

CALL TO ORDER

Chairman Hadley Rose called the Regular Meeting of the Simsbury Charter Revision Commission to order at 5:30 p.m. on Thursday, March 17, 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, Mary Glassman, Jeffrey Tindall, Anita Mielert, Melissa Osborne, Lydia Tedone, Thomas Benneche, James Ray, Edward Pabich and Robert Crowther. Staff included Tom Cooke, Director of Administrative Services and Robert DeCrescenzo, Town Attorney.

PLEDGE OF ALLEGIANCE

All stood for the Pledge of Allegiance

PUBLIC AUDIENCE

Ms. Joyce Howard of 116 Terry's Plain Road and Co-Chair of the Tourism Committee, said the Tourism Committee is having problems due to the political party of the BOS members and people the BOS assigned to the Tourism Committee. Ms. Howard said the BOS assigned people with no interest in tourism to the Committee. Also, members were assigned without notifying the Tourism Committee. Tom Cooke explained that since the Committee is appointed by the town, the statute states that a certain number of members on the Committee must be from one political party. Commission members recommended Ms. Howard to forward names of those interested to join the Committee to the BOS.

ACTION ITEMS

a. Review of Minutes – Regular Meeting of March 3, 2016

Commissioner Benneche made changes to Item b, page 3 of the Regular Meeting Minutes from March 3, 2016 listed in red below:

*Commissioner Henault **moved to amend** the motion to strike the text "and shall serve at the pleasure of the First Selectman" from the underlined text in the document titled "Draft Chapter VII with Chief Administrative Officer, March 2, 2016; Reference Section 704 Item 1.*

*Commissioner Tindall seconded the motion. Commissioners Rose, Tindall, **Osborne and Henault, Glassman, Mielert, Tedone, Ray, Pabich and Crowther** voted in favor of the motion.*

Commissioner Benneche voted against. Commissioner Henault then moved for approval of his prior Motion to recommend a Hybrid form of government, as amended. The motion to amend carried 10-1. The Board then voted on the original motion by Commissioner Henault, as amended. Commissioners Henault, Rose, Tindall and Tedone voted in favor of the motion. Commissioners Osborne, Glassman, Mielert, Ray, Pabich, Benneche and Crowther opposed. The motion failed to carry on a 4-7 vote.

The Commission approved the minutes with changes.

b. Discussion and Possible Action on Boards and Commissions

Commissioner Mielert said there is growth potential for the Performing Arts Center if a Culture Commission was established. Commissioner Glassman suggested removing Culture from Parks and Recreation Commission and adding Culture to the Tourism Committee. Commissioner Rose recommended informing the BOS to establish a separate Commission for Culture.

Commissioner Benneche moved to recommend to the Board of Selectman to remove Culture from the Parks and Recreation Commission under 601 of the draft Charter and add a separate Commission for Culture. The motion was seconded by Commissioner Osborne and was unanimously approved.

Commissioner Osborne suggested holding off on making a decision on the Economic Development Commission until the Commission knows more about the role of the Town Manager. Commissioner Rose tabled the topic.

Commissioner Mielert moved to add two at-large members for a total of eight members to the Open Space Committee. The Charter will read a total of three at-large members. The motion was seconded by Commissioner Henault and unanimously approved.

c. Discussion and Possible Action on Length of Terms for First Selectman and Board of Selectmen.

Commissioner Henault said that he was originally in favor of a four-year term for the First Selectman but thinks the public should vote every two years. He added that the changes to the Charter are substantial and it's best to keep the length of term for the First Selectman at two years. Commissioner Mielert agreed with Commissioner Henault's comments. Commissioner Glassman added that a four-year term is a major commitment. Commissioner Rose said the topic is off the table since the members are not pushing for a change.

d. Discussion and Possible Action on Bond Counsel's Proposed Change to Town Borrowing Language.

Robert DeCrescenzo, Town Attorney, summarized the handout titled “Proposed Revision to Charter Section 809” dated March 16, 2016. Currently the Charter states that any expenditure under 2% (\$1.8 million) doesn't automatically go to referendum. Expenditures over 2% (\$1.8 million) automatically go to referendum. For more clarification, he proposed the revised text listed in the handout.

Commissioner Mielert moved to accept the language for Section 809 Duties of the Board of Finance on Other Financial Matters submitted by Robert DeCrescenzo, Town Attorney, titled

"Proposed Revisions to Charter Section 809, March 16, 2016". The motion was seconded by Commissioner Glassman and was unanimously approved.

e. Discussion and Possible Action on Bond Charter Revision Commission Next Steps

The Commission discussed the schedule for Special Meetings in order to submit the revised Charter to the BOS by the end of March 2016. It was agreed that three additional meetings are needed. The Special Meetings will be held on March 23, 24 and 30, 2016.

Commissioner Mielert moved to amend the agenda to include discussion of the Charter language for First Selectman presented in Chapter Four of the draft Charter. Commissioner Osborne seconded the motion and it was unanimously approved.

There was much discussion among the Commission regarding the sentence in the draft Charter stating the Town Manager shall reside in Simsbury during tenure of office. Commissioner Mielert commented that Simsbury is a small place and difficult to find qualified Town Managers. Commissioner Benneche and Henault agreed that the Town Manager should reside in Simsbury. Commissioner Benneche added that the person should pay the same tax rate and it's possible that the Town Manager will leave early to avoid rush hour traffic if they lived near the southern part of the state. It was agreed that the report to the BOS will recommend that the Town Manager lives within a certain geographic radius from the Simsbury Town Hall.

Commissioner Mielert moved to strike the text "shall reside in the Town during tenure of office" in Section 501 Appointment of Town Manager of the draft Charter. Commissioner Ray seconded the motion. Commissioner Benneche moved to amend the motion to include a recommendation to the Board of Selectmen that the Town Manager lives within a certain geographic radius. Commissioner Tedone seconded the motion. Commissioner Mielert accepted the amendment of the motion and it was unanimously approved.

The Commission discussed the salary of the First Selectman. Commissioner Henault referenced a Charter which stated the First Selectman's salary was 10% of the Town Manager's salary. The members were in agreement of this process.

Commissioner Osborne moved to recommend to the Board of Selectmen that the First Selectman shall receive compensation equal to 10% of the Town Manager's salary as approved to the annual budget. Commissioner Henault seconded the motion. Commissioner Mielert made a friendly amendment to establish the First Selectman's compensation equal to 15%. Commissioner Osborne accepted the friendly amendment and amended her motion to 15%. Commissioner Henault amended his motion and seconded the increase of the First Selectman's compensation equal to 15% of the Town Manager's salary. The motion was unanimously approved.

Robert DeCrescenzo, Town Attorney, recommended that the members decide if the First Selectman receives healthcare, pension, vacation or sick days. He said it's important to have these topics clearly stated in the Charter. Commissioner Henault said that he feels it's limiting the pool of applicants that the Town is trying to attract for the position.

Commissioner Osborne moved to add the following sentence to the end of section 411, paragraph 1: The First Selectman shall not be eligible for pension, healthcare or any other benefits now or in the future available to town employees. Commissioner Osborne withdrew her motion and made a new motion that the First Selectman shall not be eligible for benefits as defined in the Town personnel rules. Commissioner Mielert seconded the motion. Commissioners Rose, Glassman, Tindall, Mielert, Osborne, Tedone, Benneche, Ray, Pabich and Crowther voted in favor of the motion. Commissioner Henault voted against. The motion carried 10-1.

Commissioner Mielert suggested discussing the topic Commissioner Tindall mentioned earlier about the selection process of the Deputy First Selectman. Commissioner Tindall said that the role needs clarifying due to conflicts with the BOS and it's our duty to clean up the process. Commissioner Henault disagreed and stated that the BOS should select the Deputy First Selectman otherwise we are micromanaging. Commissioner Rose suggested implementing some parameters to eliminate potential conflict going forward. Commissioner Henault responded that the conflict is among the BOS members and they should work through the issues. Commissioner Glassman stated that the position of Deputy First Selectman should not be eliminated because they have to run the town if the First Selectman is unable.

Commissioner Benneche moved to have a Deputy First Selectperson selected by the elected First Selectman at the time of the election. Commissioner Mielert seconded the motion. Commissioners Rose, Glassman, Mielert, Osborne, Tedone, Benneche, Ray, Pabich and Crowther voted in favor of the motion. Commissioners Tindall and Henault voted against. The motion carried 9-2.

Commissioner Benneche recommended striking the following text from Section 411; "The First Selectman shall chair the Board of Selectmen's Personnel Sub-Committee and the Town Manager shall confer with the First Selectman on all matters coming before the Personnel Sub-Committee." Commissioner Benneche said that the sentence reads that the First Selectman is in charge over the Town Manager. Commissioner Glassman agreed with Commissioner Benneche's comments.

Commissioner Benneche moved to strike the following text from Section 411, paragraph 3: "The First Selectman shall chair the Board of Selectmen's Personnel Sub-Committee and the Town Manager shall confer with the First Selectman on all matters coming before the Personnel Sub-Committee." The motion was seconded by Commissioner Osborne and was unanimously approved.

ADJOURN

Commissioner Benneche moved to adjourn the meeting at 7:55 pm. The motion was seconded by Commissioner Tindall and was unanimously approved.

Respectfully Submitted,

Irene Muench