

Issues Tracking Chart - Middletown Charter Revision Commission

Substantial Due Diligence	Research and Report	Relevance Discussion
Chapter I Incorporation and General Powers	<ul style="list-style-type: none"> Restructure, clean-up and organize the charter to increase its efficacy and effectiveness¹. Flagged by CRC Member². General Comment³ Chapter II, Sec. 2: Define Municipal Officers⁴. Definition Project 1/13/2021 	
Legal Issues/Comment	<p>Counsel to review Charter for definitions: Board or Commission; Capital Budget or Capital Expenditure; Charter; Classified Services; City; Common Council or Council; Day(s) = Business of Calendar?; Department; Department Head; elected Officials of the City; Elector; General Statutes; Law; Majority Vote (present and voting? Entire membership?; Mayor; Public Meeting Notice/Public Hearing Notice; Officials; Order or Other legislative Action; Ordinances; Special Acts or Laws; Public Notice; Resolution; Shall and May; State of Connecticut; Vacancy</p>	
Chapter II Officers and Elections	<ul style="list-style-type: none"> Sec. 1: Delete the reference to Sheriffs⁵. Flagged by CRC Member⁶. Approved 1/13/2021 Sec. 1: What is the status of Registrars of Voters? Are they City employees? Is the City simply a landlord? Does the General Counsel obligated to defend the Registrars⁷? Sec. 1: Eliminate transitional language⁸. Approved 1/13/2021 Sec. 2: Districts for the Common Council⁹. Flagged by CRC Member¹⁰. or, Retain at-large system¹¹. Due Diligence 1/13/2021 Sec. 2: Eliminate the office of Treasurer¹². Flagged by CRC Member¹³. Due Diligence 1/13/2021 Sec. 3: Revise “administrative Assistant” to be “Chief of Staff”¹⁴. Sec. 4: Stagger Terms for Members of P&Z Commission¹⁵ Sec. 4: Term for elected officials: (a) two terms or (b) eight years in office¹⁶. Flagged by CRC Member¹⁷. Sec. 4: Term limits (2-3 terms). Flagged by CRC Member¹⁸. Legal Issues/Opinion of Counsel Diligence 1/13/2021 Sec. 4: Stagger Council¹⁹ and Mayoral Terms²⁰. Mayor needs to be elected in off-year of the Council²¹. Flagged by CRC Member²². Due Diligence 1/13/2021 Sec 4: Reduce term of Office for Mayor Counsel to two years²³. Sec. 4: Planning and Zoning Commission should be appointed²⁴. Sec. 4: Vacancy in Office: Mayor’s Inability to Carry out Duties: Unanimity should be reduced to nine members²⁵. 	

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	<ul style="list-style-type: none"> • Sec. 5: Opposition to reduction of 4 member limit on political party representation on P&Z Commission²⁶. Flagged by CRC Member²⁷. Hold 1/13/2021 • Sec. 5: Minority Party representation needs to be better defined. Flagged by CRC Member²⁸. • Sec. 8: Filling of Vacancies. Flagged by CRC Member²⁹. Due Diligence 1/13/2021 • • New: Additional duties for P&Z (historic districts). Flagged by CRC Member³⁰. 	
Drafting Comments from Commission Counsel	<ul style="list-style-type: none"> • Conflict of Interest and Ethics (currently referred to in Chapter III, Sec. 9): Should there be a more robust delineation of community standards? • Charter is silent on removal of Elected Officials. 	
Legal Issues/Comment		
Chapter III Common Council	<ul style="list-style-type: none"> • Sec. 1: Common Council elected by District³¹. Due Diligence 1/13/2021 • Sec. 2: Organization of Council – Council staff should be accountable to Council³². Due Diligence 1/13/2021 • Sec. 2.B: Council clerk should work for Council not the Mayor. Flagged by CRC Member³³. Due Diligence 1/13/2021 • Sec. 3.C: Remove Mayor as the Presiding Officer at Council Meetings³⁴. Flagged by CRC Member³⁵. Meetings of the Common Council – Council member should preside over Council either Majority Leader or “President”³⁶. Flagged by CRC Member³⁷. Due Diligence 1/13/2021 • Sec. 3: Concerns raised about open-ended public comment on matters of “public concern.” This should be governed by Council rules³⁸. Due Diligence 1/13/2021 • Sec. 4C.4: Mayoral salary shouldn’t be subject to the whims of the Council. How do we establish measure to ensure that salaries are progressively increased and not held over the officials³⁹? Due Diligence 1/13/2021 • Sec. 5A: Concerns raised about the 15 day rule⁴⁰. Approved (5 Days) 1/13/2021 • Sec. 7A: Should “bylaws” and “ordinances” remain included in the referendum⁴¹? • Sec. 7B: Should “public interest” be a defined term⁴²? Approved 1/13/2021 for review by General Counsel • Sec. 8: Bolster the Council investigative authority with clearly articulated sanctions, including a 	

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	<p>referral to the Ethics Board⁴³ and address removal of public officials from office⁴⁴. Flagged by CRC Member (Sec. 8 + 9 re – investigations and ethics⁴⁵. Due Diligence 1/13/2021</p> <ul style="list-style-type: none"> • Sec. 9: Review ethics standards in charter to ensure that confidential information is protected⁴⁶, ethical standards are strengthened Flagged by CRC Member⁴⁷ and reviewed Flagged by CRC Member⁴⁸. Due Diligence 1/13/2021 • NEW: Address the issue of nepotism. ⁴⁹. Flagged by CRC Member⁵⁰. Due Diligence 1/13/2021 • NEW: Ethics requires legal representation. Flagged by CRC Member⁵¹. Due Diligence 1/13/2021 • NEW: How should officials handle themselves on-line Flagged by CRC Member⁵². Due Diligence 1/13/2021 	
<p>Drafting Comments from Commission Counsel</p>	<ul style="list-style-type: none"> • Move Section 1 to Chapter II. • Vesting of Legislative Power (NEW Sec. 1) • Sec. 2: Organization of Council <ul style="list-style-type: none"> ○ NEW: Officers - President, President Pro-tempore? Define roles of the council officials and the Deputy Mayor? ○ NEW: More robust rules, continuing rules and standard for the transaction of business (majority standard, for example) • Sec. 3: Call of Special Meetings • Sec. 5: Newspaper Publication Standard. • Where are the rules on transmittal to Mayor? Mayoral action? Veto? They are dispersed. They should be in one location. • Approval of all Mayoral Appointees? • Interlocal Agreements? 	
<p>Chapter IV Duties and Powers of Elected Officials and Other City Officers (The Mayor)</p>	<ul style="list-style-type: none"> • Sec. 1B: Mayor's "Administrative Assistant" should be changed to "Chief of Staff"⁵³. Flagged by CRC Member⁵⁴. Approved 1/13/2021 • Sec. 1C: Salary of Mayor should be addressed⁵⁵. Due Diligence 1/13/2021 • Sec. 1B: Appointment of Corporation Counsel should shift from Mayor to Common Council which counsel shall serve as its legal representative⁵⁶. Approved 1/13/2021 • Sec. 3.A: Change the name of "Tax Assessor" to "Assessor"⁵⁷. Approved 1/13/2021 • Sec. 4: Eliminate the position of City Treasurer as an elected position⁵⁸. Flagged by CRC Member⁵⁹. Due Diligence 1/13/2021 	

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	<ul style="list-style-type: none"> • Sec. 7: Board of education should be established as a separate taxing district. Flagged by CRC Member⁶⁰. Due Diligence (can this be done?) 1/13/2021 • Sec. 8: Office of City Attorney should be changed to General Counsel as the chief legal officer of the City⁶¹. Flagged by CRC Member⁶² (Clarify and define the roles of General Counsel and Corporation Counsel). Approved 1/13/2021 	
Drafting Comments from Commission Counsel	<ul style="list-style-type: none"> • Move Section 1.A to Chapter II. • Vesting of Executive Power (NEW Sec. 1) • Sec. 1.B – The Corporation Counsel • Sec. 2.C. What does “in charge of persons or Boards appointed by Mayor” mean (see, note)? • Sec. 2A. Role of the Deputy Mayor • Sec. 6: Why the provision on Selectmen. • Sec. 7 Board of Education (Should it have its own chapter? Budget requirements?) • Sec. 8: City Attorney = General Counsel? Note: City Attorney can refer matters to the Corporation Counsel. • WHAT ABOUT EMERGENCY POWERS? 	
Legal Issues/Comment		
Chapter V Departments of the City	<ul style="list-style-type: none"> • Subject to review (Note: Consider mechanisms for creating and abolishing departments, boards and commissions). • Sec. 2A: Term “director” may need to be a defined term⁶³. Approved 1/13/2021 	
Drafting Comments from Commission Counsel	<ul style="list-style-type: none"> • Sec. 1.A. Powers and purposes • Sec. 1.C. Reorganization Plans • Sec. 2.B Move current section 4 to Sec. 2.B. • Sec. 2.C - J Employment Contracts; Authority of Department Heads; Qualifications of Department Heads; Compensation; Residency; Liability; Surety Bonds; and, Position Titles (NEW) • Sec. 4 Legal department • Sec, 5 Government Administration (Finance, Tax Collector, Assessor, Purchasing, Personnel and Human Resources) • Sec. 6 Public Safety (Police and fire) 	

Issues Tracking Chart - Middletown Charter Revision Commission

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	<ul style="list-style-type: none"> • Sec. 7 Health and Community Services • Sec, 8 Public Work and Parks, Engineering • Sec. 9 Town Planning, Building, Zoning Enforcement, Environment and Economic Development • Sec. 10 Other Departments 	
Legal Issues/Comment		
Chapter VI Finance and Taxation	<ul style="list-style-type: none"> • Sec. 1: Last minute budget provisions are problematic. Flagged by CRC Member⁶⁴. Budget timelines need to be addressed <u>Flagged by CRC Member⁶⁵. Due Diligence 1/13/2021</u> • 	
Drafting Comments from Commission Counsel	<ul style="list-style-type: none"> • More robust language under the contents of the Operating and Capital Budgets, including reference the standards expectations and procedural requirements for the Board of Education Budget • Sec. 1.D Public Inspection • Sec. 1.G Make Council Budget available for public Inspection • Move Sec. 3 to Sec. 1.G.1 Tax Levy or Rate • Sec. 1.G.2. Failure of the Council to Adopt a Budget • What do you do with lapsed funds? • Sec. 1.H Transmittal of Budget to Mayor • Sec. 1.I.1 Actions of Mayor (a) approve, (b) fail to take action; or (c) veto • Sec. 2 To whom does this apply • Sec. 4 Selection of Independent Auditor/Annual Audit • Sec. _ Fiscal Year • Sec. __ Expenditures and Accounting (Purchases, Payments, Authorization, Receipt of Funds; Role of Finance Director • Sec. __ General and Special Fund Transfers • Additional Appropriations 	
Legal Issues/Comment		
Chapter VII Sanitary Disposal District	<ul style="list-style-type: none"> • No issues at this time. 	

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Chapter VIII Boards and Commissions	<ul style="list-style-type: none"> Sec. 2B: "Director of Planning, Conservation and Development" shall replace "Director of Public Works" as a member of the Planning and Zoning Commission⁶⁶. Approved 1/13/2021 Sec. 2C: Support⁶⁷ and opposition⁶⁸ to reducing the 5-vote requirement for P&Z approvals. Should this body be appointed rather than elected⁶⁹? Due Diligence 1/13/2021 New: Mandate creation of Civilian Review Board by ordinance in accord with state legislation⁷⁰. Flagged by CRC Member⁷¹. Consult with police department Flagged by CRC Member⁷². Due Diligence 1/13/2021 New: There should be requirements attached to membership on boards and commissions in order to ensure a diversity of backgrounds on boards and commissions⁷³. Due Diligence 1/13/2021 	
Drafting Comments from Commission Counsel	<ul style="list-style-type: none"> Are they "Boards and Commissions" or "Commissions and Committees"? Move Sec. 3 to Sec. 1. Sec. 1.A Uniform Standards: Number of members and alternates; odd number, staggered terms and limited terms; election of chair; keeping of records and posting of agendas; minority party representation as required by law; public participation requirements; frequency of meetings; and quorum. Sec. 1.C There is no general vacancy provision: to be filled by Mayor and approved by Common Council for the unexpired portion of the term. Move Sec. 4 to Sec. 1.C. Sec. 1. D.2 (More robust removal provision) Sec. 1 D et seq: Additional Provisions: Residency Requirement; Dual Appoints? Prohibited? Exceptions? Minority Party Representation; Compensation Prohibited; Removal; Restrictions on Certain Boards, i.e., Pension Commission and Ethics Commission; Required Cooperation; Publication of Boards and Commission (Applicant Pool). 	
Legal Issues/Comment	Consider Community Justice Report ⁷⁴ .	
Chapter IX Bonding Powers	<ul style="list-style-type: none"> Sec. 2: Change Bond Authorization Authorizing Council to approve an aggregate limit on bonds per annum⁷⁵. 	

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	<ul style="list-style-type: none"> • Sec. 2A: Add language “in excess of \$750,000⁷⁶. The \$750,000 number needs to be clarified Flagged by CRC Member⁷⁷. Due Diligence 1/13/2021 	
Drafting Comments from Commission Counsel	<ul style="list-style-type: none"> • Standard for approval of Notes in anticipation of Taxes or Notice to Prevent Default: Majority present and voting? Entire Council? • How does the City deal with Capital versus Noncapital Project Bonds? 	
Legal Issues/Comment		
Chapter X Personnel Policies	<ul style="list-style-type: none"> • Sec. 1: Support⁷⁸ and opposition⁷⁹ to deleting “personnel employed by the Board of Education not requiring certification by the Board of Education” from the definition of classified service⁸⁰. Opposition to privatization⁸¹. Flagged by CRC Member in support⁸²; opposition; or, discussion⁸³. Due Diligence 1/13/2021 • New: Charter should reflect values of diversity, equity, inclusion and affirmative action in hiring practices, including hiring panel concept⁸⁴. Flagged by CRC Member⁸⁵. Approved 1/13/2021 • New: Introduce performance appraisal for municipal employees, including annual review⁸⁶. Flagged by CRC Member⁸⁷. Approved 1/13/2021 	
Drafting Comments from Commission Counsel	<ul style="list-style-type: none"> • Standard for approval of Classification Plan or New + Additional Positions + Council Personnel review: Majority present and voting? Entire Council? • What about equal employment opportunity? Merit system? 	
Legal Issues/Comment	Consider meeting with Anti-racism Task Force ⁸⁸ .	
Chapter XI Generally		
Drafting Comments from Commission Counsel	<ul style="list-style-type: none"> • Periodic Review of the Charter? • Existing Laws and Ordinances • Amendment of the Charter 	

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Substantial Due Diligence

Research and Report

Relevance Discussion

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Relevance Discussion

PASSED OVER ITEMS

Preamble	No Preamble
Chapter II Officers and Elections	<ul style="list-style-type: none"> • <u>New:</u> Consideration of the pros and cons of the City Manager/Council form of government⁸⁹.
Chapter III Common Council	<ul style="list-style-type: none"> • <u>Sec. 4C.5:</u> Authority to approve contracts, including consideration of duration/length of contracts⁹⁰. • <u>Sec. 4C.5:</u> With respect to litigation, should there be a litigation settlement committee? Should “all” contracts be subject to approval or just multi-year, contracts in excess of a certain dollar amount? Contracts in excess of budgeted amounts, thereby requiring budget transfers or budget adjustments⁹¹? • <u>Sec. 4D:</u> Appropriation Authority for the Council pertaining to the (1) Middletown Fire District; (2) South Fire District; and (3) Westfield Fire District. While no proposal has been advanced there has been a firestorm of opposition⁹² to consolidation of fire districts⁹³. Opposition to five person fire department oversight commission⁹⁴. <u>Flagged by CRC Member⁹⁵</u>. • <u>NEW:</u> There should be whistleblower protection <u>Flagged by CRC Member⁹⁶</u>.
Legal Issues/Comment	<p><u>Note from Commission Counsel (11/30/2020):</u> There is no proposal before the Commission pertaining to the consolidation of Fire Districts and no expectation that a proposal will be forthcoming. The only reference to fire districts in the current Charter is Chapter III, Sec. 4 which authorizes the Common Council to appropriate funds to each of the Districts. The two independent fire districts were not created by the Charter. The South (Special Act No. 163) and Westfield Fire Districts (Special Act No. 317) are both established by Special Act. C.G.S. §7-328a governs the ability to make “home rule” amendments to the Special Act charters and does not address the termination of said charter or making the districts subject to the Charter of the City. Neither charter addresses the issue of termination. Notwithstanding the foregoing, termination of districts is governed by C.G.S. §7-329. The statute delineates a process that may be initiated by the officers of the district or a petition of residents that is then subject to a referendum. There is no reference in the statute to consolidation or</p>

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	<p>termination of fire districts by utilization of the charter revision process. Accordingly, if the matter is proposed to the commission it would not be properly before the Commission and any action would be a nullity. In effect, such proposal, if any, would not be germane and should not be considered by the Commission.</p>	
<p>Chapter IV Duties and Powers of Elected Officials and Other City Officers (The Mayor)</p>	<ul style="list-style-type: none"> • Sec 7: Board of Education should be revamped <u>Flagged by CRC Member⁹⁷.</u> • Sec. 7: Facilities should be controlled by the City not the BOA. <u>Flagged by CRC Member⁹⁸.</u> 	
<p>Chapter V Departments of the City</p>	<ul style="list-style-type: none"> • NEW: Personnel Department should be independent of the General Counsel <u>Flagged by CRC Member⁹⁹.</u> 	
<p>Chapter VI Finance and Taxation</p>	<ul style="list-style-type: none"> • Sec. 1: Budget should be approved by super-majority. <u>Flagged by CRC Member¹⁰⁰.</u> • New: Veteran and Senior Citizen Tax Assistance (Water and Sewer)¹⁰¹ <u>Flagged by CRC Member¹⁰².</u> 	

¹ Public testimony of Hon. Eugene Nocera, Majority Leader and Hon. Philip Pessina, Minority Leader; Hon. Jeanette Blackwell; and, Hon. Anthony Gennario, Sr.: 11/18/2020.

² Commissioner Blanchard: 12/30/2020.

³ Written submission of Sebastian Giuliano: 12/2/2020 re – procedural and legal issues

⁴ Public testimony of General Counsel Smith: 12/16/2020.

⁵ Written submission of Deborah Kleckowski, former member of Council: 11/17/2020. The "City has no sheriffs."

⁶ Commissioner Blanchard: 12/30/2020.

⁷ Public testimony of General Counsel Smith: 12/16/2020.

⁸ Public testimony of General Counsel Smith: 12/16/2020.

⁹ Public Testimony of Steven Devoto: 11/04/2020 and Hon. Vinnie Loffredo, Deputy Mayor: 11/18/2020.

¹⁰ Commissioner Sweeney and Blanchard: 12/30/2020.

¹¹ Public Testimony of Hon. Ed Ford and Hon. Anthony Gennario, Sr.: 11/18/2020; Public testimony of Senator Lesser: 12/02/2020.

¹² Written submission of Deborah Kleckowski, former member of Council: 11/17/2020: "Sec. 2 Municipal Officers. Delete the treasurer. There is no longer a need for this position. The Treasurer does not have any actual duties. Duties have, if fact, by determined, however, the past practice has been that no duties have been performed such as attending meetings, bond meetings etc. As such, the elimination of the position is appropriate, and, in addition, the city will save \$4,000."

Issues Tracking Chart - Middletown Charter Revision Commission

Substantial Due Diligence

Research and Report

Relevance Discussion

¹³ **Commissioner Blanchard: 12/30/2020.**

¹⁴ **Public testimony of General Counsel Smith: 12/16/2020.**

¹⁵ **Public Testimony of Steve Devoto: 11/04/2020**

¹⁶ **Written submission of Brian Robillard: 11/17/2020.**

¹⁷ **Commissioner Bourne and Blanchard: 12/30/2020.**

¹⁸ **Commissioner Greaves (2-3 terms) and Wilson (2 terms): 12/30/2020.**

¹⁹ **Public testimony of Hon. Philip Pessina and Hon. Ed Ford: 11/18/2020.**

²⁰ **Written submission of former Mayor Sebastian N. Giuliano: 11/17/2020.** "In the Charter Revision approved in 2013, terms of Council members and the Mayor were increased from two years to four years. While this has worked well, it has resulted in "off-cycle" elections where one-half of the Board of Education and one-half of the Planning & Zoning Commission are the only offices on the ballot. I am suggesting shifting either the mayoral term or the council term by two years to place those offices on different four-year cycles. This will accomplish three things: First, it will increase voter turnout in the "off-cycle" election years, second, it will remove the "chilling effect" the current system has on council members considering running for mayor and, third, it will increase the accountability of those respective offices...Comparing voter turnout in the 2017 and 2019 municipal elections exposes a disparity that putting the mayor and council on different cycles would close, but that is not the only consideration. When the terms were two years, members of the Common Council were more inclined to run for Mayor but giving up a Council seat and not being able to seek re-election to it for four years is a disincentive to such a course of action; allowing council members to run "mid-term" would encourage more of them to do so. Also, changing the election cycle would allow the voters an opportunity to make a change in one or the other branch of municipal government, rather than be "stuck" for four years with a situation they may not like."

²¹ **Written submission of Deborah Kleckowski, former member of Council: 11/17/2020:** "The Mayor is the executive branch and the Common Council is the legislative branch. When combined in a single election the separation of powers/duties are not clear. Additionally, the Mayor's election during an "off-year" will help to endure a larger voter turn-out for the "under-ticket/positions".

²² **Commissioner Wilson and Blanchard: 12/30/2020.**

²³ **Written submission of David Bauer: 12/02/2020**

²⁴ **Public testimony of General Counsel Smith: 12/16/2020.**

²⁵ **Written submission of Deborah Kleckowski, former member of Council: 11/17/2020:** "Sec. 8 Vacancy in Office. C...mayor's inability to carry out duties of the office.....the Common Council shall by 9 members (to replace unanimous vote). If this very serious matter was to ever come before the Common Council it is imperative that to move for medical examination of the mayor to determine if mayor capable to perform his duties that this vote be more that unanimous, the vote, to avoid a political vote, must include both parties, therefore 9 votes."

²⁶ **Written submission of former Mayor Sebastian N. Giuliano: 11/17/2020.** "I have heard a proposal to remove one or both of these provisions and the reason offered is that it would make it "easier" to enact "progressive ideas". I find it necessary to point out the obvious: it's not supposed to be "easy"...The enacting of zoning codes and regulations is much too important to be left to "bare" majorities or to a single political party. The impact of the P&Z Commission's decisions are far-reaching and long-lasting. For that reason, the people of Middletown, in their wisdom, have placed safeguards against arbitrariness, against impulsive action, against being inclined to blindly follow trends that have not stood the test of time and have preferred, instead, a process by which proposed actions have to be sufficiently sound to both convince a supermajority of the membership and in a bipartisan manner. These proposed changes seek to circumvent all of those safeguards and should make anyone hearing them uneasy."

²⁷ **Commissioner M. Salafia: 12/30/2020.**

²⁸ **Commissioner Roane: 12/30/2020.**

²⁹ **Commissioner McKeon: 12/30/2020.**

³⁰ **Commissioner M. Salfia: 12/30/2020.**

³¹ **Written submission of Sebastian N. Giuliano: 11/17/2020.** "I have read of a proposal by which Middletown would change its legislative branch from the current Common Council to a Board of Aldermen. It is an idea so fraught with negatives that it should be summarily rejected by the Commission...Middletown's legislative body is a *Common Council* (emphasis added), elected at-large by all of the voters. Every Council member owes his or her election to *all* of the voters, not just a few from a single neighborhood. Every citizen is a constituent of every Councilperson and can approach any or all of them with his or her petitions. This proposal would change that dynamic so that, instead of electing and being represented by twelve, we would elect and be represented by only one Citizens would soon find that eleven of twelve aldermen have little or no interest in them or their issues. Aldermen would quickly engage in "horse trading" and the Council - excuse me, "Board of Aldermen" - would take on a character more resembling a bazaar than a municipal legislature. And that's only part of the story...Wards would have to be drawn and the relative populations of those wards must be equivalent to one another. The current voting districts will not be in compliance, so get ready for the gerrymandering process at the municipal level. Also, every municipal election would require twelve different ballots, making the process even more complicated, more expensive and more prone to error...This is a proposal that appears to benefit the politicians, not the people. Anyone who wants to see its practical application need not look very far. There are cities in Connecticut that operate under such a system; ask yourselves whether they are worth emulating."

³² **Written submission of Deborah Kleckowski, former member of Council: 11/17/2020:** "Chapt. 111 Organization of Council Sec. 2Common Council may appoint such staff, including the Council Clerk, as it deems necessary..... Staff appointed by the Common Council to assist in its duties will be responsible to the Common Council."

³³ **Commissioner L. Salafia and Wilson: 12/30/2020.**

³⁴ **Written submission of former Mayor Sebastian N. Giuliano: 11/17/2020.** "Under the current iteration of Charter, the Mayor is given the duty to preside over meetings of the Common

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Relevance Discussion

Council and the power to break tie votes. Note that this does not make the Mayor a member of the Common Council, although the "optics" give that mistaken impression; it "blurs the lines" between two branches of government that have two separate and distinct functions. Also, having the Mayor - the Executive - preside over meetings of the Common Council - the Legislative - encourages the Mayor to exert an undue influence and a level of control over the Council that is unhealthy...The Common Council should choose, from among its members, a presiding officer. To those who raise the issue of tie votes, there are two ways of dealing with them. A tie vote is not required to be resolved; the subject of the motion not having garnered a majority of votes cast fails. Therefore, the current makeup of the Council can be retained without any impairment of its functionality. However, if it is deemed sufficiently important, the alternative is to increase the Council to thirteen members. In the interests of "full disclosure", I must point out that, in such case, state law would limit the majority party to eight seats...Finally, as to concerns about removing the tie-breaking power from the Mayor, I can tell you - from experience - that it is not a situation that arises often and, when it does, is encountered with some degree of trepidation. In my six years as Mayor, I was confronted with two tie votes (in both cases, I declined to break the tie) and, in my six years as a Councilman, there was only one tie vote. Tie votes arise from matters that are, by definition, controversial - if not divisive - and, in my personal opinion, if they don't win a majority vote of the legislative body, the executive should intervene only in the most extraordinary of circumstances, if at all." See also, **Public testimony of Hon. Vinnie Loffredo**, Deputy Mayor: 11/18/2020.

³⁵ **Commissioner L. Salafia and Wilson: 12/30/2020.**

³⁶ **Written submission of Deborah Kleckowski**, former member of Council: 11/17/2020: "Sec. 3C Eliminate Mayor as presiding officer of the Common Council meetings. Option: majority leader presides or Common Council elects "president" to preside over Common Council meetings. The mayor is the executive branch. The Common Council meetings are meetings of the legislative branch- the mayor has no role in the process/duties of the legislative branch."

³⁷ **Commissioner Blanchard: 12/30/2020.**

³⁸ **Public testimony of General Counsel Smith: 12/16/2020.**

³⁹ **Public testimony of General Counsel Smith: 12/16/2020.**

⁴⁰ **Public testimony of General Counsel Smith: 12/16/2020.**

⁴¹ **Public testimony of General Counsel Smith: 12/16/2020.**

⁴² **Public testimony of General Counsel Smith: 12/16/2020.**

⁴³ **Public testimony of Hon. Philip Pessina**, Minority Leader: 11/18/2020.

⁴⁴ **Public testimony of Hon. Anthony Mangiafico: 11/18/2020.**

⁴⁵ **Commissioner Sweeney: 12/30/2020.**

⁴⁶ **Public testimony of Hon. Eugene Nocera**, Majority Leader: 11/18/2020.

⁴⁷ **Commissioner McKeon: 12/30/2020.**

⁴⁸ **Commissioner Ribnicky: 12/30/2020.**

⁴⁹ **Public testimony of Hon. Eugene Nocera**, Majority Leader and **Hon. Philip Pessina**, Minority Leader; **Hon. Jeanette Blackwell**; and, **Hon. Anthony Gennario, Sr.:** 11/18/2020.

⁵⁰ **Commissioner McKeon: 12/30/2020.**

⁵¹ **Commissioner M. Salafia: 12/30/2020.**

⁵² **Commissioner Sweeney: 12/30/2020.**

⁵³ **Written submission of Deborah Kleckowski**, former member of Council: 11/17/2020: "Administrative Assistant—Change to Chief of Staff (this has already been changed in job descriptions). It is important for the Mayor's "assistant" to have a title that embodies "power"/representative of the mayor's office." **Public testimony of Brig Smith:** 12/15/2020.

⁵⁴ **Commissioner Wilson: 12/30/2020.**

⁵⁵ **Public Testimony of Hon. Vinnie Loffredo**, Deputy Mayor: 11/18/2020.

⁵⁶ **Written submission of Deborah Kleckowski**, former member of Council: 11/17/2020: "Eliminate Corporation Council appointed by Mayor and add to the Common Council. The Common Council needs to have its own legal representative. The office of the mayor can utilize the City Attorney."

⁵⁷ **Public testimony of Mayor Ben Florsheim:** 11/18/2020; see also, **written submission of Roger Palmer:** 11/30/2020.

⁵⁸ **Written submission of Deborah Kleckowski**, former member of Council: 11/17/2020; See also, **written submission of Sebastian N. Giuliano: 11/17/2020.** "This was a recommendation of the last Charter Revision Commission but was not accepted by the Common Council. The City employs a full-time Director of Finance and, as such, is not required to have a Treasurer. The position has few significant duties and they (accept the CFR from the City's auditors, confirm the best bid for the sale of municipal bonds, provide a signature sample for impression on the City's checks) may be performed by the Finance Director. It is a vestige of prior centuries and smacks of a system of political cronyism that we would do well to eliminate."

⁵⁹ **Commissioner Wilson: 12/30/2020.**

⁶⁰ **Commissioner Wilson: 12/30/2020.**

⁶¹ **Public testimony of General Counsel Smith: 12/16/2020.**

⁶² **Commissioner McKeon: 12/30/2020.**

⁶³ **Public testimony of General Counsel Smith: 12/16/2020.**

⁶⁴ **Commissioner McKeon: 12/30/2020.**

⁶⁵ **Commissioner L. Salafia: 12/30/2020.**

Issues Tracking Chart - Middletown Charter Revision Commission

Substantial Due Diligence

Research and Report

Relevance Discussion

- ⁶⁶ **Written submission of Deborah Kleckowski**, former member of Council: 11/17/2020.
- ⁶⁷ **Public testimony of Mayor Ben Florsheim, Hon. Philip Pessina**, Minority Leader; and, **Hon. Jeanette Blackwell: 11/18/2020; and, Steven Devoto: 11/04/2020.**
- ⁶⁸ **Written submission of former Mayor Sebastian N. Giuliano: 11/17/2020. Written submission of M. Salafia: 3 December 2020.**
- ⁶⁹ **Public testimony of Brig Smith: 12/15/2020**
- ⁷⁰ **Public testimony of Hon. Jeanette Blackwell: 11/18/2020; Written submission of Jill Echevarria: 12/3/2020; Public testimony of Valerie Light, Lisa Loomis, Ren Davidson, Zak Farnsworth, Rob Petit, Molly Auger: 12/02/2020**
- ⁷¹ **Commissioner Bourne, Ribnick and Roane: 12/30/2020.**
- ⁷² **Commissioner M. Salafia: 12/30/2020.**
- ⁷³ **Written submission of Trevor Davis: 12/2/2020.**
- ⁷⁴ **Public testimony of Hon. Jeanette Blackwell: 11/18/2020.**
- ⁷⁵ **Written submission of former Mayor Sebastian N. Giuliano: 11/17/2020.** "In a previous charter revision, the Council authority to approve bonded debt was increased from \$500,000 per item to \$750,000. While the intention was to recognize the reality that a \$500,000 limit on municipal capital projects subjected virtually everything to a referendum, there was an unintended consequence of the change that rapidly became apparent. The new, higher limit made it easier to "break down" larger capital projects into smaller (i.e., under \$750,000) "phases" and, therefore, avoid the referendum requirement altogether. This has become a very common approach to many capital projects that, in truth, should be submitted to the voters and which the voters thought they would be given the opportunity to approve when they adopted that particular change...I suggest that the applicable Charter provisions be changed to grant the Common Council an aggregate limit - \$15 million seems reasonable - of bonded debt that it can approve in each fiscal year, without referendum. Once that limit is reached, any additional bonded debt - no matter how little or how much - would have to be submitted to the voters."
- ⁷⁶ **Public testimony of General Counsel Smith: 12/16/2020.**
- ⁷⁷ **Commissioner L. Salafia: 12/30/2020.**
- ⁷⁸ **Public testimony of Mayor Ben Florsheim, Hon. Eugene Nocera**, Majority Leader; **Hon. Philip Pessina**, Minority Leader; **Hon. Vinnie Loffredo**, Deputy Mayor; **Hon. Ed Ford; Hon. Darnell Ford; Hon. Jeanette Blackwell; and, Hon. Anthony Mangiafico: 11/18/2020; Public testimony of Lisa Loomis, Peter Staye, Patricia Charles, Valerie Light, Ro Petit, Molly Auger, Christine Bourne, Marco Gaylord and Geen Thazhampalloth and Deborah Geen (BoE Chair): 12/2/2020; Written submission of David H. Larson, PhD, former Superintendent of Schools: 12/6/2020,**
- ⁷⁹ **Public testimony of John Guiliano, Jeffrey Knakel, Marie Arci, Jean Newman: 11/04/2020. Written submission of former Mayor Sebastian N. Giuliano: 11/17/2020.** "Middletown's charter provisions - making all employees except those required by the Connecticut Department of Education to hold a certification to perform the job duties city employees - may be unique but that is no reason to discard it. This proposal falls into the category of "If isn't broke - don't fix it"...The proposal seeks to remove all municipal employees who work in the school system from the Classified Plan (members of municipal bargaining units, hired by the Mayor and subject to Personnel Rules approved by the Common Council) and make them employees of the Board of Education. The rationalizations for this include taking the "politics" out of hiring school workers This presumes that the Board of Education and Central Office are not political entities, which they are; this change doesn't "take the politics out" of hiring, it only moves it from one political entity to another...Another rationalization is that the "Superintendent and the school principals should be able to hire the secretaries that they want". This is another red herring. In six years as Mayor, I selected ONE person who wasn't the Superintendent's top candidate (I selected the candidate who was second)...One hire...Of all the hires I made in six years...One...And I should point out that the particular employee is still there, having served two more Superintendents and having been promoted by both of them; the Superintendent that opposed the hire is gone...Finally, as previously stated, there are school districts that operate as this proposal seeks to do here. Are they markedly better than we are because of it? How does this idea make the students smarter or improve their lives? The answer to both questions is an obvious "no". This is another idea that benefits "insiders" at the expense of the students and the citizens." **Public testimony of Jeffrey Knakel and Marie Arci: 11/18/2020. Testimony of Brian Biales: 11/18/2020 – provisions should be studied and reviewed; Public testimony of John Guiliano asnd Jeff Knakel: 12/02/2020.**
- ⁸⁰ **Public testimony of Hon. Anthony Gennario, Sr.: 11/18/2020 – listen to the employees.**
- ⁸¹ **Public testimony of Mayor Ben Florsheim; Hon. Ed Ford; and, Hon. Darnell Ford; 11/18/2020; and, Public testimony of Hope Casper: 12/02/2020.**
- ⁸² **Commissioners Bourne, McKeon, Roane: 12/30/2020.**
- ⁸³ **Commissioner Greaves: 12/30/2020.**
- ⁸⁴ **Public testimony of Hon. Grady Faulkner, Jr.; and, Hon. Jeanette Blackwell: 11/04/2020.**
- ⁸⁵ **Commissioner Bourne and Roane: 12/30/2020.**
- ⁸⁶ **Public testimony of Hon. Jeanette Blackwell: 11/18/2020.**
- ⁸⁷ **Commissioner Roane: 12/30/2020.**
- ⁸⁸ **Public testimony of Hon. Jeanette Blackwell: 11/18/2020.**
- ⁸⁹ **Public testimony of Hon. Ed Ford: 11/18/2020.**
- ⁹⁰ **Public testimony of Hon. Vinnie Loffredo, Deputy Mayor: 11/18/2020.**
- ⁹¹ **Public testimony of General Counsel Smith: 12/16/2020.**
- ⁹² **Public testimony of John Killian, Dan Penney, and Jean Newman: 11/04/2020; Written submission of (1) Dan Penney re – "positive outcomes": 11/04/2020; (2) Kathleen Alderman re**

Issues Tracking Chart - Middletown Charter Revision Commission

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– consolidation of three fire districts: 11/13/2020; (3) **Richard Silverman** re – leave Westfield Fire Department “independent” of the City: 11/15/2020; (4) **Janice and Joe Piscitello** re - “no” on consolidating...leave Westfield as it is: 11/16/2020; (5) **Lori and Jon Toussaint** re – “no” on consolidating Westfield: 11/16/2020; (6) Nada von Mahland re – opposition to consolidation of Westfield: 11/17/2020; (7) **Leah Meyer** re – opposition to consolidation of Westfield: 11/17/2020; (8) Letter from **Charlotte McCloud** re- opposition to consolidation of Westfield FD: 11/18/2020. **Public testimony of Cathy Steffens; Greg Amy; Hon. Brenden Chafee** (no legislation in the General Assembly to eliminate the districts); **John Guiliano; Charlotte McCloud; Win Belah, and Tom Lattimer.** **Testimony of Brian Biales:** 11/18/2020 – consolidation is a worthy discussion. **Public testimony of Hon. Vinnie Loffredo,** Deputy Mayor: 11/18/2020 - Middletown Fire District should have same rights as Westfield and South Fire Districts. **Public testimony of Hon. Anthony Gennario, Sr.:** 11/18/2020. Written submission of Ron Goodrich and Kelvin Wilson: 11/20/2020.

⁹³ Public testimony of **Mayor Ben Florsheim and Hon. Philip Pessina,** Minority Leader: 11/18/2020: the CRC was not formed to address FD consolidation and should only be addressed with serious consideration to the views of affected citizens, respectively.

⁹⁴ **Public testimony of Robert Kroninberger (Fire Chief):** 12/02/2020.

⁹⁵ **Commissioner Wilson:** 12/30/2020.

⁹⁶ **Commissioner Greaves:** 12/30/2020.

⁹⁷ **Commissioner Roane:** 12/30/2020.

⁹⁸ **Commissioner L. Salafia:** 12/30/2020.

⁹⁹ **Commissioner L. Salafia and Wilson:** 12/30/2020.

¹⁰⁰ **Commissioner Wilson:** 12/30/2020.

¹⁰¹ **Public testimony of Hon. Philip Pessina,** Minority Leader: 11/18/2020.

¹⁰² **Commissioner Roane and L. Salafia:** 12/30/2020.