

**TOWN OF MANCHESTER, CONNECTICUT
CHARTER REVISION COMMISSION
MEETING MINUTES
NOVEMBER 15, 2007 – 7:00 P.M.
MANCHESTER ROOM, TOWN HALL**

PRESENT: Chairman Stephen Penny, Vice-Chairman Robert Schneider, Commission Members John Backer, William Bayer, Joseph Diminico, Margaret Hackett, Edward Joy, Lewellyn Pelletier, and James Stevenson

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

MEETING CALLED TO ORDER

The November 15, 2007 meeting of the Charter Revision Commission was called to order at 7:07 p.m. by Chairman Penny.

APPROVAL OF MINUTES OF NOVEMBER 1, 2007

MOTION: Mr. Backer made a motion to approve the minutes of November 1, 2007 and Mr. Schneider seconded the motion. Members Backer, Diminico, Pelletier, Penny, and Schneider voted in favor. Members Hackett and Stevenson abstained and Members Bayer and Joy were not yet present.

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 proposed removing the Standards of Official Conduct from the Charter, which will give the Board of Directors the flexibility to deal with problems as they arise. He would like to see the wording attempt to address Mr. Diminico's concerns with leaving the majority in the position to amend the ordinance to allow the perpetration of bad behavior. Mr. Penny suggested a supermajority vote requirement, seven out of nine votes, to amend the ordinance.

Ms. Hackett asked, for clarification purposes, if Mr. Penny meant to keep the Standards of Official Conduct completely out of the Charter and enact as an ordinance.

Mr. Penny answered in the affirmative, stating that enabling language would exist in the Charter. The Board of Directors would be responsible for drafting the ordinance. Language could also be included in the Charter stating how and when a copy of the ordinance should be circulated to board and committee members as well as employees.

Mr. Joy suggested including a deadline and Mr. Stevenson added his suggestion that if the deadline is not met, rules for ethical conduct would revert back to the original Charter language.

Attorney Sullivan suggested asking the Ethics Commission to draft the ordinance concerning the rules for ethical conduct. Mr. Joy stated that the Ethics Commission does not want the responsibility; however, they would like to review a draft of the ordinance.

Mr. Penny stated he agreed with Mr. Schneider's suggestion to make reference to past decisions of the Ethics Commission and thought that should be crafted into the draft in some fashion.

Mr. Diminico questioned whether the Board of Directors could supersede a decision made by the Ethics Commission and Mr. Penny answered that it could, if a supermajority voted in favor.

Mr. Penny requested, on the basis of a consensus of the group, that the Town Attorney's office develop a draft including the items discussed. In the meantime, all Commission members should read through the original Charter language and the final report of the Ad-Hoc Committee and decide which version they are comfortable reverting back to should the Board of Directors fail to act.

Mr. Schneider stated that he will be opposing this based on his past testimony. He does not feel the need to make this adjustment.

Ms. Hackett asked Mr. Schneider if that meant he would like to keep the original language and he answered in the affirmative.

Mr. Diminico asked if a public hearing would be required before approval of the ordinance and was answered in the affirmative.

MOTION: Mr. Backer made a motion to accept Mr. Penny's suggestion and Mr. Stevenson seconded the motion. All members voted in favor, except Mr. Schneider who was opposed.

b. Review of suggestions made by members of the public at public hearings or through written comment submitted to the commission.

Mr. Freund provided the Commission members with a summary of public input received during the public hearings or through e-mail and letters.

Mr. Penny asked if Commission members had any items, in addition to their current charge, to add based on public comment. Commission members had no further items.

DISCUSSION OF AGENDA FOR SUBSEQUENT MEETINGS

Mr. Penny recommended splitting the remaining items into two broad groups; items that do not represent changes in the form of government, and items that do. He would like to discuss items which do not represent changes in the form of government first, allowing staff time to gather

necessary information for the other items. With that in mind, Mr. Penny suggested the following schedule:

December 6, 2007

Item 12: Review and consider restrictions on the Town's use of its eminent domain power pursuant to Section 1-3(38) of the Town Charter.

December 20, 2007

Item 15: Review the provisions of the Town Charter Section 3-9 (Petition for Enactment) and 3-10 (Petition for Referendum) to determine if either section needs modification to clarify the procedures for each petition process.

January 3, 2008

Item 5: 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.

January 17, 2008

Item 13: 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.

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 December 6, 2007 meeting of the Charter Revision Commission in the Lincoln Center Hearing Room.

Adjournment: 7:34 p.m.

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APPROVED:

Stephen Penny, Chairperson