

**TOWN OF MANCHESTER, CONNECTICUT
CHARTER REVISION COMMISSION
MEETING MINUTES
AUGUST 8, 2007 – 7:00 P.M.
LINCOLN CENTER HEARING ROOM**

PRESENT: Chairman Stephen Penny, Commission Members John Backer, William Bayer, Joseph Diminico, Margaret Hackett, Edward Joy, and Lewellyn Pelletier

ALSO: Budget and Research Officer Julian Freund

ABSENT: Vice-Chairman Robert Schneider, Commission Member James Stevenson, and Assistant Town Attorney John F. Sullivan

MEETING CALLED TO ORDER

The third meeting of the Charter Revision Commission was called to order at 7:10 p.m. by Chairman Penny.

APPROVAL OF MINUTES OF JULY 24, 2007

MOTION: Mr. Bayer made a motion to approve the minutes of July 24, 2007. Ms. Hackett seconded the motion and all members voted in favor.

COMMUNICATIONS

There were no communications brought forward by any Commission members.

DISCUSSION OF THE FOLLOWING RECOMMENDATIONS FOR CHARTER REVISION:

- a. Review of substantive or administrative amendments identified by the Town Administration's review of the Town Charter.**

Julian Freund referenced a memo from Town Attorney O'Neil to the Commission via General Manager Shanley, dated June 28, 2007, Re: Town Administration Topics for Charter Review. Items to be addressed and discussion are as follows:

- 1. The Fire Chief identified three (3) items. First, in Section 1.3, Corporate Powers, he would like to include language that incorporates the "all hazards" mission of the fire department. Also, in Section 2-91 through Section 2-94, the Charter does not reflect the functions of Emergency Management. Finally, Section 2-161 through Section 2-*

165 do not accurately reflect the charge and mission of the Emergency Medical Services Council.

Mr. Freund explained that Section 1.3 (pages C:5 – C:10 of Charter) contains a specific reference to fighting structure fires. Chief Bycholski questioned if specific reference to medical services, emergency rescue services, should be made. The Town Attorney will craft language for that if deemed necessary. Another option is to take the position that the language in that section of the Charter is sufficient.

Chairman Penny asked if these powers are set forth in State Statutes and Mr. Freund stated that they mirror the State Statutes. Chairman Penny stated that the Commission would need to know the extent of its liberty to alter that language. He suggested checking to see if there is any other reference to emergency medical service in any statutory sections.

Mr. Freund stated that the other two items mentioned by Chief Bycholski are in the Code of Ordinances and do not fall under the Charter Revision Commission responsibilities and can therefore be disregarded.

2. *Review Section 5-8 for the purpose of requiring public hearings as to only those amounts in excess of \$10,000.*

Mr. Freund explained that appropriations under \$10,000 would still need to be made by the Board, but there would be no need for a public hearing. He reviewed a handout containing examples of what other communities similar in size to Manchester have for appropriation policies.

Mr. Diminico gave an example of a donation received from an undesirable source and suggested a provision to give the Board of Directors the option to hold a public hearing despite the dollar amount.

Ms. Hackett asked if the Board of Directors' Rules of Procedure allow a member to force a public hearing. Mr. Freund will look into that.

Mr. Pelletier noted Enfield's policy of requiring a public hearing if the amount exceeds 1% of the total budget. Mr. Freund noted that the Manchester budget exceeds \$150 million.

Chairman Penny asked how the Board would become aware of appropriations if a public hearing were not required. Mr. Freund suggested a provision or process for having them accept donations. There are some instances where money is "gratefully accepted and acknowledged" as opposed to appropriated.

Mr. Backer does not see that Section 5-8 is tied to donations at all; it addresses appropriations.

Mr. Penny explained that the Board of Directors has to hold public hearings and publicly adopt a budget. Section 5-8 is saying if during the course of the fiscal year, funds become available, a public hearing ought to be necessary since the receipt and/or appropriation of those funds would constitute an addition to the budget. Mr. Penny thinks in order to provide the Board of Directors some relief, the Commission must do it in such a way that it maintains the budgeting process.

3. *Review Section 5-22 to determine whether the threshold for the requirements of competitive bidding should be increased above the \$10,000 level; also, consider separate thresholds for construction related contracts and purchases (higher) and non-construction related contracts and purchases (lower); finally, consideration should be given to an annual or regular adjustment to this threshold.*

Mr. Freund reviewed a handout that compares what other communities similar in size to Manchester have for a competitive bidding policy.

Chairman Penny asked for a history of amendments to this Section of the Charter, including increases in dollar amounts, a draft of what the administration may propose for their approach to indexing, a memo on what processes are used for competitive bidding, and a description of best value approach (West Hartford).

General Manager Shanley explained that indexing maintains the original intent of the Charter but allows for inflation costs.

4. *Review Section 5-25 to consider giving authority to the Board of Directors to approve the issuance of negotiable bonds or notes for capital improvements of \$1,000,000 or less. All bonds and notes issued for capital improvements in excess of \$1,000,000 would require voter approval.*

Mr. Freund briefly reviewed examples of other Town's policies. A costs savings would only be realized if a special referendum could be avoided.

General Manager Shanley gave an example of a recent project in which a slab containing asbestos was found toward the end of the project. When all was said and done, it was an additional \$250,000 expense. Revisions to this Section of the Charter would allow additional funds to finish projects. It is a small enough dollar amount that money will not be spent "willy-nilly" but the Town won't have to worry about going back to the voters to finish a project that was already approved.

Mr. Diminico and Mr. Backer agreed there should be some type of cumulative annual limit.

5. *Review Section 5-2(a) to consider revising the timing and process for calling the joint meetings of the Board of Education and Board of Directors to discuss the proposed budget. The current timing requirements are very restrictive and result in considerable difficulty in scheduling these meetings. A more flexible schedule could achieve the intended objective of this section.*

This Section of the Charter requires two groups of nine very busy people to meet within a very strict schedule. This gets increasingly difficult to schedule and therefore more flexible language is being requested.

Kathleen Ouellette, Superintendent of Schools, explained that she is currently required to submit her budget to the General Manager by February 21. The Governor has not released her budget by that date. It would be very helpful, and respectful to Board members' time, to get actual numbers. Ms. Ouellette would like to see the deadline for the BOE budget extended by even one month.

Patricia Brooks, Assistant to the Superintendent, added that after several budget workshops, Board of Education members must get back together yet again within 15 days of submitting their budget.

General Manager Shanley suggested simple language, such as Board of Directors and Board of Education shall meet and discuss the budget prior to the General Manager presenting his budget to the Board of Directors, would provide for a lot of flexibility and as a practical matter, this is something that is already happening. The new language would simply get rid of time constraints.

Mr. Diminico asked for the General Manager's thoughts on a March 21 date instead of February 21 for the Board of Education's final budget. General Manager Shanley stated that he would be uncomfortable with that date, especially since the Board of Education takes a large percentage of the total Town budget.

Ms. Hackett asked the Town and the Board of Education to craft some mutually agreeable language.

6. *Review Section 5-5 to consider amending the process by which the Board of Directors makes adjustments to the General Manager's recommended budget. The required publication of notice of public hearing significantly limits the time available for the Board to prepare its final budget. Any modification to this section of the Charter will need to balance the ability of the board to prepare a final budget with the opportunity for the public to provide its input through public hearings.*

Chairman Penny stated that this is another example of checks and balances crafted to reign in the public body and suggested the checks and balances provision should trump any inconvenience in scheduling.

7. *Amend Section 16-1 regarding the members of the Library Board to eliminate the General Manager or his designee as a nonvoting ex officio member of the Library Board. This ex officio position is a vestige of the previous Charter structure of the Library Board and should have been eliminated in the most recent Charter revision. Since the Library is now a department under the direction of the General Manager (see Section 16-3), this ex officio position is no longer necessary.*

Ms. Hackett stated that this seems like a straightforward change and is currently an unnecessary burden in the Charter.

8. *Revise Section 2-13(b) to provide that the Board of Directors needs to review and approve changes in pay grades or salary ranges for classified service positions, but that the General Manager will be responsible for establishing minimum qualification standards and duties and responsibilities of each position in the classified service. The Board of Directors would continue to review and approve any new positions in classified service as well as increased responsibilities in existing positions.*

Mr. Freund explained that currently any change made to a position description goes to the Board of Directors. Administration is recommending that the Charter be revised to allow the General Manager the authority to change and update qualifications and job duties. If any changes are made affecting salary or salary grades, the position description would then need to be approved by the Board of Directors.

9. *The Charter Revision Commission needs to reconcile the process of electing/appointing the Town's Justices of the Peace. Section 2-1 provides for their election, but changes in the state statutes provide for their appointment.*

Mr. Freund referred to Attorney O'Neil's memo dated August 6, 2007, Re: Town Charter Section 2-1: Justices of the Peace and reviewed the recommendations made within.

- b. Review provisions of Section 18-1 to consider increasing the Town Attorney's settlement authority above \$1,500.**

Mr. Freund referred to Attorney O'Neil's memo dated August 3, 2007, Re: Town Charter Section 18-1: Town Attorney; powers and duties.

Chairman Penny has asked Julian to have Attorney Tom Cella prepare a memo giving examples of the nature of cases involved so the Commission has a better feel for the types of cases the Town Attorney's office would like to be able resolve administratively. He noted that \$5,000 is the current limit for Small Claims matters.

DISCUSSION OF AGENDA FOR SUBSEQUENT MEETINGS

Chairman Penny suggested finding some items in the Board of Directors' charge that would be similar to tonight's discussion items for the next meeting.

Mr. Diminico asked about the date for the next public hearing and suggested the Commission members be more proactive regarding publicity and exposure of the next public hearing.

Ms. Hackett suggested going through the local press one more time and suggested possibly using public access television as a venue.

Chairman Penny, on behalf of the Commission, will make connections with the news media, possibly including appearances on Cable TV in order to promote the public hearing on the Charter Revision.

The Commission decided to hold the next public hearing on September 20, 2007.

It was agreed that BOD charge numbers 3, 4, and 13 be addressed at the following meeting.

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 August 23, 2007 meeting of the Charter Revision Commission.

Adjournment: 8:30 p.m.

gem

APPROVED:

Stephen Penny, Chairperson