2016 CHARTER REVISION COMMISSION

FINAL REPORT

APRIL 28, 2016

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MEMBERS OF THE 2016
SIMSBURY CHARTER REVISION COMMISSION

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SIMSBURY CHARTER REVISION COMMISSION
FINAL REPORT

APRIL 20, 2016 WORKING DRAFT

APRIL 28, 2016

A. Introduction and Summary of Proposed Changes

The Simsbury Charter Revision Commission ("the Commission") was impaneled by Resolution of the Simsbury Board of Selectmen July 23, 2015 with additional unaffiliated members impaneled on August 10, 2015. The Commission was charged with the responsibility of reviewing the Simsbury Town Charter ("the Charter") in accordance with Charter Section 1108. In addition, the Board of Selectmen requested that the Commission review the specific issues outlined in a memo dated August 13, 2015 attached hereto as Exhibit A which contained the Board of Selectman's Charge to the Commission. As will be seen below, issues were raised beyond that charge and the Commission made recommendations and/or comments when they felt it was appropriate.

The Commission adopted an approach that any recommendations from the Commission to the Board of Selectman would be made on the basis of a majority of Commissioners on a given issue. Where appropriate, the Commission listed the vote on each issue.

Based on comment and testimony received at Commission meetings and the public hearings, and the deliberations of the Commission members, the Commission has drafted a proposed Revised Town Charter. The Revised Town Charter recommends the following changes.

1. Simsbury change its form of government to a Town Manager-Board of Selectman form;
2. The elimination of the Human Relations and the Economic Development Commissions;
3. The creation of a Culture Commission;
4. The expansion of the Open Space Committee to include additional public members;
5. Clarifying changes to the Town budget and appropriations process; and
6. Gender neutral language in the Charter for public offices.

B. **Public Hearings Held by the Commission**

The Commission conducted public hearings on September 24, 2015 and April 28, 2016.

C. **Commission Meetings**

The Commission held meetings on the following dates:

August 31, 2015
September 21, 2015
October 1, 2015
October 15, 2015
October 29, 2015
November 5, 2015
December 3, 2015
December 17, 2015
January 7, 2016
January 21, 2016
February 4, 2016
February 18, 2016
March 3, 2016
March 17, 2016
March 23, 2016
March 24, 2016
March 30, 2016
April 28, 2016

D. **Local Agencies Interviewed**

The Commission interviewed the following Simsbury Boards, Commissions and Agencies and Town Staff:

1. Joseph Mancini, Director of Finance: Mr. Mancini spoke to the Commission on behalf of Town Staff on the issues of Budget Dates and Notice Requirements in the charter. In his comments to the Commission, Mr. Mancini referred to a Memorandum dated October 13, 2015 addressed to Chairman Hadley Rose by Sean Kimball, the Deputy Director of Administrative Services, himself and Carolyn Keily the Town Clerk and his own additional Memorandum to Chairman Rose. He provided specific examples of the challenges he faces in the budget process outlined in the Town Charter. Mr. Mancini stated that the options for hearing dates are overly restrictive; notice publications in the Hartford Courant are extremely expensive and

the size of the notice makes it difficult to get adequate advertising space in the Hartford Courant in a timely manner. He offered suggestions to the Commission including publishing a budget summary in the Hartford Courant. He suggests the advertisement should indicate that the detailed budget is available online, at the Town Hall or will be mailed upon request. Mr. Mancini also proposed to have dates listed for public hearings to state "No Later Than" language. The Commission also discussed in detail Sections 406 and 808 of the Charter. The Town Attorney agreed to work with Bond Counsel on wording pertaining to section 406 and 809.

2. Robert Pomeroy, Chair, Zoning Commission: Mr. Pomeroy offered his comments on the issue of whether the Commission should recommend the potential combining of the Planning and Zoning Commission into one Commission. Mr. Pomeroy testified that the Zoning Commission constantly refers to the Plan of Conservation and Development ("POCD") but rarely meets with the Planning Commission because land use projects are reviewed in succession. He added that the Zoning Commission would benefit from the Planning Commission's input since the zoning approval process has become more complex. Mr. Pomeroy added that although developers gain some benefits from streamlining the process, he doesn't see an overwhelming need for a combined Planning and Zoning Commission change.

3. Ferg Jansen, Chair, Planning Commission: Mr. Jansen also offered comments on the potential combining of Planning and Zoning. Mr. Jansen recommended keeping the Planning and Zoning Commissions separate since the current process is operating smoother than in the past. He added that the work involved in developing a new POCD is extensive. As a result, it would be overwhelming for the Zoning Commission to be involved with the POCD in addition to its regular duties.

4. Bill Ethier, Member, Economic Development Task Force: Mr. Ethier also offered comments on the potential combining of Planning and Zoning. He testified that the Economic Development Task Force unanimously recommended combining the Zoning and Planning Commissions. He said that Simsbury is competing with other towns for development and it is very important to simplify the application process in order to meet the expectations of investors. Mr. Ethier stated that 146 towns in Connecticut have Planning and Zoning Commissions combined. Of the 29 towns in Hartford County, 25 or 26 have combined Commissions and three or four remain separate. Mr. Ethier added that the duties of Planning and Zoning are the same – to follow legal statutes and processes. Therefore, the Commissions should be combined and represent one approach for the town.

5. James Rabbitt, Director of Planning and Community Development: Mr. Rabbitt offered his observations on potentially combining the Planning and Zoning

Commissions stating that there were pluses and minuses to doing so. Overall, he believed that combining the two would: alleviate staffing challenges due to the additional hearings required for the two commissions; enable the planning concerns and zoning concerns to be thought about together by the same commission; and would help avoid a situation where the commissions did not get along at all and could cause a serious breakdown in the business of both which could derail development.

6. Mickey Lecours-Beck, Director of Social Services: Ms. Lecours-Beck provided background information regarding the Human Relations Commission. She said it was established by an ordinance in 1993 for the purpose of eliminating discrimination. Only two members attended the Commission meetings between 2008 and 2011. Ms. Lecours-Beck recommended either assigning the anti-discrimination goal to another commission or redefining the goal so that it is more specific.

E. **Issues Raised by the Public**

The following issues were raised by the public at the meetings and public hearings of the Commission.

1. Change in Form of Government to Town Manager-Town Council

   A number of members of the public, including former First Selectman Peg Shanks, advocated for a change in the form of Simsbury's government from First Selectman-Board of Selectmen to the Town Manager form. Generally, those who advocated for the change cited the need for professional executive management of the Town based on the increasing complexity of municipal government. Those urging the Commission to not recommend a change to a Town Manager form of government cited the overall efficiency in the way the Town is currently managed and has been managed in the past and the desirability of having the person who manages the Town directly accountable to the voting public from election to election.

2. Board of Education Voting Process – One of the most discussed issues raised by the public was the process established in the Charter to elect members to the Board of Education and the nature of the actual practices and customs regarding the election process. Under the current Charter Board terms are staggered so that half the Board's eight (8) seats are subject to election every two years. By practice, the two major political parties nominate four candidates for the four open seats. As a matter of custom, each political party only nominates candidates for one-half of the open seats of each election – two (2) each. This custom provides a "party-neutral" position for the School Board but, in the eyes of the members of the public who came before the Commission, the custom also makes the "election" a mere formality given that in

order to actually lose a candidate would have to get zero votes. Moreover, those same members of the public see the custom as allowing for and perpetuating extremely long tenures on the Board so long as the elected member continues to receive a nomination from his or her party.

According to the public testimony, the belief of those who spoke is that in order to be considered for the School Board, by custom and practice a potential candidate must be affiliated with one of the two political parties in order to have any chance of election. This custom makes it very difficult for an unaffiliated voter to be nominated for election to the School Board. A number of residents stated that voters registered as unaffiliated are the largest single group of voters in Simsbury, and as such they do not have an elected voice on the Board. Those members of the public who offered their opinions downplayed the ability of an unaffiliated voter to petition onto the ballot as not economically and politically feasible.

The large majority of the Commissioners were sympathetic to the concerns raised by the members of the public and understood the issues raised. The large majority concurred with the speaking members of the public that this is an important issue to be considered. Notwithstanding those views, the Commission was not able to formulate a recommendation on how best to address the concerns raised by the public. We would ask that the Board of Selectman to consider the formation of a small group of interested parties to see if an alternative process can be created which makes the process of electing members to the Board of Education more of an election than an appointment process.

3. Zoning & Planning – The desirability of keeping the Zoning and Planning Commissions separate was raised by members of the public. In agreeing to keep the commissions separate, the Commission agreed that steps should be taken to improve the efficiency of the two commissions to make the land use decision making process streamlined and to give the appearance of one commission. This process should be as efficient as possible to minimize any delays.

4. Town Constable – The issue of reinstating the position of Town Constable was presented by a member of the public on numerous occasions in Public Audience. In response to the request, the Commission asked and received a position statement from the Police Department that a Town Constable position was not necessary. The Commission voted not to re-instate the position of Constable to the Charter based in large part on that position statement.

F. **Testimony from Invited Guests**

1. Town Managers. At its December 3, 2015 meeting, the Commission heard remarks from Matt Hart, Mansfield Town Manager, who gave a presentation titled "Council-Manager Form of Government." Mr. Hart has served as Town Manager for the past nine years and has 20 years of experience in the field. He is a Member of the Connecticut Town and City Management Association (CTCMA) and is the current CTCMA Member who speaks to Charter Revision Commissions which seek input from the CTCMA on a free-of-charge basis. The Town of Mansfield's annual budget is $49 Million with two school districts. Mansfield implemented a Town Manager form of government in the early 1970s. He is the third Town Manager since the office's inception.

   Mr. Hart explained in detail the following processes:

   - How does a Council-Manager government work?
   - Roles of the Council, Chair and Town Manager
   - Duties of the appointed Town Manager
   - Town Manager training and qualifications
   - Benefits of a Council-Manager government
   - Values a professional manager contributes to the community

   Mr. Hart answered many questions posed by the Commissioners. He stated that the Town Manager's role was to hire town employees on the basis of merit, run the town as its chief operating officer and implement Town Council policies. Mr. Hart indicated that most Town Managers are hired on a 3-5 year contract basis. Typically they are extremely well qualified, most often holding a Master's in Public Administration and take on a Town Manager position after 5-10 years of progressive town management experience. Mr. Hart is dual degreed holding a Juris Doctorate and a Master's in Public Administration. Mr. Hart pointed out that the network and best practices information available to Town Managers through CTCMA and the International City/County Management Association (CMA) is extensive and helps Town Managers remain current on the professional operation of their respective towns and cities. He pointed out that because they are not running for reelection every election cycle, Town Managers can focus on getting the business of running the town done. They hire the best people possible and build and retain a professional staff that knows who they work for and to whom they are accountable.

   He stated that the role of the Mayor or First Selectperson of the town was as its ceremonial head. That person typically chairs monthly meetings, represents the town in intergovernmental relationships and sets Council agenda with the Town Manager.

Mr. Hart added that the goal of the Town Council is to actively engage the public either in person or electronically, to better serve the community and actively plan for the town or city's future.

2. Former First Selectman of Canton. At its January 7, 2016 meeting, the Commission heard remarks from Richard Barlow, former Canton First Selectman, regarding the Office of Chief Administrative Officer ("CAO") that Canton employs as an alternative to the pure Town Manager form of government.

   Mr. Barlow said the hybrid form of government in Canton started 20 years ago. Under that form the First Selectman serves as CEO on a part-time basis. In Canton, the Board of Selectmen appoints seven positions including the CAO, which manages the administrative functions of the town. Removal of the CAO requires a vote by the Board of Selectmen. Mr. Barlow testified that the problem with a part-time CEO is that it limits the pool of people that can run for that position. Usually the person is either retired or a business owner.

   Mr. Barlow said that the CAO in Canton reports to the Board of Selectmen and is active in the selection process of the six other town positions. These six positions report to the CAO. He added that the CAO position has a three year contract. The contract specifies his duties, salary, benefits and a notice period prior to leaving the position. Another requirement is for the CAO to live within a certain distance of the town.

3. Chairs of Former Charter Revision Commissions: At its January 21, 2016 meeting, the Commission heard from Charles Howard and Robert Heagney, the chairs of the two previous Charter Revision Commissions.

   Mr. Charles Howard said that the Town Manager position was not discussed while he served on the Charter Revision Commission because the system in place at that time worked very well. People in the town were comfortable with having a First Selectman. The First Selectman had a professional assistant that wasn't listed in the Charter. Mr. Howard added that it was his opinion that Simsbury doesn't need a Town Manager. He questioned if the Town can afford a full-time First Selectman and a Town Manager. He responded to Commissioner Mielert's comment regarding personnel issues she experienced as a First Selectman. Mr. Howard said that a Town Manager might not resolve the issues.

   Mr. Heagney said that the focus at the time he was on the Charter Review Commission was to provide the First Selectman with flexibility to select

administrative staff with the necessary experience. He commented that there were problems as a result of Administrative Officers not being assigned clear roles. Mr. Heagney recommended not adding a Town Manager. He said that Granby, Avon and Farmington have had a Town Manager for many years but have fallen short in comparison to Simsbury. The vision and leadership of the First Selectman over the years has resulted in the creation of Simsbury Farms, Rails to Trails, the Performing Arts Center and more. He added that a Town Manager or part-time First Selectman would not have the vision and leadership necessary to keep Simsbury ahead of other towns. Mr. Heagney suggested that the Commission hold referendums and put the primary questions in front of the public.

Both Mr. Heagney and Mr. Howard said there doesn't seem to be much outcry from the public to add a Town Manager. They asked the Commission to question what they are trying to solve by having a Town Manager. Mr. Heagney indicated that his Commission utilized a "straw vote" to gauge the opinions of the Commissioners in an effort to narrow the issues at hand. When a Commissioner raised a concern that the First Selectman may not have the necessary experience to develop long range plans or best practices that a Town Manager would offer, Mr. Heagney responded that the other neighboring towns with Town Managers have yet to show initiative or originality. In his view, the issues mentioned could be addressed by providing the First Selectman flexibility in hiring administrative staff that has the expertise needed. Mr. Howard added that Simsbury has been awarded Distinct Destination for Tourism and received a grant from Preserve America because of the vision and leadership of the First Selectman.

4. West Hartford Mayor and Town Manager: At its February 4, 2016 meeting, the Commission heard from West Hartford's Mayor, Scott Slifka and Town Manager, Ronald F. Van Winkle.

   Mayor Slifka has been serving as Mayor of West Hartford for almost 12 years and does not receive a salary. Mr. Slifka stated that since 2000, it is more difficult to find people to serve as council members because of the workload. He testified that in West Hartford the Town Council also serves as that Towns' Zoning Commission and some of those meetings are six hours long. He cautioned the Commission on the difficulty in finding a high caliber Town Manager. Thirty years ago, it was a popular career in his view. Since then, a degree in town management has gone down in popularity. Mayor Slifka added that in order to recruit a high caliber Town Manager, you need to take into account the salary of the First Selectman.

   Mr. Ron Van Winkle testified he has been the Town Manager for West Hartford for eight years. He said his goal is to make the town run smoothly. Mr. Van Winkle

testified that it requires a lot of time, effort, leadership and management. He admits to being an expert in construction, police, zoning, in the management of government, finance, public pensions, administration of budgets and issuing bonds, because he does it every day. Mr. Van Winkle is also a professional economist, a qualification Mr. Slifka urged Simsbury to look for if it looks to hire a Town Manager.

Mr. Van Winkle said he has a great working relationship with the Superintendent of Schools. West Hartford has combined school and town management positions into one. That means one CFO, one I.T. manager, and one hiring manager. It works well because they work at it according to Mr. Van Winkle.

Mayor Slifka answered questions from the Commission. He explained that the Mayor is the face of the town. The community wants to hear from the Mayor and expects him to act as if it's his full-time job. He maintains an office at Town Hall but not regular hours. Most inquiries he receives from members of the public are calls and emails which are filtered by a Town staffer who directs them to the appropriate person or persons to respond which could be the Mayor, the Town Manager or other Town staffer. Mayor Slifka also recommended that Simsbury choose either a First Selectmen or Town Manager form and gave the opinion that a "hybrid" form would lead to confusion around roles and responsibilities, and ultimately would be a less efficient form of government.

Mr. Van Winkle testified that 90% of what he does is running the government administration, not changing or setting policy. He is employed at will and thinks a person behaves differently if they have a contract.

Mayor Slifka said that a "strategic plan" is overrated since West Hartford and Simsbury are fully developed towns. Instead he lays the ground work for things to happen.

G. **Commission Discussion and Findings**

1. **Form of Government – Town Manager:**

FINDING: Based on the testimony it received, other input from the public and its own considerable deliberations, the Commission recommends, by a vote of 7-4, that a change to the Simsbury form of government to a Town Manager-Board of Selectmen be made.

It was not lost on the majority of the Commission Members that the Commission's membership included two individuals who previously held the position of Simsbury

First Selectman both of whom voted in favor of making this recommendation and both of whom offered extremely candid and compelling reasons why they were in favor of making the recommendation. At the core of their comments was their belief that on a risk management basis, the town's residents would be best served by a professional Town Manager, educated and experienced in dealing with the myriad issues facing a town's chief executive officer on a daily basis.

It was also not lost on the majority of Commissioners that the question of whether the town should hire a Town Manager has been debated in the town for thirty years and was last debated by a Charter Revision Commission that issued its final report in 2012. The charge to the Commission in 2015 to again debate the issue made it clear to the majority that the Board of Selectmen and the Personnel Sub-Committee, after the latter conducted a public hearing on the topic, recognized that there was enough public and elected official sentiment to take yet another look at the issue. Section 1008 of the current Charter mandates review of the Charter every seven (7) years.

The Commission undertook an extensive analysis of what areas of Town Government should be in the hands of a professional Town Manager versus in the hands of an elected official of unpredictable educational background and work experience. The majority of Commissioners rather easily concluded that virtually none of the areas would be best served by a First Selectperson over a professional Town Manager. Those areas included the appointments of department directors (professional staff), the preparation of Town Budgets, discipline and promotion of employees, negotiation of union contracts and the initiation and signing of town contracts. For the majority, on a risk management and qualifications basis, the appointment of a Town Manager makes abundant sense for a town the size and complexity of Simsbury.

The majority of Commissioners championed the benefit of a professional Town Manager hiring, building and maintaining a professional staff compensated and employed on a merit basis. They noted the turnover of high level staff over the years, with not an insignificant number of staff members going to towns and cities that had town manager form of governments so that they could achieve their personal and professional goals. Actions speak louder than words and the defections of high level staff members is not something the majority believes should be ignored.

The majority of Commissioners do not see the validity in the argument that a Town Manager is not accountable to the public. To the contrary, he or she will serve, albeit under contract, at the pleasure of the Town. If he or she does not do a good job, the Board of Selectmen, who made the hire, will hear from the public and will either make a change or the public will make the change by replacing the Board of Selectmen.

Personnel decision making responsibilities was also a key discussion point in the arguments made in favor of a Town Manager. There was a considerable discussion on whether or not the current Charter allowed for delegation of the personnel decision responsibilities.

The majority of Commission members see the First Selectperson and the Board of Selectmen as the town's policy drivers and the First Selectperson as the spokesperson for the town's legislative body. They believe that the pool of candidates for First Selectperson will be increased by a change in the form of government due to interested candidates not having to be faced with the prospects of running a sizeable and complex town and not having to leave full time employment to do so. To the majority, the recommendation to make the change to professional management is not so much to change things today as it is to make sure the town is best positioned to continue to prosper and grow ten years from now. With the hiring of a credentialed and enthusiastic Town Manager, with a First Selectperson charged with being a policy driver, and an equally diverse and energetic Board of Selectmen similarly charged, the majority is more bullish on the town's future with this change than without it.

The decision to change the form of government was not unanimous. Moving to a Town Manager form of government was opposed by four members of the Commission. The Commissioners voting against the change cited the fact that there was no testimony of current First Selectpersons from towns that do not have a Town Manager, or have rejected a Town Manager form of government. Those members voting against the change also expressed their belief that having a First Selectman subject to direct election is a better alternative to having a Town Manager not subject to direct election. In a 6 member Board of Selectman, a Town Manager only needs to retain the votes of 4 people to retain their job. There was also sentiment that making alterations to the job description of the First Selectman could achieve the necessary changes sought by the members supporting a Town Manager. In addition, the town has added a number of professional staff in the last few years to address concerns over "professional management and accountability".

The Commissioners against hiring a Town Manager also raised a number of related issues, including the costs should a Town Manager be terminated; the lack of personal connection between the community and a Town Manager as well as the lack of accountability to the public; and the potential to build a power base within town hall that lacks necessary accountability to an elected First Selectman (or other elected Chief Executive Officer). They also expressed concern about the lack of potential candidates as the attractiveness of municipal service wanes. There has also been no public outcry for a Town Manager.

Finally, those members voting against the change cited the town's excellent financial standing. Under its current form of government, Simsbury currently enjoys envious qualitative and quantitative measures, including a "Best Places to live ranking", AAA bond rating from Standard and Poor's, a top rated educational system, a modern performing arts center, etc. It was viewed by four of the Commissioners that a change to a Town Manager was not necessary as a modification in the roles of the First Selectman, and the addition of a Chief Administrative Officer would allow for a good measure of professional administration and public accountability.

The minority of the Commission who opposed to the Town Manager form of government offered the so-called "hybrid" model as an alternative. The "hybrid" model is largely based on the Canton charter and the Erdmann study recommendations. The Erdmann study offered three options to address the issue of professional personnel management within the current First Selectman/Board of Selectmen form of government. The study was the basis for an alternative to the current First Selectman role and the Town Manager form of government. There was a "hybrid" motion raised by a Commissioner based upon one of the options outlined in this study. It was rejected on a 4-7 vote. Commissioners supporting a "hybrid" form note that the vote was for a specific "hybrid" proposal and not a vote against the concept of the "form" of a hybrid government. Immediately after this vote, a motion was made to approve the Town Manager form of government. It passed before other motions on the "hybrid" form – whether for alternate specific language or merely the "hybrid" concept – could be heard. The Commission spent the next several meetings hammering out specific statutory language for a Town Manager form of government.

2. **Elimination of the Economic Development Commission**:

FINDING: The Commission recommended by a vote of 10-1 to eliminate the Economic Development Commission. The current Commission has been ineffective in its current form, and just adds another commission for any new developer to present to as it seeks approval for their project.

The Commission believes that the Town needs to implement a more effective economic development approach to get new business and development projects implemented to grow the Grand List. The key to economic development is the attractiveness of a community for both business and residency. In this regard, economic growth should be championed by all of the town leadership. This task does not require any specific economic background, but rather individuals with cordial openness and the ability to direct the prospective business to the proper town agencies to rapidly respond to opportunities.

The Commission agreed to add the responsibility of economic development to the job responsibilities of the Town Manager. As such, the Commission envisions the Town Manager having the responsibility to coordinate the various town resources to both promote economic development and respond to new opportunities. Having intimate knowledge of the various resources and activities of the various commissions involved with economic development makes the Town Manager the ideal individual to coordinate the various resources in a cohesive and efficient manner. It is also anticipated that the Town Manager would have the long term capability to see such projects through to implementation.

The Commission also discussed that the First Selectman/First Selectwoman would have a role to play in setting policy and advocating for economic development. The Commission envisions a process similar to what it heard from West Hartford: that the Town Manager works behind the scenes with developers to get and keep things moving along, and that the Mayor is the interface to the public and town advocate for change. The example used was the Blue Back Square development process and the role each played. If required, the Board of Selectmen in conjunction with the Town Manager should be able to quickly appoint any necessary group with the proper background specific to the business in question.

The Commission recommends establishing a small stipend of 15% of the Town Manager's salary to the First Selectman/woman to help with their expenses for the role of Chief Elected Official. It is a secondary role, but an important role in that all parties need to work together to make economic development successful in Simsbury.

3. **Elimination of the Human Relations Commission**:

FINDING: Based on the testimony it received from Town Staff, the lack of activity on the Commission for years, and the difficulty finding volunteers to serve on the Commission, the Commission voted to eliminate the Human Relations Commission. The Commission also took note of the availability of state remedies for alleged violations of the state's equal rights laws.

4. **Creation of a Culture Commission**:

FINDING: The Commission is recommending that the culture component of the Culture, Parks and Recreation Commission be recreated as a separate commission to be known as the Culture Commission. The Commission believes a separate commission will result in more emphasis on the creation, promotion and advocacy for cultural events in the Town. The Commission believes the expansion of the scope of work of the current Culture, Parks and Recreation Commission has had the unintended consequence of giving less attention to the cultural aspects of the

Commission than is required to fully maximize the town as a venue for cultural events and a sponsor and advocate of cultural initiatives.

5. **Open Space Committee Expansion of Membership**:

   FINDING: The Commission recommends that the Open Space Committee be expanded to include three public members.

6. **Town Budget and Appropriations Process: Sections 808 and 809**:

   FINDING: The Commission recommends changes to the Town Budget and appropriations process outlined in Charter Sections 808 and 809 to reflect the recommendations of the Finance Director and Bond Counsel as discussed above. The changes made to Section 808 allow cost savings in the publication requirements for the annual town budget and clarification of budget preparation deadlines. The changes recommended by the Bond Counsel clarify the appropriations process outlined in Section 809.

7. **Gender Neutral Language for Town Public Offices**:

   FINDING: The Commission finds that the Town Charter should be revised to incorporate gender neutral language for public offices.

8. **Board of Education Election Process:** One of the most discussed issues from Public Audience was how the town elects members to the Board of Education to fill expiring terms in each municipal election. Under the current charter, the process is for the two parties to nominate four volunteer members each and to have these individuals placed on the ballot for election. As terms expire, that individual can ask to be replaced or continue to serve on the board through the party volunteer process. This approach provides a political party neutral position for the School Board, and an individual often serves on the Board for a long period of time because the longstanding practice by the political parties has been to only nominate the same number of candidates as open seats in each municipal election.

   The problem is that to be considered for the School Board, according to longstanding custom, a potential candidate must be affiliated with one of the two political parties. This makes it very difficult for an unaffiliated voter to be considered for the election to a vacant seat on the School Board. A number of speakers expressed the opinion that voters registered as unaffiliated are the largest single group of voters in Simsbury, and as such they do not have an elected voice on the Board.

The large majority of the Commissioners were sympathetic to the concerns raised by the members of the public and understood the issues raised. The large majority concurred with the speaking members of the public that this is an important issue for review. Notwithstanding those views, the Commission was not able to formulate a recommendation on how best to address the concerns raised by the public. We would ask that the Board of Selectman consider the formation of a small group of interested parties to see if an alternative process can be created which makes the process of electing members to the Board of Education more of an election than an appointment process.

FINDING: The Commission made no changes to the Board of Education election process outlined in the current Charter.

9. **Combining the Zoning & Planning Commissions:** The question of keeping the Zoning and Planning Commissions separate was considered and voted on by the Commission. In agreeing to keep the commissions separate, it was suggested that steps should be taken to improve the efficiency of the two land use agencies to make their decision making process give the appearance of a single combined commission through complimentary scheduling of hearings on applications and joint meetings where appropriate. This process should be as efficient as possible to minimize any delays and associated costs in the consideration of applications.

   FINDING: The Commission made no changes to the current charter.

10. **Town Constable:** The issue of reinstating the position of Town Constable was presented on numerous occasions in Public Audience. The Commission asked and received a position statement from the Police Department that a Town Constable position was not necessary. The Commission agreed with this position and voted against reinstating the office of Town Constable in the Charter. The Commission took note of the statutory authority that allows the office to be created by ordinance if the need arises.

    FINDING: The Commission made no changes to the current charter.

11. **Terms of Office for the Board of Selectmen and the First Selectman or First Selectwoman:** The issue of increasing the terms of office for the Board of Selectmen and/or the First Selectman or First Selectwoman from two years to four years was considered by the Commission. State law allows a two or a four year term for each office. The Commission ultimately decided that the change in the form of government to Town Manager justified the continuation two year terms for elective offices to

maintain public accountability.

FINDING: The Commission made no changes to the current charter.

11. **Commission Recommended Action on Other Issues**: The Commission reviewed a number of other issues raised by the public and Town Staff and did not recommend changes to the Charter. Instead, the Commission urges the Board of Selectmen to consider other forms of action. The following is a list of issues considered and recommended actions.

    a. Board of Assessment Appeals: The Town Assessor requested that the charter be revised to increase the membership of the Board of Assessment Appeals from three to five members and that two alternate members be added. Town counsel advised the Commission that under state statute the Board of Selectmen could, by ordinance, provide for an increase in the number of Board of Assessment Appeals members on a short-term basis. Based on this information, the Commission is recommending that the Board of Selectmen move forward with such an ordinance.
    b. Update Purchasing Ordinances: This was raised by Town Staff and included in the Board of Selectmen's charge to the Commission. The Commission concluded that this was a matter of ordinance and did not take any action.
    c. Expand Town Officer Authority to Execute Contracts: This was raised by Town Staff and included in the Board of Selectmen's charge to the Commission. After discussion, the Commission concluded that contracting authority was appropriately limited and declined to change the Charter to permit additional Director-level employees to execute contracts on behalf of the town.
    d. Discontinue the Budget Referendum: The Commission declined to make changes in the budget approval process.
    e. Term Limits for Board of Education: Several residents requested that the Commission add term limits to the Board of Education. The Commission was advised by Town Counsel that there was no legal provision for adding term limits. The Commission's recommendations to the Board of Selectmen with respect to the selection and operation of the Board of Education are set forth above.
    f. Unaffiliated Voter Representation on Town Boards and Commissions: A resident requested that unaffiliated voters be officially represented on town boards and commissions with a proportionality requirement for the most important boards and commissions. Noting that the current Charter already provides for unaffiliated voter representation in some cases and that Board-

appointed committee and commissions, such as the Charter Revision Commission itself, often provide for unaffiliated voter representation, the Commission declined to take any additional action.

g. Reestablishment of Design Review Board as an Independent Board: A resident requested that the Design Review Board be reestablished as an independent Board. Noting that the current structure was established by the last Charter Revision Commission and the absence of significant complaints about that structure, the Commission declined to take action on the request.

h. Requirement for Public Audience for Every Town Meeting: This was requested by a resident. The Commission took no action on the request.

H. **Proposed Revised Town Charter**

Based on the testimony received at its public hearings and meetings, the comments of its invited guests, the documents it reviewed and its deliberations, the Simsbury Charter Revision Commission recommends the attached Revised Simsbury Town Charter.

I. **Acknowledgements**

The Commission would like to thank the members of the public who attended and testified at Commission meetings, the invited guests that appeared before the Commission and Town Staff who participated in the Commission's deliberations and in the generation of the Report and the Proposed Revised Charter.

Respectfully submitted by the Simsbury Charter Revision Commission this ___ day of April, 2016.

_____
Hadley Rose - Chair

Received by the Simsbury Town Clerk on April ___, 2016.

_____
Carolyn Keily, Town Clerk

Transmitted to the Board of Selectmen on April ____, 2016.

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Carolyn Keily, Town Clerk