

**TOWN OF SIMSBURY**  
**Charter Revision Commission**  
**SPECIAL MEETING MINUTES**  
**Thursday, July 25, 2016 at 5:30PM**  
**Simsbury Town Hall – Board of Education Conference Room**  
**933 Hopmeadow Street, Simsbury, Connecticut**

**PRESENT:** Chairman Hadley Rose, Tom Benneche, Bob Crowther, Mary Glassman, Paul Henault, Melissa Osborne (7:47PM), Ed Pabich, and Lydia Tedone.

**ABSENT:** James Ray and Jeff Tindall.

**ALSO PRESENT:** Director of Administrative Services Tom Cooke and Attorney Bob DeCrescenzo

**1. CALL TO ORDER:**

Chairman Hadley Rose called the meeting to order at 7:04PM.

**2. PLEDGE OF ALLEGIANCE:**

All present stood for the Pledge of Allegiance.

**3. PUBLIC AUDIENCE:**

**Mr. Dave Ryan of 20 Westledge Road**, noting that he also serves as Chairman of the Zoning Commission, indicated that his remarks before the Commission would reiterate previous ones, urging the Commission to keep the two land use boards, the Planning Commission and the Zoning Commission, as separate entities. He explained that each serves different functions and opined that this has been working well.

**Mr. Robert Kalechman of 971 Hopmeadow Street** reported that he is in favor of the option of not revising the Charter at all. He also shared his opinions regarding the motives behind some of the suggestions made by others.

**Ms. Joan Coe of 26 Whitcomb Drive** shared her opinions as to why the Town Manager as CEO of Simsbury should be adopted through the Charter Revision. Ms. Coe noted the professionalism exhibited by the Charter Revision Commission at the last meeting as they described their positions as to why they are for or against adopting the Town Manager form of governing. Ms. Coe opined that changing the Town's CEO to that of a professional Town Manager should move forward to the Board of Selectman and then be subsequently passed along to the residents for referendum.

**Mr. Thomas Frank of 19 Banbury Drive**, noting his past professional experience as CEO of a very large corporation, shared his observation of Simsbury as that of requiring a person with two sets of skills, one being the love, devotion and dedication to the Community and the other being a possession of a significant inventory of management skills. He expressed concern with leaving this to rest with the parties, falling to the candidates that they put forth. He also noted that he was in favor of retaining an Economic Development Commission but indicated that they ought to be set up so that the interaction with the Board of Selectmen is such that they are more likely to get things accomplished.

**Dr. Michael Rinaldi of 32 Pinnacle Mountain Road** opined that with regards to the proposed changes to the Charter, specifically whether the form of government shall be that of a

professional Town Manager or a hybrid model, should be put before the voters with either an up or down vote, leaving the remaining part of the Charter as it is. His recommendation also included hosting a public debate of the pros and cons of the Town Manager form versus that of a hybrid form.

Noting that he does not typically share editorial comments, Mr. Rose noted his exception to the term “soccer moms” used as a pejorative recently in Public Audience, remarking that he has worked with many soccer moms who have been able to change Connecticut laws with many of them being attorneys, educators, and business people.

#### **4. ACTION ITEMS:**

Noting a procedural question, Ms. Glassman inquired as to whether the Board of Selectmen are allowed to send the Charter Revision Commission’s recommendations separately or whether they need to go as a full report. Attorney Bob DeCrescenzo explained that the Board of Selectmen may reject the report in its entirety, may accept the report in its entirety and forward it on to voters through a referendum, or may choose parts of the report to forward on to voters through a referendum. However, Attorney DeCrescenzo noted that typically the “reject separate provisions thereof” language of the Connecticut General Statutes is not invoked. Mr. Rose then expanded on the question, inquiring as to whether the recommendations can be listed separately on the referendum. Attorney DeCrescenzo confirmed that they could. Mr. Henault questioned whether the referendum is binding or advisory. Attorney DeCrescenzo confirmed that it is a binding referendum. He explained that this statute, called the Home Rule Act, sets up a procedure that in all things but Charter, the Board of Selectmen, by Charter, is the legislating body of the Town. With towns without a charter, the legislating body of all towns without a charter is the Town Meeting, according to Attorney DeCrescenzo. He explained that what the Home Rule Act says is that there is a superseding legislative body, which is the referendum, that determines whether or not the Charter will be accepted or rejected. The filter is that nothing gets to the Board of Selectmen that the Charter Revision Commission does not recommend and nothing gets to the voters that the Board of Selectmen does not recommend, according to Attorney DeCrescenzo. He noted that there is also a petitioning process for any of the recommendations made by the Charter Revision Commission that the Board of Selectmen rejects. In response to a question from Ms. Glassman regarding grouping of the ballot questions, Attorney DeCrescenzo noted that the Board of Selectmen can group them any way they want.

#### **A. Review and Possible Action on the Following Subjects at the Request of the Board of Selectmen:**

##### **I. Combination of Planning Commission and Zoning Commission.**

Whether or not to change the original recommendations to the Board of Selectmen was discussed. Mr. Benneche explained that should the commissions be combined, the result would be two meetings per month versus four meetings per month. He also noted Town Planner Jamie Rabbit’s suggestion was having the same two entities on one board thus reducing the potential for conflicting information as things are getting hashed out at once.

**MOTION:** Mr. Benneche, Mr. Pabich second, **to combine the Planning Commission and the Zoning Commission; Motion failed with Mr. Benneche voting aye while Mr. Rose, Mr. Crowther, Ms. Glassman, Mr. Henault, Mr. Pabich, and Ms. Tedone were opposed.**

Prior to the vote on the preceding motion, Ms. Glassman noted that while she does not disagree with the concept and remarked that there are pros and cons to both sides, she opined that it

might be too confusing to do too many changes at once. Additionally, she noted that this is likely to be addressed later through the Town Manager administratively. Mr. Henault, Mr. Pabich and Mr. Tedone also concurred. Ms. Tedone explained that the Town Manager is the one area that needs full focus at this time.

## **II. Removal of Economic Development Commission from the Charter.**

Mr. Rose reminded the Commission that the Board of Selectmen had requested the group to revisit this recommendation. Ms. Glassman explained that she has changed her mind, noting that she had been the only one who had voted against this recommendation. She suggested changing the language, "...that the Economic Development Commission can be appointed by the Board of Selectmen for a term of five years..." She noted that this way it would not lock appointments that could go on for an extended period of time. Mr. Rose noted that he was inclined to allow for the Board of Selectmen to appoint through statute or as an Ad Hoc committee, as necessary, an Economic Development Commission but that it should not be part of the Charter. Mr. Crowther noted that there is acknowledgment from the Board that the EDC is not working as effectively as it could be and that the Committee could leave this to the Board. Mr. Pabich opined that a comment should be included to mandate the development of a Plan. Mr. Rose opined that the Commission has already indicated that there is a gap that the Board should address but still does not believe it needs to be included in the Charter. Mr. Henault sought clarity from Attorney DeCrescenzo regarding the powers and duties of the Economic Development Commission as defined by Connecticut General Statutes Section 7-136.

Attorney DeCrescenzo indicated that under the Home Rule Act, there is no prohibition of creating an Economic Development Commission in the Charter without referencing the statute. He agreed that one could also be formed through an ordinance or as an Ad Hoc Committee. He noted that the statute is an enabling legislation for those towns that do not have charters, allowing them to take advantage of the outline in the statute but are not required to do so. As Director of Administrative Services Tom Cooke then provided Commissioners and Attorney DeCrescenzo with copies of C.G.S. §7-136, the provisions contained therein were reviewed. Attorney DeCrescenzo noted that the Town may, but is not bound, by statute to have an Economic Development Commission.

Attorney DeCrescenzo suggested that the Commission may put it back to the Board of Selectmen by amending the existing language that references the statute and note that there shall be an Economic Development Commission with powers, duties and membership as established by Ordinance. He noted that the Board of Selectmen would be obligated to adopt the ordinance. Ms. Glassman noted that an ordinance can be changed more easily versus changing the Charter.

**MOTION:** Ms. Osborne, Mr. Henault second, **to adopt as permanent language in the Charter, "The Board of Selectmen shall create by ordinance an Economic Development Commission which shall have the membership, duties, term, and responsibilities not inconsistent with this Charter or state law as determined by such ordinance"; unanimously approved.**

It was also noted that Section 301(b) should reflect this change.

## **III. Addition of a Culture Commission to the Town Charter.**

Mr. Rose reminded the Commission of their recommendation to split off a Culture Commission from the Town Parks and Recreation Commission, and had received the impression from the Board of Selectmen at their last meeting that they were in agreement with this.

#### **IV. Form of Government.**

Mr. Benneche reminded the Commission that it is his opinion that the stipend for the First Selectman should cover expense reimbursement only. He opined that a person who would likely want to serve in this capacity would in turn not likely be dissuaded by this arrangement. Mr. Rose opined that by limiting the position to a stipend, or expense reimbursement only, would limit the pool of candidates.

Ms. Osborne reminded the Commission that some very pointed questions were asked at the last meeting regarding whether they had considered the option of maintaining a true First Selectman form of government with the codification of a Chief Administrative Officer. Mr. Benneche opined that a hybrid form of government has already been discussed. Discussion ensued. Ms. Osborne explained that a vote occurred on very specific statutory language about a particular type of hybrid government followed by a vote on a conceptual idea of a town manager form of government but that the group had never discussed nor voted on the hybrid concept. She noted that what was voted down was the statutory language regarding the hybrid form of government, not the hybrid concept itself.

Mr. Crowther reminded the Commission of their review of a matrix focusing on the important decisions that need to be made by the CEO of the Town and that they had all agreed that a town manager would be best suited to make those types of decisions.

Mr. Rose noted that efforts have been made to meet with people from towns who have either rejected the town manager form of government or who have gone back to the selectmen form of government but unfortunately, none have been able to attend.

Discussion on the amount of a stipend for the First Selectman was then discussed.

**MOTION:** Mr. Benneche, Mr. Crowther second, **that compensation to the First Selectman shall be expenses only; Motion failed with Mr. Benneche, Mr. Crowther, and Mr. Pabich voting aye while Mr. Rose, Ms. Tedone, Ms. Osborne, Ms. Glassman, and Mr. Henault were opposed.**

Prior to the vote on the preceding motion, Ms. Glassman opined that the compensation should be significantly more than this as part-time state legislature receive more than this and that this position would definitely be more than part-time and a lot more involved. In response to an inquiry from Ms. Tedone regarding why the compensation should be tied to reimbursement for expenses only, Mr. Benneche explained that this would eliminate any wiggle room on the conflict of interest with the First Selectman having to recuse themselves from anything that could tangentially relate to how much money they would earn. He noted that he is impressed with the West Hartford model which has adopted the practice of reimbursement of expenses only. Models used in Canton and Mansfield were also discussed.

**MOTION:** Ms. Osborne, Ms. Glassman second, **for the First Selectman to receive an annual stipend of \$22,500 to be adjusted annually according to the Social Security COLA along with reasonable expenses related to the position; Motion passed with Ms. Osborne, Ms. Glassman, Ms. Tedone, Mr. Rose, Mr. Henault and Mr. Pabich voting aye while Mr. Benneche and Mr. Crowther were opposed.**

**V. Preparation of Final Report for Transmittal to the Board of Selectmen.**

It was agreed that the Commission would meet again at 5:30PM on Monday, August 1, 2016 for a final review of the report.

Noting that he typically does not respond to comments made during Public Audience, Mr. Henault objected to the tone of comments regarding a candidate for First Selectman during the last election. He opined that the comments were incorrect and completely irresponsible.

**4. ADJOURN:**

**MOTION: second, to adjourn at 7:13PM; unanimously approved.**

**Respectfully submitted,**

**Pamela Colombie  
Commission Clerk**