

**Charter Revision Commission
Public Hearing
May 17, 2012
Municipal Center-Council Chamber**

Minutes

Present: Daphne Adams, Robert Cornish, Jo Rosinski, John Gasparini, William Brayne, Robert Michalic, Robert Berube

Absent:

Staff Present: Robert Lee, Town Manager, Michael Mastrianni, Town Attorney, Kelly LePage, Transcriber

1. Call to Order

The public hearing was called to order at 7:00 p.m. by Chairman Cornish.

2. The Reading of the Legal Notice by Kelly LePage

3. Introduction of Charter Members

4. Overview of changes to the Town Charter being proposed, were listed to the public. These include:

- Language changes to clarify and update the Charter to State Statutes
- Compensation for council members
- Emergency spending changed from per year to per occurrence.
- Requiring referendum from \$500,000 to \$1,000,000
- Clarify council members rights to investigate
- Ethics commission
- Language to support the outcome of the study of the combined Town and Board of Education finance departments
- Open the ability to participate in the regional health district
- Changes that clarify the town budget and the voting process
- Protect the open space trust fund
- Consolidate some purchasing
- Open up the ability to contribute to Town sponsored charitable or non-profit organizations
- Request that the Charter gets revised or revisited every ten years.

5. Open to the public for comments

a.) Kenneth Laska- Attorney in Plainville

- Stated he empathized with the group having gone through this process
- Budget Town Meeting and Title 9- Discussed that if the meeting was eliminated and it went to a voting referendum, the town would be subject

to title 9, which is a very complex section of the statutes. Discussed lawsuits that had occurred in the past.

- Compensation- Mr. Laska stated that there are people on other commissions that put in just as much time and don't get paid. He also brought up the point that who would get paid if it was an election year and they just were elected? He feels that the Council should not be compensated.
- Mr. Laska stated that the Charter Commission was changing language when not necessary. He feels that this should be a living document that can not be easily changed like the constitution. He highly suggests not changing it.
- He discussed leaving the portion of the Charter regarding the old special acts and ordinances alone so you don't change any of the intent.
- Voting process- Mr. Laska stated that the Town Meeting shouldn't be eliminated due to it allowing the public to pinpoint areas where they disagree with the budget.
- Separate Votes- He stated that it feels like it is pitting the Town against the Board of Education.
- Planning and Zoning- He doesn't understand why there were changes made to this section in regards to the removal of the plan of public improvements. He feels the town needs people to revise this plan every year.
- Town Manager- by keeping the changes proposed, Mr. Laska stated that it would be losing management rights.
- Legal Proceedings- doesn't see that there was a need to change this section. By changing it, you open questions about the past lawsuits.
- Charity and Non-Profit- Feels this would open a "can of worms" because there will be members who want to contribute to organizations or charities that others don't. He stated that the town shouldn't contribute, but to let individuals contribute on their own.

b.) Jeff Kitching- Superintendent of Plainville Schools

- Gives thanks for the hard work on the Charter
- Investigations- Mr. Kitching agrees with paragraph one. He feels like in the second paragraph, the revised language gives power to individual council members. He recommends and believes that any individual council member shouldn't have the same power and therefore should be treated like all other citizens and follow the procedures, especially within the Board of Education.
- Department of Finance- Mr. Kitching stated that the language used in this section is in conflict with CT state statutes regarding the duties and responsibilities, specifically with the Board of Education. These statutes are 10-222 and 10-248 regarding expenditures.
- He stated that he will pass along the written memo with his concerns.

c.) Rosemary Morante - 28 Welch Street

- Investigations- Ms. Morante agrees and questions that individuals on the Town Council shouldn't have the ability to investigate into anything deeper than fiscal or budget connections which are clearly the responsibility of the Board of Education.
- Department of Finance- She suggests we review to make sure the language is legal.
- Purchasing- Ms. Morante stated that last year on the fiscal connections, everyone agreed and determined that the Board of Education is the one to determine how their money is spent. She questioned the clarity of the section and who would determine what is peculiar to the Board of Education?
- Budget- Ms. Morante feels that the votes should not be individual votes.
- Advisory Question- She had a few concerns. The first deals with a negatively stated question. The second concern is that the question may influence people to vote no. The third concern is that the results from the advisory question would just be the majority of those who answered the question and not of those who voted.

d.) Thomas Arcari – 4 Autumn Lane

- Compensation- Mr. Arcari stated that the people on the council should serve the town and give back and not receive compensation. On the other hand, he did state that the \$1,000 proposed amount is cheap. If the Town Council is being compensated, they should receive a salary.
- Investigation- He disagrees with the portion stating that any individual can investigate on their own. He feels the whole council should come together so that there aren't any "witch hunts." The whole situation could become petty.
- Charitable Contributions- Believes that this could open a "can of worms" and lead to unfair "horse trading" within the council. He states that it is fine the way it is.
- Department of Finance- Mr. Arcari stated that due to state statutes, this section should be left alone.
- Budget Vote- Mr. Arcari referred the split vote to "class warfare." He stated it will split the town and should remain as a single vote. He also stated that even though the public isn't happy with the third vote, the elimination of the third vote isn't giving the public what they wanted.

e.) George Fensick – 2 Pine Crest Drive

- Compensation- stated that there is a contradiction with the language (budget and term). He suggests clarification.
- Public Hearing and Passage of Ordinances- He stated that this section should also include a hard copy being available at the public library.
- Referendum on Bond Issues and Appropriations- Mr. Fensick feels the dollar amount should not be raised because of our small town.
- Investigations- He agrees with paragraph one. The second paragraph states that individuals on the Town Council can investigate. He states he is

unsure how he feels about this but can see both sides, one as a positive and one as a danger.

- Town Planning and Zoning- Mr. Fensick questioned the removal of the job description. When he was told that they have not been completing that duty, but the town has, he was satisfied with its removal.
- Ethics- agrees with the addition
- Department of Finance- agrees that both departments get combined to have a better oversight of the whole towns spending.
- Budget Town Meeting- He stated he doesn't know if it is good to separate the votes. He feels it would pit one group against the other and may not be the best decision for the town. He does feel on the other hand that there is closure due to the required action from the advisory question.
- Mr. Fensick also made the suggestion to show changes by highlighting them on the computer.

f.) John Clancy – 158 Pavano Drive

- He stated that the Charter must be a rigid document.
- Discussed the conflict between the Town Council and Board of Education within the last few years. Mr. Clancy believes that we should be one town and should look at the government for the whole town.

g.) Lou Frangos – 10 Fairbanks Street

- Mr. Frangos has two questions regarding the Charter.
 - With the \$1,000 compensation to the Town Council, won't they want to increase it after a while?
 - Why was the bond increase by 100% to \$1,000,000?
The response was that it was decided by advice given and comparable towns.
- Investigations- He stated he would be concerned with the idea that any Town Council member would be able to investigate individually. He stated that due to personalities, there may be "witch hunts."
- Budget and Town Meetings- He asked questions regarding the budget and advisory questions. He questioned how would the Council decide how much to raise or lower the budget if not passed?
- He concluded by stating that he attended the meetings and they were done in a professional manner.

h.) Arthur Screen – 62 Robert Street Extension

- Compensation- Question was asked as to why, if we compensate for the Council, why not for the BOE? That was answered with the fact that they are unable to due to state statutes.
He personally feels that the Council should not be paid due to the numbers running and willing to do it without compensation.
- Finance Language- Discussed the finance department study and language being in this Charter before the study has been concluded. He stated that

he believes that if this does change, that the public has the right to another public hearing to discuss substantive changes.

He also questioned whether the Superintendent and Town Manager should be listed in this section, or whether they should have to report to the respective department (Board of Education and Town Council).

- Referendum Increase- Discussed the doubling of the amount. He discussed Plainville being much smaller than the town of Newington. By increasing the total, it takes more power from the public. The public should have a say by voting when spending such a large sum of money.
- Budget- Mr. Screen made it a point to discuss the closure to voting. On the other hand, even with the advisory question, the result doesn't say how much the Council needs to cut or add. The power still remains with the Council.
- He concluded that the changes in the Charter aren't doing what the several petitions were asking for.

i.) Kenneth Laska (Continued)

- Budget- He suggests going back to the Town Meeting like in the 1980s or leave it in the hands of the Town Council. He states that every person has the right to come and speak.
- Ordinance Posting- Mr. Laska brought up the point that many people don't know how to use the internet or don't have access. He suggests that it gets posted in its entirety in the newspaper.
- Procedure- Discussed the language change of "consistent." He brought up the point that you want to give the Council some wiggle room. May want to rethink the language.
- Emergency Ordinance- Mr. Laska brought up the point, what is considered an emergency occurrence. He suggests removing the clause added.
- Referendum on Bond Issues and Appropriations- Discussed the point that if you are spending large sums of money, the public would like to have a say in a referendum.
- Ethics- Leave the provision out due to the ordinances already in place.
- Failing of the Budget- Mr. Laska states that you are never going to make everyone happy. The Town Council needs to make the decision if the budget fails.
- Payment of Claims- He states he would rather have the Board of Education paying for their own claims.

j. George Fensick (Continued)

- Disagrees with Mr. Laska about going back to the Town Meeting. He feels the public does have the chance to speak at the public hearing.
- Procedures- discussed the number of affirmative votes required. He suggests the addition/change to say four affirmative votes for the replacement of a vacancy on the Council. The person must be of the same political party for the original vacancy.

k.) Arthur Screen (Continued)

- Town Meeting- disagrees with Mr. Laska about the public exercising the right to vote. The public doesn't have an obligation.
Mr. Screens brought up a statistic that at one of the last Town Meetings held, there were only 100 votes. There are more votes under the all day budget vote.
- Charitable Donations- He believes that the language goes too far and could lead to some back room dealings.

6. Declare Public Hearing Closed

7. Motion to hold a special meeting on Thursday, May 31, 2012 at 6:30 p.m. by Mr. Berube.

Second by Mr. Gasparini

All in Favor 7, All Opposed 0, Motion passes unanimously

8. Adjournment

Motion to adjourn by Mr. Michalic

Second by Ms. Rosinski

All in Favor 7, All Opposed 0, Motion passes unanimously

Meeting adjourned at 8:25 p.m.

RECEIVED

JUN 07 2012

Carol A. Shultz
TOWN CLERK

APPROVED

Minutes are a summary of the meeting held and therefore may not include all aspects of the meeting.