



**SPECIAL MEETING OF THE COMMON COUNCIL
AND CHARTER REVISION COMMISSION
MIDDLETOWN CONNECTICUT
AUGUST 14, 2014
IMMEDIATELY FOLLOWING THE 6:30 MEETING**

Special Meeting

The Special meeting of the Common Council and Charter Revision Commission of the City of Middletown was held in the Council Chamber of the Municipal Building on Thursday, August 14, 2014, immediately following the 6:30 p.m.

Present

Mayor Daniel T. Drew, Deputy Mayor Robert P. Santangelo and Council Members Thomas J. Serra, Mary A. Bartolotta, Hope Kasper, Grady L. Faulkner, Jr., Carl R. Chisem, Gerald E. Daley, Sebastian N. Giuliano, Deborah Kleckowski and David Bauer Common Council Clerk Marie O. Norwood. Charter Revision Commission Members David Larson, PhD, Chair, Joseph Milardo, Esq., Vice Chair, Anton Petras, Robert Blanchard, Thomas Hutton, Philip Pessina,

Absent

Corporation Counsel Daniel B. Ryan and Councilman James B. Streeto. Charter Revision Commission Members Daniel B. Ryan, Dominique Thornton, Esq., Vincent Loffredo, Kathryn Adams, and Michael Gaudino.

1. Mayor calls meeting to order.

(Pledge of Allegiance)

(Council Clerk Reads the Call of the Meeting and Mayor declares call a legal call and meeting a legal meeting.)

2. Workshop Opens Discussion between the Charter Revision Commission and the Council regarding recommendations to changes to the draft report of the Charter Revision Commission.

The chair opens the workshop at 6:52 p.m. Dr. Larson states you have the report we submitted. It is a clear report and the reflection of the Council from both sides of the aisle was clear. He states the members of the commission may want to comment. He would like to make one comment since he was a staunch supporter of putting in the \$15,000 tax shelter annuity as a matter of fairness to who is sitting in the office, particularly since we are recommending a four year term. The mayor does not pay into social security so they are losing Social Security at that time. It is our understanding that when the Mayor leaves office, unless you have been there 10 years, you get back the money with simple interest and you don't get retirement. In fairness to the person in the Mayor's seat at least the individual could walk away and have that period of

time in their life covered by some type of retirement system. Joseph Milardo, Vice Chair thanks the Council for appointing him. It was enjoyable and we talked about a lot of theories because it is all in our document, the charter. It was first adopted in 1963 before the current state constitution. In that, we have the ability to govern ourselves so long as we don't conflict with the statutes. We can't take away any rights of people or rights set by state and federal constitution. He thanks Brig Smith. We talked about term limitations and recall provisions and the republicans approached this with how can we get more enthusiasm in government in Middletown. He looks at the fact, we are at 30% for municipal elections; either people don't care or they are not excited about government. There are degrees within each reason why they don't come out to vote. When you have an interest in a presidential election like 2008 and 2012, they get involved and were excited and voted in good numbers. We should be encouraging that in Middletown and we don't. I get around the City and I think what we really have to do is be more inclusive in the government and we proposed many things for the Council and the Mayor's Office. We did get to discuss all of them. The first is what is the character of the elected officials of the City. How do they get involved in the City? I think term limitations are the first thing to be thought about in an election. How can we get people interested in government? By term limits you get more people involved in how government should work. We want to encourage new people in town to run for office. If the Council isn't going to be the legislative body, don't talk legislation. They presented removing the mayor as chair and I could find nothing in the Charter that says anyone else other than Council is the elected body of the city and the Mayor being the presiding officer and voting to break a tie, then being able to veto, that gives the mayor more power. Our charter does not say we have a strong mayor government. You are elected from 30% of the voting populace and it is only 50% of the City. Term limits is the way to go to get the government more popular. We did not agree to a four year term for the Council; we think it should follow the state and federal forms of government. We don't want to see happen is in the off year no one votes. If you change the four years, then as Councilman Serra states, we will do the salary biennially and it can't be done because it says in the Charter, it has to be done by term of office. We didn't give enough emphasis on that. You have to clear it up. The treasurer's job, it is no surprise we eliminated it for fiscal reasons and it is superfluous function. It serves no useful purpose; the State statute would not say that Finance Director could serve. The problem with the upcoming deficit of the State and the national debt is because we cannot say no and stop spending. The treasurer's job doesn't require a large stipend, but you have elected officials that spend far more time and sacrifice from home than the treasurer. You have some that get no stipend and yet your Council wants to increase its stipend and I believe we don't need the treasurer and every time someone wants a candy bar we give it to them and pass the cost to the taxpayer. The mayor's compensation, he believes it is too little and the stipend has to be meaningful and to fix by statute it has to keep pace with what is happening in the outside world. I do want to fix it to CPI which is what the pension is set with as well and that is how it is controlled. He did not agree with \$15,000 he could have his own 401k but believes it should be freed up from Council tyranny. It is a destructive purpose and the Council tries to be the legislative body for the wrong reason. Either it is the legislative body or it is not and if not fix the mayor's salary and set it to COLA. The Mayor takes tremendous risks especially with a family that they have to take care of. There is a danger in one of the things you are asking us to propose about Planning and Zoning. He has stood before them and was appointed to it as an alternate member; having the five votes requires some degree of deliberation on issues that affect everyone in town. To have a simple majority gang up on one person whether for political purposes or other offends me. I own my property and unless it offends the zone in the city, you should leave me alone. If you are going to change the zone you want to convince 5 out of 7. You are politicizing that situation. We propose there would be a condemnation or eminent domain section for public purposes only; it should not benefit the developer. The Kelo case raised concerns and people got thrown out and the property did not get developed. It should be only for public purposes. The minute you get into speculative areas if the homeowner objects then they have the right to petition a vote by the public to see if the property will be seized. I do not agree to bonding being raised; we would have gone to raising it if there was protection with a supermajority vote, having nine members appropriating the money. It puts handcuffs on the City to prove it is a good project.

Councilman Daley states he appreciates the work the commission has done. He has been involved in many commissions and the report by and large represents a well-reasoned approach. To address the question Dr. Larson raised, the concern relative to the annuity provision was whether or not we could do that. The Mayor's exclusion from FICA is tied to his participation to the pension. He either has to participate in SS or the pension. The Mayor has the option of continuing participation in SS and if not, he has to contribute. As far as benefitting from the pension, if the Mayor is not eligible, he would get contributions back with interest. With respect to the question on the COLA, I think Atty. Milardo made a good point and if the term changes, it should be fixed to the term of the office and we ask that you go back and revisit that. Any type of automatic increase doesn't factor severe financial circumstances and the CPI may go up, but an adjustment might not be good. He doesn't think the COLA is automatic for the pension. Councilwoman Kasper states it is and capped at 3%. Councilman Daley states Atty. Milardo's point is well taken. With respect to Eminent Domain with all due respect, the State General Assembly tightened up the statutory authority of eminent domain and there are safe guards and they can go to court and in Middletown, we have been cautious about employing eminent domain and he has not seen an abuse. One thing left out of the resolution and our caucus, when they discussed the recommendation of removing the Town Clerk from the consultation with the General Counsel, our caucus felt the Town Clerk, with her familiarity and framing questions it would be a benefit plus having two people involved thought it would make sense. Other than that, the resolution spells out the feelings of the caucus and they were divided on a four year term because it is complicated. The problems that exist on the off year, it will be hard to generate interest. It is a complicated situation. He urges you go back and look at it. There is a four year advantage of the Mayor and it makes it more feasible to attract a broader pool of people. Again, thank you for your serviced. Dr. Larson points out a few members are not here because of vacations or other meetings they had to attend. Atty. Milardo states he is not arguing with Councilman Daley, but it would be helpful if the Council pinpoints what they want us to look at. We did discuss that. Our charter is more general. We submitted a minority report and we did not expect our way was the only way and we didn't expect you to adopt everything.

Councilman Giuliano states to follow up on the pension situation, Councilman Daley is correct. Every mayor has to decide between Social Security and pension and most of us choose pension and it is better for the City as well. We have not had to make significant contributions for nonpublic safety employees for over 25 years. It is the contribution of employees and the mayor as well. What he was saying and the Democratic caucus were saying, I agree it is not something that should be written in the Charter because of pension rules and rules created by federal tax law so to put something in the Charter based on laws we have no role in making puts you in a precarious position. You can only change through charter revision and giving the mayor's unique position with no mayor serving more than 8 years and opting for pension, the odds are stacked against you and maybe the pension ordinance should be specific for the Mayor. Dr. Larson asks if it can be done by Council. Councilman Giuliano states yes. Councilwoman Kasper states the Retirement Board is looking at a number of changes that includes language for the Mayor. Dr. Larson states we feel that would be fair for the individual. For a younger person in the middle of their career, they could leave the office whole when they turn 65.

Councilman Faulkner echoes Daley's comments; thanks for putting in time for this. To Atty. Milardo's comments, I have more appreciation for what you do because it was so broad. Charter Revision was not on his screen this year. Four year terms, we were split and I did not agree with the four year term; he saw pluses and other things. His concern was citizen apathy and engagement and I felt that two years getting out there and putting the operation of the City on people's minds every two years is a good thing. The other thing I felt the \$750,000 should remain. It could be a little higher, but I thought the \$750,000 and some people try to play games, that is our bad and we need to tighten up on that and they would do the same at \$900,000 or \$1 million. It helps us control spending. The other point was most of the time, you have to get something across, it is an emergency and state statutes have helped us. As far as the Treasurer, for me another pair of eyes is always good and that is why he recommended it. I see other things a position like that can do. The City has a lot of thoughts and sometimes you need a third party

to look at this. Robert Blanchard states he agrees with a lot of changes you suggested we make and we agreed on a lot of the issues and we found the treasurer was debatable; I want to mention 27B, if you go down it is 4 - 3 and it is problematic. He reads the request to reconsider Planning and Zoning to change the required affirmative votes and he thinks it should stay as it is.

Dr. Larson, they will meet next Thursday 20th at 7 p.m. to deliberate on the 20th and we will deliberate on this and it will be the Council with the final say relative what goes on the referendum and how the questions are divided. Chair states the commission will take in recommendations and you will respond and the Council will decide.

Councilwoman Russo Driska thanks everyone for their time and service. She discusses the town clerk and removing that from the initiative referendum. The issues brought up by Councilman Daley were good, but the reason for this was when this came into the charter there was a movement to purchase a specific property for the high school and as the Town Clerk, I was supposed to decide if it was in the public's interest to have a referendum to purchase it and the City Attorney could not make a decision and in fairness to the Town Clerk and City Attorney, it would be good to let them know what is in the public's best interest. It is not an easy thing to do and she sought out personal counsel. If you are going to leave the town clerk to specify the public's interest, specify what is public interest and it can't force the Council to purchase something. Tighten up the language on this when they have to make an important call. As far as the Treasurer what were the reasons. Dr. Larson states speaking for the committee when we decided to remove it there really wasn't any real purpose there going forward relative to the treasurer's position. It is not involved with the intricate financial workings of the City. Commissioner Blanchard responds it is redundant and the State Statute says we have to have one so we folded into the Finance Director. As is, it is something redundant but had to be there. Councilwoman Driska states this was brought up and never made it out of committee and 15 years ago it was viewed as not required to elect it or having a stipend and this has nothing to do with the individual in that position today. This has been going on for years and years and I agree with your assessment. I understand what my counterparts are thinking, but we should know what they do and that they are putting another set of eyes. She agrees with the four year term of the Mayor and regarding the Council, I don't have an issue, but I am happy to see it broken out, but she would like it separate from the Mayor. The Mayor getting a salary; I am behind you. The Mayor should make a dollar higher than the highest paid director. Renaming, I am great with General Counsel and when I think of Chief of Staff I think of the president and when I listened to Commissioner Milardo, I understand that. Maybe the presiding officer of the Council, maybe it should be rethought. The Planning and Zoning issue, I agree with Commissioner Blanchard we changed it so we had better checks and balances with land issues. The statute has minority representation and we are going back to that, but it allows us to have more and she would like this left the way it is. For the \$1 million, she would like a supermajority vote for it so people know that people deliberated on this.

Councilman Bauer states he definitely does not agree with 4 year terms. He is for two year terms and he intends to advocate strongly for two years. The salary putting in stipends for mayor and any other, the Council has the ability to do this under the charter and hardwiring salaries in the Charter is pretty much, he thanks commission for protecting us from ourselves and he hopes this public discussion helps and he thanks the commission for your work, but the salaries he hopes part of the discussion that the Council will recognize the value of the services and stipends and come right out and give it to the public straight. The most interesting thing is the public gave us strong feedback about the Treasurer and I like to think we are up to the challenge and keep the Treasurer and advocating it is a check and balance and he has not seen it that way. The Council can make ordinances to prescribe duties to the treasurer and if the public wants us to do that then the Council gets busy to prescribe duties for the treasurer. Maybe the treasurer becomes a check against the Council's ability to borrow. Finally, I want to endorse what Mr. Blanchard said about Planning and Zoning; I agree with his sentiments.

Noted for the Record

Commissioner Petras leaves at 7:44 p.m.

Atty Milardo responds that the Council should consider their stipends and they don't change until the terms changes. The issue about the treasurer is not about creating a watchdog and it is statutory for towns that do not have a professional finance department. We can't have treasurer and finance director banging heads. The treasurer is free from recall, impeachment and any way to remove it and if two signatures needed for bonds and there is a challenge to bonds, it is not the power of the treasurer to get in the way of the Council's approvals.

\ Councilman Santangelo states the last Charter Revision and the idea of the four year term is controversial. For two year terms he has been fortunate. You work for 18 months and then campaign for six months. One of the things he advocates for is encouraging more people for the office. A four year term might do that. One of the things he has observed, no one on the Council ever leaves after one term; most want to be here for four years. He heard several people will campaign against this, but he will campaign for the four year term. I strongly believe in that. We will sort out the off year terms and we will find a way to get it to work. I strongly believe it should be a four year term. If they don't have to campaign every 18 months, more people might look at running. As far as the Treasurer it did say to appoint instead of elect and according to the treasurer they report to us and we can see what they are doing. Dr. Larson states as an observation and the overall consensus, there was stronger support for the four year term for Mayor and not as strong for Council and he is sensing the Council is sort of split. There is a stronger support for four years for the mayor and not for the Council and you might want to split out the mayor and Council and not marrying the Two. Commissioner Milardo states the minority report the best analogy of the argument given by Councilman Santangelo, where would you be in college sports if they didn't make it on the freshman team and then had to wait four years. You will maintain interest in Council with a two year election cycle and the mayor's duties actions and leadership comes into question when the Council gets elected every two y ears. It gives the voters a chance to approve or disapprove the mayor. The term limitations there is no way he would support four year Council term if it did not come with limitations and I will not support a mayor' s four year term without term limits. If you are going to have four year terms, it takes it away and it is my personal opinion.

Councilman Giuliano actually wanted to follow up on Council Faulkner's idea regarding an Audit Committee and was not given to the committee he thinks there is an ambiguity in charter about committees; I think it is so in the sense it is for committees that the mayor can form, like task forces; the Council should make committees they need, but this is ambiguous. He expresses his agreement with Commissioner Blanchard for Planning and Zoning and the present format has served us very well and Middletown has developed much better than other communities because of the forced bipartisanship. He expresses thanks in the way you composed your report and your thought process was clear to me. I didn't have to question that because you laid it out so well and thanks for the detail to put it together. Dr. Larson thanks the secretary who did a good job for us. The chair thanks everyone.

Commissioner Pessina states he served on the Council for six years, building committees and involved in city government most of his life and in due deference to Atty. Milardo we heard the same thing about the four year term for the mayor and if you have a dynamic mayor who works and is at the end of the second term, why take the choice away from the people. If the voters do not feel after 8 years a mayor did not accomplish her vision for the city then they will show it at the polls. Why should we say you served two terms thank you goodbye. We want candidates who put Middletown first and we should allow the mayor as many terms as the people want to put them in office. It is the public who elects you. He did not agree with the Council as a four year term and watching and hearing people in his circles, they feel if you give the Council a four year term, you are taking away something special. We work hard for our position and the last six months we have to work harder for the city's best interest. In reference to the treasurer we had a majority feeling it was not necessary, but maybe it is a wakeup call. It is incumbent upon the parties to put the right person in that position, someone who understands finances. It is the City's

expectation that they will do the job appropriately and maybe the Finance director works more closely with the treasurer get the duties done. He is happy the public came out. In reference to the Town clerk, I agree with you; it is a heck of a decision one person should make and we should look at that and guide the city clerk more and make them more informed in conjunction with general counsel. The other thing, personally, the nine member supermajority scares me. Councilman Giuliano had an epiphany about bipartisanship and I was faulted for using that word and had conversations where he was coerced to vote against things that were best for the city. We will start on a slippery slope if we move to supermajority votes. He is not going to support any supermajority and he told the minority members of the commission he would not support it. We should never forget why we are in the positions we are in because we are doing it for Middletown and not political reasons, but right reasons.

The Chair expresses his thanks to the commission for their commitment for the amount of time you spent on this. It has been a transparent process. The commission held public hearings and have had numerous deliberations and have deliberated with the Council. He appreciates your dedication to the community.

3. Workshop Closes.

The Chair closes the workshop at 8:02 p.m.

4. Meeting adjourned.

Councilwoman Russo Driska moves to adjourn and her motion is seconded by Councilwoman Kleckowski. The vote is called and it is unanimous to approve. The Chair declares the meeting adjourned at 8:03 p.m.

ATTEST:

MARIE O. NORWOOD
COMMON COUNCIL CLERK