

MINUTES OF THE TOWN OF CHESHIRE CHARTER REVISION COMMISSION HELD ON TUESDAY, OCTOBER 25, 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 and Michael Ecke; Kim Cangiano, Michael Laden, Matt Levine, Barbara McWhirter, Sandy Mouris, Mark Shumilla, Susan Stanley, Kevin Wetmore, Ex-Officio Member Robert J. Oris. Jr.

Staff: Town Manager Michael A. Milone; Town Attorney Alfred Smith; Exec. Assistant to the Town Manager/FOI Officer Arnett Talbot

Others Present: David Borowy

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. ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

CHAIRMAN

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

MOVED to elect Barbara McWhirter Chairman of the Charter Revision Commission.

(Nominations were called for three times; no other nominations were presented).

VOTE The motion passed unanimously by those present.

VICE-CHAIRMAN

MOTION by Ms. Mouris; seconded by Mr. Shumilla

MOVED to elect Paul Bowman Vice-Chairman of the Charter Revision Commission.

(Nominations were called for three times; no other nominations were presented).

VOTE The motion passed unanimously by those present.

4. SET MEETING SCHEDULE

The Commission members discussed setting a meeting schedule, which coincides with schedules of the members, and decided to set meetings through December 31, 2016.

It was determined that the Commission should meet at least twice a month, and meetings should last a maximum of two (2) hours in duration. When necessary, the Commission can schedule a Saturday meeting to conduct business.

The following dates were scheduled with a meeting start time of 6:30 P.M.; meetings to be held in Town Council Chambers unless otherwise noted.

**WEDNESDAY, NOVEMBER 2, 2016; WEDNESDAY, NOVEMBER 16, 2016;
THURSDAY, DECEMBER 1, 2016; THURSDAY, DECEMBER 15, 2016.**

Mr. Bowman will provide a monthly report to the Town Council on the Charter Revision Commission meetings and actions of the Commission.

Technology Use Policy - Ms. Talbot informed the Commissioners that the Town out-sources its technology with Apex Technology, which has engineers in the building who work with staff. For any specific questions, e-mail staff who will assist you, and if required, the matter will elevate to Apex for assistance. All the Commission members have log-ons and passwords through the Town which Ms. Talbot will give them after this meeting. For any assistance, Town staff is always available. There is internet access in the chambers for researching a State statute or checking a map. The network is named "cheshkey" and the password is "Cheshire".

The policy says something about saving e-mails on the local network and there is attachment A...and Ms. McWhirter asked about this.

Ms. Talbot advised this is for staff working in the town hall building. The Commission members will use the server, use their town e-mail, and e-mails will, automatically, be in the archives.

Ms. McWhirter commented on the memo from Attorney Smith to Town Manager Milone which laid out the timetable for the charter revision process, and deadline of June 1, 2017 for the draft report to Town Council. She read the timeline.

- Before the draft report is issued, the commission must hold two (2) public hearings.
- After the draft report is submitted to the Council, they (Council) must hold a public hearing, and make recommended changes to the draft report.
- Following receipt of these recommendations, the document goes back to the commission for additional action, with a final report to the Council in 30 days.
- The Council then has 15 days to approve or reject all or part of the recommendations in the final report.
- Upon approval by the Council of the final Charter Revision Commission report, the document goes to referendum and is subject to a vote of the people.
- The Town Charter changes become effective within 30 days.

This timeline brings the process to September 1, 2017. If the Commission does a really good job, there will be changes, with little to be done with re-drafting the report.

With regard to meeting format, Ms. Talbot will provide the Commission a copy of the "order of Council meetings" and "Roberts Rules of Order". The web page for the Charter Revision Commission will be updated by Ms. Talbot.

In terms of looking at the scope, Mr. Wetmore said the Commission should do both the scope and what is deliverable...marking up a copy of the charter with language on what the Commission decides.

Attorney Smith said that, in a minimum, the Commission must present proposed language to the Council which will go before the voters. There should be some narrative on why changes were made, why they were necessary or beneficial.

Mr. Bowman asked about a consensus or a vote on the changes to sections of the Charter.

According to Attorney Smith, there is never a requirement for either. Approval by consensus is a good idea; any actions taken must be ratified by a vote; the Commission can proceed by consensus, limiting the number of votes taken.

On the scope, Mr. Wetmore asked about the Charter and Ordinances, and his assumption is to focus on the Charter, and point out where it ties into the ordinances and any conflicts. The primary objective is the Charter.

Ms. McWhirter said that in terms of issuing proposed language it is incumbent on the Commission to notify Council that this will require a change in the ordinance. She questioned whether the Commission is responsible for rewriting the ordinances.

Ms. Mouris advised that the Council changes an ordinance.

With the Commission proposing language potentially to change the Charter, Ms. McWhirter said the question is whether this language will necessitate changing an ordinance. She asked if the Commission is also responsible for preparing a change of ordinance language for the Council...or if the Council does this on their own after acceptance of the revised Charter.

Attorney Smith explained that there can be a recommendation to the Council for changes in an ordinance. The Council has a provision set forth in the Charter for enacting, amending or repealing ordinances. He will guide the Commission in this regard and identify things as we move forward.

5. SCOPE OF REVIEW

Mr. Wetmore looks at the scope to review, analyze and evaluate the existing Charter. He sees the primary objective in terms of understanding what has happened in the last 20 years, and focus of the Charter for the next 20+ years. There have been societal

changes in the last 20 years; there will be more going forward; and we must insure there is flexibility built for the future.

Ms. McWhirter senses the Commission is looking in more detail at individual sections of the town which are controlled by the Charter, how they function, and whether change is needed.

Stating that is correct, Mr. Bowman suggested starting with chapters #1 and #2, and work through the Charter. The Commission would become familiar with town government and inter-department interaction, the language of these two chapters, ease into the work and feel more comfortable. As we move forward, it will be fine getting through the work in an orderly process that requires much thought. Mr. Bowman pointed out that every question is important and worthy and should be asked, and we have the expertise of Mr. Milone, Town Attorney Smith and Ms. Talbot. He noted that he and Mr. Ecke can offer their thoughts on their experience in town service on the Council. Mr. Bowman commented on the fact that Ms. Mouris and Mr. Borowy are also familiar with the existing Charter, working with it, so the Commission has people from many disciplines and professions. There is a much to add and understand as we move forward.

Chapters in the Charter were cited by Ms. McWhirter...Chapter #4 Town Manager; Chapter 5 Officers, Boards and Commissions, Chapter 6 Administrative Officers and Departments under Town Manager, Chapter 7 Finance and Taxation. Those chapters will take a great deal of time and require meeting with town department staff, asking for their guidance, how they proceed, changes needed, what is working and what is not working. There should be prior notification to town staff about discussion on their section of the charter, ask for their input and interaction with the Commission.

It was suggested by Mr. Levine that the Commission think about departments it wants to hear from and do them by the end of the year.

Going chapter by chapter, Ms. McWhirter said the Town Manager comes up first.

Mr. Levine's preference is to hear from various departments first, and at the end have the Town Manager, who oversees the departments, provide his input and recommendations.

Mr. Laden asked about having the Town Manager both at the beginning and at the end of the chapter reviews. Mr. Levine said this is an excellent suggestion.

It was stated by Ms. McWhirter that the Town Manger will be reporting to the Commission on his perception of how the Charter drives his position, his office, his staff. This is a separate issue from the departments heads and those who report to the Town Manager. Going in logical order, Ms. McWhirter suggested having one meeting with Town Manager Milone before the December holiday, and in January 2017 meet with the town departments.

Mr. Bowman commented on it being incumbent on the Town Manager to be at Commission meetings as often as possible. He noted Mr. Milone understands the working of town government more than anyone else does, and his input will be crucial to the Commission.

In Chapter #3, Ms. McWhirter said it states the duties, powers and appointments of the Town Council. It makes sense for everyone to read through the chapters carefully and make note of questions, look for inconsistencies, and e-mail them to Commission members.

The Commission was told by Ms. Talbot that as long as the information is available to the public, it can be sent via e-mail. For questions and comments, she suggested gathering them for submission at the next meeting. Individual questions can be given to town staff.

Mr. Levine asked the Town Attorney if the Town is required to have Constables.

In response, Town Attorney did not know, but would research and inform the Commission.

If there are Constables, Ms. Mouris asked about being able to extend their terms to more than two (2) years, and if this is something the Commission can recommend to the Council.

Stating these are important issues, Mr. Bowman said he does not know all the duties of a Constable. This is something which the Commission can eliminate as long as it is not contrary to State Statutes. From his contact with the public he has heard about a police commission, fire commission, and said all questions should be assessed individually.

It was noted by Mr. Laden that Constables are two from each party, and they are automatically elected.

Mr. Ecke stated the Commission should have a short conversation about the form of government...Town Council/Town Manager. There should be a discussion on whether this form of government has served Cheshire well, or a First Selectman form of government may be better, or a strong Mayor form would work better. Mr. Ecke said he is not advocating a change right now, but the conversation should take place. It was recommended by Mr. Ecke that Chapter 4 be reviewed first and then the rest will fall into place.

These are questions and comments coming up looking at the first three chapters of the Charter, and Mr. Laden said we will have discussions with town staff.

The Commissioners discussed the Town Manager providing information on the form of government for Cheshire, gathering information/review of the form of government of

other towns, how it is working, background review and study, and comparison of reading material. Attorney Smith informed the Commission that there is data on types of town government from other municipalities through CCM (Connecticut Conference of Municipalities). Mr. Laden said that UConn has a masters program in municipal government and could provide information and research to be looked for Commission review.

Ms. Talbot advised that ICMA (International City County Management Association) also has information and research on local forms of government. She will gather data and information for the next meeting.

Mr. Oris cited his agreement with Mr. Ecke because the form of government drives where you go with this review. He believes the Commission wants to get a sense of which way we are going relative to a form of government. Mr. Oris does not believe any member of the Commission is suggesting radical changes. He said the Commission would be doing its work starting with the form of government. Once the decision is made the balance must fall into place, and it drives where we need to go.

It was stated by Mr. Wetmore that he is torn by doing this or not doing it. The benefit he sees is spending lots of time on the first three chapters, and if something different is decided on the fourth chapter...then the first three chapters must be revisited. He would want to go through the first three, get a better background to compare against when looking at a different form of government.

Mr. Bowman commented on also checking with economic reference groups to which Cheshire is compared during the budgetary process, and look at their type of government. He sees merit in both cases, and said the form of government needs to be determined in short order.

One of the frustrating points for the Commission is having ideas, move forward with an agenda for change in town government, and get it to the Council and the public. Mr. Bowman advised there must be public hearings on the issue. Council and the people could say "absolutely not"...as there is no interest in changing the form of government. The Commission would have to retrench, go backwards and revisit some of the issues. If the Commission were to go forward with a recommendation for change in town government, there is no guarantee. There could be a lot of effort with the issue kicked back by the Council and the electorate. Public hearings must be held by the Council. Once the initiative is forwarded to the Town Council, it requires a 2/3 Council vote to ratify a new Charter.

Mr. Bowman recommended starting off slower than moving into something which could be a big change. It is a really important decision. Hearing from Town Manager Milone is important for the Commission to get a better sense of whether to look into or dismiss the issue.

Attorney Smith cited some of the area towns and their form of government. Cromwell turned to Town Manager form of government; New London went to First Selectman. If anyone knows people in these towns, they can get first hand information.

Mr. Levine said Simsbury is going from First Selectman to Town Manager. Short of a dramatic government change, Mr. Levine said there are changes to be suggested within the framework of the Charter to improve the current government structure.

Following the discussion, Ms. McWhirter noted it would take time to accumulate the information for the form of government review. She recommends starting with chapters 1 and 2, and carry forward the consideration on the form of government.

There is assistance from the Town Manager's office and Mr. Oris said staff will get information and research to the Commission.

On behalf of the Commission, Ms. McWhirter will request Town Manager Milone to attend the next meeting to report on his knowledge and feelings about the various forms of town government. She also asked if staff could gather CCM and ICMA information for the next meeting.

Mr. Wetmore asked for a review of trends and changes over the last 10 years on changing from one form of government to another in Connecticut.

In looking at chapters 1 and 2, Ms. McWhirter said a number of things are State mandated, and will not change regardless of the type of town government. The plan is to work with these two chapters as a start. For the November 2nd meeting, one hour will be spent with the Town Manager and the 2nd hour will be review of chapters 1 and 2 of the Charter.

With regard to word smithing the document, Ms. Stanley questioned the most efficient way to go about this task.

Attorney Smith advised that the Council Ordinance Committee will develop concepts/ideas. He does the drafting of language and will present it for Commission review.

Word smithing is necessary, and Mr. Oris pointed out there could be conflicts that should be brought up and changed to read better.

Ms. Mouris pointed out language changes for chapters 1 and 2 as they relate to gender... "male to female" and "female to male" and also "whereas" and "therefore".

Attorney Smith noted there must be consistency in the wording throughout the document.

For notice of public meetings Section 1-5, Ms. McWhirter noted these are outdated i.e. "coverage in newspapers having a substantial circulation in the town five (5) days prior to the set date of the hearing/meeting". The Commission must look at whether five (5) days is appropriate, and how to get this information out on social media and the town's webpage.

Attorney Smith advised that everything must be consistent with FOIA.

Another area in the document that needs attention was cited by Ms. McWhirter...the very first incorporation, last sentence..."and all powers, privileges presently or hereafter conferred upon towns under the constitution and the general statues of the State of Connecticut". Ms. McWhirter commented on "the constitution" being vague...and questioned if they are referring to the U.S. Constitution or the State Constitution. In looking at Section 3-5-C it specifically talks about the U.S. Constitution or the State Constitution.

The meeting of November 2nd will have one hour spent with Town Manager Milone, talking about the type of government. The second hour will be reserved for going through chapters 1 and 2. All Commissioner questions should be raised at that time.

Council Chairman Oris commented on this bipartisan, excellent, diverse group of people who are representative of the Cheshire community. He encouraged all Commissioners to engage in the process, as everyone is important to the process, and to not be passive in comments or questions. He stated that the Charter document needs to reflect the entire community.

6. ADJOURNMENT

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

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

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk