or whatever. It is the document that rules the Town of Southington presently and in the future. I would make a motion to dismiss. Mr. Callahan seconds the motion and reserves the right to speak. Discussion: Mr. Callahan commented that he has never heard anyone who has a mayor type of government give him one good reason why there government is better than our Town Council, Manager type of government. Our form of government has been effective, our tax basis has been low, we have had no legal problems and I don't think we need to go that route. A mayor can become very powerful and in surrounding states/cities we have mayors that are in trouble. We currently have an engine that is moving smoothly and I see no reason to take it apart.

Mr. Michlewski commented that if we decide to stay with the Town Manager system, we need to be a lot more specific about the duties of what the Town Manager actually does. There are people who do not know what he really does. The Town Council tells him what to do but we have already seen a couple of instances where there are questions on what the Town Council told the Town Manager to do. I would like to see language specifically addressing what the Town Manager should be doing, the general areas and also somehow that if the Town Council changes their directives to the Town Manager, that it gets put somewhere where it is very easy to find.

Mr. Knoegel commented that in lieu of how this community has changed, population has grown, composition of the town has grown, and although we do not meet city status I think some discussion about other governmental models may be worthy of moving to Schedule B. If the consensus is to stay with the Town Council/Town Manager type of government I will not get in the way of that but I think more discussion concerning this is warranted. There has been an under current of people, especially individuals who have come into this town recently concerning the potential of looking at a mayor type of government. You can discuss a strong mayor format, a weak mayor format and still a strong Town Manager aspect. There are many different options.

Ms. Feld then responded that one good reason to move this on is because a mayor is elected and can be in or out based on the decision of the people. Another thing would be a combination of mayor and manager and I think it needs more discussion. People who spoke out at our public hearing seemed to be dissatisfied with the way things are going and they are entitled to a full hearing, mayor, town manager, mayor/town manager. We do have towns that have both so it should not be difficult getting expert people to talk about it. Mr. Callahan disagreed with Ms. Feld's thinking on the issue.

Chairman Zoni indicated that there is controversy surrounding the concept of a mayor, even some type of mayor/manager form of government but the public does deserve some airing on the issue and I know it has been brought up before but I think it has to do with the power of the mayor and I am not sure if this is where we want to go. I think the Town Manager has worked well for us; however, I think the general consensus the public wants to have more accountability somewhere perhaps one of the councilmen is called mayor. Whoever that individual is, he is elected by the council body, elected separately and presides over the council and is called mayor. Perhaps he has limited power, such as a veto. All of these ideas deserve a public airing.

Mr. Meade interjected that he strongly disagreed. He commented, this has been aired many, many times. We have a progressive government in the Town. We have the Chairman of the Council, you have the Council, our founding fathers said that we have a representative form of government and the fact is that you have the Town Council and you hire a professional to run the every day workings. We have done this and I do not understand why we need discussion. It is not healthy. Look around us, Cheshire is looking to lower salaries, Meriden is thinking of canceling the fire department, big shortages and look at Southington with our Manager form of government, councilmen and with a Board of Finance that checks and rechecks and Southington ends up with a surplus. We have a rainy day of over \$10 million dollars and we are fortunate in this town that we have the type of government we have and the Town of Southington is basically sound. We have many good things in Southington, it is progressive and to speak of changing the form of government when areas around us are having trouble with a mayor type of government makes no sense.

Mr. Post then commented that he had three points to make. First we should not focus on what past Charters did, that is the past. Some people are not from here and if we take the changing demographics of Southington, we have to take into account the world is changing. I personally am in favor of a Town Manager with a qualification that we have more controls and also out of respect to our voters. Query from Mr. Meade, what do you mean more controls? That is another discussion Mr. Post responded. He continued my point is that there are some advantages in a Town Manager form of government that we have but there are some additional items that are on Schedule A and a lot of feedback, when we were in the signature stage, that really indicated that we need to discuss this further. I would suggest that we move this item forward, not because of favoring a mayor, but because this has been discussed most and because of the demographic changes.

Mr. Landrie then commented, based on some of the comments that our residents have made, please do not have a mayor/manager form of government.. They would accept a manager or mayor but saw no reason to expend additional monies for both. I think there has been enough input that questions our present form of government and I think we should move it for further discussion.

Chair stated we are ready to move this. We have a motion on the floor to dismiss this. Chair calls for voice vote, undetermined.

A voice roll call is requested. Motion to Dismiss: Mr. Verderame, yes; Mr. Post, no; Mr. Michlewski, no; Mr. Meade, yes; Mr. Landrie, no; Mr. Landino, yes; Mr. Knoegel, no; Ms. Feld, no; Mr. Conroy, no; Mr. Callahan, yes; Mr. Paradis, no; Mr. Zoni, no. Roll call **vote to dismiss, failed, moved to FORWARD the item to Schedule B.**

Chair addressed the non charter applicable items next on the agenda. Chairman Zoni directs Attorney Sciota to discuss all of these items and to explain why these items are not applicable to the Charter. Our action would be taken to either dismiss or refer it to another body.

Item No. 1, prior knowledge requirements or education before appointment to a Board of Commission. Attorney Sciota explained that there are two parts to this item. Concerning education, in the United States we do not have that provision nor should we and this is something that would not be recommended to move forward. Prior knowledge necessary to serve on appointed boards and that is currently in the realm of the Town Council. The Town Council has the sole authority to appoint several of our boards and the Chairman of the Council appoints some, but the prior knowledge provision is something the Council takes into consideration and is not something recommended for a Charter change. Motion made by Mr. Conroy to dismiss this item, seconded by Mr. Callahan. Discussion: Mr. Post commented that he assumed that this did not apply to the issue of the Town Manager having a certain education, experience. The answer was it applies to boards. No further discussion. Voice consensus taken, all in favor, **moved to DISMISS.**

Item No. 2, Recall of the Town Manager. Attorney Sciota commented that the Town Manager is an employee, recall provision is not one of them. Mr. Callahan makes a motion to dismiss this item. Seconded by Mr. Meade. Voice consensus taken, all in favor, **moved to DISMISS.**

Item No. 3, Age Limitations. Attorney Sciota, this is something our Federal and State government frowns upon so I would suggest this be dismissed also. Mr. Conroy makes a motion to dismiss this item. Seconded by Mr. Michlewski. Voice consensus taken, all in favor, **moved to DISMISS.**

Item No. 4, Ethics Rules and Item No. 5, Conflicts of Interest. Attorney Sciota commented that these two items are specifically covered under Ordinances and can be changed at any time by the Council. Chair calls for a motion to combine items 4 and 5 together. Mr. Meade makes a motion to dismiss these items. Seconded by Mr. Michlewski. Discussion: Mr. Michlewski questioned what was the status of the attempt by the legislature to put together a statewide municipal code of ethics? Attorney Sciota responded that it was his understanding that that particular bill covers municipalities that do not have their own ethics code, which we already have. Our Code is very similar and in fact may be more stringent than the State's Code. Chairman Zoni commented that he had chaired that committee as well and the committee used the ethics code model from

Common Cause. We looked at that and compared it to what we have and made the appropriate changes. Mr. Michlewski commented that it would be interesting to compare ours with the new Ethics Code as of 2008 because there is a new State Ethics Code. Chairman Zoni suggested that he would take further action on this and move it to the Council and make a recommendation that the Council look at the new Ethics Code of 2008. Voice consensus taken, all in favor, **moved to DISMISS.**

Item No. 6, Audit Procedures. Attorney Sciota commented this was confusing but he believed what was requested was that periodically the administration or the Finance Director pull out certain purchase orders and double check those against the audit procedure. It was like a spot audit on procedures which is something that if the Council wishes to direct the administration, can be brought up at any time. Query if the Board of Finance has oversight on those types of audits? Board of Finance has the sole authority to hire an auditor to do an annual audit which you received. That particular thing is already in the Charter, this is not the suggestion, the suggestion was a spot audit, which is strictly a management tool. This is not a Charter provision. Chair calls for a motion to dismiss. Mr. Callahan makes a motion to dismiss this item. Seconded by Mr. Michlewski. Voice consensus taken, all in favor, **moved to DISMISS.**

Item No. 7, None major party ballot access. Attorney Sciota commented that our ballot is controlled by the Secretary of State, and there are procedures on how anyone can get on the ballot, certainly out of the towns disposition. Chair calls for a motion to dismiss. Mr. Conroy makes a motion to dismiss this item. Seconded by Mr. Landrie. Voice consensus taken, all in favor, **moved to DISMISS.**

Prior to moving to Public Communications, Attorney Sciota suggested that he discuss the illegality of term limits. I did not want people to come up and speak on this when we already know it is out of our purview. Chair moves to Item 13, Term Limits on Schedule B. Attorney Sciota indicated that it is not recognized by the State of Connecticut, after review and research, it is determined that no municipality has the right to do this and this should be removed. Chair calls for a motion to dismiss. Ms. Feld makes a motion to dismiss this item. Seconded by Mr. Michlewski. Voice consensus taken, all in favor, **moved to DISMISS.**

Public Communications: Chairman Zoni reminds the public they have five minutes to speak and requests the Commission not to entertain dialogue because it is the public's right to voice their thoughts undisturbed.

Ralph Mann, 975 East Street. He started by cautioning members who forget about the past are doomed to repeat it and part of the reason this country is in the dire financial state we are in is because people have forgotten what has happened in the past. We can learn much from the past. I have had the great privilege of growing up in Southington and spending my later years in Southington and I ask why we have such a great community? One of the most important reasons we have had the benefit of good government, honest government where 95% of them did the very best for our community. I feel very strongly that the present form of government that we have works very well and

should be maintained and I would disagree with some form of mayor government, we do not need it. My second comment is that one of the most important things this Commission has to make is a decision on the referendum on the vote for the annual budget. I hope that there will be a good deal of discussion and research to determine what the benefit is, what will be gained? Mr. Mann spoke about the Council having the ability to override the Board of Finance which he believed was good. Sometimes it sounds good on paper we are giving the right to every individual to vote on the fiscal budget but really what we are doing we are going to put a lot of power in the hands of a few. This will attract many different factions of individuals, those who have their own agendas and those who believe that taxes should just be reduced period. He urged the Commission to think this out, because if this goes ahead you are giving non-elected people a lot of power to influence what is going on in our community. Thank you for listening.

Richard Burbank, 187 Blue Hills Drive. He stated he moved here in 1965 and has been a loyal resident for about 45 years. He commented that the type of government we have here is working well and we have to be careful before we start changing things. He spoke on the position of Town Clerk and he believed the Town Clerk should remain an elected position. Southington has a long history of dedicated Town Clerks so I see no reason of change. I also agree with Mr. Mann about the Council being able to override the Board of Finance I see no reason for changing that. He spoke on the proposal to put the Town Budget to referendum rather than having the Council vote on the Town budget. If we have a town wide referendum, it will be a huge mistake and a step backwards. I have a number of reasons why. Southington has a long history of fiscal restraint to the displeasure of some people. He spoke of his involvement on the citizens committee to try to have the new high school proposal accepted by the Town. The project finally approved was a smaller high school, and subsequently the town has probably spent in excess of \$30 million dollars so, sometimes we have to have some foresight and try to make the best decision for the Town. The annual budget already has many levels of oversight, departments make their requests, Town Manager, Board of Finance, and Town Council. We have a tremendous number of people who are willing to serve the Town. He commended the Commission. To make a proper budget decision requires careful examination and evaluation. Some people who come to the polls that vote on these issues are very unprepared to make a proper decision so to turn the budget to the town's people when they may want to vote against it to save \$25 in taxes is not a good thing. Referendums can be very costly, it draws out many different factions of people, we have been fortunate to have good elected officials and we should keep the budget process in place otherwise why elect these people in the first place. Thank you.

Arthur Cyr, 103 Berlin Avenue. He had a request first, He spoke about the agenda for the Charter Revision, indicated agenda was on the web site but Schedules A and B were not and he believed it was important for people to be able to print the agenda, also Schedules A, B, C and D. He stated he wanted to reverse a position I spoke on last meeting. He spoke about getting the Charter Revision changes done on time so that it could be addressed with all of the people who are running for Town Council. After listening to all the discussion, after public communications, he indicated "I changed my

mind". In hearing what the schedule would have to be to be on the ballot this November you would have to be done tonight. I wished it would have been done in time, we will not have it on the ballot and I don't think it is a good use of your time to hurry it through. Mr. Meade commented that we have until September to get it on the ballot.

I also would like the letter from the Town Manager to be read out loud because I feel that if our Town Manager has suggestions on Charter Revision changes we should all hear what he has to say rather than find it on our web site. Chair indicates it will be discussed at the next meeting. Mr. Cyr did not want to wait until next meeting. Mr. Conroy commented that he thought the Town Attorney was instructed to post it. Chair also indicates that the Town Attorney will summarize the letter under miscellaneous.

His next item was the item of the Town Manager being under contract, he suggested the term of the contract be no less than three (3) and no more than five (5) years.

Last point I agree if we are trying to save money in this town I would like someone in this Town to inform us as to how much it will cost to run a referendum when it is not at normal ballot time. How much does it really cost us to run a referendum? Do we really want to spend money every Dec., January or May to have a budget referendum that is going to cost us x number of dollars? I would like that information for the next meeting. Ended by stating he was thrilled to be in the presence of Ralph Mann and if anyone wants to know how to run a bank Mr. Mann was a testament to that for many years.

Ed Foy, 945 Sweetheart Path. I have heard a lot of comments and when I go to the Tax Office, I am not ill prepared to put money up to run this town. I was one of those guys who stood out and got those signatures. At first we did not know what to say to individuals when asked why change the Charter? I am glad to see Item 9 on Schedule A is being moved to Schedule B for discussion and Item 12 is on Schedule B for discussion. He continued the only two things that people wanted were accountability and transparency. When we talk about the two topics, the Town Manager and a referendum budget these were two things that always got a signature. I want a say on how my tax dollar is spent. I hope the Commission takes this to heart. I know more about the citizens of Southington, they want accountability and transparency. Thank you.

John Vey, 67 Briarlane. Section 306 of the Charter, page 9, public hearings and ordinances. I would like to see that changed because I noticed at your first meeting, 3,000 people signed your petition, not many people were here. At the last Town Council meeting, sewer rates were set, probably 15 people there. I think notification is 5 days notice of which notification is given in at least two newspapers, that is the Citizen and Observer and Record Journal. I think it should be extended more than 5 days and even the sign in front of the Town Hall on the day of the hearing should be out there for more than one day. It should be spread out more around town. Mr. Vey questioned why a park and rec. sign such as Happy Valentines Day can remain for two weeks and there isn't a sign for a public hearing for at least a week. I think you would get more people if it was more publicized. Thank you.

Bruce Dunbar, 369 Marion Avenue. A resident for over 20 years. As far as the mayor, I think the electorate should choose the chief executive for a four year term. Have all department heads report to that mayor. About the Town Council, it does most of its work through subcommittees, i.e. finance, public safety, land use, appointed liaisons, these liaisons can explain budget issues, request a needed council agenda. Budget process, the Board of Ed, compiles its budget and sends it to the Town Council, the mayor in this case, and I am in favor of a mayor, compiles the general government budget, conferring with the department heads and makes adjustments and submits to Town Council. The Town Council should have a finance committee that reviews each budget amends it where appropriate and sponsors a council motion to send to a Town meeting. The Council submits its budget to a Town Meeting where citizens through seconded motions can increase reduce or eliminate any line item, discussion is appropriate. At the end of the meeting, that assembly should vote on the adjusted budget. The townspeople own the town revenue. The government merely manages it. If defeated the Council and Board of Ed prepare an amended version for the next town meeting. During the fiscal year, the mayor would submit appropriation requests and transferred directly to the Town Council. I am in favor of eliminating the Board of Finance, it is an extra step that is not needed. The mayor should recommend property tax rates and fees to the Town Council for approval. One item on ordinances you might want to consider getting rid of is the ordinances establishing appointed committees and boards should be amended to include minimum qualifications for membership and some type of reference to a conflict of interest. One final comment, people state the present system is working financially so why change? In my mind the biggest room in the world is the room for improvement. Thank you.

Steve Salerno, 69 Lazy Lane. I am a tax payer in the Town of Southington and I am also the head of the police union for the Southington Police Department. On behalf of my membership which is 95% residing in the Town of Southington they asked myself to come forward to discuss the commission system that currently exists. I am sure you have read the paper over the past six months, our concern is that the current commission system as it exists now it is a political appointment. Usually someone who is loyal to the party or works for the party is appointed as a fire or police commissioner. Most times these people have little knowledge of proceedings, what goes on, or back ground, daily operations. It is complicated and right now it just is not working. Dave Zoni can attest to this, every time we had a problem we would have the Charter put in our face, the Charter doesn't allow the Town Council to get involved. They (the commission) have the right to hire and fire, the Charter, the Charter, the Charter, we are tired of the Charter. Thank God you people are standing up for us and we are pleading with you to make changes to these commissions. We feel we do not need a commission eliminate the politics to a point out of these two departments. Have the Department heads report to the Town Manager, he is familiar with police department procedure, he always sits in on bargaining and grievance procedures, he knows how the system works not just a rubber stamp for management. In my thirteen years as a police officer I have never seen a police commission under two different administrations ever side against the Chief, it is always unanimous. No one bats a thousand. We want to see the politics removed from this. We want a direct line so that when we have a concern we can bring it to be heard because

now they (the commission) are the ultimate authority, they hire, they fire and when it ends there it ends and it just doesn't work any more. We are pleading with you as tax payers and from the police department, really think hard about even eliminating and having some kind of accountability. There is no oversight for the oversight. That is our main issue, thank you for all the work you are doing.

Tom Porter, 69 Lazy Lane. I would like to echo what Mr. Salerno stated regarding the police and fire commission being appointed. Currently right now to be a police officer we have to go through a background investigation, polygraph check, police commissioners are just appointed, there are no background checks to see if they have ever been arrested or immediate family members to see if they have ever been arrested, and currently right now, with the dismay in the police department, there are some decisions that have been made by this commission and I think if the commission took the time to educate themselves on both sides, they would see a better view of where we are coming from. Like Mr. Mann you are putting a lot of power in the hands of a few appointed people. There needs to be some sort of requirements and I know on Schedule A you guys dismissed prior knowledge requirements before appointment to a board or commission. I believe, to the best of my knowledge, that any intern that comes to the police department to do an internship there needs to a background check of some type, join the citizens police academy, a citizen goes through some type of application process to see what we do in our day to day operation. I am glad to see this is on the agenda, the police and fire structuring and if you people can look into this I think the future would be a lot clearer for us. I am happy to see whatever restructuring there is to our Town Charter this commission will have some accountability because you are getting input from all sides and that there is some sort of written plan before a change is made. Thank you.

Roger Orsi, 61 White Oak Drive. I have been a resident for approximately 40 years now and I want to thank Dave Zoni for e mailing me a copy of the model city charter book. There is a Section 2-05-prohibitions, which cites no council member shall hold any other city office or employment during the term of which a member was elected to the Council. No former council member shall hold any compensated office or employment with the city until one year after the expiration of the term for which the member was elected to the council. During the last two meetings, all I hear is conflict of interest. Many people are concerned with people working for the Town and belong to the Council. My personal opinion is that if you have a spouse that works for the city and you are on the council then you will have a conflict. I would like to see inserted in the Charter the wording be put in, if you work for the Town in any capacity or your spouse works for the Town then you are not able to hold public office. That would kind of kill off the conflict of interest thing. The second thing after listening there is a lot of emphasis put on this Town Manager and his responsibilities, what he does and how important he is. I also think you should consider giving the Town Manager a tie breaking vote when a Council becomes like the police thing, four to four, the Town Manager has a right to jump in and cast a vote. We are not really getting a fair representation from the people you elected to office. He gave example of the police vote and the vote on the Board of Education budget that were very frustrating to watch.

Lou Puglielli, 72 Candlewood Lane. I have one question on Item 1 which was dismissed. Can someone please tell me why it was dismissed? Attorney Sciota commented that this part of the agenda was for public input not for public dialogue. Also on age limitations, I also suggested people in town retire at age 65. I am saying everyone in town would have to retire at age 65 or 67, not term limits, it would stop someone from being in office, as our Town Manager for being in office for 45 years.

Chair asks if anyone else would like to address the Body. No other speakers.

Chair moves on to Schedule B, which are items for discussion, deliberation, debate and further action.

Item No. 10. Provision for Council override of Board of Finance. Chairman Zoni indicated that right now we need a super majority of six votes to override the Board of Finance. Attorney Sciota is directed to inform the Commission and indicated that the Commission had received his packet and this issue is actually a simple debate issue for this Board. Currently the action by the Board of Finance to either appropriate additional monies or not appropriate additional monies, depending on what the case may be could be overridden by the Town Council. If the Council simply says yes the Board of Finance appropriates the money that is a simple five votes, that is not the issue. The issue is if a department head or the manager requests money from the Board of Finance and it says no in that case and the Town Council actually wants to approve that money, then six votes are required. There are currently 102 towns that have a procedure where you have a Board of Finance and either a selectman or council method. In my memo assuming that the Board wants to discuss the issue of keeping the vote at 6 or moving that number to 7, 8 or 9 and that is the information you have in front of you tonight to debate. The thought pattern was to take it out of it being a political issue. Some towns looked at what is the maximum number of political party members on a board that is able to override. In Southington the Council could have six members of one party so some towns chose one over that and in Southington's case that would be seven.

Mr. Landrie commented that he was the individual that brought up this issue. If you attended the last budget meeting, it went back and forth and it was a travesty in my opinion. I believe the Board of Finance spends a lot of time in coming up with their recommendation and I really hate to see their decisions overridden by minority groups or partisan groups. We are faced with a maximum representation of any one party on the Town Council or six by the Charter. I would ask for your consideration a requirement to have a unanimous decision for an over ride of the Board of Finance, but I know that is not possible; therefore. I would like to see a minimum of seven votes by the Town Council to over ride any decision by the Board of Finance.

Ms. Feld commented that she would support that idea because as Attorney Sciota had stated before we have had situations where we have had six of one party and the public really wants to see more get done in a more A-political way, more cooperation between both parties so that issues can move forward that are best for the public, again transparency. I think seven is a good number and you would have to have someone from

the opposite party. The other thing is that repeatedly we heard enormous praise for the Board of Finance for the work they do, their efforts for digging deeper and I think allowing just a vote of six from perhaps one party to override the work of the Board of Finance is unfair and I would vote for seven and I would also like to see this moved also to Schedule C.

Mr. Callahan questioned the Council can override a five/four vote on the overall budget but on specific things it is six/three? Attorney Sciota explained, assuming a department wants money either by transfer or by special appropriation (it comes out of the contingency which is part of the budget or the rainy day fund, which is outside of the budget) if that happens and the Board of Finance says no we are not going to appropriate that money, then in such case it goes to the Council. The Council can then do one of three things, the Council can ask for clarification back to the Board of Finance, or it can agree with the Board of Finance and approve or override the Board of Finance and appropriate that money with six votes. The other side, if the Board of Finance says yes they will appropriate that money and the Council does not want to appropriate the money, then five votes is all that is necessary to over ride.

Mr. Meade commented that he did not see any reason for this action since the Board of Finance does a fine job. I see no reason why the Council can't work with the Board and find out their rationale.

Chairman Zoni commented that currently we are having a discussion with the Council being a six/three Council but wonder if the Council is a five/four Council, then a vote of six would require a vote from the other party to vote in favor of the motion. Is this something we want to entertain, could we restructure it so if the Council is six/three, we need seven to override and if the Council is five/four we need six to override? Do we want to leave the motion out there needing seven to override where it always has to be seven. I want to point out something, sometimes we have an election and there is a party in power and the people say we don't want that party in power any more. Consequently they elect six people from the other party and they do that because they hope those six are going to do things that the public wants. Are we tying their hands to have the ability to do those things if we don't allow them the power to do so? In our discussions, the concept of overriding the Board of Finance, we have to consider the roles of the Board of Finance versus the Council. The Board of Finance is there to study the monetary funding situation, fiscal position, the Council has another charge, they are in charge of the future of the Town, planning the future. It is a different perspective and they are not always going to agree. I don't mind supporting a bipartisan vote but we will lose a super majority's ability to perhaps move items forward that the public may have wanted them to have the authority to do.

Mr. Callahan commented that the public usually isn't specific about financial things so therefore I think seven votes also is good. Mr. Michlewski also agreed, seven votes is good.

Mr. Knoegel also commented that he would be in favor of making it seven votes the reason being the Board of Finance, when they develop this document, it does become a

political document and it is a statement of what you are going to do. I think particularly in these economic times to have to show a strong override to add additional things into the budget may be necessary.

Mr. Landino responded that he too was in favor of a seven/two override citing his time on the Council and he never realized he was going to mulling over a town budget, appropriations and all the financial aspects of what goes into the Town. My idea was helping out the Town and to have the Town go forward in the manner I saw. As far as the financials, I thought, “wow” and I was absolutely floored on the amount of work that went into it on the financial side. I think for something this important to keep it at six/three it could be a party line thing and seven/two really makes you have to do your homework and it really has to be a good reason to make the override. Mr. Landino makes a motion to move this item forward to Schedule C. Mr. Post seconded the motion. Discussion: Mr. Verderame commented that most of the time when I was on the Council an over ride was almost unanimous and if the Council really wants to do something it will be all nine.

Mr. Conroy then stated directly to Chairman Zoni, that there were a couple times tonight when I was going to say something and I let it slide. There have been attempts at times to call off a debate and move on the questions without asking if there is further debate and I would ask that the Chair recognize that and allow every member of this Commission a chance to speak.

Mr. Conroy continued to state, having said that, one of the things I want the Commission to consider is, we have talked about six, seven and nine. When you reduce that number you increase that number to over ride the Board of Finance you are putting power in a very small group and when that happens, as we heard tonight, the concern about consolidating the power into small groups, special interest groups, etc. develops. Now you are running the risk of putting the power to stop something into the hands of one, two or three people. Right now it is three, three people can get together so keep that in mind when you are talking about this override.

Mr. Post then commented in Item No. 12, Referendum Vote, there may be some other controls that we have. Nothing we can do is perfect and so we attempt to do what is best over all. I think some of these issues that while it may not be 100% perfect there may be some other controls and other transparency things that may have impact on them. Chair called for a voice consensus. Voice consensus taken, one opposed, Mr. Conroy, remainder of Commission, in favor, **moved to FORWARD the item to Schedule C.**

Item No. 11, Town Clerk (Elected vs. Appointed). Ms. Feld moves to table, Mr. Meade seconds, no debate. Chair calls for a voice consensus. Voice consensus taken, all in favor, **motion tabled.** Chair informs Commission Town Clerk will be at the next meeting to discuss the issue.

Item No. 12, Referendum vote on annual budget. Chairman Zoni indicates there has been a lot of talk on this issue. Ms. Feld commented that there are 80 or 82 of the 169 towns

in Connecticut that have a budget by referendum. Some of them have it by petition and some have it automatically after their Board of Finance and Town Council review it and some of them call it a town meeting; however, we would call it a referendum because of the way it is written in the Charter, it is a one day vote from 6 to 8 p.m. and the old fashion town meeting does not occur any more. All kinds of types of referendums and it is for us to decide how we want to do this that allows for accountability, and I feel very strongly that the people who pay the taxes should be the ones who have a say in what they pay, and at the same time be financially and fiscally responsible about it. We don't want something that that goes on and on. There are many towns, such as Plainville, that have three referendums, if it is denied it goes back to the Board of Finance then to Town Council and then back to the people. The same thing happens for the second time and if it goes to the third time that one becomes their official budget. The information from the Registrar of Voters indicates the referenda costs between \$4,000 and \$5,500. One day, at one school and I frankly would be in favor of the Plainville model but only with two referenda, each time going back to the Board of Finance for review and I do think, the ballot should be worded in such a way that when it comes back to the Board of Finance they know that if it was denied, it was denied because it was too high. There should be no doubt.

Attorney Sciota commented that a lot of them give the knowledge, yes it is too high or too low. It is not that two no's go against each other. You total the no's and if they are more than the yes's, there is guidance if it is too high or too low. Ms. Feld also commented it is a simple majority so it is one more than half. Attorney Sciota also commented that some towns have to have a minimum number voting, a percentage higher than last year's budget and it automatically goes to referendum. Depending on what you want there are a lot of different options.

Ms. Feld further commented that she knows there is a fear that special interest groups will show up in droves and see that their agenda is met so what do we do not have a presidential election because we have this fear? It is a consideration and this is part of living in a democracy. I am willing to gamble on the intelligence of our voters.

Mr. Conroy stated in the material that I have looked at there is only one community, Meriden that has a population in excess of 42,000 that has a referendum. Population is a factor because we are not running a New England town meeting. We have a population of 42,000 with 20,000 some odd votes and what happens here we have an elected form of government. I am not against a referendum per se, if there is a reason for a referendum but to automatically say that we have a representative form of government however whatever they do we are just going to second guess them just is not right. Why would we want that? If we want that why not go and rent out the civic center, have a town meeting, etc.? Ms. Feld disagreed and commented that was a distortion of the information. Mr. Conroy responded it is a fact, there is only one town over 42,000 that has a referendum. Ms. Feld continued to state the population is irrelevant and the tax payers have a right to say something about the taxes they pay. It doesn't matter what the population is, 14,000 or 40,000, and that is what she believes.

Mr. Callahan commented that coming from the business world I can tell you not all stockholders vote on an entire budget. You elect people to run your business or town and this is a business, a big business. We elect people to come in here, we elect a Board of Finance, we have the Town Council who has the right to over ride. The voters and the tax payers do have a say because they can vote these people out if they do not like the way they are running the finances of the town. I do not think that if the Board of Finance puts in the hours that everyone in this room has talked about, they put tremendous hours reviewing and then the Council gets it for review and action. Tape One ends.

Tape Two begins.

Mr. Michlewski commented he had been involved in the last budget hearing and he commented that he would like to see an end to those type of multiple hearings while everyone is waiting to get up to speak. If nothing else, there has to be an end to this. I was the second one to speak, the first lady spoke on the Board of Ed budget and was backed by the PTO, because they did not like the Board of Ed budget, something has to be done or we will just have hearing after hearing, with people screaming. I was not impressed with the process.

Attorney Sciota commented the Board of Finance holds a public hearing, the first Monday in April. Work shops that the Board of Finance holds, they are numerous. Council had two nights, last meeting in April and the first meeting in May, both had public input. Chairman Zoni commented that all of the work shops are open to the public but there usually are not a lot of people there because they trust the people they elected. Mr. Michlewski felt they were not aware of them. Mr. Zoni indicated there are notices all the time.

Mr. Meade commented that the history of referendums in this Town has always been poor. If we had a big issue we always placed in on the November election because you get most people out voting and usually on a referendum there are very few people except those people who are frightened and against something. In this case with the budget, I know there have been area towns where it has actually gone in reverse and usually the budget that is affected, is the Board of Education budget, as it usually comes back because they want more money. Take Southington, we have approximately 8,000 school kids and you multiply that by parents, aunt, uncles and usually what happens it comes back and it is voted that they get more money, so it goes in reverse. What we have in this Town is checks and balances and usually the budget that is submitted is lower because the Board of Finance cuts it down and really the healthiest way is not a referendum. To have a referendum is extremely dangerous and it is not a healthy way to run an organization or business.

Mr. Knoegel commented that he is not a total supporter of referendum per se however I do think it deserves a lot more discussion. I would like to see the language if it goes to a higher level and I respectfully do disagree with Sandy in that I do believe population does have a bearing. I think we should take a look at population because smaller towns when you are talking about referendums seem to be closer to the bone. I would be in favor of

going to Schedule C. Ms. Feld commented that Attorney Sciota would know what were the towns in our general area?

Mr. Landino commented that Sandra said that she feels that the people should absolutely have the right to vote as to how we spend their money. We don't have that right with the federal government, i.e. President Obama's 1.7 trillion dollar budget. The quantity of people has to have a big bearing on this and the fact that the reason we don't do a national referendum is for the same reason, the people don't know what they are turning down or what they are accepting. Not enough people read up on it, not enough people go to the meetings and so you can't take 2,000, 3,000 or 4,000 people that might show up at a referendum and say that is what the Town wants as I totally disagree that is what the Town wants. Ms. Feld asked would you be more receptive if it was something that contained a percentage of the population in other words if it doesn't meet a certain percentage of the registered voters then it would not be eligible for a vote. Mr. Landino responded, yes he would be receptive to that but he would make that number so high that it would never be met. Query, why would you do that? Mr. Landino commented for the reason I just said, 2,000, 3000 people do not represent what the people want. It would have to be way up there for me to see that is what the people wanted for this town. I do not know what your percentage would be, 5%, 10%, 75%. Ms. Feld, responded of the registered voters? Do you know what the percentage of the registered voters is? The percentage was 25 to 30%. Mr. Landino responded that he would want that percentage to vote on a budget to be way above that in order for him to say that is the way the people have spoken.

Mr. Verderame then responded that five minutes ago we were talking about how great the Board of Finance was and how good they are, how they sharpen their pencils and work all of these hours and now we are reversing our field. I would like to know from the Town Attorney about the surrounding towns or as far as he can go, what are mill rate is compared to other towns because I think over the last many years we have not raised taxes that much as far as other towns are concerned. I think we do an absolute tremendous job with the Finance Board and the Council.

Attorney Sciota commented that that number will not tell us anything because towns are all on different reevaluations schedules so unless you have a reevaluation schedule throughout the state, which we do not have, the mill rates are not going to tell us anything. Mr. Verderame asked if Attorney Sciota has any figures on what we raised taxes in the last five years.

Mr.Paradis commented that when we did the petition, the number two item that people asked us was approval to vote on the budget. Now that is 4,000 signatures and we did not talk to anywhere near the amount of people we could have contacted. People are adamant about it, indicating that the last time the Finance Board and the Council got together on the vote, it was such a disconnect. If this Finance Board did such a great job, then why did the Council have all these nit pick things to be changed and added to the budget? You can not say this system works and what happened was one party compromised the other party and a final vote was taken that night. I think we need a

little more power to the people. We need to discuss it. We do not want ten referendums, of course not, do we want a couple, a percentage, other language in there, and yes I think we need to do that. Believe me that was one of the top things people want, they want to be able to vote on the budget. There are 80 towns, 100 towns doing it now.

Mr. Verderame responded that you are giving the Finance Board seven passes, you are giving the Finance Board more power. It will take seven people to over ride them, that is a good measure right there and I would not have a problem with the seven and that is going to stop (the Council) them from putting back and nit picking stuff that you are talking about.

Mr. Paradis asked then how hard is it to put it on a referendum and let the Town people vote on the budget or not? Mr. Verderame responded not everyone is like you and Sandy, they have other things to worry about other than the town budget. I just think that if it goes out I agree with Mr. Landino. Mr. Paradis responded that enough credit is not given to the people of this town. At our last local election, we have 28,000 registered voters and only 5,000 voted for our Town Council. That means that only 20 or 25% voted for our Council. I think that if we bring it to a point where the people have to vote in a referendum and the budget gets passed and people start to yell and scream, then who's fault is that? Perhaps we will get more participation. Mr. Verderame commented, then why elect a Council and a Board of Finance? Mr. Paradis commented because that is our form of government and I don't think that is wrong. Mr. Verderame but you want to change it. Mr. Paradis commented other towns have Town Councils and they still have referendums. Mr. Verderame commented they are smaller towns and we are going the other way. Chair calls on Mr. Post.

Mr. Post commented that while the mill rate in Southington is reasonable in the 18 years that I have been here, my taxes have gone up 11 times what I paid in the State of Wyoming. That said the budget process from an out of state perspective and as Ken was saying, the major comment we got was the budget process was not working. Secondly, the root cause of the demise of our country is due to a small handful of CEO's who have gained the system. Let's talk about Southington, we are not talking about a New England vote where 40,000 people complain about leaves, etc. we are talking about a very limited defined structure. We are not putting the Board of Finance or the Town Council in the back seat, we are simply putting a process that gives the voters a very simple possibility to not agree potentially with a budget. We are not asking them to provide their two cents and rewrite it we are asking for a very limited opportunity. Attorney Sciota spoke about the three times vote and you are out and Sandy spoke on two times. If we limit it we control some of your concerns but I do believe we need to listen to the residents and the process is not working as well as it might.

Mr. Meade commented, what do you mean it is not working? Look at the financial shape the Town is in. Mr. Michlewski then commented that that might not be a plus. It could also mean that because of the amount of money that is sitting out there, perhaps the taxes were too high. You can look at both sides of the coin, we are great managers and the other side we taxed too much.

Mr. Zoni interjected that the level of money that we have in reserve, that level was established a couple of years ago when we moved forward on the Council with a fiscal policy. We studied what best accounting practices for municipalities are, we set parameters to meet those practices. Once we meet our goal of the reserves we need to have to improve our bond rating, to make sure we are financially sound, if we end up with surpluses that exceed that goal, we will put them right back into next years budget and use them for one time expenditures. We are not going to hold the tax payer money that we do not need for a reason. Mr. Michlewski commented that he understood that but there are people who do not understand that we have a plan, we hear this plan but there are two sides. Mr. Zoni commented there are reasons to that madness so to speak.

Mr. Meade commended that most of the reason for people who want to vote for a referendum are saying they do not want to pay any more taxes. So you can not run a community or business with someone who does not want make a payment. Our Town Hall is a fine example, you go to referendum and you just can not run a community of our size with a referendum. The budget process is a very complicated issue and the average person who is going to vote just does not understand it.

Ms. Feld commented that this is a process. If we move this to C, it still has to go before the Town Council and then before the public and for those of you who sat on the last Commission with me, we put six proposals up to the Town Council, six went on the referendum and two passed. So what I am suggesting is let the people decide if they even want to do this. That is what I think.

Mr. Knoegel commented that he grew up in West Hartford and their budget far exceeded Southington but they have gone to referendum and have gone to three votes and there is a bit of a gridlock but what the experience West Hartford shows is that you can't keep going to the public draw all the time and that some times hard decisions have to be made. In answer to Mr. Callahan, they have had record turn out. This issue really revs up the base on both sides. I think you have to limit it to two votes, tops and then it has to go to some sort of tie breaking formality but I think that needs to be taken into consideration.

Mr. Landrie stated, we talked about referendums, but I have not heard any talk about trigger points like one percent, one and a half percent, two percent, something like that that it has to exceed a certain amount over the preceding year's budget for it to go to a referendum. Let's put in a certain percentage and maybe we can discuss that.

Chairman Zoni indicates that he would like to address that issue. Mr. Landrie brings up a very good point and I think he gets back to Dennis' point, Dennis said why should we move forward if nothing is wrong, give me a reason. What's wrong? Did the Council do something wrong? Did the Board of Finance do something wrong? Maybe the trigger point is a percentage of budget, we don't like that, and we think the people should vote on that. Maybe that is what they did wrong, maybe they didn't do anything wrong. I have to say this, one of the questions that I asked was, "how do you feel about the way the Board of Finance handles the budget? And unanimously, without fail, oh we like

what they did, we are happy with what they did. So what are you really asking for when voting on the budget? You want action on the Council's decision. You want authority over what the Council did beyond what the Board of Finance did. Everybody seems to be okay with what the Board of Finance does. Even if I polled everyone here, you would agree. Mr. Verderame piped in I think you would be hard pressed if you went to the Board of Ed people. (Laughter). Chairman Zoni agreed and said that is somewhat of a different process. Bringing this story forward, last year when the budget came, the night that the Board of Finance had their workshop to determine what number they were going to bring forward to the Council, no one was in that room but the Board of Finance, Ms. Feld and myself. No one else was there, no anybody. I am not going to say they made a bad decision and I think they deliberated quite well. It seemed to be some sort of a give and take situation and in general they came forward with something that they believed was reasonable. The uproar that I found was that folks did not like what the Council did. The Council added some money here and we quite frankly got into a brisk discussion and it looked like partisan bickering. I have to say I do not like that and I believe the voters in this Town elected me and people like me to deliberate over expenditures, things that come before the Council. I do not like making 5 or 10 decisions in one night because someone feels like well the Board of Finance, we have to find something that they did wrong. We have an, and when presented it sounds reasonable and both sides of the aisle are looking at it and we think that is reasonable and do we have some time to look at it. The answer is no, unfortunately we have to pass this budget tonight. We do not do the due diligence. I would almost like to see in the Charter a provision that states the night of the budget you can't bring amendments forward. It has to be what is on the table. If you want to bring amendments they have to be done at the meeting before that so we have time to do our due diligence. Chair asks Mr. Meade for his thoughts on that.

Mr. Meade responded that the Council can't arbitrarily add to the budget. The Town Manager makes his budget and sends it to the Board of Finance and the Board of Finance cuts something out of the Manager's budget, the Council has the right to over ride and restore what the Town Manager put into that budget. The Town Council can't arbitrarily just add a line item only what the Manager recommended. The Council knows well in advance of when they vote, well in advance, what they (the Board of Finance) cut on the Manager's budget. So there is plenty of time to look it over, if it ends up you are battling among yourselves, then maybe that is why we change it to seven votes. You have to eventually get to a point where everyone sits down, including the Manager, and decide if this is for the good of the Town. I do believe the system works fine.

Mr. Callahan commented you wanted one place for voting, Sandy? So when you think about it we will have it in one school because we know a lot of people will not show up. They just don't care. You say you are going to put this in the hands of the people, people really don't care and out of 25,000 people, maybe 1,000, maybe 500 maybe 50 care, but the rest of them don't care enough to come down and you can't and you should not vote on something unless you know what makes up that budget. If you don't have a clue, you are voting on emotion, not facts.

Ms. Feld commented that as Mr. Knoegel said earlier, in West Hartford this brought people out and that is the report I get from Avon, from Farmington. It does elicit participation by the public. They become interested and yes it was terrible that you and I were the only two at that hearing. (Remark addressed to Mr. Zoni) but hopefully this will change with more participation and this budget by town referendum is a trigger for that.

Mr. Callahan wanted to follow up on something that Mr. Meade had commented on and that was when people think you are taking money out of their pocket, they will come out and vote no, they don't understand and they don't have a clue and that is what you are going to have.

Mr. Knoegel then commented that when the public budget comes out all you have is one week to digest the budget. He stated that he was not an accountant or an actuarial and two years ago he took the time to read that document and from a town perspective one week is not enough time for the public to digest what is being put out for their taxation so once again I still have some reservations about the town's budget by referendum but I am still echoing kind of what Sandy is saying, when you put into vote and you have that much at stake you will have a fairly good turn out and you will have an informed electorate in my opinion.

Ms. Feld did state that once again we do not know if we will get that far but this is part of the process what we are doing tonight and the next step if we decide to move it along tonight will be the Town Council and then out to the public who will decide yes or no.

Mr. Michlewski then responded that when he had taken a quick look at the budget during the second hearing, the Superintendent of Schools pretty much said the Vo Ag School was a cost neutral when in fact it was \$140,000 of revenue and \$550,000 for the cost and that is me just looking at one item in less than 15 minutes and then you had all of the PTO people at that meeting basically calling for more money. In my opinion I do not believe it will be all the negatives out and if people have time to review the budget they can make intelligent choices.

Mr. Meade then responded this Commission was formed to do what we all feel is in the best interests of the Town overall and to leave that decision on the budget process that is so complicated and to send that out to a referendum people are not going to understand that budget. It is not the correct thing to do and it is not a progressive way to run a business or a town. To do that because of the fact you are asking people to vote on something that they just do not understand what is in it.

Ms. Feld commented that five years ago she would have been in the category of people you (Mr. Meade) are describing about the budget I did not know what was going on. I am not that person today and many other people could be that way as well.

Mr. Conroy commented that from the comments he has heard it only substantiates the argument for not moving forward. As Mr. Michlewski brought out the special interest groups, they have one issue, it might be the Board of Ed to seek more money or an effort

by the Police Union to add extra cruisers with extras, a group of firemen to get something done, it could be park and rec. The issue is that when you put it to referendum you are opening up the budget process to special interest groups with one or two issues only with no concept of what the entire overall budget is about. We have a government that we have selected that is a representative form of government, the people are electing people to represent them in a governmental process. We are finding fault that there is only 25% in a town wide election and now we are going to turn over a budget process to something less than that, why, it makes no sense.

Chair indicates the hour is getting late and this is clearly an issue that needs more discussion. I would like to leave this issue on Schedule B for more discussion. Mr. Conroy makes a motion to dismiss and Mr. Callahan seconds that motion. Discussion. Mr. Post commented that if you have to have a minimum number of voters then it would be thrown out if you did not reach that certain number of votes and that would help alleviate the special interest concern. Regarding a business versus a town, with a business you can dispel your thoughts by not purchasing in a Town you can choose to move and if not you are stuck. It is the process that tends to govern how things work, that is person/party independent that helps control, it is not perfect. The issue we are looking at is to attempt to control the budget which has many facets and I do believe additional discussion is needed to discuss referendum, seven Town Council vote to over ride, some issues we need to consider before it is dismissed.

The Chair indicated that it would be a good idea not to dismiss the issue because it was the first time the public has heard it and perhaps at the next meeting there will be other individuals who would like to come and comment. There are many different avenues we can take. We have a motion and a second and I am going to ask for a roll call on the motion to dismiss.

Roll Call vote: Mr. Verderame, yes; Mr. Post, no, Mr. Michlewski, no; Mr. Meade, yes; Mr. Landri, no; Mr. Landino, yes; Mr. Knoegel, no; Ms. Feld, no; Mr. Conroy, yes; Mr. Callahan, yes; Mr. Paradis, no; Mr. Zoni, no. The motion failed. Chair entertains a motion to table, motion made by Ms. Feld to table, seconded by Mr. Michlewski. Chair asks if we have a roll call for a table. Attorney Sciota responded, no. Voice consensus ended with five no votes and a roll call vote is called on the motion to table.

Roll Call vote: Mr. Verderame, no; Mr. Post, yes, Mr. Michlewski, yes, Mr. Landri, yes; Mr. Landino, no; Mr. Knoegel, yes, Ms. Feld, yes; Mr. Conroy, no; Mr. Callahan, no; Mr. Paradis, yes, Mr. Zoni, yes. Motion passes. The issue will remain on Schedule B for further discussion at the next meeting.

Miscellaneous

Chairman Zoni indicates that the first thing at last meeting we request Town Attorney/Clerk to prepare an outline of the Charter in outline form and it was distributed and this will be posted to the Town's website under Charter Revision section so that members of the public can open up document and see what certain sections of the Charter

does. If there are no changes, I would like to move forward. Discussion. Ms. Feld voiced that it was a terrific job and it really made it clear to laymen in laymen terminology. Attorney Sciota also thanks the Town Clerk's office for their assistance.

Chair indicates the Clerk did put together an organizational chart which will be backup information for the Commission to use.

Chair asks if there are any other items that anyone would like to bring before the Body that could potentially go on Schedule A for the next meeting. Mr. Post spoke on an ethics related issue that the Town Council members can not be employed by or compensated by the Town during their tenure so I would like to suggest that this be added to Schedule A, Part One. Chair also indicated that the subject came up tonight in public communication and any idea that comes from the public. That has the potential of affecting the Charter, will automatically put on Schedule A.

Mr. Knoegel commented if there is any way we can put any language in the Charter regarding regionalization as it pertains to purchasing of provisions, services. I do not think there is any language specifically in the Charter and I believe this is a movement that will take place and I would like to have the Town ahead of the movement. While we are discussing a referendum vote, regionalization and a sharing of costs could defer a lot of the tax burden also. Chair indicates that a movement of regionalization is coming down from the State legislature. CCM is also working with other towns also. Attorney Sciota also commented that since 1985 Southington has been in the forefront of regionalization for the biggest cost of anything which is cost trash pickup and trash recycling. We have been inaugural member of the BRFOC in Bristol which is the model for regionalization for solid waste industry.

Mr. Conroy commented that he did not think there was anything in the Charter that prevents regionalization. It has been a long standing decision for regionalization and it is something that the Council I believe takes up routinely and they have that power and I would be hesitant to put this into a Charter of making it mandatory because of the way economy changes and things change at some point it may be more advantageous to go out on your own than to have it mandated. Attorney Sciota agrees the administration and the Town Council are both very much in favor of regionalization and further stated yes it could go into the Charter but I do believe this is a subject we all agree on.

Mr. Landrie commented that he would like a discussion concerning of minimum percentage of registered voters to make a referendum binding. He reiterated that he was very concerned about small, special interest groups that can be very effective in passing millions of dollars worth of referendums. I would like further discussion on this and have it placed on Schedule A. Some confusion on the issues. Attorney preceded to explain different issues previously discussed.

Chairman Zoni takes a moment to summarize what was in the Town Manager's letter which does relate to the Charter, indicating the Town Manager would like to have exempt items that would be paid for by grants since we are reimbursed by the Federal government anyway. The other issue were any items that are mandates from a federal or

state government that we must spend the money we have no choice. A copy of the letter will be posted on the website.

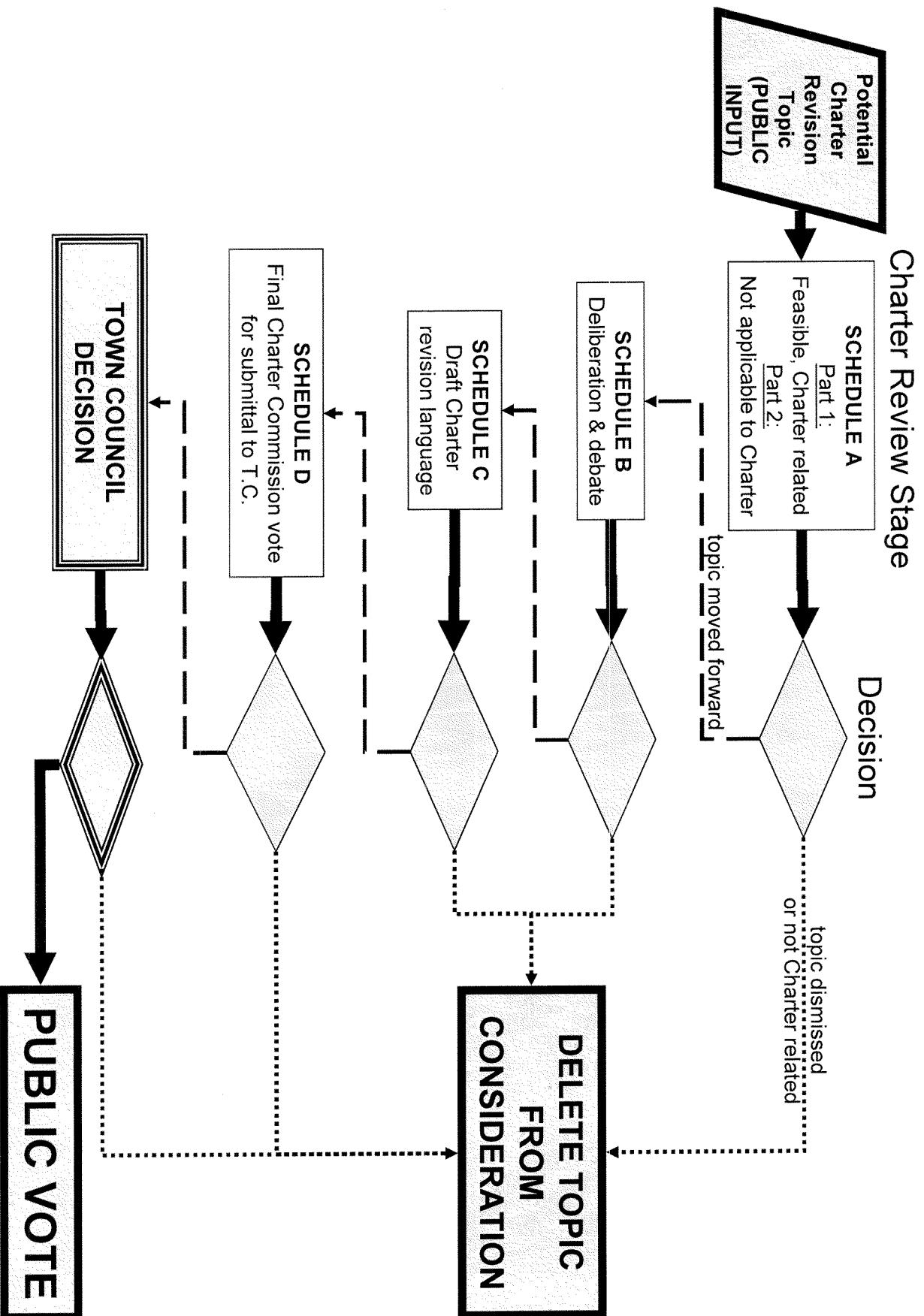
Ms. Feld commented that she did research on other Commissions that have met, when they met, how many meetings, etc. and she commented that she felt the Commission should be meeting more than once a month. There was discussion on various dates and times available. Voice consensus taken and it was agreed there would not be another meeting in March but the month of April, 2009 the Commission would commence with two meetings per month which would be the first and third Wednesdays commencing on April 15, 2009. Town Attorney was instructed to post the meeting.

Hearing no further business to come before the commission, the meeting was adjourned with a voice of approval at 10:10 pm.

David Zoni, Chairman
Charter Revision Commission

jdp

Charter Revision Commission – Schedule Process Flow (3/3/09)



Town of Southington



Town Council

JOHN H. BARRY, Chairman
ANTHONY E. D'ANGELO, Vice Chairman
JOHN E. CARMODY
NICOLA DEPAOLA
CHRISTOPHER J. PALMERI
EDWARD S. POCOCK, III
MICHAEL A. RICCIO
ARTHUR H. SECONDO
DAVID ZONI

Town Manager

JOHN WEICHEL
TOWN MANAGER
100 MAIN STREET
SOUTHWINGTON, CT 06488

March 3, 2009

David Zoni, Chairman
Charter Revision Commission
340 Annelise Avenue
Southington, CT 06489

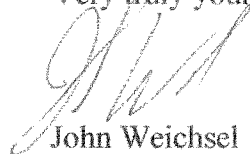
Dear Dave:

I would like to suggest to your body two simple changes to Section 746(b). 746(b) requires a public referendum on special appropriations or bond issues in excess of \$1 million. The following two circumstances should become exempt from this provision.

1. Grants. If the Town is to receive a grant in excess of \$1 million, that should not require a referendum. If we, for example, were to receive \$3 million for Rails to Trails, no one would object. Since the funds are from third parties, there is no negative effect on the Town's treasury.
2. Court Orders or Administrative Orders. If we receive an order from a court the public would not vote "no" on the matter. If only a "yes" vote can apply, there is no sense in holding a referendum. Similarly, if DEP or EPA gives us an order concerning pollution, for example, the electorate cannot vote "no." That being stated, these situations should be excluded from the referendum provisions.

I will be glad to answer any questions your body may have on this matter.

Very truly yours,


John Weichsel
Town Manager

JW:pb

"City of Progress"