

MINUTES  
CHARTER REVISION COMMISSION  
February 15, 2018

PRESENT: Dennis Donovan, Art Kuever, Eric Bergman, Lise Gazillo, Michael Hornyak, Michael Knudsen and Mary Jo Phelps

Guests: Bruce Farmer, Selectman Phil Sengle, Selectman Tim Guerra and First Selectman Christine Goupil (arrived 7:18 p.m.)

The meeting was called to order at 7:00 pm by W. McDermott, Clerk

All stood for the Pledge of Allegiance

Election of Chairman and Vice Chairman:

Nominations for Chairman and Vice Chairman were made.

- A motion was made by M. Hornyak, seconded by A. Kuever to nominate Dennis Donovan as Chairman.
- A motion was made by E. Bergman, seconded by M. Knudsen to nominate A. Kuever as Vice Chairman.
- Both motions were approved.

Members of the commission introduced themselves.

Set meeting dates:

- The first public hearing will be scheduled for Wednesday, March 14, 2018.
- The Commission will meet every other Wednesday with the calendar set as follows:
  - March 14 – public hearing
  - March 28
  - April 11
  - April 25
  - May 9
  - May 23
  - June 13
  - June 20
  - July 4
  - July 18
  - August 1
  - August 15
  - August 29
  - September 12
  - September 26
  - October 10
  - October 24
- Each meeting will begin at 7:00 p.m.
- All meetings have been scheduled for the Town Hall Annex Community Room, 48 East Main Street

Comments from the public:

- P. Sengle presented his opinions/comments as a private resident
- His comments are attached to the minutes, but some key points are as follows:
  - The Board of Selectmen should have 4 year terms
  - Change the Board of Selectmen to a Town Council
  - Make the Board of Selectmen a 7-member board
  - All hiring is done by the Town Manager
  - Give the Public Works Commission some power

- Eliminate the need for alternates on the Board of Police Commissioners
- Town Manager's contract is 3 years, consider increasing it to a 5-year contract
- C. Goupil made the following comments:
  - An attorney will be available to the commission
  - Consider a Representative Town Meeting (RTM) form of government
  - Consider a Town Council – the Board of Finance needs to be phased out
  - Board of Selectmen review the staff
  - Section 11-3: Reference the effective date – the goal is to vote at the November election
  - Section 8-7: The Fire Marshal serves a 4-year term; does this need to be changed to an indefinite date
  - Section 7-1: Appointees – once they are elected, they need to be sworn in within 30 days
  - Section 3-7: Change Board of Finance alternates to a 4-year term
  - Under First Selectman – change to First Selectman/Selectwoman
  - Continue with the runner up process

C. Goupil and T. Guerra left the meeting at 7:34 p.m.

- B. Farmer gave his input and presented a job description/qualifications document for a Town Manager
  - Make it clear the responsibilities of the Town Manager
  - Add more responsibilities to the Boards/Commissions/Committees
  - Use "Authority, Accountability and Responsibility"
  - Get all the changes made to the Charter out to the people – educate them

Scope of the Work:

- E. Bergman will research a RTM
- M. J. Phelps will review some other town charters
- Get research materials from RiverCog, CCM or Cost

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Wendy McDermott  
Clerk

## Comments from Phil Sengle to 2018 Charter Revision Commission

The Board of Selectmen have authorized and appointed a Charter Revision Commission on January 23, 2018. The charter is something I take great interest in and therefore decided to create a list of suggestions. The overarching wish of the Board of Selectmen, through charter revision, is the creation and implementation of a Town Manager form of local government. We find that our current form of government is no longer suitable in this modern and complex age. We believe it is necessary to employ professional personal in the management of the town with oversight by elected officials. However I stress these suggestions are mine alone.

It has been suggested that you utilize the recent proposed revision, completed in 2017, as a template for your work. This document should be revised, corrected, improved and augmented as necessary. As before you should refer to the existing in force charter passed in 2012 to insure nothing is missed. Point by point suggestions are listed below, roughly following the order in which the topic appears in the charter. The sections cited are those listed in the 2017 revision unless otherwise noted. As you know, that proposal was defeated at the November 7, 2017 municipal election.

- The First Selectman and the Board of Selectman should be prohibited from negotiating agreements, executing contracts or hiring employees during the remainder of their terms after the town election which causes a new First Selectmen and Board of Selectman to be seated. Legal advice would be needed on this and charter would have to allow for emergencies.
- Section 1-2 (2017 proposal) make clear the town manager is the Chief Executive Officer by adding to last line after the words "Town Manager", the phrase "as the Chief Executive Officer, as provided in this Charter and according to State Statutes."
- Assuming a town manager is approved, how is the first selectman be selected? Could be highest vote getter or selected by the BOS from their membership. We suggest selected by the BOS membership. The section currently covering how the first selectman and the selectmen are elected must be reworked. Add selection process and how BOS is elected.
- Board of Selectmen – suggest moving to 4 year term like all other boards if this suggestion is tied to the town manager approval vote. Also suggest moving to a 7 member board and calling it a town council.
- Chapter V, Board of Selectmen & Chapter VI, First Selectman need to be reviewed. Some of the duties and powers might possibly be retained, e.g. power to enact Ordinances, power to accept a public street or highway, ceremonial duties, etc.
- Section 3-6 (current charter) Board of Finance. Retain the Board of Finance and expand BOF to 7 members to eliminate ties in votes. Change alternates to 4 year terms. There is some support for eliminating the Board of Finance as the last commission decided. Please consider this option. It would make process simpler and shorter.

- Section 4-4 (current charter) Annual Budget Meeting. 1<sup>st</sup> line, replace “machine” with “hand”.
- Town employees, including employees of the Board of Education, are prohibited from holding elective office within the town, commencing on November 19, 2019. Reason is obvious but must determine if this is legal.
- Section 8-5 (2017 revision proposal). Appointments. Add to last sentence as follows, “providing such removal does not conflict with state statute.” The reason for this statement is that, e.g., the chief of police is protected by the “just cause Law” so can only be dismissed under certain circumstances. Beyond that you might have to say something like “or unless prohibited or modified by an existing union agreement”.
- Section 8-7 (current charter). Fire Marshall. Add the following after last sentence, “Such personnel shall possess the training and certification required of the position.”
- Section 8-12 C (2017 proposal) Formerly 8-8 C. Assistant Town Clerks. Change first sentence as follows, “The Assistant Town clerk(s) shall be hired by the Town Clerk, with the approval of the town manager, and shall, in the absence or disability of the Town Clerk, have all the powers” etc, etc.
- There needs to be a clause stating that all hiring will be done by the Town Manager.
- Section 8-20 C, (2017 proposal). Public Works and Commission. Suggest add to commission powers, the following. “No budget should be brought forward to the town manager, or bids released, or bids awarded without the approval of the Public Works Commission.” As it stands now the commission just discusses but has no authority over the actions of the department. Commission should be appropriately utilized and their time not wasted.
- Section 8-21 (2017 proposal) Director of Finance. Replace “involved in” with “responsible for.”
- Section 10-6 B. Expenditures and Accounting. Remove the sentence “Said regulations may exclude professional, engineering and technical services.” This has been a loop hole exploited in the past that allows for “no bid” contracts. You could allow for emergency circumstances. This has to be explored further in case there is something we don’t know.
- Alternates should be retained on Boards and Commissions that have legal deadlines to act, e.g. P&Z, BOF, ZBA Wetlands.
- Section 3-13 (new section in 2017 proposal) Board of Police Commission Alternates. Suggest the elimination of this proposal to add alternates to the Police Commission. In the past 6 years the commission has never had a lack of quorum. In that time all 5 members were present except for two or three meetings out of ~76 meetings. In those two meeting the attendance was 4 members. It is very hard to find qualified people to fill all the dozens of elected and appointed positions that Clinton has now. Our town election ballot is

exceptionally long as it is now and some say too long. The addition of these positions is unnecessary and not recommended. In my opinion when that proposal was made it was politically motivated. It was certainly not motivated by need.

- Section 10-4 D. (current charter) Special Appropriations and Transfer of Appropriations. It is recommended that department heads be allowed to transfer amounts up to \$500 between line items in their respective budgets by notifying the Town Manger, Board of Finance and the Finance Director. The current system creates un-necessary work and delay for the transfer of minor amounts.
- Strengthen Ethics section by among other suggestions, including nepotism and consequences for violations. Actually its been brought to my attention that this might be better accomplished by ordinance in which case the charter should simply refer to the ordinance.
- Require assistance or use of professional labor negotiator for union/labor contracts. Of course a Town Manager could be considered that person.
- No one should serve on the BOS, BOE, BOF or Police Commission who has a relative (have to define specifically) employed by the town or the school system. Those boards can hire and fire and control budgets. It presents the appearance (and possible reality) of a conflict of interest. This may also go into an ethics ordinance if such a prohibition is legal.
- Section 4.5 (2017 proposal) Special Town Meeting Actions, keep the proposal to also require "Land Swap Transactions" to be on the list requiring a town meeting.
- Section 4-6 A1 & A2 Appropriations or Other Actions Requiring Referendum. Change to "3% or more of the current tax levy". Also why does that seem to be superseded by a \$250,000 maximum without a referendum? A3 seems to conflict with previous subsections and is perhaps too low an amount anyway.
- Section 8-2 B (2017 proposal) Second sentence, add "professional certification(s)" to list of qualifications for town manager.
- Section 8-2 C (2017 proposal) First line, change to 5 years. The BOS should have flexibility here for the town manager contract length. It is understood that the first contract may be shorter, but if we get a good manager, the 5 year term would be reasonable and common and should not be prohibited.
- Section 8-11 Fire Marshall. Add to end "Personnel so designated are required to have the training and certification required of the position".
- And lastly include an effective date if passed, probably November 19, 2019.

Phil Sengle  
February 7, 2018

## TOWN OF CLINTON

### Job Description/Qualifications

**POSITION:** TOWN MANAGER – NON BARGAINING POSITION

**SUPERVISES:** ALL TOWN DEPARTMENTS WITH THE EXCEPTION OF SCHOOLS/EDUCATION

#### **Purpose of the Position**

The Town Manager, under the supervision of the Board of Selectmen, shall ensure

- Town resources are utilized effectively and efficiently to attain or maintain the highest practicable level of service on behalf of Town residents and businesses consistent with the current Town budget.
- Town activities are conducted in accordance with the Town Charter, Ordinances, Federal, State and local laws, regulations, codes, policies (including, but not limited to the establishment and enforcement of policies) and procedures and with accepted professional standards and principles that apply to employees providing said services.
- The approved budget is managed in accordance with established fiscal protocols.

#### **Delegation of Authority**

The Town Manager is given the authority, responsibility and accountability by the Town Charter necessary for carrying out his or her assigned duties.

#### **Major Duties and Responsibilities**

The Town Manager shall assume responsibility for satisfactory performance of Administrative, Personnel (Human Resources/Labor Relations), Planning, Financial Management, including the acquisition of Federal, State and private grant funding and community outreach activities. Following are examples of some of those responsibilities in each area. Please note that there will be other duties as assigned.

#### **Administrative Activities**

1. Supervises/Manages functions in all Town Departments with the exception of School/Education.
2. Confers with the Board of Selectmen concerning budgetary issues, as necessary.
3. Annually reviews the Town Hall organizational structure to ensure the continued efficient provision of quality services and reports findings to the Board of Selectmen.
4. Ensures that current, accurate records are maintained by each Department; submits requested reports to the Board of Selectmen.
5. Demonstrates a commitment to the provision of quality services on behalf of Town residents and personnel.

6. In conjunction with the Board of Selectmen, develops, maintains and periodically assesses the need for new and/or revised policies, procedures and related forms for each Town Department.
7. Explains and/or clarifies Town policies and procedures to Department Heads and other personnel and Town residents as requested or as necessary.
8. Ensures the development and maintenance of collaborative relationships with all Town Departments.
9. Treats all employees fairly, with dignity and respect.
10. Completes and dates required reports, forms, evaluations, studies, etc. and enters information in records, reports and other required documents in a clear, concise, pertinent, accurate, objective and timely manner.
11. Develops, implements and maintains, in conjunction with the Board of Selectmen and Department Heads, an ongoing Quality Improvement Plan for the Town which shall include:
  - Identification and monitoring of indicators of quality services and activities
  - Evaluation component which shall include representation from Town residents and all Town Departments' assessments based upon a written improvement plan for each Department
12. Works independently and cooperatively with Town personnel and Board of Selectmen to achieve goals and objectives.
13. Demonstrates the ability to consistently exercise appropriate judgement.
14. Develops contractual agreements with providers and consultants, and other entities; consults with the Board of Selectmen prior to finalizing agreements.

#### **Personnel (Human Resources/Labor Relations) Activities**

In accordance with Federal and State Laws and regulations, as well as the Town of Clinton's established Human Resources policies and procedures, the Town Manager:

1. Interviews applicants for positions the Town Manager shall directly supervise; makes hiring decisions. Reviews and makes hiring decisions of other applicants as recommended by Department Heads and communicates those decisions to the Board of Selectmen.
2. Ensures the confidentiality of all employee information.
3. Directly supervises Department Heads and other personnel as required. Completes required performance evaluations after reviewing performances, attendance, tardiness and all other relevant information.
4. Is responsible for administering all policies and procedures in a fair and equitable manner.
5. Ensures that Department Heads establish and maintain necessary and adequate filing systems and that personnel record information is kept in accordance with Federal and State laws and regulations.

#### **Financial Management Activities**

1. Works closely with the Director of Finance to ensure that complete and accurate records of the Town's financial status, controls, transactions and administrative activity are maintained and reasonably available as required by law.

2. Works with the Board of Selectmen, Director of Finance and Superintendent of Schools to assist in drafting and finalizing proposed annual budgets.
3. Prepares, in conjunction with the Director of Finance and Board of Selectmen, a long range financial management plan.
4. Works with the Director of Finance to prepare and render reports to the Board of Selectmen as requested.
5. Ensures all necessary and approved supplies, materials, equipment and other commodities are purchased in accordance with statutes, regulations, policies and procedures.
6. Manages or provides for the management of all Town real estate and personal property; maintains a full and complete inventory of all property including that under the jurisdiction of the Board of Education; manages and provides for the management of the rental and use of Town facilities and property except that under the control of the Board of Education.
7. Applies for and administers Federal, State and private foundation grant funding; works with elected State Representatives and Senators on state funding, reimbursement or grant opportunities important to the Town.

#### **Planning Activities**

1. Initiates, coordinates and implements short-term and long-range planning in conjunction with Department Heads, Board of Selectmen and other relevant Boards and Commissions as well as Town residents, which shall include future physical plant consideration.
2. Works with the Board of Selectmen and relevant Boards and Commissions and residents to coordinate efforts to address economic development activities intended to assist existing local businesses; increase Town revenue by promoting planned development activities.
3. Represents the Town in regional, state and national organizations at meetings or conferences to ensure a continuing awareness of programs and opportunities available to the Town. Reports as needed to the Board of Selectmen on these programs and opportunities.

#### **Community Outreach Activities**

1. Interacts with the public on a regular basis to keep residents informed of Town policies and procedures.
2. Oversees the preparation, publication and distribution of the Annual Town Report.
3. Interacts with members of Town Boards, Commissions and Fire and Emergency Medical Services to actively engage and promote volunteer participation in the overall operation of Town government.
4. Encourage citizen feedback, in conjunctions with the Board of Selectmen.

**The duties listed above are intended only as illustrative of the various types of work that may be required to be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar or a logical assignment to the position.**



## **Educational and Experience Requirements**

### **Special Requirements:**

1. Bachelor's Degree in Public Administration or related field. A Master's degree in Public Administration or related field is preferred.
2. Minimum of four years' prior municipal management experience, plus Human Resource and infrastructure projects experience.
3. Possess a valid CT driver's license.
4. Ability to establish and maintain effective working relationships with individuals and groups, both professional and non-professional, co-workers, management personnel, the public and others.
5. Ability to work in a fast-paced environment and juggle multiple priorities.
6. Ability to think quickly, assess a situation and make a sound decision.
7. Ability to make mathematical calculations including prorated calculations with a high degree of efficiency.
8. Knowledge of the special laws, regulations and technical terminology pertaining to assigned work.
9. Ability to organize work according to standard office procedures and to establish priorities within work assignment.
10. Strong working knowledge of all MS Office suite software.
11. Ability to read and understand legal descriptions.

### **Mental and Physical Requirements:**

The physical demands and work environment characteristics described here are representative of those that must be met by an employee to successfully perform the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

1. Regularly required to use hands to finger, handle or feel objects, tools or controls; reach with hands and arms; talk or hear.
2. Frequently is required to walk and sit.
3. Occasionally required to stand, climb, balance, stoop, kneel, crouch or crawl.
4. Ability to lift and/or move up to 25 pounds.
5. Vision abilities required by this job include close vision, color vision, peripheral vision, depth perception and ability to adjust focus.
6. The dexterity necessary to utilize a computer keyboard on a regular basis is essential.

## Great Point

**Philip Sengle**

3:26 PM

To Wendy Mcdermott (Home)

Wendy:

Please forward to charter commission.

Thanks, Phil

**Charter Commission.**

First, thanks for volunteering to do this work. It's neither simple or easy.  
Second, thanks for listening to my suggestions.

I want to reiterate a great point made by Dennis Donovan which never occurred to me. And that is if you don't eliminate the title of First Selectman, a large number of voters will think we are still paying that person \$85K+ and then will also pay a town manager \$100K+ so they will vote against charter reform. A potentially really bad outcome. Thanks Dennis for thinking of this.

It strengthens my belief that we should eliminate the title and make that person simply the chairman of the town council and therefore change the title of selectman to council man or council person also.

One thing I forgot to mention last night is that every one of the current Board of Selectmen are in favor of the conversion to a town manager form of government for what that is worth.

Regards;  
Phil Sengle