

05-12-16A09:12 RCVD

**TOWN OF CROMWELL
CHARTER REVISION COMMISSION
Public Hearing
MAY 4, 2016
7:00 PM TOWN HALL ROOM 224/225
MINUTES**

RECEIVED FOR FILING
5-12 2016 at 9:12 A.M.
TOWN CLERK'S OFFICE
CROMWELL, CONN.

Lu. Conaco Jr. Asst.
TOWN CLERK

Present: Anthony Amenta, Paul Beaulieu, Michael Cannata, Michael Camilleri, Karen Spotts, Marie Roberto, and Shirley Banic

Absent:

Also Present: Mayor Enzo Faienza

A. Call To Order

Chairman Michael Camilleri called the meeting to order at 7:02 pm.

Chairman Camilleri read for the record the legal notice regarding the public hearing. It is included in the attachments along with written recommendations submitted to the commission.

B. Public Comments

Darlene DiProto, 18 Shady Lane, asked the commission to consider changing the Town Clerk and Tax Collector's positions to appointed positions as opposed to elected positions. She stated that they are important positions requiring significant certification and it is difficult to find someone to run for the position. She stated that she is concerned that when the current staff retires, it will be difficult to find someone with the knowledge to take over as Town Clerk.

Jack Hennehan, 17 Crest Drive, a member of the Board of Finance, spoke to recommend that the commission maintain the Board of Finance. He stated that his research leads him to believe that 70% of other towns in Connecticut have Boards of Finance that has a similar structures to Cromwell's. At Chairman Camilleri's request, Mr. Hennehan provided some of this research to the commission. Mr. Hennehan stated that it is important to have another set of eyes reviewing everything that comes through the Town Council. He said that the time costs are relatively minimal since all members are volunteers. He brought up a concern regarding disparate term lengths for Town Council and Board of Finance members.

Bob Jahn, 3 Woodside Road, expressed concern regarding section 6.02 of the Charter because he believes that there is an issue with the wording and it may be in conflict with General Statute 9-167a regarding election of the Mayor and Town Council members.

According to Mr. Jahn, the General Statute 7-406 requires a town report to be produced and distributed every year by Board of Finance or the Board of Selectman if there is no Board of Finance and to his knowledge we have not done one recently. Chairman Camilleri directed attention to the Town Charter's 3.04 Section 7 regarding a town report and asked Mayor Faienza to respond.

Mayor Enzo Faienza, 20 Horserun Hill Road, stated that annual reports have been done every year. Chairman Michael Camilleri referenced Mr. Sistera's recommendations. Bob Jahn responded that he doesn't believe it fulfills the parameters set forth by the general statute.

Richard Newton, 1 Elm Road, thanked the commission for volunteering. He stated that he wants them to continue making the charter relevant to the times. He explained that the switch to Mayor-Council forms of government has been great and wants to continue that success. He shares Darlene DiProto's concerns about electing the Tax Collector and the Town Clerk. Mr. Newton stated that he respectfully disagrees with Mr. Hennehan regarding the Board of Finance. He explained that he believes those towns have outdated forms of government in reference to where Cromwell is now and that those towns are also significantly different from Cromwell. They are smaller, more rural, and less complex than Cromwell. In regards to the budget, he believes that the people should be the final arbiters. He said that the Town Council is not responsible for the budget in Cromwell, as it is in other towns. He suggested streamlining the budget process and looking at other similar towns to see how their budget process works.

Marianne Sylvester, 41 Hicksville Road and Town Finance Director, reiterated the call for the Town Clerk and Tax Collector become appointed positions. Currently, she said that if the elected person does not have the proper certification it is then acquired on town time which is a concern especially if they are not re-elected. There is a monetary and substantial time cost associated with the certification. She referenced the materials she submitted to the commission by e-mail.

Anthony Amenta asked for clarification regarding the concern about reporting to the Town Manager and asked for an example.

Marianne Sylvester responded that when a town meeting was called, the Town Manager does not have the authority to require the Town Clerk or the Tax Collector to attend. In essence, she explained, they have no direct boss. Mrs. Sylvester stated that they should be treated as professionals and not be subject to job insecurity based on personality differences and lack of union support. If the Board of Finance is maintained, she believes that the oversight of the independent auditor should go back to the Board of Finance. If the Board of Finance is eliminated, the Town Council should be expanded to 9 members to deal with this change. In response to Chairman Camilleri's question regarding the

Board of Finance, she responded that she can see both sides and agrees that there is some redundancy; the oversight is helpful though.

Mr. Camilleri asked if there were towns nearby that had preferable structures. Mrs. Sylvester responded that she would look into it and get back to the Commission with examples. Mr. Hennehan responded that there are a list of towns in the materials he provided that have similar structures.

Mrs. Sylvester referenced a number of Sections of the Town Charter that should be reviewed for slight changes. She suggested eliminating the special town meeting in the budget process outlined in Section 8.03. In Section 8.04 she suggested a language clarification. Mrs. Sylvester also pointed out that the information in Section 8.09a is redundant with Section 8.16.

Shawna Baron, non resident and Cromwell's Tax Assessor, submitted written recommendations. She stated that she agrees that the Tax Collector and Town Clerk should become appointed positions because there is no authority over or oversight of those departments. She referenced her letter regarding the Board of Appeals, stating that it only has 3 members and it is difficult to get them all together. She expressed the importance of the job of the Board of Assessment Appeals but is concerned about their issues maintaining a quorum at their meetings. Ms. Baron referenced Section 5.10 of the Town Charter which suggests 5 members for the Board of Assessment Appeals. She also expressed concern about what would happen if the debt service that has already been approved by the voters in the town was not be passed. She stated that she agrees with Marianne Sylvester's concern that they are professionals and do not have union protection.

Chairman Camilleri asked Shawna Baron resend her recommendations because only one of two pages were received by the Commission. Mr. Camilleri stated that the materials submitted through email were forwarded to all Commission members.

Mayor Enzo Faienza, thanked everyone for their service and mentioned that he had submitted written recommendations to the commission prior to the meeting. Mr. Faienza suggested that the Town Council have 4 year staggered terms to ensure continuity. He explained that other boards and commissions have longer terms and now the town might be ready for it. Mr. Faienza discussed the Board of Finance noting that he thinks it is important to have a professional Finance Director, Town Manager, and oversight of the council. He recommends reviewing the Rocky Hill Town Charter for guidance. Agreeing with Marianne Sylvester, Mr. Faienza suggested that if the Board of Finance were to be eliminated that the Town Council should be increased to 9 members and create a subcommittee to deal with the budget.

Chairman Camilleri asked Mayor Faienza for his response to comments regarding the Board of Finance and having a second set of eyes on the budget. Mayor Enzo Faienza stated that there are many sets of eyes reviewing the budget and suggests streamlining the process. In response to Mr. Camilleri's question, Mr. Faienza stated that the Board of Education budget would be included in the budget under his recommendations. Karen Spotts asked for clarification regarding line item authority over the Board of Education. Mr. Faienza stated that it would be strictly bottom line authority under state statutes.

Mayor Faienza stated that the Water Pollution Control Authority should be in the same budget under the Town Council's authority. At Anthony Amenta's request for clarification, Mr. Faienza explained the authority issues and suggests that they eliminate the ambiguities bringing the Water Pollution Control Authority under the purview of the Public Works Department. Michael Cannata asked who sets the rates for the authority. Mayor Faienza stated that the Water Pollution Control Authority sets it and the money collected goes into a separate fund. Marianne Sylvester explained that if changed, it would still have to be a separate fund but possibly under the control of the Town Council. Mayor Faienza stated that the Town Council cannot use the sewer funds for anything else, for example to make up budget shortfalls.

In response to Marie Roberto's questions regarding the authority over Fire and Water districts, Mayor Faienza stated that it is chartered and governed by state statute and run autonomously from the town. The Fire and Water Districts are separate and the Town Council has no say over the mill rates.

Marie Roberto asked about the Water Pollution Control Authority and its relation to the Health Director. Michael Camilleri asked if she believed that Section 4.09 should include a reference to having some oversight over the Water Pollution Control Authority. Marie Roberto agreed and stated that she believed that water pollution is more than just a public works issue but a health issue as well.

Mayor Faienza referenced Item 4 of his recommendations and reiterated that the Town Clerk and Tax Collector should be appointed positions thus clearing up questions about chain of command and accountability along with removing politics from the equation. In reference to Item 5 of his recommendations, Mr. Faienza suggested that an appointed or elected member of a board or commission should be allowed to serve until a replacement is found or they are reappointed. As stated in Item 6 of his recommendations, Mr. Faienza asks that the commission review the various boards and commissions to evaluate the effectiveness of the number of members in each group and to add or reduce members as needed. Agreeing with Shawna Baron, Mr. Faienza believes that the Board of Assessment Appeals should have 5 members.

In reference to Item 7 of his recommendations, Mr. Faienza discussed eliminating the budget referendum stating that it is a waste of taxpayer dollars due to low voter turnout.

Mr. Faienza stated that at the budget referendum yesterday, there were less than 300 people who voted and that each referendum costs the town \$2,500. Instead, he suggested changing the process to possibly include a trigger for a referendum if there are controversial pieces in the budget. At Mr. Camilleri's request, Mr. Faienza said that he would review the section of the Town Charter that outlines the budget process and come up with some solutions.

Michael Cannata asked if the current Town Clerk and Tax Collector would be grandfathered in if they switched to civil servant positions. Michael Camilleri stated that it should be worded as such in the charter.

Anthony Amenta suggested replacing board members who do not show up to meetings. Mayor Faienza responded that it had been done in the past and a possible solution is to have alternates who can take their place.

At Marie Roberto's request, Mayor Faienza discussed civil preparedness authority. Chairman Camilleri responded that it should be clarified in the Town Charter.

Ed Wengers, 4 Fenwick, said that the health director has complete control over the design and control over the septic systems but does not have control over sanitary sewers.

Bob Jahn, 3 Woodside Road, asked that written recommendations that were submitted be attached to the meeting minutes. In reference to 4.17a, he stated that the Parks and Recreation Commission language is unclear and should be clarified in regards to appointments and term beginnings and endings. Mayor Faienza responded with an explanation of how the commission is currently operating and agreeing that the language in the charter could use some clarification.

Michael Gengler, 5 Forest Road, stated that he served 22 years on Board of Finance and 5 years as their Chair. He said that this town has a AAA bond rating due to the Board of Finance's efforts and eliminating the board would eliminate the experience and expertise that it contains. Mr. Gengler expressed that dealing with 50 million dollars in taxpayer and state money requires a lot of oversight. If the board is maintained, the appointment of the Town Auditor should be returned to the authority of the Board of Finance.

For the record, if you would like to share recommendations with the Charter Revision Commission you may send your comments to: mikecamilleri13@gmail.com.

Anthony Amenta thanked the public and the department heads for their input on behalf of the commission.

C. Adjournment

Chairman Michael Camilleri closed the public hearing at 8:25 pm.

**TOWN OF CROMWELL
CHARTER REVISION COMMISSION
SPECIAL MEETING
MAY 4, 2016
7:00 PM TOWN HALL ROOM 122
MINUTES**

A. Call To Order

Chairman Michael Camilleri called the special meeting to order at 8:26 pm.

B. Approval of Minutes

1. Organizational Meeting, April 7, 2016

Anthony Amenta made a **motion** to approve the meeting minutes from April 7th, 2016.

Michael Cannata **seconded** the motion. *All were in favor; the motion passed.*

C. New Business

1. Discuss Charter Revision Recommendations

Chairman Michael Camilleri outlined six major areas of change for the commission to consider:

1. Abolition of the Board of Finance
2. Changing Town Clerk and Tax Collector to appointed positions
3. Terms of Town Council and Mayor
4. Abolition of the Water Authority
5. Reviewing and Evaluating the Number of Board Positions
6. Budget Referendums

Chairman Camilleri suggested that they begin with those six major areas and then address other issues as they arise.

Marie Roberto stated that she was concerned about the lack of definitions in the charter and suggested that they include an organizational chart in terms of authority and oversight. Mayor Faienza said that he would ask all the department heads for their charts and provide them for the commission.

A discussion ensued about the employee handbook and the Town Charter in reference to employing relatives. Anthony Amenta stated that if it is covered in the Town Charter and the handbook that it should be up to the departments to handle that. Mayor Faienza responded that it should not be up to the charter to determine those situations. The discussion continued regarding Mr. Water's submitted recommendations.

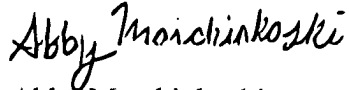
Chairman Camilleri suggested that the commission cover the following topics at the next meeting: Terms of Mayor and Town Council, Changes to the Sizes of Boards and Commissions, and Town clerk and Tax Collector Appointments.

At the commission's request, Mayor Faienza stated that he would provide copies of the relevant ordinances and state statutes at the next meeting.

D. Adjournment

Anthony Amenta made a **motion** to adjourn the meeting. Michael Cannata **seconded** the motion. *All were in favor; the motion passed.* The meeting was adjourned at 8:40 pm.

Respectfully Submitted,

A handwritten signature in black ink that reads "Abby Marchinkoski". The signature is written in a cursive, flowing style.

Abby Marchinkoski

Recording Clerk

**LEGAL NOTICE
TOWN OF CROMWELL
PUBLIC HEARING
CHARTER REVISION COMMISSION
MAY 4, 2016**

Cromwell, CT - Notice is hereby given that the Cromwell Charter Revision Commission, pursuant to the requirements of Section 7-191 of the Connecticut General Statutes, as amended, will hold a Public Hearing on the current Charter of the Town on Wednesday, May 4, 2016 at 7:00 p.m. at the Cromwell Town Hall, 41 West Street, Cromwell, Connecticut 06416, Room 224/5. The Commission is seeking input on any possible changes to the Charter and on the revisions recommended to the Commission by the Town Council. Any person wishing to comment is invited to speak at this hearing.

Michael Camilleri, Chairman
Charter Revision Commission

Continued from page 10

Submitted Recommendations

12/26/16

Created: town manager returning to career in the

increase in efficiency.

He has recommended to the mayor and the Town Council that the Water Pollution Control Authority no longer exist as a separate entity.

"The town council can serve in that capacity," he said.

"As the sewer system is contained entirely in town, there is no need to have a separate board to oversee the system, any more than there is a need for a separate board to oversee any other town department," Sistare said.

"While I know the members of the CWPCA are dedicated volunteers, to me it causes some confusion and inefficiencies in decision-making and budgeting," Sistare said.

The public works director, acting on behalf of the manager, can oversee the sewer system, he said.

"There are some more ideas and suggestions that I would continue to work on if I were to remain in this position," Sistare said.

However, "It would not be appropriate to discuss these publicly at this time due to possible reorganizations or personnel changes."

Asked if a subsequent email if he intends to recommend reorganizations and or personnel changes in the 2015-16 budget that is now beginning to take shape, Sistare answered enigmatically, "Possibly."

158 <http://www.middletownpress.com/government-and-politics/2016/12/26/created-town-manager-returning-to-career-as-is-a/>

© 2016 The Middletown Press (<http://www.middletownpress.com/>)

Submitted Recommendations

Submitted by Enzo Faienza:

Proposed Charter amendments for consideration:

1. Section 2.05, there is no consequence for violating this section. I'm not sure what it says in CT law, but in NH law, elected officials who violate the non-interference prohibition are subject to removal by either the full council or by a court.
2. Section 2.09, the Audit. While it was not really an issue, the question arose about the Audit and who was responsible to have it completed. Previous to the charter, I believe it was the Board of Finance. When the new charter took effect I think it surprised some people when that responsibility changed to the Council. Not a big deal, but just a note of reference.
3. Section 2.11.a and 2.11.b. – with regard to advertising in a local paper, many states and cities now allow the advertising to be done on-line or on a website. It saves a bunch of money. It might be worth it for someone to check what the law allows in CT and if on-line can be used it would save a lot of advertising money for the town.
4. Section 3.01.a. requires the council to hire a person or firm to conduct a search. It is just a suggestion to change the word “shall” to “may” to give the council the option not to hire a person or firm if it can be done in-house somehow.
5. Section 3.04.07 requires the TM to provide an annual report. This was familiar to me as I always had to do it in NH; however, I think previously to the first year in which I did one, I don't think the town had done one in a few years. Some people commented it didn't seem necessary?? I'm not sure how people feel now, but I just wanted to bring it up similar to the audit requirement that some people were surprised by the requirement to do an annual report.
6. In Section 4.03, the title of Director of Civil Preparedness is outdated. The common term now is Emergency Management Director. Also, I hadn't noticed this previously but within that same section, it lists some departments, but not others, such as listing Department of Public Works and it also lists Director of Public Works?? Not sure why it lists both the department and the position, while others just list the position. Also, it lists Police Department, but not Police Chief. Again, just not sure why here it would list the department, but not the department head?? I think this section just needs to be uniform in how it lists departments and/or department heads.
7. Section 4.08 again needs to be revised to Emergency Management Director.
8. Section 4.11 lists Building Official as under the Dept of Public Works. I know that is how it was at one-time, but it is not any more. Also, it lists the Engineer under Public Works but appointed by the Town Manager. I had some ideas on reorganization that you and I discussed. Perhaps some consideration should be given to make the charter somewhat flexible in terms of department reorganizations/realignments by the TM with the approval of the Council??
9. Section 4.13 – town attorney, unless the Town has one on staff, I would recommend deleting this section as if read closely, every time the TM wants to hire an attorney for any reason he needs to

Submitted Recommendations

get Council approval. I think, similar to any other position outside the town which is contracted to provide services to the town, the TM ought to be able to do this without council approval.

10. Section 4.17.a. – WPCA – delete entirely and put all duties and powers of a WPCA under CT law in the hands of the Council. I don't think it is even based upon personalities, but just the inner workings of the town with the WPCA approving its own budget, who administers that budget, employees – to whom do they report, etc makes it a very clunky organizational system for any TM to deal with and frankly makes the system very inefficient and awkward on so many levels. Similar to the police commission, the WPCA is outdated. The Town has a fully-functional council, TM, and organizational structure to administer the duties of the WPCA. Kerri once told me the WPCAs were formed years ago before towns were organized as they are now so that sewer issues could be handled. Today, there is no need for a WPCA to be a separate body that administers part of the Town's infrastructure. The Council can handle all duties with the assistance of the TM and Director of Public Works.
11. Section 7.07, listing of employees subject to TM authority doesn't include police, recreation, planning, building officials, assessor, and maybe others. This section needs to be updated.
12. Section 8.02, suggest moving the submission date back from Feb 1 to Jan 1. I found Feb 1 to March 1 when the TM needs to present to council a tight timeline to review budgets with all department heads. Perhaps it was just me, but I would have preferred more time.
13. Section 8.03 – at the very end it includes the Dog Fund and Sidewalk Fund. I found it odd that these funds needed to get Town Meeting approval and that the council couldn't adopt these two funds. Never really understood that.
14. Section 8.06 – some department heads tried to interpret this to mean when the budget was passed they had full and complete control of their budget for the remainder of the year and that expenditures were not subject to oversight by the TM. It didn't become an issue, but this might need some consideration to avoid an issue on who has authority to control expenditures.

Submitted Recommendations

Submitted by Enzo Faienza:

Enzo Faienza
20 Horse Hill Road
Cromwell, CT 06416

May 3, 2016

Re: 2016 Charter Revision

Dear Chairman Camilleri and fellow Commissioners,

Thank you so much for taking the time to serve on Charter Revision. I know that everyone's days are busy and filled with many things going on and I want you to know how much I appreciate your service.

As the former Chairman of the past Charter Revision Commission I had the privilege of working to put our current Charter forward in 2011. As I stated at your first meeting I feel this Charter is a great Charter but could use some fixes and changes. As Mayor for the past 2.5 years I have worked with this Charter and the new form of government. I can now see clearly in my mind what needs to be changed. Therefore, please review some of my ideas and changes that I feel can make this Charter better.

1) The Mayor and Council should be elected to 4 year staggered terms. It's very difficult to get anything done in two years. I feel that four staggered terms will be a big help in having consistency and continuity. It also will help with the Town Manager as it could be very difficult for them to their job if there is Council turnover every two years.

Submitted Recommendations

2) I don't feel the need to have a Board of Finance anymore. I want everyone to understand that this is not anything personal against the BOF but more of a streamlining of government.

The town has a Finance Director and Town Manager who work the budget. We have two professionals who are working with our department heads to put the best possible budget together. Then the Council does a full review of the budget during the budget hearings that are held. This is a detailed process in which the Council does a detailed review of the budget and has the department heads there to answer any questions. I feel that the Council should be the last stop for the budget as the process now long and redundant. I would like to see the Council move to 9 members instead of 7, therefore having the possibility of some of the BOF members running for Council. I think this will also open up the Council to a larger pool of potential candidates. Many towns that have the form of Government we do no longer have a BOF. For instance in Rocky Hill the Council is that last stop for the budget and they also set the mill rate. They have a 9 member Council and I think that will work great in Cromwell.

3) The Cromwell Water Pollution Authority's duties should be combined with the Town Council and fall under the directive of the Public Works Director acting on behalf of the Town Manager as many other towns have it. My main reason for this is our sewer system is contained entirely in our town and there is no need to have a separate board oversee the system. This should be done through Public Works/Town Manager and the Council. I've attached an article from the Middletown Press in which our former Town Manager explains some of the difficulties and challenges he faced, the part about the CWPCA is highlighted in yellow for your review.

4) I feel that it's time to make the Tax Collector and Town Clerk appointed positions and not elected ones. I have read and reviewed the comments for our Tax Assessor and my sentiments are the same as hers. Being that they are elected Officials there is no oversight by the Town Manager as they have with all the

Submitted Recommendations

other departments in Town Hall. In most towns in CT both of these positions are appointed and not elected.

5) I would like to see a provision in the Charter for individuals who serve on appointed boards and commissions that if their term expires, they can continue to serve until they are reappointed or replaced. It's very difficult to follow who is serving on the various boards and commissions and I rely on the input of the various Town Committees. Sometimes I don't get their feedback right away and it takes time. It would be easier if the person could continue to serve until they are reappointed or replaced.

6) Please look at the various appointed boards and commissions. Some are too large in membership such as the Senior Commission. It's been very hard to find residents to volunteer their time and serve on some of these commissions and cutting the membership down would help. I would also look at their responsibilities and move them more towards advisory. We have Department Heads, a Finance Director and a Town Manager. I see these boards being more advisory.

7) The turn out for the annual Budget Referendum is scarce and I feel a waste of time and tax payer's dollars. Therefore, I would eliminate the Referendum as it's antiquated and just another step. As I stated earlier with the work of professionals such as our Town Manager and Finance Director the Council should be the final step in the process.

Thank you very much for taking the time to read through my ideas. I plan on attending all your meetings and I'm at your disposal if you have any questions or concerns.

Sincerely,

Enzo Faienza

Submitted Recommendations

Submitted by Al Waters:

“No hiring Relivtive's..Period ..per employee's hand book..... Do not eliminate B/F
and no Stipend for any member who volunteer's and being Voted to any Office

Thank's

Mr Mike

Al Waters”

Submitted Recommendations

Submitted by Shawna Baron:

Tuesday, April 05, 2016

To: Charter Revision Commission

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

Subject: Proposed Charter revisions

I am proposing the following changes to the Town's Charter. Please review my comments and let me know if you need any additional information.

Appointed Officials – Town Clerk and Tax Collector

I would like the Commission to review the Town Clerk and Tax Collector positions and change them from being elected to being appointed positions. I am requesting this for a couple of reasons:

- The Town Manager does not have any authority over these positions and is unable to resolve issues that may arise during the year. If a Taxpayer is not satisfied with the service in either of these offices they have no one to turn to. Over the 12 years that I have worked here this has happened on many occasions. This has had a negative impact with the Taxpayer and how they view the entire Town. Any other Department the Taxpayer could seek out the Town Manager for assistance and can get some kind of resolution. Why have two offices not accountable to another Town Official. Even the Town Manager is accountable to the Town Council but these positions are only accountable to their constituents which could be as much as 2 years away.
- The Town Manager cannot make these offices comply with any procedure that may be to the Town's best interest. For example the First Selectman in the past has requested Dept. Heads to state their goals and accomplishments within the department. Past officials in these offices have told the First Selectman (at the time was the head of the Town) you are not my boss and I don't have to comply. Depending who is in these offices this can happen again.
- With these positions being elected there is a potential that every 2 years the Department Head could change. This can lead to issues when the staff knows the responsibilities, duties and state statutes better than the Department Head. Not only can this have a negative effect on the Town but also within the Department as far as competence.

To become a certified Tax Collector it takes an individual 3 years of experience, 4 courses that have to be successfully completed, and successfully passing a Final State exam given by the Collector's CCMC committee.

The Town Clerk also requires a similar process to become certified. The minimum time to become certified as a Town Clerk is 2 ½ years.

Submitted Recommendations

Board of Assessment Appeals – Change from a 3 member to a 5 member board

The Board of Assessment Appeals currently has 3 members. This has caused some issues over the past few years with having a quorum or having an appeal being locked by a split vote. This would also assist the Board during revaluation years.

- A member not being able to attend leaving on just 2 members to listen to the appeal. Approximately 50% of the time one member is unable to attend the hearings. This forces the 2 members to agree in order for the appellant to receive any reduction in their assessment as a majority must vote to have any motion passed.

When there are 3 members and one member disagrees they feel helpless as the other 2 members have the majority. If you extend it 5 members this would allow more discussion to take place which will lead to better decision being made.

- Every 5 years the Town undergoes a Revaluation of all property. This leads to twice as many appeals as in a normal year. The BAA has strict time constraints to accomplish their responsibilities. Statutes allow BAA members to set up individual appointments if there is extraordinary amount of appeals. The individual member can listen to the appeal and then the entire board at the end of the session listens to all information gather on the individual appeals and votes as a body on each appeal. The BAA can request an extension but by doing so puts the Town in awkward position as it may not know the impact of the hearings before setting the mill rate. It is to Town's best interest to have these appeals completed as stated in the statutes which is March 31st each year.

Below are some inconsistencies I found in the Charter that you may want to address. They are more technical changes in nature.

- Section 4.03 – The Charter states there would be the following departments that included the Building Official and Town Engineer, but these are also listed under the Department of Public Works Section 4.11. You may want to create sections in the charter for these departments or remove them from 4.03?
- 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 8.05 – The annual budget referendum does not state if there are separate votes on the Board of Ed, the Town, and debt service. Should these be listed? 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

Submitted Recommendations

Submitted by Marianne Sylvester:

Date: May 4, 2016
To: Mike Camilleri, Chairman
Charter REVIision committee
From: Marianne Sylvester, finance director
RE: charter revision recommendations

I am recommending the following revisions to our existing Charter that was adopted November 2011. Please let me know if you have any questions or need additional clarification.

I would strongly advocate for changing the **town clerk** and the **tax collector** positions from elected to appointed positions. Both of these positions require specific skills sets, training, and knowledge. The state-wide certification process for each position is intensive and lengthy, combining years of experience, coursework, and examinations; however it is beneficial for the individuals in the position to obtain the respective certification. Ideally, a candidate would be hired possessing some or all of the qualifications for these positions. In the past, the individual obtained their certification while in the position with all costs covered by their operating budget. This becomes wasted time and money if the individual is then voted out of office at the next election. Also, the operations of both offices impact the General Fund budget for revenue and expenditures, and the Town Manager has no authority to enforce cooperation with policies, procedures, or general Town direction. In addition, there is no provision for dismissal of these elected officials for improper execution or non-performance of duties until the next election, if then.

For all appointed positions indentified in the Charter, suspension or removal of an individual should be based on "just cause". Individuals in these appointed positions should be professional and possess expertise in their field. Recommendations made by these professionals for policies, procedures, or operations may not be in agreement with the town manager but in the overall best interest of the Town of Cromwell based on their area of expertise. Personality conflicts or political pressure should not put employment at risk.

I understand there has been discussion regarding the continuation of a separate Board of Finance. If the Board of Finance remains in the Charter, the appointment of the Town's independent auditor and all oversight of the audit function should be the responsibility of the Board of Finance. (Currently **Section 2.09**)

If the Board of Finance is eliminated, the Town Council should be expanded to nine (9) members. A sub-committee should be identified for Budget & Audit/

Submitted Recommendations

Finance matters. The budget process would need to be revisited as well if the Board of Finance is eliminated.

Regarding the budget process, I think **Section 8.03**, items numbered 1, 2, and 3 may not be fully applicable to the Town's budget process and accounting structure. Understandably, proposed goals and objectives for current and proposed operations should be included, but perhaps this element should be identified in 8.03(c), as should the proposed capital expenditures. Capital expenditures are also addressed in Section 8.13 Capital Improvement Program, so may not need to be addressed in this section. The sentence under item #3 ("For any fund, the total..."), should be deleted.

The four (4) other funds for which we have annual budget appropriations, Sewer Usage, Sewer Assessment, Dog Fund, and Sidewalk Fund, currently go to a special town meeting for final approval. Town Council (and Board of Finance) should be authorized to set these budgets without going to special town meeting.

In **Section 8.04(b)**, I would recommend allowing ten (10) "business" days after the public hearing. At times it has been difficult to arrange meetings and locations for such meetings within this short time-frame.

Section 8.09(a) for Supplemental Appropriations should be clarified. "The Board of Finance shall also have the power, by resolution, [to authorize the Town] to incur indebtedness for any specific purpose in order to finance said supplemental appropriations provided for in this section and shall have such other powers and duties not inconsistent with this Charter, conferred or imposed by the General Statutes, on town boards of finance." The rest of this sentence should be deleted as it does not tie into the preceding language. The last sentence in this section should be moved up to follow the sentence referring directly to a supplemental appropriation, prior to "The Board of Finance shall also have the power...".

Section 8.09(a) seems to make Section 8.16 on Borrowing redundant.

I would be happy to review any draft that concerns the financial activities of the Town or answer any questions as the Commission moves through the Charter.

Thank you for your consideration of the above recommendations.