



John L. Salomone
Town Manager

TOWN OF NEWINGTON

131 CEDAR STREET
NEWINGTON, CONNECTICUT 06111

MAYOR JEFF WRIGHT

MINUTES

CHARTER REVISION COMMISSION – SPECIAL MEETING

February 14, 2008

I CALL TO ORDER

Mrs. Bafundo called the meeting to order at 6:36 PM in the Helen Nelson Room of the Newington Town Hall. The Pledge of Allegiance was recited.

II ROLL CALL

Commissioners Present (roll call)

Nancy Bafundo, Chair
Toni Boni
Peter Boorman
Robert Briggaman
Alan Nafis

Staff Present

John Salomone, Town Manager
Lori Verreault, Executive Assistant

III PUBLIC PARTICIPATION – (NONE)

IV MINUTES

A 1-24-08 Special Meeting

Mr. Boni moved to approve the minutes of the 1-24-08 Special Meeting. Motion seconded by Mr. Briggaman.

Mr. Boorman noted a section of the minutes (in the section of the discussion with speaker Mr. LeBorious) in which a comment (question) of Mr. Briggaman's was noted to be not audible on the tape. He asked whether Mr. Briggaman would like to clarify his comments in that section. Mr. Briggaman stated that he did not remember the exact question. The minutes remained as written.

Mr. Boorman requested that the word "head" be removed from the sentence which reads, in part, "...every department head is already referenced in the current Charter..." (page seven, seventh bullet point under "An Open Letter to all Town of Newington Department Heads") (So noted)

Motion to accept minutes passed 5-0.

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V MATTERS TO BE CONSIDERED

A Speaker: John L. Salomone, Town Manager

Mrs. Bafundo introduced Town Manager Salomone to the Commission.

Town Manager Salomone gave the Commission an overview of the Town Charter from his perspective as Town Manager. He stated that the purpose of the conversation will be to provide an overview of certain macro issues as well as to discuss the roles of the Town Manager, Mayor and Council as defined by the Charter. Town Manager Salomone compared the Council/Manager plan, as outlined in the Charter, to a corporate entity. If Newington is thought of as a corporation, such as IBM, the Town Manager would be thought of as the CEO of the corporation. The Town Council would be thought of as the Board of Directors and the citizens would be considered the stockholders of the corporation. He elaborated that the "company" of Newington would be run by an individual (the Town Manager) who is appointed by the Board of Directors (the Town Council) with the concurrence of the stockholders (the citizens). Just as the Board of Directors would not advise the CFO of a company about the technical aspects of the company issues, the Town Council does not get into the day-to-day operations of the Town. The Town Manager carries out the operations of policy decisions made by the Town Council. Town Manager Salomone stated that the differences between policy (Town Council) and administration (Town Manager) are clearly delineated in the Charter, but that the differences between the two roles need to be emphasized. He noted that in other towns the lines between town managers and town councils are blurred, which can cause town councils to get upset with managers who try to dictate policy and town managers to get upset with town councils that try to dictate administration. Town Manager Salomone stated that communication is the key to avoiding such issues. He stated that while the Charter is fairly clear on those roles it can be clearer, and perhaps updated definitions are needed.

Town Manager Salomone stated that there sections of the Charter, such as Section 405 and Section 408, that deal with financial and bonding ordinances. He stated that these ordinances can get very technical (especially in Section 408) and need to be looked at very closely to assure that the numbers are still relevant and not significantly different from their intent. Town Manager Salomone stated that the intent was not to go through the unnecessary effort and costs of bonding for small projects or routine capital improvements. He asked the Commission to look at these areas very closely and stated that the subject will be further discussed with the Finance Director. Town Manager Salomone stated that the Commission would have to define the costs and numbers associated with major projects. He stated that it is a complicated area.

Town Manager Salomone spoke on the budget referendum, one of the charges to the Commission. Town Manager Salomone remarked that most of his career has been in the State of Connecticut, starting in Greenwich CT in 1976. At the time Greenwich's form of government was a representative town meeting. He stated that he was also the Assistant Town Manager and Finance Director in Watertown, which had a budget town meeting that over time morphed into a budget referendum in the 1980's without making a charter change. He commented that the interesting thing about the Watertown budget referendum is that its Town Council has the ability to set the up the ballot however it wishes – whether it be for one vote for board of education and town budgets, separate votes for the two or even further subdivided into capital expenses, etc. He further stated that there were no ground rules to the budget referendum – no limit to the number of referendums, no provision in case there was no budget by the beginning of the fiscal year, etc. He mentioned that State law has a provision in which in the event that a budget is not passed by the start of the fiscal year, towns can spend the equivalent of the prior year's budget until the new budget is passed. However, he noted problems with using the previous year's budget due to increases in costs. Town Manager Salomone stated that it is up to the Charter Commission and the voters to ultimately decide whether or not to have a budget referendum, and he will not offer his personal opinion as to whether or not a budget referendum is appropriate. However, if a budget referendum is to be adopted he made the following suggestions:

- Create a voter quorum – a reasonable minimum voter turnout should be required, the exact percentage will be difficult to determine and should be carefully considered. A quorum will be a safeguard against the budget being unjustly swayed by one group.

- Do not change budget calendar – the advantage of the current calendar is that it allows two and a half months to allow for multiple referenda if necessary and still have a budget in place by the beginning of the fiscal year.
- Decide the number of referenda allowed with the goal to have the budget in place by July 1 (start of the fiscal year).
- Have a system in place on what to do if no budget is approved before the start of the fiscal year. Not having a budget in place by the first day of the fiscal year has many consequences such as problems with the Town's bond and credit ratings, which will be adversely affected without a budget in place. The Commission needs to find the fine line between democracy and fiscal responsibility.

Town Manager Salomone stated that a budget referendum does not necessarily affect the Town's credit rating, as long as solid provisions and timetables are made and followed. He stated that there is a lot of work to be done on the subject, and advised the Commission to review data from other area towns with referendums and determine which ideas work best for Newington. He further advised the Commission to weigh the pros and cons of each decision, and stated that the Town is relying on the Commission to make reasonable and fiscally responsible decisions.

Question and answer session followed. Mr. Boorman asked the Town Manager about his experiences regarding the effect of extended budgetary processes on town personnel – particularly to department heads but also to employees in general. Town Manager Salomone replied that when there is no budget there is a freeze on expenditures since the final budget outcome is unknown. He stated that while budget indecision does not paralyze operations it does make them more difficult, especially in the areas of hiring and filling vacancies with the best candidates as well as in the timing of purchases.

Mr. Boni asked the Town Manager to discuss advantages or disadvantages of having separate school and town budgets on a referendum ballot. Town Manager Salomone replied that he has had experience with both, and recalled an instance in one town in which the education budget was defeated and the town budget was approved. He stated that even if the items are listed separately on the ballot, the mill rate is tied to both expenditures so if one passes and one fails the passed budget cannot go on without the other one. He stated that tax bills cannot be issued until the complete budget is passed. Town Manager Salomone also spoke about advisory questions on the ballot with the budget in which the voter is asked whether they are voting a budget down because it is too high or too low. He noted an example of a budget being voted down because it was too low, and noted that without an advisory question the council would not know it. Town Manager Salomone also stated that budgets can be voted down for non-fiscal political reasons. He stated that separating the budgets on the ballot will give an indication of where voters' priorities are set, but it does not speed up the process unless both budgets pass. Town Manager Salomone replied that an approval or disapproval of a budget is not always merely because of fiscal implications, and the addition of a question can help to answer why a budget is not approved. He cautioned, however, that referendums often take on a life of their own and that an advisory question does not always provide answers.

Mrs. Bafundo asked the Town Manager about his non-budget related recommendations and concerns regarding the Charter. Town Manager Salomone replied that he would like the Commission to look at areas containing financial parameters, whether it is in purchasing, bonding or formal bidding. He recommended that inflation factors be considered for the future, and that the Commission looks at making certain fiscal parameters more flexible or look to index them or make the numbers more reasonable. Town Manager Salomone also requested that the Commission reviews the relationships between the Town departments and the Town Manager, noting examples of the Town Planner reporting to the Town Manager but also who has a relationship with the appointed TPZ, and the Parks and Recreation Superintendent who is appointed by the Town Manager with the concurrence of the Board of Parks and Recreation. He stated that split situations such as those can create difficulties. He stated that the Town Manager acts as the Personnel Director for the Town and makes decisions about recruitment, but the outside agencies must concur despite not being involved with the hiring and testing recruitment process. Mrs. Bafundo asked whether in an organization as large as the Town if it works for the Town Manager to serve as the Personnel Officer. Town Manager Salomone stated that the Town Manager will always be the final recourse in personnel issues, because the Town is not that large, however, there might be a structural change at some point which could include a personnel officer or a human resources department, but he is unsure whether these changes would need to be outlined in the Charter. He stated

that the Commission will need to delineate and update some departments. He stated that the Commission would not necessarily have to exclude the Town Manager as being the Chief Personnel Officer. Mrs. Bafundo stated that she is not saying that the Town Manager should be excluded, but giving the Town's growth and all additional various changes she asked whether he sees personnel as being something that is still best suited to be a Town Manager's role. Town Manager Salomone replied that it is appropriate for the Chief Executive to make all final personnel decisions, but it may be important at some point to create a department that reports to the Town Manager and assists in personnel administration. He stated that it should be considered whether such changes would need to be codified in the Charter.

Town Manager Salomone also touched on other areas, such as the Fire Department and whether the Fire Commissioners are in an appropriate role. He stated that while it is a policy issue it also has some practicality, and noted that although the Newington Volunteer Fire Department functions terrifically, there are a lot of investments that are paid for by tax payers (not the volunteers) and the Fire Commissioners are the safeguard of those investments. He stated that administratively and financially it is the responsibility of the administration to make sure that the NVFD is funded correctly, so there is a grey area. Town Manager Salomone explained that Newington currently has a Fire Chief who is independent of the Town Manager but the current Fire Chief also serves as the Fire Marshall and the Fire Marshall reports to the Town Manager. He stated that while the arrangement can work whenever there are areas like that there are potential for problems to develop. He advised the Commission to look at the relationships and functions of those groups.

(Mrs. Bafundo exited the room briefly, returning about one minute later)

Town Manager Salomone stated that there is a lot of work to be done in the budget area and a lot of decision points to be made, the largest of which is whether or not to create a budget referendum. If the Commission should be in favor of a referendum it must then decide the rules and provisions of the referendum. He stated that his preference (in the event that a referendum is chosen) is that the referendum process includes provisions for timeliness and fiscal responsibility and that it is fair and allows people to feel that they can participate. He also commented that there is a cost to having a referendum and a cost to not having a budget in place by July 1. He stated that there is a cost to democracy and as well as some risks, but if the Commission is able to minimize those risks it will be possible to have a successful referendum.

Mr. Nafis commented about one of the Commission's charges: consider ways to make the level and deliveries of Town services more efficient and cost effective. He asked the whether the Town Manager, when instructing department heads about their presentations, is going to ask them to focus on that particular charge. Town Manager Salomone replied in the affirmative, and elaborated that some things, such as certain consolidations, can be accomplished through the budget process, but there are other changes which may require some Charter changes – a legal opinion may be needed as to which changes can be made administratively (and with Town Council concurrence) and which must be made through Charter changes. He stated that the Commission should look at Charter language which allows some flexibility for the Town Manager and policy makers to make changes to the finite lists of departments without a Charter change. Mr. Nafis asked whether the Town Manager will present his thoughts on the topic to the Commission. Town Manager Salomone stated that he will - he will be submitting the budget to the Town Council in the next few weeks, and he does not want to be premature in stating his opinions prior to introducing the budget to the Council. He did mention, however, that the Facilities Department is currently not classified anywhere and he sees a much bigger role for that department. He stated that the Facilities Department is funded through concurrence of the Town Council in the budget process but there is no real legal representation of the Department in the Charter.

Mr. Briggaman asked Town Manager Salomone to provide a copy of his thoughts on other areas not touched upon during the current discussion. Town Manager Salomone replied that he will do so, and as the Commission gets into specific areas he will come back for more detailed discussion and suggestions regarding the area.

Mr. Boorman requested that when Town Manager Salomone meets with department heads prior to their meetings with the Commission that he transmits that the Commission is looking for any and all input that

they have relative to any aspect of the Charter revision, and the input does not necessarily have to be focused into one area, and as many of the department heads have been with the Town for a long while they should feel free and unfettered to come to the Commission to speak in a no-holds barred approach about what they would believe to be an improvement to the Town. Town Manager Salomone stated that he possesses a management style in which department heads are able to give unfettered comments, so while nothing presented to the Commission will be filtered it will be structured for the best use of the Commission's and the department heads' time. He commented that sometimes the best ideas are from department heads who view operations of other departments from the outside.

Mr. Boni asked whether Town Manager Salomone serves as the Town's purchasing agent. Town Manager Salomone replied that there is a purchasing agent under his supervision who serves as the Administrative Officer. Mr. Boni remarked that in the current Charter that the purchasing agent is responsible for purchasing all equipment, supplies and materials, but does not purchase for the Board of Education. He asked whether there could be economies in purchase if one purchasing agent handled all of the purchasing, including for the Board of Education. Town Manager Salomone replied that it is possible, but the counter argument is that the purchasing agent for the Board of Ed has the expertise in their particular area of purchasing. He stated that they do some joint purchasing now for items such as fuel and utilities, prices of which are negotiated for the entire Town. Mr. Boni asked whether the Board of Education has its own purchasing agent. Town Manager Salomone replied that they have a business manager, and he is unsure whether there is a person under the business manager who is a purchasing agent per se. Mr. Boni asked whether this person does other things besides purchasing. Town Manager Salomone replied that the Town does not have the luxury to have specialists that do only one thing – most employees have multiple duties. Mr. Boni stated again that he does believe that consolidating purchasing can save the Town money.

Town Manager Salomone closed his presentation by stating that he will try to assist the Commission as much as possible, as the Charter revision is an opportunity to build on the Town's success. He stated that he will work with the Commission to provide as much information as possible without being biased so that the Commission can make sound decisions.

VI ANY OTHER BUSINESS PERTINENT TO THIS COMMISSION

The Commission discussed its informational brochure. Lori Verreault, Executive Assistant to the Town Manager, stated that the brochure has been distributed to the Senior and Disabled Center, the Library, Town Clerk's Office and the Town Manager's office and will be posted on the Town's new webpage. She also updated the Commission on the following items:

- The CCM information kit has been distributed to the Commissioners
- The Town of Farmington's Charter has been distributed for review
- Ms. Verreault asked whether a copy of the final invitation letter should be sent to all committees, noting that the Charter mentions eight committees, boards or commissions, and additionally there are twenty-four other committees, boards or commissions not listed in the Charter. These groups were created by either ordinance or resolution. Seven of the twenty-four are project building committees, five of which are at or near the end of their projects.

(Mrs. Bafundo exited the room)

Mr. Boorman replied that the invitation to the committees, boards and commissions should be open-ended. He stated that all should be invited with the understanding that committees will not be required to attend if they feel that they have nothing to offer. Mr. Boorman commented that some of the building project committee members may have valuable input for the Commission in terms of economic issues, limitations and expenditures. Mr. Boni added that the previous meeting's speaker, Mr. LeBorious, had stated that there will be some departments and committees that do not have much to offer, these groups can be scheduled with other, similar groups in the same visit in the interest of time. Mr. Boorman replied that Ms. Amodeo intends to try to accomplish that scheduling. Ms. Verreault asked when the group presentations should begin, noting that the invitation letters will go out the following day. Mr. Boorman replied that if presenters are ready to go in two weeks, then they should be scheduled starting with the 2/28/08 meeting.

- Ms. Verreault mentioned that Ms. Amodeo has ordered the eighth edition of the Model City Charter, due to arrive soon. Mr. Nafis stated that the Commission has already received the eighth edition of the Model City Charter in the CCM information.
- Ms. Verreault mentioned that Ms. Amodeo asked whether the Commissioners are able to access their emails. Some of the Commissioners reported problems – Mr. Boorman stated that he has been contacted by Paul Boutot on the issue.
- Mr. Boorman asked if the Commission could obtain a copy of the Town of Westbrook’s Charter.
- Mr. Briggaman asked if the Commission could obtain a copy of the Town of Coventry’s Charter.

Mr. Boorman asked the present legal counsel, Attorney Clark, about his progress in reviewing the Charter. Attorney Clark replied that his firm is in the process of reviewing the Charter and initially there does not seem to be any obvious areas of concern of any areas that are contradictive to State law. He did caution, however, that the review is ongoing and that any recommendations and suggested changes to the Charter language will be made in a redline version of the Charter in a Word document. Attorney Clark mentioned that his firm is reviewing a sample of various towns’ budget referendum provisions. Mr. Boorman asked how many towns are in the sample, and Attorney Clark replied that there are eight. He also mentioned that there is a website available which contains Charter information of many area towns. He stated that he will make sure that the URL gets out to the Commissioners so that they can view the website.

VII PUBLIC PARTICIPATION

Myra Cohen, 42 Jeffrey Lane: Mrs. Cohen informed the Commission that during the last Charter revision some boards and commissions chose not to be listed in the Charter. She stated that many of the obsolete building committees should be closed off. She named a former chair of several school building project committees (Alan Bongiovanni) who would be a good resource for the Commission to speak with. Mrs. Cohen noted that there are currently ongoing three-member building committees for the various past and present school projects including the Anna Reynolds boiler, the NHS track and the field house projects.

(Mrs. Bafundo re-entered the room)

Mrs. Cohen asked the Commission to look into these committees and to consider whether having ongoing committees makes sense. She stated that there should be a time-frame for these committees.

VIII REMARKS BY COMMISSIONERS

Mr. Boorman thanked Mrs. Cohen for her comments and stated that some of her comments may pertain more towards the Town Council’s area or responsibility rather than the Commission’s area of responsibility. He stated that some of these building committees could be valuable resources to help the Commission update the Charter.

Mr. Nafis thanked Town Manager Salomone for his enlightening presentation to the Commission.

Mrs. Bafundo stated that she received information pertaining to charter language from Robinson and Cole and that she will make sure it is distributed to the Commissioners.

IX ADJOURNMENT

Mr. Boni moved to adjourn the meeting at 8:01pm. Motion seconded by Mr. Nafis.

Motion to adjourn passed 5-0.

Respectfully Submitted,

Mrs. Jaime Trevethan
Clerk – Charter Revision Commission