

**TOWN OF MANCHESTER, CONNECTICUT
CHARTER REVISION COMMISSION
MEETING MINUTES
NOVEMBER 1, 2007 – 7:00 P.M.
MANCHESTER ROOM, TOWN HALL**

PRESENT: Chairman Stephen Penny, Vice-Chairman Robert Schneider, Commission Members John Backer, Joseph Diminico, Edward Joy, and Lewellyn Pelletier

ALSO: Assistant Town Attorney John Sullivan and Budget and Research Officer Julian Freund

ABSENT: Commission Members William Bayer, Margaret Hackett, and James Stevenson

MEETING CALLED TO ORDER

The meeting of the Charter Revision Commission was called to order at 7:05 p.m. by Chairman Penny.

APPROVAL OF MINUTES OF OCTOBER 18, 2007

MOTION: Mr. Schneider made a motion to approve the minutes of October 18, 2007. Mr. Joy 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 of Standards of Official Conduct, Section 2-4 of the Town Charter, to consider revisions to create a Code of Ethics by the Board of Directors by ordinance with the Ethics Commission retaining jurisdiction for interpretation and enforcement (BOD recommendation #2).**

Chairman Penny reviewed the minutes of the Ad-Hoc Committee provided for the Commission and also looked at the 1991 Charter Revisions. There was no major change made in 1991 as he was previously led to believe.

Mr. Joy, who was a member of the Ad-Hoc Committee, stated that the item most discussed seemed to be the ethics involved with an elected member bidding with the Town. Some members were strongly against an elected official doing any business with the Town and some were comfortable with a blind bid. The issue became whether to take the Standards of Official Conduct out of the Charter, making a Code of Ethics ordinance, or to revise the Standards of Official Conduct within the Charter. Mr. Joy stated that he has already heard some technical questions have been made by the Board of Directors after they adopted the Code of Ethics as part of their Rules of Procedure. This helps make the argument that it should become an ordinance rather than part of the Charter. Another issue that was discussed at length was financial disclosure and how much information needs to be disclosed. Some say no disclosure rules and leave it up to the individual.

Chairman Penny stated that penalties seemed to be another concern of the Ad-Hoc Committee.

Mr. Joy thought it would be helpful to know the exact problems the Board of Directors has run into so far. He explained that the Ad-Hoc Committee recommended no changes for the Ethic Commission.

Attorney Sullivan stated that penalties are usually \$100 per violation, unless specified otherwise.

Mr. Joy explained that discussions among Ad-Hoc Committee members included the wisdom behind limiting a reputable business person from volunteering for a board or commission. Mr. Penny added that business people may rather step down from a volunteer position rather than refrain from business with the Town.

Mr. Backer reviewed the two choices the Commission has; either the Standards of Official Conduct very detailed, or remove Section E and refer to the Board of Directors' Standards of Official Conduct. The empowerment to make changes to the ordinance involving the Standards of Official Conduct should be built into the Charter.

Mr. Diminico expressed his discomfort with the idea of the Board of Directors policing themselves.

Mr. Penny stated that it is fortunate Manchester has had no serious issues with regard to Ethics, but what issues we have had have sometimes taken partisan overtones. He related his concerns that the majority party could react to an issue by altering the Standards of Official Conduct by taking power away from the Ethics Commission. This Commission would need to fashion a way to protect the Standards from being changed so the Board could protect one of their own.

Mr. Diminico suggested reviewing the ordinance to amend once per year. This way changes would not be reactive, but more proactive. He thinks it makes sense to put the Standards of Official Conduct in the form of an ordinance, rather than in the Charter.

Mr. Backer suggested there be a provision that any changes to the ordinance must have a unanimous vote. Mr. Penny stated that a supermajority would achieve the same thing.

Mr. Pelletier suggested language be included that the Standards of Official Conduct will affect only the term in office; not the years before or after.

Mr. Schneider is unsure why an ordinance is needed after sixty years and echoed concerns that the majority party would have the ability to manipulate the ordinance. He believes ethics is ethics.

Mr. Diminico stated that sometimes people are not sure about the ethical thing to do. People do not receive a packet on responsibilities or ethics when they are elected or appointed; that is really the problem.

Mr. Schneider suggested handing these five pages of the Charter out as a guide when a person is elected or appointed. Mr. Penny pointed out that the Commission could make that a requirement in the Charter. Mr. Schneider said that if the need for guidance is the driving force, people just need to look at past decisions of the Ethics Commission. It will be tough to put down every potential possibility. He suggested depending on the Ethics Commission and their discretion.

Mr. Penny related the major issues as he sees them: Charter Revision vs. Ordinance; responsibility for drafting Standards of Conduct; who the Standards apply to; and how the information is circulated.

Mr. Schneider would like to see the conclusion of the meetings of the Ad-Hoc Committee, the minutes for the last meeting were not included.

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

b. Review of Section 3-3 of the Town Charter to consider increasing the compensation of the members of the Board of Directors (BOD recommendation #6).

There was some general discussion about what other municipalities do and some figures tossed out for discussion. Mr. Joy noted that the Commission will later be considering whether to make the Mayor a stronger position and asked if that would change the thinking on this item. Mr. Penny reminded the Commission that all decisions are changeable until a final recommendation is made.

MOTION: Mr. Schneider made a motion to amend the compensation of the members of the Board of Directors as follows: the Chairman shall be paid \$4,500 annually; the Deputy Chairman and the Secretary shall be paid \$3,500 annually, and the other members of the Board shall be paid \$3,000 annually. Mr. Joy seconded the motion and all members voted in favor, except Mr. Pelletier who abstained from voting.

DISCUSSION OF AGENDA FOR SUBSEQUENT MEETINGS

Mr. Penny suggested discussing ethics at the next meeting and trying to reach a broad consensus. He would like to look at the remaining issues and develop a schedule for addressing them.

Mr. Joy stated that when the suggestion for a strong Mayor is discussed, he would like to hear from Mr. Shanley and the Board of Directors.

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 November 15, 2007 meeting of the Charter Revision Commission in the Town Hall Manchester Room.

Adjournment: 7:55 p.m.

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APPROVED:

Stephen Penny, Chairperson