

**MINUTES OF THE CHESHIRE TOWN COUNCIL PUBLIC HEARING HELD ON
TUESDAY, JULY 11, 2017 AT 7:00 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84
SOUTH MAIN STREET, CHESHIRE CT 06410**

Public Hearing Subject Matter

CONSIDERATION OF THE CHARTER REVISION
COMMISSION DRAFT REPORT

Present

Robert J. Oris, Jr., Chairman; Paul A. Bowman, Vice Chairman; Michael Ecke, Jeffrey Falk, Patti Flynn-Harris, Sylvia Nichols, Thomas Ruocco, Timothy Slocum, Peter Talbot. Staff: Town Manager Michael A. Milone; Town Attorney Alfred Smith; Finance Director James Jaskot; PW Director George Noewatne; Fire Chief Jack Casner; Deputy Fire Chief Don Youngquist.

Guests: Barbara McWhirter, Chairperson, Charter Revision Commission; Commission Members Kim Cangiano, Matt Levine, Mark Shumilla, Sue Stanley, Kevin Wetmore. Sheldon Dill, Director, Chamber of Commerce; Matt Shay from Atlas Fireworks Co.

1. ROLL CALL

The clerk called the roll and a quorum was determined to be present.

2. EXPLANATION OF HEARING PROCEDURE AND AGENDA

Chairman Oris explained the hearing procedures and agenda.

3. READING OF LEGAL NOTICE

The clerk read the legal notice into the record.

4. PRESENTATION ON HEARING SUBJECT

Barbara McWhirter, Chairperson, Charter Revision Commission (CRC), gave a short presentation on the hearing subject. The last Charter revision was in 1995. The Council selected a group of diverse citizens, Democrats, Republicans and Independents, to review the document, chapter by chapter, line by line, and submit recommendations by June 1, 2017. The CRC held five public hearings and numerous meetings, completed a detailed review of the Charter, and presented its draft report to the Council by the June 1, 2017 deadline. The response from the Council must be given to the CRC by July 28, with any changes or reconsiderations. This will allow the CRC to issue its final report by August 25, 2017, and the new Charter would go to referendum for voter approval on November 7.

The Charter revision was a fascinating process, and the commissioners learned a lot about their town. There was consideration of the impact into the foreseeable future with State budget challenges, unfunded mandates, regionalization, adjustment in demographics, and other changes. Ms. McWhirter commented on the commitment of the Commission to create a Town Charter that would guide the Town of Cheshire into an uncertain future, and not reflect on the past.

5. QUESTIONS AT THE DISCRETION OF THE CHAIR.

6. PROPONENTS AND OPPONENTS STATEMENTS ALTERNATELY EXPRESSED.

Ken Newman, 808 South Meriden Road, has read the Charter revisions in detail, and for the most part the policy and technological changes have merit. Mr. Newman cited two objections to the Charter changes. The first is the Town Clerk being an appointed position rather than an elected official, with the Cheshire voters having a voice, and bureaucracy should not take this away. This is true voter suppression, and he wants to protect his voting rights. The second issue is the change in minority representation to 6-3. Mr. Newman said the current Charter has a 7-2 minority representation. He has seen many times when a successful and the best candidate is elected to office, and is denied the office because of minority representation. This is a disservice to town voters, and with 6-3 the split will increase more and disenfranchise voters. Mr. Newman said citizens have a right to decide who sits on the Town Council.

Marlena Sobel, 25 Flager Avenue, expressed appreciation to the CRC members for the time and effort that went into the revision process. As a BOE member, Ms. Sobel requested the Council reconsider the residential requirement for the Superintendent of Schools. She talked about the small pool of candidates for a Superintendent position, which will be restricted by the residency requirement. Looking forward, this is not in the best interests of the town, and should not be a requirement for the Superintendent of Schools.

Kathy Hellreich, 525 Woodhill Road, thanked the Commission members for their many hours of work on the revision. She spoke about the residency requirement for the Superintendent of Schools, and stated her objection to this requirement. During the recent Superintendent search, she said there were only a few qualified applicants who would be good for Cheshire. Right now, the BOE can waive this requirement. Under the Charter changes, the BOE can only grant a one time waiver. Having this requirement without a BOE waiver decreases the candidate pool, ties the hands of the BOE to make this decision, and if there is a residency requirement, the BOE should have the ability to waive, at will, and not just one time. Ms. Hellreich also requested that Supt. Solan be grandfathered in under this residential requirement. When Supt. Solan took the job he knew about the residency requirement, and also knew that in the past 12 years the practice was the BOE waiving the requirement. The BOE and Mr. Solan had no idea they could not go forward with these waivers. A request was made to grandfather Supt. Solan so the BOE does not have to look for a superintendent sooner, if he chooses to leave Cheshire. Ms. Hellreich said this would not be good for the continuity or the school system.

Matt Levine, 25 Kelly Court, member of the CRC, responded to comments made by Mr. Newman, stating his agreement on a few points. He said the voters should have a voice. The commission worked well together and produced a nice product for the

Town. There were two issues of contention – the elected Town Clerk and minority representation, and the vote on these issues were 8 in favor, 3 opposed. If the Council determines that those should not be part of the larger Charter, it is important for voters to have a say. These two questions could be put to the voters, as they are important issues.

Ray Squier, 291 Cook Hill Road, talked about the hundreds of hours that went into the Charter revision. At the Council and CRC meeting last week the Council had many questions, and the public will be asking the same questions. The commission took a 53 page document and translated it into 112 pages. Mr. Squier suggested the Council put themselves in the position of the independent voters, and how to read, digest, and question what is in the Charter. The Town Clerk is the keeper of records; is not political; does not make policy; and we want to insure no mistakes are made in the future. The person should be qualified, not someone coming in on a popular vote. The position should not be elected; it should be appointed for the best person.

David Schrumm, Sir Walter Drive, stated the Town Clerk position should be left as an elected official, with smart people making the choice between candidates who are put up by the political parties. In the past there have been few Town Clerks in Cheshire due to the quality and qualifications of the people in the office for a long time. Mr. Schrumm said the Town Manager does not need another direct reporting person; sometimes a department head does not function as the Council wants; and getting the Town Manager to act on a department head's performance is difficult. If the Town Clerk is not doing the job, the voters can decide, without creation of a new department head with an appointed Town Clerk. Regarding the 7-2 minority representation, Mr. Schrumm said Cheshire should not follow State law or anything coming out of Hartford. Based on his experience with both political parties and candidates, minority representation of 7-2 allows voters to decide. With respect to the residency requirement for the Superintendent of Schools, Mr. Schrumm stated this should stay in the Charter, and it should be enforced by the BOE. With the fact that the BOE did not enforce this requirement, he said shame on them.

Mr. Schrumm talked about the budget requirement change from April 17th to April 30th, and he said two weeks more will not provide additional information on State funding. The State usually does not get close to its numbers or approve its budget by April 30th, and does not have a final budget until June. With Cheshire's excellent Town Manager and the Council continues to act in a financially responsible way, there is enough cushion built in to take up the vagaries that come out of Hartford at the last minutes. Mr. Schrumm said the two week extension on the town side takes two weeks away from people's ability to petition against the town budget, and we could be entering another period of petitions on the town budget.

CRC Chair Ms. McWhirter stated that Mr. Schrumm is incorrect about the length of time for referendum petition, as it does not change. The changes were made to help internally for response to the budget, and the commission made sure no changes were

made on the time frame for a referendum to happen. Ms. McWhirter commented on minority representation made up of the two parties. She cited the fact that the Republicans make up 26% of the registered voters; Democrats make up 28% of the registered voters; and minority representation is the Independents, in the middle, who can lean Republican or Democrat, and make decisions on a case by case basis. If there is insistence on minority representation of whatever party happens to be the minority and the majority party, there is more than 50% of the population that is under-represented on the Town Council. In recommending the State's 6-3 representation, this is 1/3, and we are giving everyone not "the majority party" at least 1/3 of the Council to present a different viewpoint. This is how the CRC looked at this issue going forward, and believes the "I" will remain the major percentage of voters in town. Ms. McWhirter noted that most towns with Council/Town Manager form of government have multiple parties. She commented on the Constitution as a majority document. The Bill of Rights is minority representation, and our country was built on that as much as the Constitution.

7. REBUTTAL AT THE DISCRETION OF THE CHAIR.

8. ADJOURNMENT

Chairman Oris adjourned the public hearing at 7:45 p.m.

Attest:

Marilyn W. Milton, Clerk