

**TOWN OF CROMWELL
CHARTER REVISION COMMISSION
TOWN HALL COUNCIL CHAMBERS
41 WEST STREET, CROMWELL, CT 06416
March 2, 2022 Special Meeting Minutes**

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JoAnn Doyle
TOWN CLERK
CROMWELL, CT

Present: Chairperson Jennifer Lepore, Mike Cannata, Phil Gagnon, Ann Grasso, Lou Menendez and Marie Roberto (via telephone)

Absent: Heather Polke

Also Present: Town Manager Anthony Salvatore, Mayor Allan Spotts and Town Attorney Kari Olson

A. CALL TO ORDER

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

B. APPROVAL OF MINUTES

Chairperson Lepore suggested making a motion to approve the February 16, 2022 Special Meeting Minutes. M. Cannata made the motion, L. Menendez seconded. All in favor. ***Motion carried.***

C. PUBLIC COMMENTS

No public comments

D. SELECTION OF VICE CHAIR

Mr. Gagnon has accepted the position of Vice Chairman. Mr. Cannata nominated Mr. Gagnon for the role of Vice Chair. All in favor. ***Motion carried.*** Chairperson Lepore thanked Mr. Cannata and Attorney Olson for putting all of the information together, and for the context and the materials.

E. NEW BUSINESS

There was discussion to set the goal of covering ten pages of the revisions made to the Charter by the Charter Revision Commission. The Commission started with page one, Article I, Powers of the Town. Chairperson Lepore stated that these sections were mainly boilerplate and we would move on to page two, Article II, Town Council and Mayor, beginning with Section 2.01. General Powers and Duties. Chairperson Lepore stated that there were a couple of additions made and asked if anyone had any comments. Mr. Cannata stated that Section 2.01 was generally boilerplate was recommended by, at the time, Mike Camilleri and our Town Attorney. There was no substantive change in anything the Charter was going to do, until we got to Section 2.02, subsection (c), Election and Terms; and that was a well-debated item.

Chairperson Lepore stated that we are talking about creating a four-year term instead of a two-year term for the Town Council and the Mayor. Chairperson Lepore is in favor of this, as is Mr. Cannata.

Mr. Gagnon asked a question about staggering terms as to how many seats would be up for election this November (2022), hypothetically: The staggering means two or three seats are up every election cycle? Attorney Olson responded that once the staggering "kicks in" it will be three seats per election cycle. Attorney Olson also stated that what will happen in the first year that you vote, the Councilmembers will get elected; but, based on this, the three with the lowest votes will get the two-year term vs. the four-year term, which will start the stagger process. That was the idea back then. It takes a lot to get up to speed. You just about get your feet wet, and all of a sudden now it's a new election and you have to start over. It's the same thing with the Mayor, because that's a whole new position.

Mr. Menendez said that his thoughts about having someone who is too entrenched in a four-year position, there may not be enough turnover. He was concerned about having enough new thoughts and ideas being brought to the table. When you serve a two-year term, you tend to be more focused because you're "under the microscope" more in a short period of time as opposed to a four-year term. He is fine with whatever the majority thinks is the best way –this just food for thought.

Chairperson Lepore responded that most of the Council has already served two terms, if not more, and we don't take the power of that incumbency lightly.

In response to Mr. Menendez's comments, Mr. Cannata stated that the four-year term leaves the elected individual to the job at hand, more than worrying about what is going to happen in another year.

Mr. Gagnon added, that when he served on the Board of Education, which has four-year terms, it took him at least two years to figure out how things work over and to get comfortable with the budget. He also agrees with Mr. Cannata's statement. Having the four-year term allows you to assimilate into the process more deeply, and you're a little less beholden to the politics of the day.

Mayor Spotts interjected by saying that one of the problems that he has seen since he was on the Board of Selectman back in 2003; was at that point, everybody had a two-year term. The four-year term was part of the impetus for going to a Town Manager form of government, so that we had someone who was there on a full-time basis. Ms. Grasso added that she thinks a four-year term really works.

Chairperson Lepore suggested discussing the staggering of terms piece of this section.

Mr. Gagnon stated that he is in favor of the four-year term. He asked if the staggering part of it is saying that both parties are going to send three, once we get into the permanent four? Both parties send three candidates each? Attorney Olson said that the idea back then was that you maintain minority representation in the staggering.

Mr. Cannata asked if a specific number of Council members should be indicated in the last sentence of Section 2.02, subsection (c). Chairperson Lepore responded that this may be taking into account if someone leaves their position on the Council and there is an opening, so it is not always three.

A discussion ensued about minority representation in relation to staggering terms. Town Manager Salvatore suggested to Chairperson Lepore that he would bring forth some information from other towns with four-year, staggered terms, for later discussion.

Chairperson Lepore asked if everyone was in agreement regarding Section 2.02 as being in favor of the four-year term for Council members. Everyone agreed. Chairperson Lepore said that the discussion of staggered terms would be tabled until we get more information pursuant to what Town Manager Salvatore has said.

Section 2.03. Mayor.

Chairperson Lepore mentioned that this is again, a four-year term, which has already been agreed to above for Council. There's really not too much in terms of substantive changes except for the four-year term vs. two-year term. Mr. Cannata stated that the rest in paragraph (b) is boilerplate in regard to the verbiage.

Town Manager Salvatore mentioned that in the last Charter, it made it crystal clear what was said earlier about the Mayor, even though the State recognizes that the Mayor is an ex-officio member of all boards and commissions, the previous Charter to the one that we currently have, spelled it out that the Mayor is. Town Manager Salvatore would recommend that this be re-added in that the Mayor is an ex-officio member of all boards and commissions. Attorney Olson stated that it was retracted in 2011.

Town Manager Salvatore will bring in copies of the Charter that 2011 replaced, for members of the Commission to look over.

Section 2.04. Compensation; Expenses.

Mr. Cannata stated that there was previous discussion regarding a movement put forth to make the position of Mayor a paid position. The argument against it, which prevailed, was that we have a Town Manager and when we voted and agreed to a Town Manager position and form of government, we agreed that that salary was going to be offset because we were not paying the Mayor a salary. Nobody wanted to take it back to the voters and say now we are paying the Town Manager's salary and we will pay the Mayor's salary; that was the argument.

Chairperson Lepore asked Mayor Allan Spotts his opinion under this particular section. Mayor Spotts stated that before the changes in 2011, the Board of Selectman received a \$100 per month stipend and the First Selectman received a salary. That was eliminated when we went to a Town Manager. As far as the Mayor having a salary, Mayor Spotts is betwixt and between on this one. If someone is working full-time, it's going to be difficult for them to serve as Mayor.

Chairperson Lepore stated that Mayor Spotts well-addressed both sides of the issue. It does limit the type of candidate you're going to see run for Mayor. But also, we're going to be reticent to add any additional obligations onto the taxpayers.

Ms. Roberto joined the meeting via telephone at 7:41 p.m.

Mr. Menendez asked about the Mayor being entitled to reimbursement for expenses and mileage. Mr. Menendez asked if any Mayor has actually put in for reimbursement. Town Manager Salvatore said that there is a line item in the Town Manager's budget for Mayor's expense. Mayor Spotts stated that he was able to purchase a new office chair.

Attorney Olson stated to this point, that if it is really a concern that somebody can't work and do the job at the same time; that they would have to sacrifice their job in order to do this – she can't imagine that the Town would come up with any type of a stipend that would entice them to leave their job for four years for that compensation. It's gong to mean that you will end up with candidates who have flexible time.

Mr. Cannata said that from the standpoint of getting this to go over with voters, and have the voters vote in favor of this, that item might be one of the straws on the camel's back. Especially because our form of government went from First Selectman to Town Manager. This needs all the help it can get in terms of getting passed.

Mr. Gagnon asked the Town Manager Salvatore, if the Mayor has a budget anyway, why would we need to put any kind of remuneration in the Charter? The Council could always say the Mayor's budget is \$10,000 for expenses every year and leave it there, vote it down, decrease it or eliminate it at each cycle.

Town Manager Salvatore stated that the Mayor could only be compensated for actual and reasonable expenses in accordance with the Charter. There has to be an expense; it can't be for showing up at an event. Ms. Grasso asked if it could be for gas to show up at an event. Town Manager Salvatore said that it can be for gas mileage in accordance with what is allowed under the IRS. Ms. Grasso asked if under ordinances, there might be a better clarification. In her own case, she stated that it's hard to keep track of every last penny when you are doing multiple things. The onus is on the Mayor's position to keep track of those things.

In answer to Mr. Gagnon's question, Town Manager Salvatore said that if the Mayor came in with a request for gasoline reimbursement, we go by the IRS and we would in fact reimburse in accordance with the IRS mileage ruling. If the Mayor went out and had to buy something out-of-pocket, with a receipt, the Mayor would get reimbursed. When asked if there was a limit, Town Manager Salvatore said there is a limit on all of our budgets. If the Mayor had to attend a function, that would be paid out of the account.

Mr. Gagnon suggested that if folks were still on the fence, like Mayor Spotts, just posit it out there that we look at other towns and how they handle their Mayors with stipends. I know Rocky Hill, if I'm not mistaken, has a Mayor/Manager Structure and I believe their Mayor has a stipend compensation in the Charter; which goes back to the reason why our Board of Selectmen had stipends. When I was on Charter Revision 2011, one of the reasons we eliminated the stipend was because we were going to Town Manager; but at the time, the counter-argument was the stipend hadn't changed in 20-30 years. It wasn't adjusted for the cost of living or anything – it was really nothing, it was like a throw away. So, I ask the question of the Town Manager; is there a way that the Mayor can get reimbursed, or maybe paid for time, out of the budget instead of being in the Charter?

Town Manager Salvatore responded no, because the Charter is only for actual out-of-pocket expenses. Attorney Olson said that is as it is written now and to Mr. Gagnon's point, we can eliminate discussion of it altogether; or say they are entitled to a stipend. Mr. Gagnon replied that the town has a history of stipends and we could set aside a stipend if we wanted to. He asked the question of Mr. Cannata that if we were to set a stipend, would that be a deal-killer from a passable standpoint? Mr. Cannata stated that he would think the voters would look at it in such a way that it would be more money out of their budget, which comes out of their pocket. His gut tells him not to do it and he will go along with what the consensus says.

Ms. Roberto asked for clarification that we were discussing compensation for the Mayor, a stipend, in addition to expenses, which is correct. Ms. Roberto asked how the stipend would be established and Chairperson Lepore stated that is what is being discussed at the moment.

Mr. Gagnon suggested, as a concept, eliminating any language about it in the Charter and just handling it through the regular budget process; a stipend in the Mayor's budget. He believes the Mayor has a budget each year, now.

Ms. Roberto stated that this would have to do with an elected official; nothing to do with the Town Manager. This would be along the lines as someone having a full-time job in addition to being a State Representative. She asked what the current salary of a State Representative might be, as this might be a good example of how to address this. Mayor Spotts said that his knowledge of a State Representative's salary is somewhere between, \$28,000 and \$30,000 and then they get extra money for being part of leadership or co-chair. The four caucuses have a budget and that's where it all comes through. They get paid for mileage and if they pay out-of-pocket for events and so forth, they get reimbursed. He believes the salaries are set by statute.

Ms. Roberto asked if we would want to pay a Mayor the same way we pay a State Representative and how would that happen? She understands that there is a lot of time that goes into the position of Mayor - which is currently other than expenses – not compensated. However, she's not sure how we would determine what that level of compensation would be.

Chairperson Lepore suggested that before we determine that, let's keep it to the broader strokes right now and determine whether or not that is something we may even want to change in the Charter.

Town Manager Salvatore suggested putting out a questionnaire through CCM to poll the approximate 26 towns that have a Town Manager, with a Mayor who is not a full-time Mayor, if they are compensated and how they are compensated.

Ms. Grasso mentioned that she has heard several times, talk about having a Mayor's budget. Attorney Olson explained that there is a line item on the budget to make sure money is set aside for the reimbursement of reasonable expenses. Town Manager Salvatore stated that the Mayor does not have a budget; it is in the budget of the Town Manager and there is a line item to compensate the Mayor, or other types of expenses that are permitted under our purchasing policy.

Chairperson Lepore stated that Section 2.04 will be tabled, pending further information from the Town Manager.

Section 2.05. Prohibitions.

Chairperson Lepore stated that there was one small grammatical error in this section.

Section 2.05. (a) Holding Other Office

Mr. Cannata stated that he is not against an individual being able to hold a second office. But he does think that this may somewhat cut down on our pool of people willing to serve on boards and commissions, and also cuts down people willing to serve on the Council.

Town Manager Salvatore interjected by saying that this section only applies to Council members. Only the Council is prohibited; no other boards or commissions have restrictions. Boards and Commissions come before the legislative body for budgets, etc., so you would be restricting what they could and couldn't vote on. Mr. Cannata said that it would be no different than if someone had to recuse themselves from any commission if they're involved financially in any aspect of the business before the commission. Although he is not against a person holding a Council's position and serving on any board or commission town-wide; he does see it as an impediment to having a good group of people willing to serve.

Attorney Olson reads from Section 2.05 subsection (a), "...no Council member, including the Mayor, shall hold any other elected public office." Nothing prohibits a Council member from being on an appointed board, it is just an elected one.

Chairperson Lepore asked the question of what would be the real difference of elected vs. appointed if we are talking about a conflict of interest; if that is the idea behind this. What would be the difference between somebody who is appointed to a board or commission vs. someone who is elected? A conflict of interest would remain. Either it should be barring them from appointed and elected, or neither; unless somebody can think of a reason. Mr. Cannata said he is thinking neither, because he can't see where there's an issue.

Town Manager Salvatore stated that he disagrees with the interpretation of this. He knows exactly how this was written and why. This is to prevent a Council member from being a Town Clerk or Tax Collector at this time and holding any other office or employment within the Town of Cromwell; i.e., a police officer serving on the Council. Other municipalities allow those sorts of things; the Town of Cromwell does not – under this section. It doesn't say board or commission, it says "elected public office."

Attorney Olson said that if you are elected to the Planning and Zoning Commission, you are an elected public official. Mr. Cannata added, that you are in an elected public office and that was the way Enzo had explained it to him, when they had a conversation about this. Attorney Olson asked that if that was not the intent, and all agree with Mr. Cannata, we should rework it. She also mentioned that it was left alone last time.

Chairperson Lepore suggested that the second sentence read "No Council member shall hold any **paid** Town office or employment with the Town during the term for which the member was elected to Council" and asked Town Manager Salvatore if that was more in line of what he thought the intent was. Town Manager Salvatore agreed.

Marie Roberto interjected with saying that the real question here is undue influence; you don't want to be in a position as a Council member and also heading up another elected position and chair a committee. Someone could come in with a petition and you may want to promote that, which could put pressure on you to go back to Council members to try to pressure Council to vote in the direction you want to go in. We need to clarify that a., it's not an employee of the Town and b., not a compensated position.

Attorney Olson mentioned that maybe a reason these types of things get written in a Charter is so that there's not a concern that somebody might not be strong enough to step away when they feel pressured.

Town Manager Salvatore holds the Council in the highest regard, as the legislative body of the Town, and doesn't think they should be serving on other elected boards. Things come before them all the time and they should be able to sit there, and sit in judgement and I don't have to worry about whether they should be excusing themselves. Mr. Cannata stated that he doesn't disagree with Town Manager Salvatore, but he also doesn't fully agree. It's a tough spot – the individual has to be able to handle it.

Mr. Menendez said that a lot of it comes down to optics, perception and how it's going to be viewed by the public, as far as allowing this to happen.

Ms. Grasso asked the question of why a former Council member has to wait one year after the expiration of their term to hold any compensated appointive office or employment.

Chairperson Lepore said that it is to avoid the "revolving door."

Section 2.05. (b) Interference with Administration

Town Manager Salvatore pointed out that there is a change in the second line from "the" to "all". Chairperson Lepore asked if there were any objection to that change and there was not.

Section 2.06. Deputy Mayor.

Chairperson Lepore put forth the idea of having the Deputy Mayor be the highest vote getter of the six Council candidates (excluding the Mayor). Mr. Cannata mentioned that he thought the only issue would be was if the Mayor and the Deputy Mayor were of opposing parties and the Deputy Mayor is supposed to run the meeting and act as Mayor, in the absence of the Mayor. Depending on how contentious their relationship is, the question is whether or not that would cause an undoing of government, per se. In other words, if those two don't get along, and the majority of the Council is proposing one agenda and the Mayor falls ill and can't make the next three meetings, can the Deputy Mayor come in and say, okay, to hell with the Mayor and what he's doing; I want to do it this way and undo what the Mayor did? It sounds far-fetched, but this is the real world and it happens. So, I'm wondering whether or not that's something we want to eliminate by not having a Deputy Mayor and a Mayor of two opposing parties.

Chairperson Lepore asked, assuming that the Deputy Mayor and Mayor of the same party get along? Mr. Cannata said he sees Chairperson Lepore's point in the Deputy Mayor being the highest vote getter and being next in line, but doesn't know that it's worth changing or that it's a deal breaker one way or another as far as the voters of this document are concerned. He doesn't really agree or disagree with it because he hasn't really thought about it.

Ms. Roberto said that her real concern would be that the Deputy Mayor can step into the shoes of the Mayor and actually run the place. She is okay with leaving it the way it is. She would hope that the Council would elect someone as Deputy Mayor that they know would be able to step in, rather than maybe the best worker.

Mr. Gagnon mentioned the statement, "If it's not broke, don't fix it", and that we've had the Mayor and Deputy Mayor of the same party for a long time. Ms. Grasso likes the idea of having the highest vote getter have a voice and expects that there are towns that allow that to happen. Just because something is the past, that doesn't necessarily mean that we shouldn't consider things going forward. There are good points for having the two positions be from different parties. Chairperson Lepore stated that given the general consensus here, we will let it lie as is; Section 2.06. Deputy Mayor will just have a grammatical correction at the beginning. Everyone is in agreement.

Section 2.07. Vacancies, Forfeiture of Office; Filling of Vacancies.

Chairperson Lepore pointed out that there are no changes to subsection (a), but in subsection (b 1.) there should be a comma after lacks. There were no other changes mentioned in subsection (b) or (c).

Discussion of subsection (c) (i), Filling of Vacancies, all are in agreement of the timeline of 45 days. Subsection (c) (ii) has the addition of the timeline of 30 days. There were no objections, and subsection(c) (ii) will stand as is.

The discussion of subsection (c) iii the line of "In the event that a majority is not reached, the vote of Deputy Mayor shall be decisive" was agreed upon by all to be removed.

Section 2.08. Investigations.

Chairperson Lepore stated that this section will stand as is. All are in agreement.

Section 2.09. Independent Audit.

Town Manager Salvatore suggested to Chairperson Lepore to move on from this section because the Finance Director has an opinion on this, and would like to attend the next meeting to discuss what we've been doing since this has been in effect. Town Manager Salvatore will ask the Finance Director to prepare a list of items to discuss; not only 2.09, but any other areas of concern. Chairperson Lepore asked for the list ahead of time, so that she can prepare the next agenda accordingly.

Section 2.10. Procedure.

Chairperson Lepore pointed out that there are no red or blue line notations and asked if there were any amendments in subsections (a) through (d). All are in agreement to leave Section 2.10 as is.

Section 2.11. Ordinances.

Chairperson Lepore asked if all were in agreement with 2.11 subsections (a) through (d). Ms. Grasso referred to subsection (a) Public Hearing, and subsection (b) Publication, as to what the law is requiring these days with social media, and where is it published? Attorney Olson said the Town currently has to publish in a newspaper of sustainable general circulation in the Town. It is extremely expensive for towns to do this, but she ultimately suspects that paper newspapers are going away and maybe you can publish it with an online newspaper – but ultimately just publish it on your website. Ms. Roberto stated that she agreed with Ms. Grasso and we need to make sure that this information is available for townspeople to read and that it needs to be a reputable site.

There are no amendments to Section 2.11 subsections (a) and (b).

All were in agreement that there are no amendments to Section 2.11 subsection (c)

Codification.

All were in agreement that there are no amendments to Section 2.11 subsection (d) **Printing of Ordinances and Publication of Other Materials**, other than the red and blue line notations.

Section 2.12. Emergency Ordinances

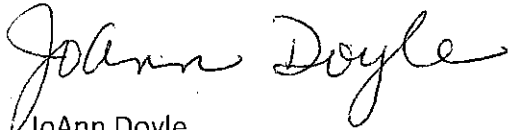
All were in agreement that there are no amendments to Section 2.12.

Before adjournment, Chairperson Lepore reminded Commission members that the next meeting will be on March 16th at 7 p.m.

F. ADJOURNMENT

MOTION made by M. Cannata, seconded by L. Menendez to adjourn. Meeting adjourned at 9:00 p.m. All in favor. ***Motion carried.***

Respectfully submitted,

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

JoAnn Doyle
Recording Secretary