

MINUTES OF THE TOWN OF CHESHIRE CHARTER REVISION COMMISSION HELD ON WEDNESDAY, NOVEMBER 16, 2016 AT 6:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410.

Present

Charter Revision Commission Members: Town Council Members Paul Bowman; David Borowy, Kim Cangiano, Michael Laden, Matt Levine, Barbara McWhirter, Sandy Mouris, Mark Shumilla, ~~Susan Stanley~~, Kevin Wetmore and Ex-Officio Member Robert J. Oris. Jr.

Absent: Councilor Michael Ecke and Susan Stanley

Staff: Town Manager Michael A. Milone; Town Attorney Alfred Smith; Exec. Assistant to the Town Manager/POI Officer Arnett Talbot; ~~Finance Director James Jasket~~

1. ROLL CALL

The clerk called the roll for the Charter Revision Commission and a quorum was determined to be present.

2. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

3. APPROVAL OF MINUTES OF NOVEMBER 2, 2016 MEETING

MOTION by Mr. Bowman; seconded by Ms. Mouris

MOVED that the minutes of the November 2, 2016 meeting be approved and accepted pending corrections, deletions, additions.

Corrections: page 3, para. 2, change "defuse" to "diffuse"; page 4, para. 1, delete "quantitative" and change to "qualitative".

VOTE The motion passed unanimously by those present.

4. PUBLIC INFORMATION SESSION - FORM OF MUNICIPAL GOVERNMENT

Ms. McWhirter explained that the Charter Revision Commission members were appointed by the Town Council, and she briefly reviewed the many professional and educational backgrounds of the members. Members include 4 Republicans, 5 Democrats, 2 Unaffiliated, 1 Ad Hoc member with no vote (Council Chairman Oris). The charge of the Commission is to review the Town Charter, make recommended revisions to the Town Council, and Council reviews and approves the changes to the Charter.

Ms. McWhirter stated that hearing from the public on the Charter is important. The Commission is following the Town Council Rules of Procedure including the public comment and communications at the front end of the meeting. Public input on Cheshire's form of government is welcomed.

Rules of Procedure - public communication at the front end of the meeting; people are not required to submit written statements; people can speak for no more than 3 minutes; people may speak only once on any subject. All comments will be taken under advisement.

Forms of Government - Ms. McWhirter cited the Connecticut forms of government.

Town Council-Town Manager - the Council is the legislative body, sets policy, hires and evaluates the Manager; Manager has day-to-day authority for operations (executive); Manager hires/fires Police Chief, Fire Chief, and all department heads; Council is politically representative to multiple town parties.

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Mayor-Town Council (with and without Manager) - the legislative body is the elected Town Council; the Mayor is elected, is only political representative of the plurality party vote; position can be ceremonial or have full operational authority; Mayor hires all staff, administers the budget; Council votes on budget and ordinances and adopts general town policy.

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Board of Selectmen/Commissioners - Selectmen are elected; have legislative and executive powers (e.g. set salaries and manage staff, and set ordinances and enforces them).

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Representative Town Meeting - smaller town form of government; people choose representatives to vote on town decisions; all citizens can attend meetings, but only the representatives have a vote.

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Town Meeting - usually functional for very small towns; all citizens are involved in operations and daily decisions; requires all citizens to vote on every action.

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A copy of Ms. McWhirter's statement is attached to the minutes.

Town Manager Milone commented on there being three (3) forms of government in Connecticut that works into five (5). Connecticut has 169 towns; 29 are Town Council/Town Manager; 30 are Mayor/Town Council; 110 are Selectmen. No two towns with the Council/Manager form of government are exactly identical as there are variances with each one of them. Town Council/Town Manager form of government has been in existence since 1961, and is similar to a business model, with a chief executive officer and a board of directors. The Town Manager is the CEO and carries out the professional management of the town. The Council is the Board of Directors, sets policy, and the Manager carries it out. This form of government creates a consistency and stability in town government.

In the Mayor/Council government format, the Mayor is the chief elected official, with broad authority over appointments and all operation of the town. The Council is the legislative body, but power is with the CEO with veto power over the Council.

Selectman - there are 3 or 5 selectmen, with First Selectman as the CEO. Selectmen carry out the responsibilities of the town amongst themselves, can have some legislative authority, and for adoption of ordinances or appropriation of funds the electorate make the decision. Mr. Milone cited an example of North Haven CT (Selectmen form of government) wanting to buy a \$500,000 fire truck; the Selectmen can decide it is a good decision; must have a town meeting, where all electors are called together for a decision for a vote. Decisions are made by the electorate in a town meeting. The group of selectmen can act as a legislative body for decisions within a certain threshold.

Representative Town Meeting - there is still a Board of Selectman. Branford CT has an RTM form of town government. The decisions normally going to a town meeting, i.e. the fire truck appropriation, go to the RTM, a very large group of elected officials (35 to 45) representing the interest of the town, and they act on behalf of the town residents.

PUBLIC QUESTIONS AND COMMENTS

Breina Schain, 62 Hilltop Road, asked about the representative form of government and its consideration of an appropriation, and whether Mr. Milone considers this beneficial to Cheshire. Ms. Schain stated her support of the Town Council-Town Manager form of government in Cheshire, with very good, talented Councilors elected by the people. She said this form is going very well in Cheshire, and people are represented by equal distribution.

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In response, Mr. Milone stated it would be inappropriate for him to comment on preferences. At a Commission meeting two weeks ago he spoke extensively about Cheshire's form of government, and his strong support of the Council-Manager government. Other communities, based on history and makeup of the town, find other forms of government appropriate.

Cindy Kleist, 251 Lancaster Way, asked about the representative town meeting being only for small towns.

Ms. McWhirter stated that initially, New England town meetings, were the form of government, with everyone attending meetings and voting. The Board of Selectman is also a representative form of government, usually for larger towns, and it varies from town to town.

Cindy Kleist wants the Mayor-Council form of government because there is not enough accountability on the Town Council. Cheshire is larger now, people could be more involved with an elected mayor with more accountability. Ms. Kleist cited a general assembly bill, October 15th, Section I, about charter revision, and asked if Cheshire's Commission has already started making charter revisions.

The public was told by Ms. McWhirter that the Commission has made no changes to the Town Charter. The purpose of the Charter Revision Commission is to formulate a report, make recommendations, and submit them to the Council.

Ms. Kleist said the state statute requires two (2) public hearings on the charter, with one (1) prior to the beginning of work on the charter. She asked about being able to speak tonight about a police commission for Cheshire.

It was explained by Ms. McWhirter that the Commission has begun its process, has not made any recommended changes to the Charter, and has the intention of holding two (2) public hearings on various topics before the end of the revision process. The meeting agenda identifies the sections of the Charter to be discussed at a meeting. She noted there was an e-mail received from Ms. Kleist about the form of government, which was distributed to all Commissioners.

Ms. Talbot informed everyone that the agenda is usually posted on the web site 3 or 4 days before a meeting...and at the latest - 24 hours before a meeting.

According to Ms. Kleist this is not legal, as there must be a public hearing and input before work on the Charter can start.

Council Chairman Oris commented on the fact that some of the issues have been addressed, and this is not a public hearing...it is a public comment session about the form of government. He assured everyone that the Council and Commission will more than meet the State requirements for public hearings. Every member of the community has the opportunity to talk about parts of the Charter, and Mr. Oris said we must give the process a chance as it is just getting started. It has also been made easier for public to post comments and questions on the web site. He noted that Town Attorney Smith is present at all meetings to insure there is compliance with the State requirements.

Ms. Kleist said she does not understand the difference between a public comment and public hearing

The Council holds meetings all the time that are not public hearings, but allow public comments, and Mr. Oris said the Commission has agreed to allow public comment in certain sections of the Charter review, in addition to public hearings. It is important and something the Council requested be done. This meeting tonight is a regular meeting that is allowing public comments. The Commission set the rules for this meeting, and he hoped the public would comply with them. As Council Chairman, Mr. Oris assured the public there will be opportunity to speak on anything about the Charter during the process.

Paul Magolowski, 25 Gateway Court, stated he thought this meeting was a public hearing on the Charter, as this was his interpretation from the Cheshire Herald notice. The notice stated all were welcome to the Commission meeting for comments, but it did not state it was about form of government for the Town.

For specific public comments on a topic, Ms. McWhirter said this will be taken into consideration, assuring all public notices will cite the section of the Charter being discussed. There is information on the town web site about Charter Revision Commission meetings and agendas will be posted.

It was clarified by Mr. Oris that there is meeting information in the public newspapers, and he apologized for any confusion to the public. There was a news release to the local newspapers that tonight's meeting would be on the form of government in the Town of Cheshire. He and staff will insure there is clarity in the future, as the process needs public input and this is encouraged by the Council and the Commission. Mr. Oris pointed out that public comment on any topic at any time will preclude the process moving forward in a timely fashion. Tonight's meeting is a public comment session; it is not a public hearing; and people can go to the web site, or call the Town Manager's office for further clarification and questions.

Derf Kleist, 251 Lancaster Way, found an act on municipal charter revision on the internet, and read a short excerpt into the record. He said there must be two (2) public hearings, and one (1) public hearing before beginning substantive work on the Charter. He said the Commission has started work and should have had a public hearing according to the statutes.

Attorney Al Smith cited Section 7-1, and noted that the Commission has not yet started substantive work on the Charter, but has been in an organizational state. No language has been proposed for any provisions of the Charter. The statutory provision requires a public hearing early in the process, but does not require a public hearing at this point. A public hearing should be done soon, but was not required up to this point.

Mr. Shumilla stated that the Commission has met and felt it could not begin to proceed with pulling apart the existing Charter, layer by layer, until public input was received. The Commission first figured out...is the form of government now in place in Cheshire right for the Town. Nothing substantive has been done; work on the actual Charter chapters or ordinances has not begun; and input from the people was wanted through a public comment session.

According to Mr. Kleist this is beyond organization and work has started, and he will contact the Secretary of State's office for clarification if he has no answer from the Commission.

Mr. Wetmore talked about people wanting to make comments on any subject. He cited the importance of people understanding the inter-dependencies throughout the Charter...taking one section at a time, or time is wasted chasing things not part of the chapter being reviewed.

Louis Nero, 55 Jesse Court, stated the Town of Cheshire is well operated and efficient under the current form of government. Council members are elected every two years, and unsatisfactory performance will result in not being re-elected to office. He said

Town Council-Town Manager provides consistency; the Council can hire a new Town Manager if the person is not working out. As chairman of the Republican Town Committee Nominating Committee, Mr. Nero noted it is difficult to find talented candidates to run for office...but they do find good people. With our form of government, power is given to the people, not one person (mayor). Cheshire is functioning well under our current system. Mr. Nero is shocked there is talk about forms of government, and to get people's input it would go to referendum. In his position with the town committee, Mr. Nero uses the Charter a lot, and works within it, and it serves the Town well.

S. Woody Dawson, 500 South Main Street, appreciates the time and efforts of the Commission. He was at the meeting when the Commission decided to go chapter by chapter of the Charter, get public comment, and then talk about it for a decision. It is a good way to proceed. Whether the Charter changes or not there needs to be public critique, and this is good. Mr. Dawson supports the current form of government in Cheshire, and he is proud to say he is from Cheshire, having lived here most of his life. Town Manager Milone and staff do a good job, and if there was something bad it could be looked into.

Breina Schain commented on being in favor of the Town Council-Town Manager form of government for Cheshire. She read the legal notice for the public comment session and knew it would be on the topic of form of government. She is happy living in Cheshire. Ms. Schain stated the town could be trapped with a mayor making all the laws and having too much power. She said the Town Council works well, has highly talented, high caliber people, working together in a balanced way.

Peter McAlinden, Moss Farms Road, stated he came to this meeting to see democracy in action, and he is well satisfied with the Cheshire form of government. Mr. McAlinden noted he lived in New Jersey under a Mayor-Council form of government for four years without a change...and both mayors were indicted. He and his family are satisfied with town government and enjoy living in Cheshire.

5. DISCUSSION AND POSSIBLE ACTION RE: FORM OF MUNICIPAL GOVERNMENT

With regard to the comments about a public hearing, Mr. Bowman asked Attorney Smith for clarification on "when" a public hearing should be scheduled...and scheduling the hearing should be done at this evening's meeting.

Attorney Smith suggested the Commission set a public hearing date and time...better to do it sooner rather than later to avoid any distractions down the road. The Commission has clearly stated it would hold a number of public hearings, more than required by statute

MOTION by Mr. Levine; seconded by Mr. Laden.

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MOVED that the Charter Revision Commission hold a public hearing on December 1, 2016, at 6:30 p.m. in Cheshire Town Hall, to be followed by a regular meeting of the Charter Revision Commission.

Discussion

Attorney Smith explained to the Commission that the first part of the meeting is the "public hearing", followed by a regular meeting. The two do not have to be mutually exclusive. The public hearing permits the public to present ideas to the Commission.

Mr. Bowman requested Town Manager Milone and his staff look at the calendar and time table, and work backwards from June 1, 2017 for a time perspective on the number of chapters to be covered and the finish line. He concurs with holding a public hearing prior to the regular Commission meeting, and before further discussion on the Charter, the public hearing should be held on December 1st.

Ms. Talbot assured the Commissioners that she would handle the notice of public hearing; information will be posted on the web site; and out to local newspapers on time.

Mr. Wetmore requested Attorney Smith to review the State statutes on charter revision to insure Cheshire is in compliance, and inform the Commission.

VOTE The motion passed unanimously by those present.

Mr. Bowman recommended tabling any discussion on Chapters 1 and 2 until after the public hearing of December 1st.

With regard to a "calendar" for chapters, Mr. Milone will include public hearings in the schedule, and milestones and place holders for the Commission along the way. Mr. Milone also asked the Commissioners to not feel compelled to do things which staff can do, i.e. the public hearing notice. Staff will advise the time and notification requirements to the Commission.

Meeting of December 15, 2016 - Ms. McWhirter noted conflicts for this meeting date with the CHS Football Banquet and CHS Band Winter Concert.

Following a brief discussion, the meeting was rescheduled to Wednesday, December 7, 2016, at 6:30 p.m.

- 6. REVIEW AND DISCUSSION, CHAPTER 1**
- 7. REVIEW AND DISCUSSION, CHAPTER 2**
- 8. REQUEST FOR GUESTS FOR NEXT MEETING**
- 9. ADJOURNMENT**

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MOTION by Ms. Mouris; seconded by Mr. Wetmore.

MOVED to adjourn the meeting at 7:45 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk