

TOWN OF HADDAM
CHARTER REVISION COMMITTEE
REGULAR MEETING
ANNEX BUILDING
11 JAIL HILL ROAD, HADDAM, CT 06438
MONDAY, 20 JUNE 2016
UNAPPROVED MINUTES
Subject to Approval by the Commission

ATTENDANCE

X	Michael Battistoni, Assistant Secretary
X	Thomas Berchulski
X	William Bowles
X	Audrey Brookes, Secretary
X	John Fernandes, Vice Chairman
X	Harlan Fredericksen
A	Amy Jacques-Purdy
X	Wayne Rutty, Chairman
A	Lizz Milardo, First Selectman
X	Bunny Hall Batzner, Recording Clerk

1. Call to Order

Mr. Rutty, chairman, called the meeting to order at 7:01 p.m.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

Agenda - Mr. Rutty noted there was an error in regard to the date on the original agenda and a revised agenda with the correct date was submitted to the Town Clerk's Office on Friday, 17 June 2016.

Presentation in regard to Town Managers - Mr. Rutty asked when a presentation outlining what a town manager does will be scheduled. Mrs. Brookes and Mr. Bowles stated the presentation will be made at the 18 July 2016 meeting. A brief discussion followed in regard to articles pertaining to the Town of Simsbury reconsidering the hiring of a town manager and the average salary for a town manager being \$140,000.

3. Review Minutes – 27 April 2016 Public Hearing and 16 May 2016 Regular Meeting

MOTION: John Fernandes moved to approve the 16 May 2016 minutes as submitted. Audrey Brookes second. Motion carried unanimously.

MOTION: Bill Bowles moved to approve the 27 April 2016 Public Hearing minutes as submitted. Harlan Fredericksen second. Motion carried unanimously.

4. General Discussion

Mr. Rutty asked if there was anything left on the Board of Finance suggested revisions list that still needed to be discussed. Mr. Fredericksen stated the timing issue needs to get cleared up on the budget and he's not gotten to it yet.

Mr. Fredericksen stated in his opinion, the big issues are 1) town manager and 2) the potential of changing elected positions to staff positions and either these items need to be put behind the Committee or brought to a public hearing to obtain input and then discussed amongst the Committee. Mr. Bowles stated he would like to hear the presentation prior to scheduling a public hearing. Mr. Fredericksen agreed the Committee needs to know more about the matter before taking it to a public hearing.

In regard to the elected/staff positions, Mr. Rutty stated he thought the new job descriptions created by the consultant was to help with this matter. Mr. Fredericksen stated it would be helpful to the Committee to know what their duties are and how those duties possibly can be reincorporated elsewhere. Mr. Rutty stated he felt it was important to list what jobs are being considered. Mr. Bowles asked if it's the consensus of either the public and/or the Committee that the treasurer's position is no longer necessary. Mrs. Brookes stated it depends on whether there will be a town manager or not. Several Committee members agreed. Mrs. Brookes stated the three positions that would need to be looked at more carefully would be the finance director, the finance coordinator, and the treasurer to see exactly what each job entails. Mr. Fredericksen stated those positions can be reassigned to absorb the treasurer's duties without a town manager. Mrs. Brookes stated her point was would the town need the three positions if the town chose to go with a town manager.

Mr. Bowles stated the end result will be the proposed revisions will all go to referendum and the Committee needs to know what the public is thinking. Mr. Bowles also stated it's his understanding the proposed revisions will not be voted on line item by line item. The Committee agreed. Discussion returned to the presentation regarding a town manager and obtaining public input; and the process in which the revised Charter may be approved (reviewed Mr. Morasutti's flow chart and Attorney Carella's letter).

Mr. Fredericksen stated the Charter can discuss referendum in terms of 1) requiring a referendum for certain issues or 2) to requiring a different qualification for a petition. Mr. Bowles stated he wasn't certain about the qualifications for a petition. Mr. Fredericksen stated it is his understanding that if there is nothing within the Charter it would revert to the State Statutes. Discussion followed in regard to possibly making the Charter a living document by recommending a percentage (5 or 10 percent) of voters' signatures be required on a petition; whereas the State Statutes require 200. Mr. Fernandes asked if the two budgets (school and town) could be lined up for one vote. Discussion followed in regard to it potential not being allowed; how would you differentiate from the two budgets; and it potentially being too difficult. Mr. Fredericksen stated although he's not opposed to the referendum process, in his opinion, the town meeting is a vital, more informative, educational component of the governmental process, and the residents can vote well informed. Mr. Bowles asked if the Committee can put it into the Charter; and if so, there needs to be discussion pertaining to a percentage. Mr. Fredericksen will call CCM regarding this matter.

Mr. Battistoni stated prior to the Committee recommending a major transition, the Committee should have a good reason(s) for doing so and the Committee needs to demonstrate a) it's more efficient and b) currently the political process is so broken, it would be more beneficial to the town's residents if there wasn't a need to potentially flip flop every two years with a new first selectman. Mr. Battistoni also stated he doesn't have the information to demonstrate that to the residents at this time. Mr. Fredericksen stated a town manager would be a professionally trained individual who understands the state laws, the Charter, etc.; whereas, a first selectman has a learning curve during their first term. Mr. Battistoni stated in the short term, it will increase the town's costs and there needs to be due cause shown. Mr. Fredericksen stated the town has been lucky to have some good people who have been first selectmen. Discussion followed with it being noted that it would be interesting to know what the history was of those towns that convert from a Board of Selectmen to a town manager and crunching the numbers for a town manager for the Town of Haddam.

Mrs. Brookes stated she didn't believe the presenter will provide a down side as he's the seller of a town manager position and other towns need to be contacted to get their opinion on the position. Mrs. Brookes stated the Town of East Hampton is not happy with their town manager. Mr. Ruty agreed. Discussion followed in regard to how a similar situation could be handled and what the governmental sitting is in East Hampton. Mr. Fredericksen stated no town should get themselves involved in a contract that doesn't afford them a means of escape.

Resignation - Mr. Ruty reported Bruno Morasutti submitted his resignation from the Committee, via email, dated 6 June 2016, citing inability to devote time necessary to commit to the Committee. Mr. Bowles asked Mr. Ruty to read the email to the Committee so it's read into the record and provide Mrs. Batzner with a copy to attach to the minutes. Mr. Ruty will forward the email to the Committee.

Mrs. Brookes asked if the Committee will be looking at the whole Charter or only the recommendations that have been provided. Mr. Bowles, Mr. Fredericksen, and Mr. Ruty stated the Committee needs to look at the whole Charter. Mr. Bowles also stated the Committee must address the issues that were referred to the Committee. Mrs. Brookes voiced concern over the Committee not meeting the recommended time line.

Mr. Bowles suggested the Committee begin review at **Article 3 – Town Meeting** and go section by section. **Section 3-2 Members of the Town Meeting** – Mr. Bowles stated he felt the assessed value of \$1,000 was low. Mr. Fredericksen asked if anyone knew if this was a state law. Mr. Bowles stated he didn't know. Mr. Fredericksen asked if the wording was perfectly clear, regardless of the dollar amount, specifically what "per person" means and used the example of two people jointly owning a \$1,500 car would only one person be allowed to vote. Mr. Bowles stated he didn't know the answer, but found the question interesting. Mr. Battistoni stated perhaps neither owner would be allowed to vote if the value was divided in half. Discussion followed. Section to be further reviewed.

Section 3-3 The Annual Town Meeting – Mrs. Brookes asked if this item was on one of the recommendation lists. Mr. Fredericksen stated he believes Barbara Bertrand, Finance Director, had this meeting date confused with the budget meeting date. Discussion followed in regard to the wording about each board assigning a representative to attend the annual town meeting and the lack of need for this as a report from each board should have been submitted and the annual report printed. Also discussed was the lack of overall attendance at the annual town meeting. Mr. Bowles suggested the deletion of the last sentence – "Each board chairman shall assign at least one of its members to be present at this meeting, ready to discuss that board's activities and concerns."

MOTION: Bill Bowles moved to delete the following wording - "Each board chairman shall assign at least one of its members to be present at this meeting, ready to discuss that board's activities and concerns." - from Section 3-3 The Annual Town Meeting. Audrey Brookes second. Motion carried with Mr. Fernandes and Mr. Fredericksen opposed and Mr. Berchulski abstaining.

Section 3-4 Annual Budget and Special Town Meetings – Mr. Fredericksen to work on time line. Section to be revisited.

Section 9-5 (f) Mr. Bowles asked about reviewing this section. Mrs. Brookes and Mr. Fernandes stated they thought the Committee had already discussed this matter. After review of the 16 May 2016 minutes (page 4), it was confirmed that the Committee had reviewed the section and made a motion to increase the dollar amount to \$10,000. Mr. Fredericksen stated Joe Centofanti, Chairman, Board of Finance, would be happy to attend a meeting and inform the Committee as to what other towns do.

Tracking of Amendments/Recommendations - Mr. Battistoni stated the Committee should have a list of all amendments made to the Charter so they do not become buried in the minutes. Mr. Bowles asked if the Committee was to receive a copy of the current Charter in Word format. Mrs. Brookes stated it was emailed out. Mr. Bowles stated if he received the Charter in Word, he would be able to track the amendments. Mrs. Brookes offered to assist in tracking the changes. Mr. Battistoni offered to bullet out the changes and keep a running list.

The Committee returned to reviewing **Section 3-5 Legal Notice**. Mr. Fredericksen asked if there have been any changes to advising a legal notice in the newspaper or can it be posted electronically. Mr. Bowles stated he believes it's a statutory requirement to post the legal notice in a newspaper, but doesn't believe there is anything preventing a legal notice from being placed on the town's website. Section o.k.

Section 3-6 Organization and Procedure (a), (b), and (c) – The only correction note was in **(a)** last sentence – “Charter” should be “Chapter”. Otherwise, the Committee agreed the section appeared to be in order.

Section 3-7 Ordinances – General Powers and Provisions (b), (c), (d), (e), (f), (g), and (h) – Mr. Bowles questioned why Section 4-13 was listed under **(b)** as it pertains to the Election of Planning and Zoning Commission. Discussion followed in regard to the potential of it being a typographical error and perhaps it was meant that the Land Use statutes should be cited. Mr. Bowles will review further. Item **(c)** and **(d)** were o.k. Mr. Battistoni questioned whether the “50 persons entitled to vote” under **(e)** was high or low. Discussion followed at length in regard to 1) changing the number to a percentage of voters; 2) the process in which an ordinance is approved; 3) the process for repealing an ordinance; and 4) where the “50” came from. Mr. Fernandes suggested leaving the wording as it stands since there appears to have been no problems with it. Mr. Ruddy will research where the “50” came from. Mr. Bowles stated the Committee needs to determine how many voters were entitled to vote at a town meeting in 1975 and, therefore, what percentage of the town voted. Section to be further reviewed.

Mr. Battistoni asked if the 2002 committee's report was available. A brief discussion followed in regard to the revision date notation after certain sections within the Charter. Mr. Fernandes asked if the minutes of the previous committee exist. Mrs. Batzner will review.

Section 3-8 Resolutions (a), (b), and (c) – Discussion followed in regard to the “50” persons entitled to vote **(b)** and the difference between a resolution vs. an ordinance vs. a proclamation. Subsections **(a)** and **(c)** - no need to review further. Subsection **(b)** – review further to see where the “50” came from.

Section 3-9 Sale or Purchase of Real Estate by the Town - Mr. Bowles stated this wording is exactly how the procedure is handled. Mr. Fredericksen questioned the second sentence, especially “for such purpose” – for what purpose. Mr. Battistoni questioned “shall require approval of Town Meeting”. In response to Mr. Fredericksen's question, Mr. Fernandes stated perhaps the wording is going back referencing a road for the town. Mr. Bowles stated he felt the solution to the matter would be changing “purpose” to “purposes”. Discussion followed at length. Mr. Ruddy will ask the town attorney if the section is worded properly.

Mr. Fernandes asked if there was a plan for the next meeting or if one is needed. Mr. Bowles stated Mr. Fernandes makes a good point and there needs to be some direction. Mr. Fredericksen stated at the next meeting, the Committee needs to listen to the presentation; and then coming out of it, determine whether there's enough good things about a town manager's position to bringing it to a public hearing for discussion or there wasn't enough information provided or what information was provided left the Committee feeling it wasn't worth bringing it to the public. Mr. Fernandes stated he would like to have the opportunity to provide input in regard to the matter. Mrs. Brookes stated a special meeting could be scheduled to allow all members the opportunity to discuss a town manager's position.

Mr. Fredericksen stated he had no problem with the Committee scheduling a public hearing if they felt the need. Mrs. Brookes asked if the Committee will discuss the issue after the presentation with Mr. Ruddy responding yes. Mr. Fredericksen stated good questions need to be asked such as 1) bring up the towns the Committee has heard are having problems and ask why is it a problem, how do you get around the problems, or does it just happen and 2) how many towns have gone back from a town manager to some other form of town government because it didn't work. Get both sides of the story.

5. Adjournment

MOTION: Harlan Fredericksen moved to adjourn. Bill Bowles second. Motion carried unanimously.

The meeting was adjourned at 9:04 p.m.

Respectfully Submitted,
Bunny Hall Batzner
Bunny Hall Batzner, Recording Clerk

The next meeting is scheduled for Monday, 18 July 2016.