

CHARTER REVISION COMMISSION

ACTION MINUTES
Sprenkel Room

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TOWN HALL

REGULAR MEETING
October 17, 2023

1. Call Meeting to Order

Town Attorney Richard Carella called the meeting to order at 5:31 pm.

2. Roll Call

Members Present

Andrew Paterna
Janice Snyder
Craig Zimmerman
Kathleen Daugherty
Steven Cordeiro
Denise Ricotta
Jessica Vogelgesang

Others:

Richard Carella, Town Attorney, Updike, Kelly, & Spellacy
Kaydeen Maitland, Associate Attorney, Updike, Kelly & Spellacy
Michael Maniscalco, Town Manager

Members Absent

None

Guests Present

3. Approval of Minutes

None

4. New Business

Kathy Daugherty spoke for the record about a concern that being so close to the election that the Chair, Vice-Chair and Secretary elections be tabled until the next meeting. She is concerned that the approved resolution states that pursuant to the Connecticut General Statutes, not more than one third of the appointed members, in this case two (2) members, may hold any other public office in the Town of South Windsor. She wants to ensure that the work that the Commission is doing will not be dismissed due to them holding other public office positions that serve the Town. Town Attorney, Rich Carella will look at what the definition is of a public official for the purposes of this Charter but would consider a public official to be elected.

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A. Election of Chairperson

Craig Zimmerman made a motion to nominate Andy Paterna as Chairperson for the Commission. Kathy Daugherty seconded the motion. **MOTION CARRIES.**

B. Election of Vice-Chairperson

Andy Paterna made a motion to nominate Jan Snyder as Vice-Chairperson for the Commission. Craig Zimmerman seconded the motion. Kathy Daugherty also made a motion to nominate Steven Cordeiro as Vice-Chairperson. Denise Ricotta seconded the motion. After a show of hands, Jan Snyder is nominated as Vice-Chairperson by a 4-3 vote. **MOTION CARRIES.**

C. Election of Secretary

Kathy Daugherty made a motion to nominate Steven Cordeiro as Secretary for the Commission. Jessica Vogelgesang seconded the motion. **MOTION CARRIES.**

D. Review of Charter and Proposed Revisions

The committee discussed having a Public Hearing set before reviewing the Charter. Rich Carella, Town Attorney agreed that a Public Hearing should be set before reviewing or discussing any changes to the Charter. Exhibit A must be addressed in their final report to the Town Council. The suggestions listed on the proposed revisions (Exhibit A) do not need to be accepted but they do need to be addressed in the final report. Other ideas can be reported on as well. The tasks must be completed within sixteen (16) months. Once the Charter revisions are made and ready to be presented to the Town Council, another Public Hearing must take place before going to Town Council. Once the revisions have been made final by the committee, it will go to Town Council and made can go to Public Hearing. Rich Carella suggested that a placeholder be put on the agenda each month for public comment. Andy and Jan will meet with Katherine Senerth in the Town Manager's office to determine a time to hold a Public Hearing.

E. Approval of Charter Revision Committee Meeting Schedule for 2023

The Committee discussed the Charter Revision Committee Meeting Schedule for the remainder of 2023 and agreed on the proposed meeting schedule by consensus.

F. Approval of Charter Revision Committee Meeting Schedule for 2024

The Committee discussed Charter Revision Committee Meeting Schedule for 2024 and agreed by consensus.

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5. Discussion Items

A. Review of Charter Revision Commission Ordinance and Statutory Timeline

Town Attorney Rich Carella reviewed the statutory timeline with the committee. See Exhibit B

B. Setting Date for First Public Hearing

The committee discussed setting a tentative date for the first Public Hearing. The date proposed is Thursday, January 18, 2024 at 7pm. Andy and Jan will work with Kathy Senerth to see if there is a meeting room available and may need to change the time of the public hearing if no rooms are available. It was also mentioned that a meeting room in another building could be used.

6. Old Business

7. Adjournment

Steve Cordeiro made a motion to adjourn the meeting. Kathy Daugherty seconded the motion. **MOTION CARRIES.** The meeting was adjourned at 6:50pm.

Respectfully submitted,



Katherine Senerth
Executive Assistant

Exhibit A

**TOWN OF SOUTH WINDSOR
TOWN CHARTER PROPOSED REVISIONS**

<u>DATE</u>	<u>SECTION TO BE CHANGED</u>	<u>PROPOSED CHANGE</u>	<u>PERSON WHO PROPOSED CHANGE</u>
October 31, 2019	All Sections	Make gender neutral.	Mayor Paterna
January 13, 2020	Section 202 - Municipal Elections	Currently the section reads, "A meeting of the electors of the town for the election of Town officers shall be held on the Tuesday after the first Monday of November 1969 and biennially." Recommend a four year term for increased consistency/efficiency.	Town Staff
January 13, 2020	Section 203 - Town Officers	Questioned if positions of Board of Selectmen, Constables, and Town Treasurer are relevant and necessary today?	Town Staff
January 13, 2020	Section 203 - Town officers	Remove Selectmen and Constables.	Councilor Delnicki
October 31, 2019	Section 204 - Terms of office and minority representation	Change Town Council and Board of Education terms making them 4 years staggered.	Mike Maniscalco/Town Staff
January 13, 2020	Section 204 - Terms of office and minority representation	Change Town Council and Board of Education terms making them 4 years. The Planning & Zoning Commission should also be 4 years but staggered.	Mayor Paterna
January 13, 2020	Section 204 - Terms of Office and Minority Representation	Recommend Town Clerk to be a Town employee.	Town Staff

January 28, 2020	Section 204 - Terms of office and minority representation	No political party shall nominate and no elector shall vote for more than six five (change to five 5) members of the Town Council. Add: at no time will there be more than a bare majority of any one political party on the Town Council	Councilor Snyder
January 28, 2020	Section 207	No person shall be eligible for election to any Town office who is not at the time of his election a resident elector of said town Add: and be current with all taxes and fees due to the Town, and any person ceasing to be a resident and elector of said Town shall thereupon cease to hold elective office in the Town.	Councilor Snyder
January 13, 2020	Section 209 - voting districts	Add language into the Charter that eliminates voting locations to be in religious organizations or business establishments.	Mayor Paterna
January 13, 2020	Section 301 - The Council	Compensation of \$75.00 per month for the Mayor - perhaps upgrade and include a clause that allows for future increases in line with the times.	Town Staff
October 31, 2019	Section 302 - Organization	Each newly elected council shall meet for organization in the town office building at 8:00 p.m. on the first Monday following each election, unless the first Monday is a holiday, then they shall meet on the first Tuesday following each election. Also, change time.	Debbie Reid/Mayor Paterna
January 13, 2020	Section 302 - Organization	Eliminate the time and first Monday following each election and replace with "at a convenient or appropriate time to be determined and posted publicly."	Town Staff
January 13, 2020	Section 302 - Organization	Time of Organizational Meeting. Change from 8:00 p.m. to 7:00 p.m. start.	Councilor Delnicki
October 31, 2019	Section 303 - Clerk	Change section, making Town Clerk appointed by the Town Manager.	Mike Maniscalco/Mayor Paterna

January 13, 2020	Section 306 - Ordinances; public hearing and publication	Public Notification via the best means of the times, i.e. website, social media, etc.	Town Staff
February 20, 2018/October 31, 2019	Section 314 - Obligatory referendum on bond issues, notes and the sale of real estate by the Town	The amount of \$25,000 should be higher; or remove and make an ordinance.	Steve Wagner/Mike Maniscalco
January 13, 2020	Section 315 - Appropriations	\$50,000 should be updated with inflammatory clause or made into an Ordinance.	Town Staff
October 31, 2019	Section 404 - Acting Manager	Amend to have the Town Manager appoint the Acting Town Manager in his absence.	Mike Maniscalco
January 13, 2020	Section 404 - Acting Manager	Recommend that the Town Manager assign a designee or Assistant Town Manager to cover in their absence.	Town Staff
January 13, 2020	Section 406 - Powers and duties of Manager, specific	Merit system to be a policy rather than in the Charter.	Town Staff
January 13, 2020	Section 407 and 612	Director of Recreation should be changed to Director of Parks and Recreation.	Town Staff
January 13, 2020	Section 502 Appointment of boards	Jury Committee should be eliminated.	Mayor Paterna
January 13, 2020	Section 502 - Appointment of boards	Is Jury Committee necessary?	Councilor Delnicki
January 13, 2020	Section 604 - Department of Public Works	References Parks and Recreation items which should be under Section 612 and remove "Town dump".	Town Staff
October 31, 2019	Section 609 - Town Attorney	Amend to make the appointment of the Town Attorney the responsibility of the Town Manager rather than the Town Council.	Mike Maniscalco
January 13, 2020	Section 611 Tree Warden and Dog Warden	Change Dog Warden to Animal Control Officer and move to Section 601 (Police Dept.).	Councilor Delnicki

	Section 612 - Department of Recreation	Add ", and provide proper care and maintenance and control of public grounds, parks, and open space properties owned by the Town, and assist with care and maintenance of school grounds.	Town Staff
January 13, 2020	Section 704 - Duties of the council on the budget	Town referendum to vote on budget if increase is more than 3%.	Councilor Delnicki
January 13, 2020	Section 705 - Council action on the budget	Town referendum to vote on budget if increase is more than 3%.	Councilor Delnicki
January 13, 2020	Section 712 -Lapse of appropriations	Exemption for Special Revenue Recreation Fund.	Town Staff
October 31, 2019	Section 713 - Purchasing Section 714 - Purchasing procedure and Section 715 - Contracts for public works	Remove and create ordinance.	Mike Maniscalco/Mayor Paterna
January 13, 2020	Section 715 - Contracts for public works	Raise dollar amount (\$5,000) to \$25,000.	Councilor Delnicki
January 13, 2020	Section 716 - Payment of claims	Update the way payments can be made.	Town Staff
January 13, 2020	Section 801 - Mandatory public hearings	Public Notification via the best means of the times, i.e. website, social media, etc.	Town Staff
January 13, 2020	Section 802 - When action by a public hearing is required	Update the purchasing threshold for going to public hearing.	Town Staff

2023 South Windsor Charter Revision Commission
Statutory Requirements
C.G.S. Chapter 99

After it has been determined that the Town of South Windsor wishes to amend its Charter the following timelines are required by statute:

1. Within 30 days after the Town Council adopts a resolution to amend the Charter, the Town Council shall adopt a resolution appointing the members of the Commission, consisting of not less than 5 and no more than 15 electors. No more than one-third of the Commission members may hold any public office in town, and not more than a bare majority shall be members of any one political party. [Conn. Gen. Stat. Ann. § 7-190\(a\)](#)
2. The Town Council shall direct the Commission to concerns contained in any petition per [Conn. Gen. Stat. Ann. § 7-190\(b\)](#), and may include its own recommendations. The Commission's draft report in response is due no more than 16 months from the date of the Commissions' appointment. [Conn. Gen. Stat. Ann. § 7-190\(c\)](#).
3. Commission must hold at least two public hearings: a first one before any "substantive" work is done and the second prior to submission of the draft report to the Town of South Windsor Clerk. [Conn. Gen. Stat. Ann. § 7-191\(b\)](#)
4. The Town Clerk transmits the draft report to the Town Council. [Conn. Gen. Stat. Ann. § 7-191\(b\)](#) The following consecutive time periods are then triggered from that date of transmittal:

Within 45 days: The Town Council shall hold at least one public hearing, and it must conclude its last public hearing on the draft report within 45 days of submission of it to the Town Clerk. [Conn. Gen. Stat. Ann. § 7-191\(b\)](#)

Then Within 15 days: After the last public hearing the Town Council shall make recommendations to the Commission for changes to the draft. [Conn. Gen. Stat. Ann. § 7-191\(b\)](#)

Then Within 30 days: Commission shall make its final report to the Town Council within 30 days of receipt of the recommended changes. [Conn. Gen. Stat. Ann. § 7-191\(c\)](#)

Then Within 15 days: From receipt of the final report, the Town Council shall vote by a majority vote to approve the proposed charter or reject it in part or in whole. [Conn. Gen. Stat. Ann. § 7-191\(d\)](#)

Then Within 45 days: If the Town Council rejects all or part of the proposed Charter, then at least 10% of the electors may present a petition to the Town Council for a referendum on the proposed Charter. [Conn. Gen. Stat. Ann. § 7-191\(d\)](#)

Then Within 30 days: Of approval by the Town Council, or certification of the petition, the proposed Charter shall be published in full at least once in a newspaper having a general circulation in the municipality. [Conn. Gen. Stat. Ann. § 7-191\(d\)](#)

Then Within 15 months: Town Council must determine if the proposed Charter revisions are to be sent to referendum at a special election for that purpose, or at the next general election, which shall be held within 15 months of the approval of the proposed revisions. [Conn. Gen. Stat. Ann. § 7-191\(e\)](#)

Then Within 30 days: Of approval of the electors of any proposed charter, charter amendments or home rule ordinance amendments, the Town of South Windsor clerk shall file, with the Secretary of the State, (1) three certified copies thereof, with the effective date or dates indicated thereon, and (2) in the case of the approval of charter or home rule ordinance amendments, three certified copies of the complete charter or ordinance incorporating such amendments. [Conn. Gen. Stat. Ann. § 7-191\(g\)](#)

Questions

a) *When the Town Council sets forth a question for the Charter Commission's review, what options do the Charter Review Commission have in responding?*

There is limited case law addressing the extent to which the Commission must address the appointing authority's concerns. When the South Windsor Town Council sets forth a question for the Commission to review, the Commission must address the point in its report, but arguably has discretion as to how or whether to include such points in the final report. [Mozzochi v. Town of Glastonbury, 188 Conn. 276, 279–80, 449 A.2d 173, 175 \(1982\).](#) The court in [Mozzochi](#) held that:

There is no language which prescribes the content of the commission's initial or final report except that to the extent the agency makes or submits a "proposed charter, amendment or amendments," such charter or amendments must be included in the report. *There simply is no language which directs that all proposals considered must be included in the commission's final report or that the appointing authority must accept or reject all proposals that were submitted for consideration.* [Mozzochi 188 Conn. 276, 279–80, 449 A.2d 173, 175 \(1982\)](#)

The Town of South Windsor should expect that the Commission will prepare a final report based on what the Commission deems a priority. This may include all the initial proposals, some of the proposals or other proposals. It is at the discretion of the Commission what is in the final report.

b) *When the Town Council receives additional proposals from the Commission, is the Town Council obligated to submit all of the Commission's proposals for referendum?*

No. The court in [Mozzochi](#) found that the statutes do not require the appointing authority to either "accept or reject all proposals that were submitted for consideration." [Mozzochi 188 Conn. 276, 279–80, 449 A.2d 173, 175 \(1982\).](#) The Town is not obligated to accept all the proposed revisions of the Commission.

