

CHARTER REVISION COMMISSION

The Charter Revision Commission met at the Wethersfield Town Manager's Conference Room on Thursday, April 17, 2014 at 6:30 pm.

Present: Chairperson Dan Silver, Vice Chairperson Steve Kirsche, T. William Knapp, Louis Laccavole, Mary Pelletier, John McAuliffe, Jr., and Mike Zaleski (Commissioner Zaleski left at approximately 7:30 pm)

Also Present: Commission Secretary Sónia Betz, Town Manager Jeff Bridges, Attorney Jonathan Chappell of Rome McGuigan P.C.

The meeting was called to order by Chairperson Silver at 6:28 pm.

Chairperson Silver asked if everyone had reviewed the minutes from the last (April 3rd) meeting and if there were any comments, additions or corrections. **Vice Chairperson Kirsche moved to approve the minutes, seconded by Commissioner McAuliffe. All those present voted AYE unanimously. 7-0-0**

Public Comment

- Robert Young
 - a) In reference to the first topic of discussion, Mr. Young referred to ease and choice. He stated that there is insufficient space for write-in votes and also that electors should have as many choices as possible.
 - b) He indicated that the date for the annual hearing on the budget should be during the week (Monday through Friday) in the evening so that more people may attend.
 - c) Mr. Young believes that the Town Manager, the Town Clerk and the Finance Director should all report directly to the Town Council.
 - d) The Town Manager may suggest an attorney(s) for the Town, but the final decision should rest with the Town Council.
 - e) There should be a 2/3 majority vote on any increase over 3% as a deterrent to spending, however he feels that as it is the Council votes for it anyway.
 - f) All big ticket purchases should go to referendum (vehicles, etc) based on the aggregate. He believes that the Town is purchasing items on loans and as long as the payments are under the threshold, there is no referendum. He feels that this is a way to "fluff the citizens off" and that it discourages them from attending meetings.
 - g) Mr. Young feels that Wethersfield is a "breeding ground" for nepotism. There are members of the Town Council that vote on budgets, contracts, etc., who have family members in the system and this should not be happening.
- Paul Copp
 - a) Mr. Copp feels that the way this is currently written in the Charter, it is a denial of a fundamental civil right guaranteed by both constitutions.
 - b) He had no comment on the date of the annual hearing on the budget.
 - c) Mr. Copp feels that the reporting relationship between the Town Manager and Town Clerk should remain the same as Mr. Bridges has enough to do and the Town Clerk position is so highly legislated that she has no real ability to use her own judgment.
 - d) Mr. Copp believes that the party in power should be able to bring in their own attorney in order to further their agenda.

- e) As far as the issue of the vote on spending increases, he feels that the vote should be on any increase and it should be unanimous.
- f) Mr. Copp had comment on indexing.
- g) Nepotism/ethics needs to be carefully defined and there have to be penalties.

Agenda Items

- A) Maximum number of votes electors may cast for candidates for the Town Council (Sec. 204)
- Chairperson Silver stated that there are statutory requirements as far as minority representation and that Atty. Chappell can explain the statute and what the limitations may be.
 - Atty. Chappell stated that, as he reads it, the section in the Charter is legal, but that is not to say it cannot be changed. The statute is CGS §9-167a and states that although majority rules, that the minority has at least a 33% shot. So on a Board of 9, the maximum from any party is 6 (all boards except education). The statute for Boards of Education is more specific. As far as the Town Council, it would be legal to allow electors to vote for 9 members, but it is not a violation of constitutional rights to limit to 6.
 - Commissioner Knapp asked what would happen if an elector voted for 9 members on the ballot.
 - Chairperson Silver believes that that would render the ballot invalid. He then asked Atty. Chappell electors were allowed to vote for 9 members, then “winners would become losers,” therefore the Charter is written in a way that best represents state statute.
 - Vice Chairperson Kirsche asked for clarification as to whether the statute is for minority representation or majority maximization, because he is concerned for the possibility of manipulation of the minority numbers. It was stated that the purpose of the statute is to limit the number of the majority party to 2/3, not to guarantee 1/3 to the minority.
 - Vice Chairperson Kirsche also referred to the most recent Town election in which the Republican Deputy Mayor ran as an independent, and that had he won the Council could have potentially been skewed 7-2.
 - Town Manager Bridges questioned whether it is how you are registered or the party line you run on, being as the candidate was a petitioned candidate who was still registered as a Republican.
 - Atty. Chappell stated that CGS §9-167a(g) says that “a person shall be deemed to be a member of the political party on whose enrollment list his name appears on the date of his appointment to or his nomination as a candidate for election to any office specified in (a).”
 - Vice Chairperson Kirsche summarized this as if said candidate had been the 7th highest vote-getter, he would not have been permitted to serve with 6 Republicans as he was still a registered Republican.
 - Chairperson Silver opined that while he understands the concerns of the members of the public, the Commission is up against State statute and doesn’t feel that there is a benefit to change the Charter.
 - Commissioner McAuliffe feels that the statute provides a system of checks and balances.
 - Commissioner Pelletier expressed concerns of someone switching parties to gain the upper hand, and although they would not be able to caucus together they would know which way that party is inclined to vote. She also stated that the law seems to favor the 2 major parties and that opening the votes up to 9 would perhaps entice electors to vote for an Independent candidate.
 - Chairperson Silver then asked if there were any affirmative motions on this issue. **No motion was made.**
- B) Date of the annual hearing on the budget (Sec. 705)

- Chairperson Silver stated his concern on making a decision on that issue at this time due to the State of Connecticut possibly passing a statute dealing with Boards of Education setting a common calendar so that all vacations in the State would be on the same week/same time beginning in 2015 or 2016. He attempted to contact Superintendent Emmett, but he was away. Therefore he does not know when the vacations are scheduled for next year as there was an agreement with the contractor for the high school that the vacation would revolve around the renovations. He is also reluctant because he does not want the public hearing date to conflict with the new common schedule.
- **Commissioner Zaleski moved to table the item for future discussion, seconded by Commissioner Knapp. All those present voted AYE unanimously. The motion passed. 7-0-0**

C) Reporting relationship between the Town Manager and the Town Clerk (Sec. 501)

- Chairperson Silver finds the section in the Charter confusing because it states that the Town Council shall fill the position of the Town Clerk in the event of a vacancy. He questions what occurs when there is no vacancy.
- Commissioner Knapp gave a bit of history in that since the Town adopted a Town Manager/Town Council form of government there have been only 3 Town Clerks and that the Council only filled the position when there was a vacancy.
- Chairperson Silver stated that the section states that the Clerk “shall serve for an indefinite term” but feels that there should be some kind of provision for removal.
- Atty. Chappell brought to the Commission’s attention Section 313 which states that “the Council may remove any officer or employee appointed by it...”
- Chairperson Silver feels that there is some vagueness that could be clarified depending on what the Commission wants to do about to whom the Clerk reports. He stated his understanding that a committee of the Council meets to review the work of the Town Clerk.
- Vice Chairperson Kirsche stated that the request to review this issue was brought forth by both parties.
- Commissioner Zaleski referred to a conversation he had with Councilmen Hurley and Manousos in which they expressed their concerns that the Council appoints the Clerk, but does not have a lot of direct interaction with her and yet is expected to evaluate her annually on her job performance. The Councilmen indicated that they are not always comfortable with this given the relationship, or lack thereof.
- Both Commissioners McAuliffe and Knapp expressed that it seemed to them the Council has the authority but fails to act. They have the right to remove the Clerk if there is an issue.
- Commissioner Zaleski responded that the concern is that if there are no issues, then many years can go by with nothing happening.
- Commissioner Pelletier stated that the Republicans supported the Town Manager appointing and managing the Town Clerk being as the Manager works more closely with the Clerk.
- Commissioner Knapp stated that the Clerk’s responsibilities, outside of being the Clerk for the Council, are highly regulated by state statute.
- Chairperson Silver agreed that the Clerk’s job is so highly statutory that it would be very difficult to evaluate it.
- Commissioner Kirsche remarked that although highly regulated, it is not entirely “antiseptic.” Things such as whether the work gets done in a timely manner and if customers are treated well should be considered. These are things that the Manager would be more likely to witness.

- Commissioner McAuliffe stated that the Clerk is also something of a Town historian, and he feels that the person serving as the Clerk should have knowledge of the Town. He is apprehensive about looking outside the Town to fill the position.
- Commissioner Pelletier stated that perhaps the Town Manager make a recommendation for the Clerk, but that the Council approve the choice.
- Commissioner Knapp stated that the person appointed to the Clerk's position has historically been politically connected to the party in power.
- Commissioner Pelletier stated that having the Manager make the recommendation would help alleviate that. She also expressed her dislike of the term being indefinite, unless there is just cause.
- Chairperson Silver stated that the Charter could use some cleaning up, regardless of whether the Clerk serves "at the pleasure" of the Council or the Manager. There should be a provision for the removal. The way it is currently worded, the *inference* is that the Council can remove the Clerk since they do the appointing.
- Vice Chairperson Kirsche would like Atty. Chappell to reword Sections 501 and 313 to be more specific as to the appointment and removal of the Town Clerk, preferably by the Town Manager, to take it outside the political arena.
- Chairperson Silver likes the idea of the Council having the hiring and removal responsibility, but daily supervision falling to the Town Manager. Or at least have the Council hire but supervision and removal fall to the Manager.
- Town Manager Bridges stated that whoever does the appointing should also have the ability of removal and monitoring. It should be kept clean.
- Commissioner Knapp suggested that perhaps the removal could be done at the recommendation to the Council.
- Commissioner Pelletier feels that if the appointments have been politically motivated in the past, then the ability to appoint should be taken away from the Council to avoid nepotism.
- Commissioner Knapp stated that that opens the pool statewide, which counters Commissioner McAuliffe's concerns that the person be familiar with the Town.
- Commissioner Pelletier then stated that perhaps the Charter could require that the Clerk be a Wethersfield resident.
- Chairperson McAuliffe felt that this limits the options.
- Chairperson Silver agrees that the Clerk should be a resident and that by keeping the appointment authority with the Council that is achieved. He also agreed with Town Manager Bridges that whoever supervises should have the authority to terminate.
- Commissioner Knapp expressed concern that in doing so, the Manager has the power to overturn a decision of the Council.
- Commissioner Pelletier then suggested having the Manager recommend a candidate to the Council, who would then have to approve. Then the supervision and termination would fall to the Town Manager.
- Town Manager Bridges feels that this could cause conflict, which should be avoided.
- Commissioner Laccavole stated that his feeling is that the Council members on both sides want to remove themselves from the process.
- Commissioner Knapp would like to ask representatives from each party what exactly they want changed and why they want that change.
- Vice Chairperson Kirsche formally asked that Atty. Chappell wordsmith a motion that grants the Town Manager the power to hire and fire the Town Clerk, and that the Town Clerk is a department of the Town.
- Commissioner Laccavole expanded on that by asking that it also establish a reporting relationship between the two.

- Chairperson Silver asked the Commission if they would like to speak to leaders from each party before a decision is made.
 - **Commissioner Knapp then made a motion that this issue be tabled until the next meeting pending discussion with representatives of majority and minority parties. Commissioner Kirsche seconded. All those present voted “AYE” unanimously (Commissioner Zaleski left prior to this vote). The motion passed. 6-0-0**
- D) Request to consider “the Town Manager may recommend, subject to confirmation by a majority vote of the Town Council, a town attorney or attorneys to represent the Town.” (Sec. 503)
- Chairperson Silver stated that under the current Charter (changed 10 years ago), every 2 years an RFP has to be issued, applications come in and interviews are conducted, and after that process is completed the Council selects the attorney.
 - **No motion was made on this topic.**
- E) Request to consider having any proposed spending increase in the annual budget of 3% or higher be approved by a 2/3 majority vote of the Town Council
- Chairperson Silver indicated that this came at the request of the Republican Party.
 - Commissioner Pelletier likes this proposal because she agrees with any way that limits spending increases and that if that the item is an important one, then the 2/3 will be obtained.
 - Chairperson Silver opposes it because the Council is elected to have the responsibility and if they fail, they can get voted out at the next election. Also you never know what a Town is going to face at any given time and by putting too many restrictions on the Town, you are limiting what the Town can do when issues arise. Also a 2/3 vote is almost unanimous, which is difficult to achieve.
 - Vice Chairperson Kirsche believes that this proposal opens the door to political games.
 - **Commissioner Pelletier moved to have any proposed spending increase in the annual budget of 3% or higher be approved by a 2/3 majority vote of the Town Council. All those present voted. Vice Chairperson Kirsche seconded. All those present voted. The motion failed. 1-5-0 (Commissioner Pelletier voted “AYE,” all others voted “NAY”)**
- F) Indexing various items in the Charter rather than specific dollar amounts (Sec. 310, 311, 713 and 714)
- Chairperson Silver asked if the Commission wanted to table this topic for future discussion due to time constraints.
 - Vice Chairperson Kirsche suggested beginning discussion to at least initiate thoughts and ideas.
 - Town Manager Bridges then distributed materials compiled by Town Finance Director Michael O’Neil that show what the percentage would be to equate to what was in the current Charter in today’s dollars.
 - Chairperson Silver clarified that each Section has a different amount, and that instead of having a specific dollar amount the allowance would be a percentage of the total budget.
 - Town Manager Bridges affirmed this and stated that the limits would have to be reestablished every year. He also explained, at the request of Commissioner Knapp, Section 311.
 - o In the event of a special appropriation (an appropriation not anticipated in the budget) of greater than \$200,000 a referendum is mandatory.

- He also explained the CNEF fund that the Town has in order to purchase equipment, such as fire apparatus.
- Vice Chairperson Kirsche asked for example of when the Town had to do something different due to the limits.
- Town Manager Bridges stated that that has not occurred since he has been with the Town, except once for storm cleanup.
- Commissioner Laccavole asked if the limits are one-offs or cumulative.
- Town Manager Bridges stated that they aren't definitive and that the Town has not had the need to use them, except once for storm cleanup where the Town used \$199,000 until FEMA reimbursement came through.
- Chairperson Silver asked if indexing made a difference to Town Manager Bridges.
- Town Manager Bridges stated that for some items dollar amounts are easier to work with.
- Chairperson Silver expressed his concern that indexing may be difficult and complicated for electors to grasp, especially since all the limits are different.
- Town Manager Bridges then shared what amount in today's dollars would be needed to get to the limits set in 2004.
- Commissioner Knapp asked Town Manager Bridges to bring in some proposed wording for the next meeting, with both dollar amounts and indexing.
- Chairperson Silver asked for a motion to postpone this item until the next meeting.
- **Commissioner Knapp moved to table the matter of indexing various items in the Charter rather than specific dollar amounts until the next meeting. Commissioner McAuliffe seconded. All those present voted "AYE" unanimously. The motion passed. 6-0-0**

G) Ethics/Nepotism

- **Commissioner Knapp moved to table the matter of ethics/nepotism to the next meeting. Vice Chairperson Kirsche seconded. All those present voted "AYE" unanimously. The motion passed. 6-0-0**

The next meeting will be held on Thursday, May 1, 2014 at 7:00 pm.

Vice Chairperson Kirsche moved for adjournment at 8:18 pm. Commissioner Knapp seconded. All those present voted AYE unanimously. 6-0-0

Respectfully Submitted.

Sónia Betz, Secretary