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TOWN OF CROMWELL  
CHARTER REVISION COMMISSION  
SPECIAL MEETING  
WEDNESDAY JULY 27, 2011  
7:00 P.M. TOWN HALL ROOM 224/5

AGENDA

- A. CALL TO ORDER
- B. APPROVAL OF MINUTES
  - 1. July 19, 2011
- C. PUBLIC COMMENTS
- D. NEW BUSINESS
  - 1. Discussion and possible action regarding Charter Revision.
- E. ADJOURNMENT

Individuals with disabilities who require accommodations, assistance, or communication aids to participate at this meeting are encouraged to make their needs and preferences known to First Selectman John Flanders or [jflanders@cromwellct.com](mailto:jflanders@cromwellct.com) or to the Town ADA Coordinator Theresa Strong at 632-3446 or [tstrong@cromwellct.com](mailto:tstrong@cromwellct.com) at least 72 hours prior to the scheduled event.

RECEIVED FOR FILING  
7/21 2011 at 12:00 PM.  
TOWN CLERK'S OFFICE  
CROMWELL, CONN.

TOWN OF CROMWELL  
CHARTER REVISION COMMISSION  
SPECIAL MEETING  
THURSDAY, JULY 19, 2011

*Daniel di Proto*  
TOWN CLERK

7 P.M. IMMEDIATELY FOLLOWING PUBLIC HEARING ROOM 224/225

MINUTES

**A. CALL TO ORDER**

Vincent Faienza called the meeting to order at 9:05 pm. Present were Vincent Faienza, Jay Polke, Carl Banic, Phil Gagnon, Frank Seidl, Ed Maley and Rich Duffy. Attorney Bradley was present.

**B. APPROVAL OF MINUTES OF JULY 7, 2011**

Carl Banic moved to accept the minutes of the meeting on June 23, 2011. Frank Seidl seconded the motion. Motion carried.

Yes vote – Carl Banic, Phil Gagnon, Jay Polke, Frank Seidl, Vincent Faienza, Ed Maley, Rich Duffy

No vote – None

**C. PUBLIC COMMENTS**

None

**D. NEW BUSINESS**

Letters from Tax Assessor and Finance Director were presented to the commission.

Vincent Faienza wants to schedule a meeting next week to go over all information received and letters received.

Ed Maley stated that most of the information in the present charter came from the 2003 charter. He stated that it was brought forth by the public tonight. A major concern is the inconsistency. He feels that it will take time to bring everything in order. He feels that a comparison from the old charter to the new charter needs to be done to make sure nothing is left out. He doesn't feel that the last charter wasn't only voted down because of the town manager but also because it was poorly written.

Jack Bradley agrees with Ed Maley.

Rich Duffy stated that the charter has technical issues that need to be cleaned up. He does not feel it is the result of the 2003 Charter. This charter is its own document that stands on its own.

Phil Gagnon stated that this charter is not a perfect document. This document contains many different documents from the 2003 charter. It contains parts from charters from Rocky Hill, Glastonbury, etc

Jay Polke spoke how the librarian spoke on the homeless. He does not remember the commission speaking on that subject.

Frank Seidl stated he agrees with Ed Maley about making sure all the good from the old charter is brought forward to the new charter.

Ed Maley **moved** to direct the Town attorney to compare the most recent version of the charter that we are proposing with the current charter to report to the commission any subtenant omissions that have not been discussed by this commission. Carl Banic seconded the motion. A discussion was held by the commission. **Motion carried.**

**Yes – Frank Seidl, Jay Polke, Phil Gagnon, Ed Maley, Carl Banic, Vincent Faienza**  
**No- Rich Duffy**

Phil Gagnon **moved** to have Department heads appointed, removed, or suspended by the Town Manager with approval of Town Council. The motion was seconded by Rich Duffy. Ed Maley is opposed to the whole concept. **Motion Carried.**

**Yes – Frank Seidl, Jay Polke, Phil Gagnon, Rich Duffy, Vincent Faienza**  
**No - Carl Banic, Ed Maley**

Phil Gagnon **moved** to have non - department heads to be appointed, removed or suspended by the department head with the approval of Town Manager subject to the collective bargaining unit. Jay Polke seconded the motion. There was a discussion. **Motion Carried.**

**Yes- Frank Seidl, Jay Polke, Phil Gagnon, Rich Duffy, Vincent Faienza**  
**No- Carl Banic, Ed Maley**

Section 2.08 Judge of Qualifications – The commission discussed this section further.

Phil Gagnon **moved** to strike section 2.08 Carl seconded. **Motion Carried.**

Yes - All  
No

Section 7.07 needs fixing.

2.02 minority representation – The commission discussed the impact of the wording.

Police Commission – The police commission was discussed again by this commission. The public's comments were reviewed. This will discuss it later.

Next meeting will be July 27, 2011 at 7 pm.

**E. ADJOURNMENT**

A **motion** to adjourn was made by Carl Banic at 10:21 pm. Phil Gagnon seconded the motion. **Motion carried.**

**Yes vote – Carl Banic, Phil Gagnon, Jay Polke, Frank Seidl, Rich Duffy, Ed Maley, Vincent Faienza**

**No vote – None**

Respectfully Submitted,

Patricia Kratochvil

TOWN OF CROMWELL  
PUBLIC HEARING  
CHARTER REVISION COMMISSION  
JULY 19, 2011 AT 7 PM  
TOWN HALL ROOM 224/225

RECEIVED FOR FILING  
7/21 2011 at 12:08 P.M.  
TOWN CLERK'S OFFICE  
CROMWELL, CONN.

*Darlene A. DiProto*  
TOWN CLERK

MINUTES

**A. CALL TO ORDER**

Vincent Faienza made a few comments to the public and introduced the commission to the public.

- B. READING OF PUBLIC HEARING NOTICE** - Cromwell, CT -Notice is hereby given that the Cromwell Charter Revision Commission, pursuant to the requirements of Section the proposed revisions to the current Charter on Tuesday, July 19, 2011 at 7:00 p.m. at the Cromwell Town Hall, 41 West Street, Cromwell, Connecticut 06416, Room 224/5. Any person wishing to make any accommodations is invited to speak at this hearing.

A motion was made by Carl Banic to open the public hearing at 7:00 pm. The motion was seconded by Phil Gagnon. Unanimously approved. **Motion carried.**

**C. PUBLIC COMMENTS**

Ellie Corciullo 23 Glenwood Terrace - Ellie stated she will email her comments to the commission. She does have a few concerns. She feels the conflict of interest is the same, still financial. There are other areas of conflict. She suggested a firm of attorneys instead of just one attorney.

Eric Ranney 9 Wexford Lane - Town of Cromwell is need of professional management. He is in favor of Town Manager. He questioned if the Town Council would approve the budget.

Martha Ranney 9 Wexford Lane - She believes in representative government. She believes in professional government and supports the Town Manager form of government.

Anthony Salvatore 4 Ledge Road He commends the commission. He has a few concerns. He feels there are a few conflicts under Section 2.07. He has concerns about Job Qualifications. He discussed the inconsistencies with removal and appointments. He again asked the commission to reconsider Proposal A about the Police Commission he previously submitted to the Charter Revision for review.

Darlene DiProto 3 Oak Road - Town Council consists of a 7 member board including the mayor. She feels it needs to be clarified for minority representation. The

printing of the ordinances are currently printed by the Administrative Assistant not town clerk. Board of Finance currently has 3 alternant, she ask the Charter Review do they still want them? Regarding the annual budget registered voters can vote but questioned if the commission really wanted to do that even though state statute allows for electors to vote on the annual budget. Mrs. DiProto also pointed out the salaries of the assistants and deputies of town clerk are by union contract. Mrs. DiProto will email the Chairman all her concerns.

Sam DiProto 3 Oak Road - Mr. DiProto spoke on the Police Commission. His opinion is that a police commission is not needed if a town manager is in place.

Tim Griffin 95 Willowbrook Road - He feels it is time for a change in government.

Charlie Epstein 19 Crest Dr. - Mr. Epstein would like to know what the bottom line would cost to have a town manager. He suggested maybe we could get better candidates if we paid better.

John Flanders 57 Washington Road - He is opposed to this form of proposed government. He feels we need to have people with the correct expertise in position to lead. Do not take away the peoples right to choose. He feels that there is this misconception that if there is a town manager that nothing will go wrong. He stated there are going to be good and bad people in positions. Mr. Flanders then had several comments on the charter itself such as qualifications to serve on a board, bonded debt, public works taking care of the Board of Education, conflict of interest, and supplemental appropriations.

Bob John 3 Woodside Road - He asked if anyone could be appointed to mayor. Mr. Jahn questioned if the town manager could vote. He is in favor of eliminating the police commission. He believes there is duplication. Mr. Jahn would like capital and non-recurring fund to be proposed at the same time as the budget. Justice of the Peace and Registrar of Voters are every four years not two.

Barbara Coughlin 19 Glenwood Terrace - She has attended many of the commission meetings. She feels the hiring and firing of employees is confusing. She feels it should be consistent. She feels there should be more said about the qualification of the Town Manager.

Ann Halibozek 7 Christian Hill Road - She wants to clarify the newspaper articles. She mentioned "tweaking" and only six people speaking at the last public hearing. She also addressed a few previous speakers.

Joyce Norman 36 Elm Road - She feels the Board of Selectmen form of government is passé. She discussed that job reviews need to be done annually. She feels it is long overdue to change the charter.

Dick Newton 1 Elm Road - He feels it is not the job of the Town Council to determine the additional standards of conduct in Section 2.08. Presently a quorum is 4 members now the charter is calling for 5 members. He questioned if the commission really wanted that. Again he spoke on the department heads appointing and firing. He recommends that the Police Commission be eliminated. He feels the Town Council can handle those functions. Under Director of Economic and Community Development it says town manager "shall" ... imply that the town has to have one. Town council has responsibility in the budget. He does not like that. He would like to see the Board of Finance eliminated. He feels the tax collector and town clerk should be appointed positions.

Kenneth Going 142 Shunpike Road - He is disturbed with the publicity Cromwell has received. He still believes in the Board of Selectmen form of government. He feels the commission should review it more before presenting it to the public.

Shirley Banic Board of Education 46 Geer St - Presently the Board of Education is required to present their budget no later than March. Under the new charter the Board of Education must present the budget no later than first of March. That is three weeks early. Much of the information is not available. Referendum date has not changed so why has presentation date changed?

Danny Brandt 9 Hawthorne Ct. - He called a friend who was a Mayor in South Windsor. He stated that it keeps the politics out of running the town. He is in favor of town manager.

Mertie Terry 589 Main St - She supports a town manager. She thanked the commission for their work.

Eileen Branciforte 2 Court Place - She is undecided for which form of government. She stated she did work for a town manager in Rocky Hill. She stated that you need to think of more than the bottom line but your work is not done. She is concern for the homeless of Cromwell.

Rebecca Lucht 83 Washington Road - The town has grown too much to continue with a Board of Selectmen form of government. She supports a town manager form of government.

Cynthia Marchinkoski 122 Coles Road - She is in favor of a Town manager form of government.

Jay LeBlanc 3 Cedar Drive - He supports a town manager form of government. He feels the town is a multi-million dollar business and needs a pro active approach. He suggests taking the questions and concerns of tonight and incorporating them into the charter. He would like to see the work of the commission more transparent. He believes if having a town manager he/she should be a strong town manager. He questions where the accounting audit results would be sent. He would like

consistency in the termination of the town manager. He feels that the removal of the department of heads ties the hands of the town manager and would like the commission to reconsider. He would like the Town manager to delegate a department head to run a department. He questioned how the actions of the boards and commission will bind the town manager. Mr. LeBlanc would like the town clerk and tax collector under the town manager. He would like to see the Town Managers qualifications more defined.

Madeleine Lowry 22 Franklin Avenue- Ms. Lowry is in favor of a town manager.

John Croasdale 4 Bellevue Terrace - He is not in favor of a town manager. He feels it will add personnel and a town manager costs money. He questioned what the controls you are putting on these people are.

Ellie Corciullo 26 Glenwood Terrace - She stated that if it is broke then it is time to fix it.

Anthony Salvatore 4 Ledge Road - Under contributions he feels the limit of \$500 is very low. He feels it should be increased.

Mike Gengler 5 Forest Road - His concern is the Town Council is not approving the budget.

Mario Hasz 4 Grace Lane - He spoke on the Police Commission.

Allan Waters 86 South St - He is concerned about the cost of a town manager. He feels the taxpayers will want to know before voting.

Charlie Epstein 19 Crest Drive - He would also like to know how much the search company will cost.

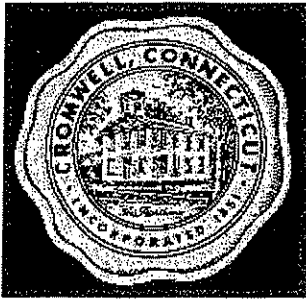
Shirley Banic 46 Geer St -Thank you for all the work you do.

The chairman asked for a show of hands for and against a town manager. Ed Maley objected to the show of hands. The chairman acknowledged is objection.

Carl Banic **moved** to close the public hearing at 8:50 pm. Phil Gagnon seconded the motion. Unanimously approved. **Motion carried.**

Respectfully Submitted,

Patricia Kratochvil  
Recording Secretary



# Town of Cromwell

## Assessor's Office

41 West Street  
Cromwell CT 06416  
860-632-3442

*Shawna M. Baron, CCMA II*  
*Tax Assessor*

*Donna Otlowski, CCMA I*  
*Deputy Assessor*

*Lisa Ruggiero*  
*Assessment Technician*

Tuesday, July 19, 2011

To: Charter Revision Commission

From: Shawna M. Baron, CCMA II - Tax Assessor

Subject: Proposed Charter dated July 13, 2011

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Unfortunately I will be unable to attend your meeting on July 19<sup>th</sup>. Please review my comments and give some consideration in amending the charter before being presented to the BOS and eventually the electors of the Town.

I am disappointed that the Commission felt it was not important to give non union employees any protection that union members have or even the new Town Manager will have. The new Town Manager position has a section dedicated to the removal of a Town Manager (Section 3.02) but then grants the Town Manager (Section 3.04) the sole power into suspending Department Heads; without being subject to approval of the Town Council. The charter states appointment or removal needs approval of the Town Council, but does not require suspension to have this approval. I would like the Commission to amend the charter to include suspension must be approved by the Town Council. Also, I would like it to be changed from a majority of the council to require a vote of 4 members to affirm the Town Manager's decision. This would prevent a council of 5 members attending a meeting and only 3 of them voting to in favor.

I still believe that it is in the Town's best interest that any Department Head is remove only for cause. This will prevent politics entering into the daily administrative duties that need to be carried out according to either State Statute or Town Policy. Department Heads are educated, train and knowledgeable professionals who act in the best interest of the Town. It would be ashamed if the Town is compromised by Department Heads having to disregard important issues, because the Town Manager instructs them to do so. By having to have cause to remove a Department Head would also protect the Town from unwarranted lawsuits from employees being removed without regard to labor laws.

I would like the Commission to review one other matter. The Commission has stated that they would like to see the Town Manager and have the authority to perform all of the day to day administrative functions, but has left the Town Clerk and Tax Collector as elected officials. This is a problem for any future Town Manager if he can not have any influence how over 90% of the Town receives its revenue or how various functions happens within these two offices. These departments have caused problems in the past amongst other departments and would make it more difficult for the future Town Manager to manage the Town.

I also noticed some inconsistent provisions within the Charter you may like to address before issuing your final version and would like to bring them to your attention.

- Section 3.01 (c) – The Charter states the Town Council shall determine the compensation for the Town Manager. This is repetitive as it states under section (b) the contract, which is approved by the Town Council, shall make provision for compensation.



# Town of Cromwell

## Assessor's Office

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*Lisa Ruggiero*  
*Assessment Technician*

- Section 4.03 – The Charter states there would be the following departments that included the Building Official and Town Engineer, but these are listed under the Department of Public Works Section 4.11. You may want to create sections in the charter for these departments?
- Section 5.04 – The Charter states the Town Clerk and his deputies shall receive a fixed salary. Nowhere else in the charter does it state this? Is it just the Town Clerk? Why is the Tax Collector's salary not set by the Town Council then? You may want to correct this for Clerk and Collector, but not their staff members.
- Section 7.02 – The Charter states “a pay plan for all positions in the town....” Could be removed as in Section 7.04 it states how salaries shall be determined?
- Section 7.07 – The Charter states the appointment and removal of town employees for the elected official's offices. It states the town treasurer which has been combined with the finance director and should be removed from this section? Also, it goes on to state some of the other departments need approval of the Town Manager. Under each department it states how the department head can appoint or remove with approval of the Town Manager. Again it is redundant. Either remove it from each department or from this section? If you are leaving it in this section you may want to consider adding all the departments since it only has a few.
- Section 8.05 – The annual budget referendum does not state if there are separate votes on the Board of Ed, the Town, and debt service. Are you recommending removing the separate votes and having the budget as just one vote? If you want to have separate votes you may want to remove the debt service vote and add it to the Town portion. It has never happened that I am aware but if the debt service vote did not pass I am not sure how the BOF could reduce it as it is money already approved by the public.

Thank you,

Shawna M. Baron, CCMA II, RCR  
Cromwell Assessor



Vincent Faienza &lt;e.faienza@gmail.com&gt;

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## Charter

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Sylvester, Marianne &lt;msylvester@cromwellct.com&gt;

Tue, Jul 19, 2011 at 3:39 PM

To: Enzo Faienza &lt;e.faienza@gmail.com&gt;

Cc: "Flanders, John" &lt;jflanders@cromwellct.com&gt;

Enzo,

I just came across some information I had regarding alternate financing, other than bond issuance, such as lease/purchase agreements or agreements through a third party to finance a purchase for multiple years (CL&P energy efficiency programs that the BOE has been participating in). These requests have been brought to Special Town Meeting under the current Charter Section 603(a) in the past. Would this type of financing stop at the Board of Finance level under the proposed Charter or...?

Marianne

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**From:** Enzo Faienza [mailto:[e.faienza@gmail.com](mailto:e.faienza@gmail.com)]

**Sent:** Monday, July 18, 2011 1:12 PM

**To:** Sylvester, Marianne

**Subject:** Re: Charter

[Quoted text hidden]

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