

**TOWN OF MANCHESTER, CONNECTICUT
CHARTER REVISION COMMISSION
MEETING MINUTES
JANUARY 17, 2008 – 7:00 P.M.
LINCOLN CENTER HEARING ROOM**

PRESENT: Chairman Stephen Penny, Vice-Chairman Robert Schneider, Commission Members John Backer, Lewellyn Pelletier, and James Stevenson

ALSO: Town Attorney Geoffrey Naab and Budget and Research Officer Julian Freund

ABSENT: Commission Members William Bayer, Joseph Diminico, Margaret Hackett, and Edward Joy

MEETING CALLED TO ORDER

The January 17, 2008 meeting of the Charter Revision Commission was called to order at 7:11 p.m. by Chairman Penny.

APPROVAL OF MINUTES OF JANUARY 3, 2008

MOTION: Mr. Backer made a motion to approve the minutes of January 3, 2008. Mr. Stevenson seconded the motion and all members voted in favor.

COMMUNICATIONS

There were no communications brought before the Commission at this time.

DISCUSSION OF THE FOLLOWING RECOMMENDATIONS FOR CHARTER REVISION:

- a. Review and consider restrictions on the Town's use of eminent domain power pursuant to Section 1-3(38) of the Town Charter.**

Attorney Naab reported that there is no provision in law, local or state, that requires a public hearing for taking by eminent domain. Our Town Charter provides that when the Town acquires or sells real property, an ordinance must be adopted authorizing the acquisition or the sale. There is an exception to that when a property is taken by eminent domain. The Board of Directors is given the power of prescribing the proceedings for eminent domain, within the constraints of the State Statutes. Therefore, the Board of Directors has the power to adopt an ordinance to require a public hearing or some similar procedure for every taking by eminent domain. Attorney Naab suggested that putting a provision in the Charter may be too restrictive and may make it difficult to take quick action when needed. The General Assembly adopted

some amendments to the development statutes which do provide for a public hearing whenever a redevelopment agency, for purposes of redevelopment, takes land.

Mr. Penny verified that 8-129 is a redevelopment statute and asked if 8-129 is included in the statutes requiring a public hearing. Attorney Naab believes 8-129 is not included. Mr. Penny suggested giving the Town Attorney time to further research this issue.

Mr. Pelletier believes the main concern is the taking of land by a private entity. If land is taken for a private individual, a public hearing should be required before the Board of Directors acts.

After some discussion, Mr. Backer summed up the Commission's discussion and noted the apparent consensus not to go the route of other towns and pass an ordinance because of possible unintended consequences.

Mr. Penny stated that the Commission's focus should be on whether or not to require a public hearing in the eminent domain context.

MOTION: Mr. Schneider made a motion to table this item. Mr. Backer seconded the motion and all members voted in favor.

- b. Review of the provisions of Town Charter Sections 3-9 (petition for enactment) and 3-10 (petition for referendum) to determine if either section needs modifications to clarify the procedures for each petition process.**

Mr. Freund distributed an e-mail from Attorney O'Neil which concludes that he is unsure if the Charter could or should be amended to try to change the way the Town Attorney gets involved.

MOTION: Mr. Stevenson made a motion to take no action on this matter, based on input received from the Town Attorney's office. Mr. Schneider seconded the motion and all members voted in favor.

- c. Review the powers, duties and jurisdiction of all Town Charter mandated boards, commissions and agencies as well as those created outside the Town Charter, with the consideration of possible consolidation or elimination.**

Mr. Penny noted the information received from Attorney O'Neil that recommends no action needs to be taken.

MOTION: Mr. Stevenson made a motion that the Commission decline to take action on this item. Mr. Schneider seconded the motion and all members voted in favor.

- d. Review the provisions of Section 18-1 of the Town Charter with regards to the appointment of a Town Attorney with consideration of selection of the Town Attorney through a non-partisan, competitive process.**

Mr. Freund explained that the current Town Attorney was selected using this process.

Mr. Penny requested a copy of the RFP used to obtain his services.

Mr. Stevenson verified that the Charter does not prohibit the RFP process and Attorney Naab answered that it does not.

Mr. Penny stated that the current situation allows each Board to use its discretion.

MOTION: Mr. Stevenson made a motion to table this item. Mr. Backer seconded the motion and all members voted in favor.

DISCUSSION OF AGENDA FOR SUBSEQUENT MEETINGS

Mr. Penny suggested the items for the next meeting's agenda include the items tabled tonight as well as the review of the matters of the Town Treasurer and the Town Clerk. He suggested inviting the two individuals most affected, Tom Crockett and Joe Camposeo. Mr. Penny asked what materials the Town has that would identify the duties of each position.

Mr. Freund will provide the Commission with a copy of the letter that the Town Treasurer signs after election, delegating duties to the Finance Director.

Mr. Pelletier stated that if the Town Clerk's position becomes an administrative position rather than an elected position, his supervision should be from the Board of Directors, not the General Manager. He is of the opinion that by being elected the Clerk gets a vote of confidence from the voters. If he isn't doing his job, he will not be re-elected.

Mr. Penny asked for job descriptions and the history of these two requests.

ANY OTHER BUSINESS TO PROPERLY COME BEFORE THE COMMISSION

There was no other business brought before the Commission at this time.

ADJOURNMENT

The meeting was adjourned until the January 31, 2008 meeting of the Charter Revision Commission in the Lincoln Center Hearing Room.

Adjournment: 7:46 p.m.

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APPROVED:

Stephen Penny, Chairperson