

**TOWN OF CROMWELL
CHARTER REVISION COMMISSION
ROOM 222
41 WEST STREET, CROMWELL, CT 06416
APRIL 6, 2022 Regular Meeting Minutes**

RECEIVED FOR RECORD
Apr 13, 2022 01:39P
JoAnn Doyle
TOWN CLERK
CROMWELL, CT

Present: Chairperson Jennifer Lepore, Phil Gagnon, Ann Grasso,
Marie Roberto, Mike Cannata, Geoff Oryell

Absent: Mayor Allan Spotts, Town Manager Anthony Salvatore,
Town Attorney Kari Olson, Lou Menendez

A. CALL TO ORDER

Chairperson Jennifer Lepore called the meeting to order at 7:03 p.m.

B. APPROVAL OF MINUTES

Motion to approve minutes of the March 16, 2022 Special Meeting made by
M. Roberto, A. Grasso seconded. *All were in favor; the motion passed.*

C. APPROVAL OF AGENDA

Motion to approve the April 6, 2022 agenda made by
M. Roberto, M. Cannata seconded. *All were in favor; the motion passed.*

D. WELCOME NEW MEMBER

Geoff Oryell was welcomed and introduced by Chairperson Lepore.

E. PUBLIC COMMENTS

No public comments.

F. OLD BUSINESS

G. NEW BUSINESS

Chairperson Lepore discussed a question Mr. Gagnon had about the budget that was brought up to Town Manager Salvatore: What is our budget and how much have we used? Attorney Olson has been in a lot of the meetings, which is billable time, and the bill was getting quite high. We want to make sure we're being fiscally responsible and we are running up against what our budget was. Town Manager Salvatore informed Chairperson Lepore that we are using the budget of the Town, the legal fees budget of the Town. There is not a separate account for Charter Revision, so we should not come anywhere close to using up those funds.

Chairperson Lepore referred to the Commission's prior discussion of Section 3.02 Removal, under **Article III, TOWN MANAGER**. Attorney Olson brought up this section to Ken Weinstock, the labor attorney for the Town and Attorney Weinstock advised that this section be left in, due to a reliance issue. Town Manager Salvatore has relied on this provision being in the Charter as

well as whatever is in his contract. Attorney Olson mentioned that it might be enticing for somebody who would want to be the next Town Manager to have these protections codified in the Charter. Chairperson Lepore said that it really doesn't make much of a difference; it is more words and that we will leave it in the Charter. Mr. Cannata made a motion to leave **Section 3.02. Removal**, including the red and blue-lined sections, as is. Mr. Gagnon seconded. *All were in favor; the motion passed.*

Article III TOWN MANAGER

Section 3.03. Acting Town Manager.

No changes or additions.

Section 3.04. Powers and Duties of the Town Manager.

Section 3.04. No changes or additions.

Subsection (1). No changes or additions.

Subsection (2). Insert a comma after "appoint".

Ms. Roberto asked whether the Town Council had to approve any appointment, suspension or removal of a department head made by the Town Manager. Chairperson Lepore stated that this is correct.

Ms. Roberto talked about a lot of time being spent at Town Council meetings hearing bargaining unit concerns in which individuals are in front of the Council, with counsel. Looking at the administrative structure of the Town, is that the best use of time? Mr. Cannata said that when a bargaining unit is before the Council, that is usually when dealing with a grievance. Chairperson Lepore said that would be labor-law driven, not Charter-driven.

Ms. Grasso asked whether that union barrier is what should be changed in order to not come before the Council? Chairperson Lepore said that is correct. Ms. Grasso also asked if there is anything the Charter could do in order to help that happen because it takes an enormous amount of time. Ms. Roberto stated that it is a waste of time at a Council meeting and asked, Is there a way that we can do it so that it comes to a subcommittee of the Council, rather than the Council? If you have one of those grievances on, it's very difficult for citizens to come forward with whatever they may want to do while they're listening to all the grievances that are going on and proposed by the individual looking for recovery of some kind - financial or otherwise - from the Council. Ms. Grasso added that sometimes it's inappropriate because it is public, and with some of those issues that she has heard over the last few years, she is astounded that it was in a public forum.

Chairperson Lenore mentioned that we don't have an HR department. Mr. Gagnon asked if it would be under the Town Manager's purview to keep it out of the Council minutes and meetings. Ms. Grasso said that she thinks Town Manager Salvatore would like it out of the Council and he has made that comment several times. Chairperson Lepore stated that it would still be a public meeting if a subcommittee of the Council would do it. It would still be a public meeting and it would still be a Town Council meeting.

Ms. Roberto said her concern is it coming up in front of the Council, when it doesn't seem appropriate at that level. Ms. Roberto said it would be like bringing to the State Legislature

every single grievance of a state employee with their lawyer in front of the State Legislature, and they would have to yay or nay it. Chairperson Lepore said that is why we have an OPM, HR Departments and things like that. Also, the State has far, far more employees than the Town does to justify those HR Departments and OPMs. Ms. Roberto stated that might be true, but it is also a waste of time. You can sit in these meetings for hours before the public can be heard, so the question is, why can't these be resolved outside of a formal Council meeting? If the Council has to approve it, there might be a way to handle these differently. The Department Head, I can understand that. It would be like removing the librarian, which we had issues with at one point, and I can understand where the Council would have concerns at that level and would want to be involved. Then the public might also want to know, because it might bring issues of the relationship with that department. In Ms. Roberto's personal opinion, bargaining unit issues don't have a place in front of a formal Council meeting. It can be presented to the Council; a subcommittee of the Council, and then if it's still contentious, fine. If the Council is acting as the Human Resources Department in the Town, then maybe they need to reclarify, or we need to look at that and define for the Council. The fact is that they should not be in the business of a Human Resources Department because that could introduce bias, in terms of employment, or removal from employment, because you're going at that level when it may not be escalated. It's not like you're getting rid of Ollie at the University of CT; we're not talking about that level. We're talking about I worked 30 hours overtime and I only got paid for 20; that's inappropriate. So maybe in the Charter someplace, we can define the role of the Council.

Chairperson Lenore responded that somebody would need to do it and the point is that if we do not have an HR Department, who is going to do it? Who is going to hear those grievances, who is going to adjudicate those? Ms. Roberto responded that they can put a member of the Council on a committee and have a subcommittee of it and let them hear it. It doesn't have to come out. For instance, if the public want to come and talk about the Geer Street Project, they have to wait until the bargaining unit and the attorney - why? Because the attorneys are on the clock so those bargaining unit people are going to come up and talk. The public will not get their issues on the floor until midnight. It doesn't seem reasonable that we're wasting time in Council meetings talking about bargaining unit things. So, if we can come up with a solution...I don't know, we are talking about Charter Revision.

Mr. Oryell suggested waiting until **Section 4.02** to discuss this because that's really where it's addressed. It is all about the **Personnel System** and talks about the Town Council. Ms. Roberto agreed.

Mr. Gagnon added that when they had Charter Revision in 2011, they eliminated that HR position and folded it into the Town Manager. If the Town Manager was here, he could answer the question of why is this coming into the Council. How the Council gave us a couple of charges, we can always send some charges outside of this Charter, back to the Council, if the Commission felt it wanted to do it that way. Chairperson Lepore suggested something like the Council having a special meeting once a month to adjudicate all the employment issues that they have to go before the full Town Council. Ms. Grasso suggested that it could be at six o'clock instead of seven. Mr. Gagnon said that when he was on the Board of Education, they had Executive Sessions after the full meetings. Ms. Grasso said that the Council does have executive sessions, but they just don't hold these particular bargaining sessions within executive session; they're held in the regular session.

Subsection (3)

Ms. Grasso asked Mr. Gagnon if he would inform her how HR was folded in with the Town Manager. Mr. Gagnon responded that it has been eleven years now and one of the concerns from public comment was that it would cost too much money to add a full Town Manager position, and get out of control. Therefore, to make it a cost-neutral situation, the HR Coordinator at the time was making a certain salary and the Town Manager was coming in. We didn't want to dump that salary right on top of HR, so we decided to make some recommendations and eliminated the HR Coordinator and the Town Manager took on those duties at that time. Mr. Gagnon stated that he didn't know what has been delegated since then. Ms. Grasso responded that there is a part-time HR Coordinator, Bonnie Price. Mr. Gagnon agreed that the HR Coordinator position was added back in four or five years later. It was added back in later after it was discovered that the Town Manager's time was getting diverted from his other responsibilities, so they brought in part-time personnel. If the Town Manager were here, he would explain that.

Subsection (4). No changes or additions.

Subsection (5). No changes or additions.

Subsection (6). No changes or additions.

Subsection (7)

Chairperson Lepore asked Mr. Cannata about putting in "within 30 days". Mr. Cannata said that it was put in there so that it didn't die of old age. Ms. Grasso pointed out that "in a timely manner" was also listed in the same sentence. It was agreed to take out "in a timely manner."

Subsection (8). There should be a semicolon after "agencies" not a comma.

Subsection (9). No changes or additions.

Subsection (10). No changes or additions.

Subsection (11). Ms. Grasso asked to define what "periodically" means. She also stated that job descriptions haven't been rewritten for a very long time and periodically doesn't really define a set time period. Ms. Roberto and Mr. Gagnon asked if this was something that should be in the ordinances. Chairperson Lepore made a note to ask Attorney Olson if this is something that should be in the ordinances.

Subsection (12). Chairperson Lepore had a question on this section that there is no limit on the emergency expenditure. There is no definition or reference to ordinance as to what "emergency" means. Is it then up to the Town Manager? That is a lot of power. Ms. Grasso asked if there was a limit where you can allocate town funds without approval of the Town Council? Chairperson Lepore will ask Attorney Olson about this. Mr. Gagnon said that we have an emergency expenditure already set in the budget. The Town Council and the Board of Finance might have to approve that anyway; unless there is a line item for this. Mr. Oryell mentioned that this would give the Town Manager the power to do whatever he wants and just have to submit in 24 hours. Chairperson Lepore stated that it is worded as "reported" to the Town Council within 24 hours, not authorized. The Town Manager just has to tell the Council, I

spent \$1,000 on this. Ms. Roberto said we have to find where “emergency expenditures” is defined and what is the limit of that. Mr. Cannata also stated that the word “emergency” needs to be defined. Chairperson Lepore said perhaps even in an ordinance, and then we can refer to the ordinance in the Charter. Mr. Oryell then mentioned referring to **Section 8.09(b) Emergency Appropriations**. Ms. Roberto said that a public emergency is defined in this section. Chairperson Lepore said that she would rather refer to an ordinance, or put the definition in **Section 3.04, Subsection 12**, as this could get a little confusing for people. Chairperson Lepore stated that **Section 8.09(b)** describes a public emergency, it doesn’t define it. Mr. Gagnon stated that there may be an ordinance that deals with this. Ms. Grasso asked where the ordinances are and Mr. Gagnon said they are online and in the Town Clerk’s Office. Chairperson Lepore talked about having some questions on **Section 3.04, Subsection 12** and tabling the Board of Finance discussion until the Board of Finance and Finance Director Marianne Sylvester have the opportunity to come and speak with us.

Subsection (13). No changes or additions.

Article IV

DEPARTMENTS, OFFICES AND AGENCIES

Section 4.01. General Provisions.

Subsection (a) **Administrative Organization**. No changes or additions.

Subsection (b) **Direction by Town Manager**. Mr. Cannata gave an example of the Town Manager filling in for the Public Works Director if they were to become ill. It was agreed upon to change the word “serve” to “act” in the last sentence.

Subsection (c). No changes or additions.

Section 4.02. Personnel System.

Chairperson Lepore stated that in this section, it does leave it pretty open for the Council to kind of determine their own way. Perhaps we send to the Town Council, for consideration, to consider either forming a subcommittee that deals with this, and they can come up with their own resolution. Or, they have an additional meeting once a month or so, just to deal with personnel issues. Mr. Cannata agreed that separating it out is a good thing and we could suggest separating it out to a special meeting that can handle personnel issues. Ms. Roberto also agreed and said that this is better for an employer-employee issue type of meeting, where it is not for the public to hear.

Section 4.03. Administrative Officers.

Mr. Cannata mentioned that all of the previous changes made in this section were merely cleanup. Chairperson Lepore had a question on the titles, asking whether “Town” modifies each of these. Mr. Cannata responded that a lot of this was generated by Attorney Olson, in terms of how different department heads were to be referred to. Chairperson Lepore suggested adding “Town” before Manager. Semicolons should be used instead of commas in this section.

Section 4.04. Appointment and Eligibility. No changes or additions.

Section 4.05. Vacancies – Administrative Offices. No changes or additions.

Section 4.06. Assessor. No changes or additions.

Section 4.07. Finance Director/Town Treasurer. Chairperson Lepore suggested that this section be tabled until Marianne Sylvester can join us and provide her thoughts, if she has any, on this particular section.

Section 4.08. Tax Collector. Chairperson Lepore referred to this section as discussing the changeover from an appointed position to an elected position. Mr. Cannata said that this had been a battle. Chairperson Lepore asked him to explain. Mr. Cannata went on to say that it was a battle for the townspeople more than it was a battle for our Commission. Our Commission believed in this and I think we were pretty universally happy with the change. From the townspeople, all I heard, repeatedly, was that "You are taking away our power to choose; our ability to vote." "We don't want to give it to Salvatore, we don't want him to pick", and so on and so forth. Long story short, and what I still maintain until this day, is that 4.08 and 4.09 should be as they are written here, and when it comes to a ballot, I think we should separate out these two items and let them rise or fall on their own merit, rather than to fully commit to the entire document and have the entire document fall. Chairperson Lepore stated that she completely agreed. Ms. Roberto stated that when this was addressed last time, the Town was instituting a Town Manager position at the same time, so the townspeople wanted more separation of power. They didn't want, as Mr. Cannata said, the Tax Collector piece falling into an appointed position. Ms. Roberto also said that she thinks the Town is different now; moving forward, and people are used to this form of government. Mr. Cannata stated that we have an existing Tax Collector and an existing Town Clerk, who have track records that are what they are and everybody is happy. That may make this a little bit more palatable this time around, and not be anywhere near as controversial.

Mr. Oryell asked if there has to be some sort of timeline to get qualified and if there is a certification requirement that needs to be put in the Charter. Chairperson Lepore responded that this would be more of a management decision to make and she doesn't know if it's necessarily appropriate for the Charter, per se. Chairperson Lepore asked what other members think. Ms. Roberto said that if you are going out to hire, and there is an opening for either of these positions, she would hope that the Town Manager would look for someone who is certified so we're not spending time and money getting people certified. Mr. Oryell stated that it is more of a checks and balances kind of thing, and would think it would be in a job description. Chairperson Lepore said that if they are appointed, she would assume they would have a contract then, and the contract would indicate that in order to be a full, non-provisional Town Clerk, you would need to compete all the requirements mandated by the Connecticut General Statutes. Mr. Cannata also mentioned that it is stated in the Charter in **Section 4.09**, "The Town Clerk shall have all the powers and duties, not inconsistent with this Charter, conferred or imposed by the General Statutes on town clerks..." So, at the end of the day, according to the Statutes, you can't be Town Clerk forever and not be certified. Mr. Gagnon had a question about whether the issue of cost from going from an elected position to an appointed position was ever discussed the last time of Charter Revision. Mr. Cannata did not recall that it was. Ms. Roberto said there were some questions raised about that as to whether appointed positions would raise the Town budget. Chairperson Lepore asked why it would raise the Town budget. Ms. Roberto thought it was about the cost for training. Chairperson Lepore said she thinks it would be a cost-saving measure if the Tax Collector and

Town Clerk were appointed rather than elected because we would no longer have to have elections for those two positions. Mr. Oryell said that it would save the Town money just in training alone, because you're constantly retraining. Mr. Cannata stated that this was one of the biggest arguments for appointed vs. elected; the specter of every x number of years and having a new person come in and have to go through the whole process again.

Sections 4.08. Tax Collector

Change the year from 2018 to 2023.

Section 4.09. Town Clerk

Change the year from 2018 to 2023.

Section 4.10. Director of Emergency Management.

Remove statutory citations.

Change General Statutes to Connecticut General Statutes throughout the document.

Section 4.11. Director of Health.

Remove statutory citations.

Change General Statutes to Connecticut General Statutes throughout the document.

Ms. Roberto suggested bringing to the attention of the Town Council that the term of the Director of Health is four years and the term of the Director of Emergency Management is two years. Ms. Roberto stated that the Director of Health requires certain levels of education and qualifications, and a Sanitarian does not require the same level of education. Wes Bell is currently our Director of Health and Sal Nesci is our Town Sanitarian. As long as we feel comfortable saying that the statutes prevail and that we could go back to that if, indeed, Wes should leave and the Town Manager chooses not to someone in the Town who could supervise Sal, who is approved and appropriate. If we're talking about salaries going up, this is the one because it has more high-level educational requirements and specific degrees. Chairperson Lepore will ask Attorney Olson what are the static educational requirements for a Director of Health.

Section 4.12. Director of Recreation and Youth Services. No changes or additions.

Section 4.13. Director of Public Works.

Change General Statutes to Connecticut General Statutes throughout the document.

Subsection (a). No changes or additions.

Subsection (b). No changes or additions.

Subsection (c). **Town Engineer.**

Chairperson Lepore will ask Attorney Olson if this should be a separate section.

Section 4.14. Building Official.

The first sentence should read: "The Town Manager shall appoint and may suspend or remove, each such action with the approval of the Town Council, a Building Official who shall serve for a term of four (4) years."

Section 4.15. Library Director.

Remove "including the adult services librarian and the children's librarian" in the last sentence.

Section 4.16. Town Attorney(s). No changes or additions.

Section 4.17. Chief of Police.

Change General Statutes to Connecticut General Statutes throughout the document.

Remove the second sentence in the first paragraph: "The Police Department shall be organized as follows:"

Section 4.18. Town Planner. No changes or additions.

H. SCHEDULING OF MEETINGS

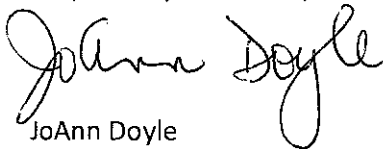
The Commission members discussed their availability for future meetings. It was decided that the Commission will meet once a week, beginning April 20th. The dates decided on are as follows: 4/20, 4/27, 5/4, 5/11, 5/18, 5/25, 6/1, 6/8, 6/15 and 6/29. Setting the dates for two public forums was also discussed. Town Clerk, JoAnn Doyle, let Chairperson Lepore know the deadlines for questions on the November 8, 2022 ballot. September 8th is the last day for a municipality to approve a question to appear on a ballot. September 23rd is the last day for the Town Clerk to file with the Secretary of the State a statement setting forth the designation of each question to be voted on. Mr. Cannata mentioned that for the last Charter Revision, Attorney Olson came up with a calendar of dates and deadlines for the members.

Chairperson Lepore reminded members that she is hoping to have the Finance Director and the Board of Finance at the next meeting. It was suggested that members look over the documents and sections relating to the Board of Finance.

I. ADJOURNMENT

Motion to adjourn made by P. Gagnon, seconded by M. Roberto. *All were in favor; the motion passed.* Meeting adjourned at 9:20 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "JoAnn Doyle". The signature is written in black ink and is positioned above the printed name and title.

JoAnn Doyle
Recording Secretary