

**TOWN OF MANCHESTER, CONNECTICUT  
CHARTER REVISION COMMISSION  
MEETING MINUTES  
OCTOBER 18, 2007 – 7:00 P.M.  
LINCOLN CENTER HEARING ROOM**

**PRESENT:** Chairman Stephen Penny, Vice-Chairman Robert Schneider, Commission Members 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

**ABSENT:** Commission Member John Backer

**MEETING CALLED TO ORDER**

The meeting of the Charter Revision Commission was called to order at 7:14 p.m. by Chairman Penny.

**APPROVAL OF MINUTES OF OCTOBER 4, 2007**

**MOTION:** Mr. Stevenson made a motion to approve the minutes of October 4, 2007. Ms. Hackett seconded the motion and all members voted in favor, except Mr. Diminico who was out of the room.

**COMMUNICATIONS**

Julian Freund provided Commission members with a memorandum from Town Attorney O'Neil, dated October 18, 2007, re: Standards of Official Conduct – Charter Section 2-4, as well as two e-mails from Michael Suhie in opposition to a budget referendum.

**DISCUSSION OF THE FOLLOWING RECOMMENDATIONS FOR CHARTER REVISION:**

- a. **Consideration of recommendation by Town Attorney to modify Section 18-1 of the Town Charter to reflect current practices with respect to Town Attorney's interaction with the Board of Education regarding legal representation.**

Attorney Sullivan explained that currently the Town Attorney is designated as legal counsel for all departments. In some cases, it is necessary for the Board of Education to hire outside legal counsel and this practice needs to be codified through Charter revision.

Kathleen Ouellette, Superintendent of Schools, voiced her agreement to this revision of the Town's Charter.

Patricia Brooks, Assistant to the Superintendent, explained that about two years ago the Board of Education went through the RFP process and a law firm was chosen.

Chairman Penny asked Ms. Brooks to provide a copy of the Board of Education's RFP process to the Charter Revision Commission. He suggested that a provision be included that maintained the Town Attorney's overall authority. It would not enable the Town Attorney to veto the selection of outside counsel; however, it would maintain the intent of the Charter. Mr. Penny asked Attorney Sullivan to look into practices and procedures of other municipalities.

**MOTION:** Mr. Joy made a motion to table this item. Mr. Diminico seconded the motion and all members present voted in favor.

**b. Review of Section 18-1 of the Town Charter to consider increasing the Town Attorney's settlement authority above \$1,500 (BOD recommendation #10).**

Attorney Sullivan stated that he discussed this matter with the other attorneys in the Corporation Counsel Office, General Manager Shanley, Alan Desmarais, and Julian Freund. The group proposes a Town Attorney settlement authority limit up to \$7,500, the approval of the General Manager of settlements ranging from \$7,500 through \$15,000, and Board of Directors' approval for any settlement amount over \$15,000.

**MOTION:** Mr. Stevenson made a motion to change the Town Attorney's settlement authority from \$1,500 to \$7,500; settlement authority with the approval of the General Manager from \$10,000 to \$15,000; and with approval of the Board of Directors from any amount over \$10,000 to any amount over \$15,000. Mr. Joy seconded the motion and all present voted in favor.

The proposed wording of this part of Section 18-1 now reads:

"..... He shall also have the power to enter into any agreement, compromise or settlement of any claims against the Town in an amount not to exceed seven thousand five hundred dollars (\$7,500.00). He shall have the power, subject to the approval of the General Manager, to enter any agreement, compromise or settlement of claims against the Town in an amount not to exceed fifteen thousand dollars (\$15,000.00). Any agreement, compromise or settlement of claims against the Town exceeding fifteen thousand dollars (\$15,000.00) shall require the approval of the General Manager, Town Attorney and the Board of Directors....."

- c. **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).**

**MOTION:** Mr. Bayer made a motion to table this item. Ms. Hackett seconded the motion and all members present voted in favor, except Mr. Joy who had previously excused himself from the meeting.

- d. **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).**

David Sheridan, 24 Yale Drive, stated that he is in agreement with the recommendations made in Attorney O'Neil's memorandum on this subject. He explained that adopting an ordinance involving the Code of Ethics would be in conflict with the Town Charter. If the Code of Ethics were to be included in the Town Charter, amending the Code of Ethics would require a Charter revision. Mr. Sheridan explained that the Board of Directors has adopted the Official Standards of Conduct as part of their Rules and Procedures and already there are some clarifications needed, which proves the wisdom of pulling them from the Charter. At the request of Mr. Schneider, Mr. Sheridan gave a brief overview of the reasoning behind the Ad Hoc Committee suggesting the Standards of Official Conduct be removed from the Town Charter.

Ms. Hackett stated that the Board of Education is following the lead of the Board of Directors and is in the process of putting the Standards of Official Conduct into its by-laws.

Mr. Penny asked that each Commission member receive a copy of the minutes of the Ad Hoc Committee meetings so Commission members have a clear understanding behind the committee's recommendations. He also noted that the footnote in Section 2-4 suggests a major amendment was made in 1991 and asked for a copy of the original wording before that amendment was made.

**MOTION:** Mr. Bayer made a motion to table this item. Mr. Pelletier seconded the motion and all members voted in favor, except Mr. Joy who was absent.

### **DISCUSSION OF AGENDA FOR SUBSEQUENT MEETINGS**

Mr. Penny suggested the only agenda item for the next meeting be the review of the Standards of Official Conduct.

### **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 1, 2007 meeting of the Charter Revision Commission in the Town Hall Manchester Room.

**Adjournment:** 8:37 p.m.

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**APPROVED:**

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**Stephen Penny, Chairperson**