

CALL TO ORDER

Chairman Hadley Rose called the Regular Meeting of the Simsbury Charter Revision Commission to order at 5:35 p.m. on Thursday, February 18, 2016. The meeting was held in the Board of Education Conference Room of the Simsbury Town Offices located at 933 Hopmeadow Street, Simsbury, CT. In attendance were the following commission members: Paul Henault, Jeffrey Tindall, Lydia Tedone, Thomas Benneche, James Ray, Edward Pabich and Robert Crowther. Staff included Tom Cooke, Director of Administrative Services, Sean Kimball, Deputy Director of Administrative Services, and Robert DeCrescenzo, Town Attorney.

PLEDGE OF ALLEGIANCE

All stood for the Pledge of Allegiance

Commissioner Benneche requested all to observe a moment of silence in honor of Margaret “Peg” Donohue. Mrs. Donohue was the first female on the Board of Selectmen in Simsbury.

PUBLIC AUDIENCE

Ms. Joan Coe of 26 Whitcomb Drive urged the Commission to change the Charter to a professional Town Manager. She added that Simsbury is no longer a small town. We live in a complex environment with issues that require professional management. Ms. Coe recommends that the Town Manager is a Simsbury resident with a six-month time limit imposed for residency. She provided the Commission meeting calendars for Simsbury and Avon. She said that Avon has fewer meetings and more accomplishments because they have a Town Manager form of government.

Mr. Robert Kalechman of 971 Hopmeadow Street read from his letter dated February 7, 2016 submitted to the Commission requesting for the Town to restore the Constable position. He added that he wasn’t able to find reasons for eliminating the position and is disappointed with the authoritarian style of government.

Ms. Maria Ecke of 8 Glenbrook of West Simsbury said that she worked for a Town Manager and Board of Selectmen. She added that the citizens of the town should have a choice of government for Simsbury.

Mr. William A. Estell of 11 Laurel Lane said he wanted to follow-up on comments he made at the close of the last meeting. He said the Board of Education drives the property values and tax liabilities. He added that it is important to have a direct election for the BOE. Citizens of the town don’t have a voice based on the current system. Commissioner Crowther specifically asked Mr. Estell to clarify his question to the Commission because his comments are more financially driven. Mr. Estell responded that he is upset with the structure of the BOE.

Dr. Mike Rinaldi of 32 Pinnacle Mountain Road responded to Commissioner Crowther’s question to Mr. Estell. Dr. Rinaldi said the Democrats and Republicans are the problem because citizens aren’t given a choice of a cost-effective form of education when voting for BOE members. He provided examples of BOE budget increases while student enrollment decreases each year. He also mentioned that he is opposed to a Town Manager form of government because the citizens can’t vote the person out.

Mr. John Lucker of 88 Blue Ridge Drive read from his previous letter to the Commission. Topics he discussed included voting issues and term limits for BOE members; unaffiliated citizens of Simsbury are not represented; he is strongly in favor of a Town Manager form of government; included in the Charter that every public meeting has a public audience listed in the agenda (specifically the Land Use Commissions.)

Commissioner Pabich moved to amend the agenda to discuss Section V, Item a: Straw poll on Form of Government. The motion was seconded by Commissioner Benneche and was unanimously approved.

OTHER BUSINESS

a. Straw poll on Form of Government

Commissioner Rose moved to have the Straw poll on Form of Government question considered informally. The motion was seconded by Commissioner Pabich and was unanimously approved.

Commissioner Rose said the voting is based on the following options:

- a. Town Manager
- b. Keep Town Government with a First Selectman (status quo)
- c. Hybrid - Keep the First Selectman and formalize some of the town positions so the town ends up with a professional group management positions

Robert DeCrescenzo, Town Attorney, clarified the roles of a Town Manager vs. the hybrid position. He said the Town Manager appoints all the directors, which in return report to the Town Manager. The Town Manager also prepares the budget, which is handed to the legislative body then to the budget making authority. The Town Manager works with the Chief Elected Officer (such as the Mayor of West Hartford), who is not the Chief Executive Officer.

Under the hybrid option, the First Selectman appoints the professional staff and the staff answers to the First Selectman. The professional positions can be listed in the Charter. In this example, the Chief Executive Officer is the First Selectman. The Chief Administrative Officer is a position in the Charter and not subject to political appointment.

Commissioners Crowther and Henault are in favor of a Hybrid option. Commissioner Rose read a letter from Commissioner Osborne stating that she is also in favor of the hybrid option.

Commissioner Benneche is for a Town Manager form of government. He said that the town has been exploring this topic since 1997 because of its growth. Having a First Selectman voted into office every two years isn't the best option to handle the big picture of the town.

Commissioner Tindall said he supports a hybrid option because he doesn't think a Town Manager will solve all the issues.

There was agreement among the Commission members that changing the form of government was needed (eliminating Option B.)

The results of the informal straw vote are as follows:

- Town Manager Government: Commissioners Crowther, Pabich and Benneche
- Hybrid Government: Commissioners Ray, Rose, Tindall, and Henault
- Commissioner Tedone abstained from voting

ACTION ITEMS

a. Review of Minutes – Regular Meeting of February 4, 2016

Commissioner Henault referenced Dr. Mike Rinaldi's public comment (page 2, paragraph 2, line 4. It reads, "If the BOE was truly elected, then it will ruin the school system." For the record, Commissioner Henault said he does not recall saying that comment. The text is to remain as is in the minutes since Dr. Rinaldi said those words during public audience.

Commissioner Benneche said Dr. Mike Rinaldi name is spelled with an "i" not an "e".

Commissioner Tindall moved to approve the minutes with changes. The motion was seconded by Commissioner Henault and was unanimously approved.

b. Review of Information and Possible Action on Inclusion of Constables in Charter

The Commission reviewed the Memorandum dated February 10, 2016 from Peter N. Ingvertsen, Chief of Police, explaining the reasons for eliminating the Constable position from the Charter. The Commission decided not to reinstate the position in the Charter.

c. Further Discussion and Possible Action on boards and Commissions Currently in Charter and Alternative of Creation of Boards and Commissions by Ordinance.

The Commission decided to hold off making a decision about separating Culture from Parks and Recreation Commission.

Mr. Cooke answered the Commission’s question about the Open Space Committee. He said that the Committee spent a considerable amount of time creating policy and a list of open space parcels. He added that the Committee meets on a regular basis.

Mr. DeCrescenzo said there are those who believe having DRB report to the Zoning Commission has diluted its effectiveness. It’s the only Commission that doesn’t report to the Board of Selectmen. He added that this was a contentious topic at the last Charter Review Commission. The Commission decided not to make a recommendation at this time since the provision has been in effect since 2013.

d. Review of Information from Counsel and Possible Action on Length of Board and Commission Terms

Mr. DeCrescenzo said the Board of Selectmen and First Selectman can serve four-year terms. Commissioner Rose said he strongly believes changing the First Selectman to a four-year term is best for the town otherwise the First Selectman has to concentrate on re-election soon after starting. Commissioners Benneche and Pabich agree with Commissioner Rose. The Commission members decided to hold off on voting.

e. Review of Information from Counsel and Possible Action on Selection and Configuration of Board of Education

Commissioner Rose said that the issues regarding BOE are term limits, an election that counts and including independents on the Board. Mr. DeCrescenzo said the Charter Revision Commission can change the structure of the body. It doesn’t state information on Republican and Democrat political affiliation.

Commissioner Tedone, a member of the BOE, said that politics doesn’t enter into the agenda or decisions with the members of the BOE and that is the reason why this Board is a success in Simsbury. She added that the BOE has a very good relationship with the Board of Finance and Selectmen and that is something you don’t see in other districts. Commissioner Tindall, also a member of the BOE, read from a study that states Simsbury middle and high schools are the best in Metro Hartford area, the 5th best in the state and 37th best in the country. Newsweek listed Simsbury High as the 4th best in the state. He said that the BOE is doing something right. He commented that it sounds like the public wants more engagement.

Commissioner Tedone mentioned that the town of Stratford has term limits and, as a result, it doesn’t have the continuity that Simsbury BOE has.

The Commission decided not to take action but will provide their recommendation to the Board of Selectmen on comments received by the public.

f. Discussion and Possible Action on Board of Finance Duty of Care Standard for Pension Plan Investments in Section 808 of Charter

Mr. Robert DeCrescenzo recommended changing the language in the Charter so the Board of Finance isn't held above a higher standard of care than the state law requires. He said the phrase "acting as prudent fiduciary" has certain legal connotations. If something goes wrong, action could be brought against the town and the court could apply the higher standard of care than what is in the state statute.

Commissioner Benneche moved to recommend changing the text of Section 808 of the Charter to the following: The investment and management of the assets of any such trust shall be acting in compliance with the prudent investor rule as set forth in sections 45a-541 to 45a-541 inclusive [The Connecticut Uniform Prudent Investor Act]. The motion was seconded by Commissioner Henault and was unanimously approved.

At this time, the Commission agreed to allow Ms. Maria Ecke of 8 Glenbrook to ask questions of the Board. She asked each member for their name and party affiliation. She asked if the agenda can be posted earlier. Commissioner Rose stated that sometimes the agenda isn't finalized earlier.

g. Discussion of Future Agenda Items

Commissioner Crowther suggested having a list of pros and cons for the hybrid and Town Manager form of governments. Mr. Robert DeCrescenzo said he will provide language and clarification for the two options of government. Commissioner Benneche requested Mr. DeCrescenzo to create an index for the Charter. Commissioner Rose wants to vote on the Town Manager topic March 3rd.

Commissioner Rose received a request from the public to start the meetings at 6:30 pm instead of 5:30 pm. The Commission decided to keep the meetings at 5:30 pm.

ADJOURN

Commissioner Tedone moved to adjourn the meeting at 8:38 pm. The motion was seconded by Commissioner Benneche and was unanimously approved.

Respectfully Submitted,

Irene Muench