



**CHARTER REVISION COMMISSION  
JULY 22, 2014  
7 P.M.**

**Charter Revision**

The Charter Revision Commission Meeting was held in the Council chamber of the municipal building on Tuesday, July 22, 2014 at 7 p.m.

**Present**

David Larson, Chair, Robert Blanchard, Anton Petras, Thomas Hutton, Joseph Milardo, Domenique Thornton, Daniel Ryan, Vincent Loffredo, Philip Pessina, Kathryn Adams; and Staff, Marie Norwood.

**Absent**

Michael Gaudino

**Also Present**

50 members of the public

Chair David Larson calls the meeting to order at 7 p.m.

The Chair states before they get into the agenda, there are folks to speak to one of the items on the agenda and we do have a legal opinion from Brig so I would like to change the order of the agenda to deal with the legal opinion and our recommendation on the city fire district. Comm. Blanchard moves the motion for approval and is seconded by Comm. Ryan. The vote is unanimous to change the agenda.

**Noted for the Record**

Commissioners K. Adams and D. Thornton take their seats at 7:01 p.m.

The Chair states for the benefit of those in the room, the Commission has a memo from Brig Smith and the question is can the charter set up a fire commission to adopt a budget and set mill rate and the short answer is not likely. He asks members of commission if there is discussion or a motion. Comm. Pessina states he moves to remove this from our final report based on the legal opinion from the General Counsel. It is clear that it doesn't need to be done. Comm. Thornton seconds the motion. Comm. Loffredo requests that this opinion be attached to the final report that we have deliberated and be sent forth to the Council. Comm. Milardo states we should take this up when we go through the recommendations; we should open the public comment. He states maybe it should be one line item in the budget. You need to move the item to amend the agenda to deal with this first.

Comm. Pessina withdraws his motion and Comm. Ryan withdraws his second. Comm. Pessina moves that the agenda be amended to reflect this item be moved up to be addressed. Comm. Ryan seconds. The Chair states he will take it as the next item. The vote is unanimous.

Comm. Pessina moves to remove this item from the report and we attach the legal opinion dated July 22 so the Council will have clarity as to why we did not move forward with this item. Comm. Blanchard seconds the motion. The Chair calls for discussion. Comm. Milardo amends the motion that they should include in the report the fact according to this analysis we don't have to have a separate budget and no separate taxing and it should be adopted as a department. Comm. Loffredo states if that was the case he would not have brought the matter before the body; he investigated this with a full detailed report with the three fire districts to deliberate the matter. There are three separate tax districts and they are not shared

by the entire city. It is only 1/3 of approximate assessed value are taxed through that process through the city charter. In terms of the amendment, it would be inappropriate. The services provided by city fire district are paid for by the taxpayers of the 1/3 district. Comm. Milardo states his analysis it is the city fire department and not a separate district and they can't set a mill rate and body politic and I am confused as to that statement and to what Comm. Loffredo is talking about. I understand that the whole city is not served except in case of mutual support and it is confusing to him as to what he (General Counsel) is talking about because they do have a separate mill rate. Comm. Thornton states it is the council who sets the mill rate. The council is doing it. Councilman Loffredo states it is a separate district. The Chair it is the Council who sets the mill rate. Comm. Milardo states it is only certain tax payers paying that mill rate. Comm. Loffredo states the representatives do not reside in that fire district and that is the disparity recognized for some time and how do you correct this disparity and that brought about the discussion. It is taxation without representation. Comm. Milardo states he agrees taking it out of the report and attach this, but we should task the city attorney to flush this out. The Chair would like an amendment that your motion and the second, we are asking the City Attorney to look at the taxation issue and clarify it for the Council. We should tell them what is discussed and our concerns. Comm. Loffredo states in light of Joe's comment, there is Chapter 6 dealing with finance and taxation and there is also Section 2 separate budgets provided. He should look at Chapter 6 and the separate budgets and the tax rate established. There are other provisions dealing with other duties and responsibilities, dealing with assessments, the sanitary disposal district and that is a geographical district. In terms of including representatives and being part of the process in some representative fashion that was the goal here. I am calling it to your attention to provide for. Comm. Milardo states the major difference and what is going on is that the Sanitation district can be expanded and theoretically it can be the whole city and the fire district is set by ordinance. It cannot be expanded and that is the kind of confusing things he would like looked at.

The Chair, hearing no discussion, calls for the vote. It is unanimous to approve removing this from the report and including the memo in the report as well as requesting more information from General Counsel.

A member of the public states the meeting is illegal because the location is not on the agenda and the original form filed with town clerk shows location as city hall. The notice should have given the location. City and Town Clerk, Linda Bettencourt confirms that the location should be the Council Chamber and not here. She states the meeting can be conducted, but no votes may be taken. The Chair asks if they should move to city hall. He asks for a motion to adjourn to city hall. The Commission votes to move the meeting.

Comm. Ryan so moves and is seconded by Comm. Pessina. The Chair adjourns the meeting at 7:19 and advises everyone to move to City Hall.

Chair Larson calls the meeting to order at 7:40 p.m. in the Council Chamber. He would like to amend the agenda to put the issue of the recommendation city fire district on agenda. Comm. Pessina makes the motion; Comm. Blanchard seconds the motion. The vote is unanimous. Comm. Pessina moves we remove from our Charter revision changes the section of the report dealing with the fire district taxing authority and to attach the opinion of the General Counsel to the report and ask that he refer to the taxing areas in the Charter. Comm. Loffredo seconds the motion. Comm. Pessina wants it clear he was stating General Counsel not the Common Council and refers to the memo of July 22. There is no other discussion. The Chair calls for the vote and it is unanimous to approve.

The Chair asks for a motion to approval of the minutes of July 15, 2014. Comm. Hutton so moves and is seconded by Comm. Blanchard. There is no discussion. Commissioners Petras and Milardo abstain from the vote. The rest vote aye. The Minutes are approved.

#### **Public Comment:**

The Chair opens public comment. Stephen Gionfriddo comes forward to address the commission. First he thanks the commissioners for their service. The summer is not the easiest thing and the work you have done and issues raised you put in a considerable amount of time. Some of the items he agrees

with. He agrees with four year term of mayor for the ability to do long term planning. It is hard to do that when they get in, in November and they have a year and the second they are running for office. The four year term, they can look ahead; it is an ability that they can't do currently. A four year term for Council he doesn't agree with. The idea that the Council needs a substantial learning curve is exaggerated; it is not that high. The Council would provide a buffer for a four year term. We never had a Mayor out of control and you never know what you will have and we don't have recall and the Council running every two years, the public can make a statement by changing the Council and the parties. You will not save money for a four year term for Council because you have to elect Board of Education members and Planning and Zoning Commissioners; you will spend \$45,000 for six or seven spots and if you don't have the Council, what kind of turnout would you have. With the Council chances of a larger turn out are better. He asks that the Commission consider a four year term for Registrar of Voters per State Statute 9-189. A the Charter can make the Registrar four years and that is a job where knowledge is extremely important. That might be something you might want to look at and a number of towns have it. The referendum proposal he does not have a problem going to a larger sum for the bonding and the Council in the last few years has a tendency to vote for a number of \$750,000 bond issues and if the trend continues, to raise it to \$1 million, will we get a flood get of opening bonding to \$999,999. He would like the supermajority vote for this and he was troubled that he read it would make it more political and when there is discussion of a bond issue, it should be something both parties can support instead of how we look at it now. A little discussion between sides will not make anything that political. What he doesn't care for and he doesn't have a problem with the money in there for the Mayor, he doesn't think any salary amount should be listed in the Charter. If the Council can't have the discussion of a fair salary for the Mayor there is a problem. He doesn't see too many Charters with the salary in for the Mayor. I don't think the Common Council salary belongs in the charter and you called it a stipend. It is not the money for the time you spent, but it was there because it was to offset expenses like gas and buying tickets to municipal functions. It was never for the time, but to offset the costs of councilmanic service. I don't think there should be a dollar amount and you should give the Council flexibility.

Linda Bettencourt states she is the City clerk and wanted to state publicly that she did not mean to blind side the committee or staff; Marie was on vacation. Her concern was at 7 p.m. sitting in her office and no one was here. She apologizes for how her comments sounded. She is relieved that you pulled the fire commission issue from the agenda. What she would have hoped to see is combining the three fire commissions. It makes more sense. Why we are not combining them, and from labor and budget stand point and we share services and mutual aid and when firefighting is a profession you need educated employees and why are we not looking at this. It needs to be well thought out and discussed. As far as the Council setting the fire district mill rate, but any person can petition the budget and redo and the argument of taxation without representation is not a valid argument.

She is in favor of four year term for Council and Mayor and the mayor's salary, the position is grossly underpaid. The responsibility the Mayor has outweighs everything. You look at other municipalities, it is four year terms. She has no problem with the Council salary. The amount of time, they are here for the public, but it is an incredible commitment and they should be compensated for it. When you are discussing changing the terms in 2015 we will have a big election, in 2017 only 11 people will be elected and the turn out will be smaller. Item 3 of your draft report p. 5 she reads from the report. Planning and Zoning has to be staggered terms. When the terms are up, you will expend \$45,000 for 11 people and she mentions how low the turnout was in Hartford. You can go down to 3 polling places if you notice the public. In the odd years it makes sense to do it. You won't save money to elect 11 people if there are 14 districts. The Charter has to say that for municipal elections, there can be four polling places for the odd year election. In item numbered 27 when you mention for the terms, you need to mention Planning and Zoning Alternates. They are not part of the commission and they are staggered to; they also follow their own minority representation rules. The state is looking to get rid of the staggered terms. Please consider that on the odd years, we go to the referendum voting schedule for that election.

George Dunn states he would like to comment on the fire commission even though it is off the table because he would like some things on the record. When he was fire chief, he held to and worked for things to be fair, honest, and consistent. In 1984-85 he was asked by the Council to prepare the report

to address consolidation of the city. At that time he said the potential of consolidation will not happen until the people want it; two people control their fire department and it creates problems and it is a major problem today. The number of fire fighters in the City, he came up with the figure of 99 career firefighters and as I stand there are 108 and that projection 20 years later is on the nose. Fire hazards, the conflagration would be the north end primarily from Washington Street to Rapallo Avenue and 20 years later we are addressing the issue of blight and rundown neighborhoods. Half of Ferry Street was redone under Mayor Thornton; the other half of the street needs to be done. Very little has changed, but it has taken 20 years to get here. In the 1990's they had to keep the mill rate down and his CNR was depleted and the fleet deteriorated. We did not have spare apparatus and maintenance; today they have spare apparatus. I used to get weekly calls to come to city hall to explain why a piece of apparatus is in West Hartford or Rocky Hill; we couldn't keep them afloat. When Mayor Thornton was elected, she got them trained and from that point until today, it is a triple A department. He can't say enough for the Department. It comes from the Mayor with motivation and stimulus. As for the tax district with separate budget, it could reduce the level of service and the kind of service provided. It could lead to the potential of lower staffing. School districts work with city hall to consolidate to save money, why can't we do that. His original fire district represented the City of Middletown. Tony Petras would call me to see what was going on and it would go through the commission to the Council to keep them informed and make decisions. Public Safety does not have boundaries. If you look at downtown, it is the restaurant club in Connecticut. I want you to think about the conflagration issue. Residential tax payer to have a separate commission and see what is going on around the country, they don't like the tax and business and nonprofits flourish. That is the area to address. Nontaxable properties and he mentions them. There are 40 churches in Middletown, 30 in the central area.

The Chair states your time is up. Another member of the public yields his time to the former Chief. Mr. Dunn discusses a special hazard is a 15 story building and when a firefighter gets to the top, they have to get out and they have to have the resources to get out. We have multiple 10 story buildings. He discusses public assembly. Group homes in the city; it is in the 25 to 35. Comm. Thornton says more. There are Treatment centers. The roads back in 1974, he did a survey of gasoline coming across Rte. 66 it was over 200,000 gallons a day. Chemical transports are increasing and you have to have resources to handle that. Industry, local schools and high schools they have serious stuff there. Kids were transported to the hospital from an incident at the high school and the high school is in our district. We have the hospital. White powder situations; it has gone away but the threats are getting worse and it is focusing with the younger people. We have a number of international residents and some require special concerns and we deal with it along with the police. We have a 24 member hazmat team, one of the few in CT that can do that. The trench rescue team and he had one where we lost a person and OSHA was going to fine the department and they negotiated to get a team in place. We have a dive team and they work constantly with the police. Confine space rescue; we had a fatality. They have certified training now. High angle rescue; they have a team and it is required. You have to be able to provide the rescue and if not available, it is up to the municipality to provide it. They are trained from A to Z and they deserve the best. They can't give away responsibility. There are a number of districts that have gone belly up where the city had to take it over. South District had an issue during the Kleen Energy disaster. The City would have had to take up the service and pick up the bill. The budget at South District started a petition against the addition of the fire house and then voted the budget down. They have three budget votes and if the fourth didn't go, the department would have been gone. LoCIP funds from the Council have gone to South Fire and Westfield. It is fair. The Council are half from South Fire and the other from Westfield, we need to think of that.

Union President Augieri speaks on behalf of 67 brothers and sisters who serve the city and he is glad it was pulled and the legal opinion from Attorney Smith. I am disappointed that we had to be here with no consideration to the collective bargaining agreement and our current contract. To date to his knowledge there has been no dialogue about the ramifications of creating another district in Middletown. Not one commission member came to the chief and it was thrown together and passed by a bias report done by students who had no interests in the city. It was filled with inconsistencies and improper verbiage. The only thing we agree on is that we are the municipal department. He challenges that it is taxation without representation. It is a city department like public works. It is not separated. The representation comes from the taxpayers and the voters that elect them. Taxpayers can voice any concerns. Not once in his

career has he had a complaint that they were not represented and it was taxation without representation. In the day and age we should be shrinking government, it goes against everything the Mayor was trying to do, and it adds a layer. If you want to save money consolidate. You want to stop duplication of services consolidate. I am glad it was pulled. Local 1073 were against any attempt creating a separate taxing district. He makes it clear that the contract is clear the Mayor is the sole negotiator and we will not negotiate with anyone else in the city of Middletown.

### **Public Comment Closes**

The Chair asks if anyone else would like to address the Commission. Seeing no one, he closes the public hearing at 8:16 p.m.

The Chair states we have before us three things to move forward on, the recommended changes to the Charter go to No.17 to strike that. He states on item 13, we talked about 4 year terms and Former Mayor Gionfriddo discussed a 4-year term for the Registrar; was it our intent that we wanted everyone to go to four-year terms? The Chair asks if there is disagreement. Comm. Loffredo states it was not discussed. The Chair asks staff; Ms Norwood responds from the minutes it appears it was only municipal officers discussed and not a state or federal official. Comm. Hutton moves to have the Registrars of Voters have a four-year term; his motion is seconded by Comm. Pessina. There is no discussion. The vote is called and it is unanimous to include this as a recommendation.

Comm. Thornton asks when this four-year term begin; Linda Bettencourt, City and Town Clerk states it would be good to keep this office with the gubernatorial race.

The Chair states on the off two year terms to save money it was recommended on those years the Council and Mayor are not running on those municipal elections revert to the referendum schedule. Is there a motion to that. Comm. Petras states we shouldn't get into the nuts and bolts if it is passed. The Chair asks the City Clerk if it can be done by Council. Ms Bettencourt states it has to be done by charter revision. To allow a municipal election to go to referendum schedule it would be in the charter. Comm. Petras asks who established it; the registrars with the State and it is 3 areas. The three of us talked about the odd year election. The Registrars think that will save the most money. A 5.2% turnout at 24 polling places and multiple places where a vote was not cast is what occurred in Hartford. Comm. Milardo asks why they didn't just do it for the primary. Ms Bettencourt states it is a city wide election; to reduce the number of polling places for a municipal election, it has to be in charter.

Comm. Ryan states it makes sense to reduce the voting polling places to the three mentioned assuming the Council votes to approve a four year term for Council and it is still a question. I would make a motion that in the off years three polling places as mentioned by the City Clerk, Moody School, South Fire and City Hall be the voting places assuming the Council term is raised from two to four years. Councilman Pessina seconds the motion. Comm. Blanchard states Dan's motion achieves the objective to save money, having the voters get out to vote and saves the longevity for the council and mayor; it is the best way. Comm. Milardo states he is opposed to 4-year terms for the council and remains opposed to it. It is disappointing to be a moderator and see 80% for federal election, 60% for state, and 33% for a local election. The concept of charter and home rule, you form the rules by which you govern and extending the terms to four years, if they are two years, it gets them out in the neighborhoods and it will be bad turn for 4 year terms of council and mayor. He is opposing this.

The Chair calls for the vote on this matter and it is –aye votes by Comm. Ryan, Blanchard, Thornton, Hutton, Pessina, Loffredo, and Adams and two nay votes by Comm. Milardo and Petras.

Comm. Loffredo moves to reconsider the prior motion regarding council terms and reconsider the 4 year term. Comm. Milardo seconds the motion. Comm. Loffredo states there is a serious problem that Joe is talking about and it is not our intent to exacerbate that and have less involvement in the decision making process. One discussion we had is staggered terms for Board of Education and not all are up for election; to the degree we have staggered terms it would require 12 members of the Council and the staggered terms and it would provide for contact with the voter. There is no recall provision for those who set the budget. And if you look at the 169 communities, there needs to be checks and balances and

accountability. It is fundamental and not minor. To the matter at hand we have been warned several times setting up an election process when you are not engaging those who set the budgets for the city. He is ready for consideration and listening to debate, it gives him pause and as a former council member, you need to have that. Look at the federal government, legislative is two year terms and four year for executive. In Middletown it would be straight four. Let's not have any misrepresentation. We are making a recommendation to the Council and they will make their decision and send it to the voters. He would seriously suggest to change it to two year terms for council.

Comm. Ryan responds this is the third time we discussed this issue and the concern is unless you have the council running with the mayor, you will have a reduced turnout anyway. I have been Corporation Counsel with three mayors and has seen council members come and go and there is a learning curve and new council members are lucky they know what they are doing in a year and the second year is running for election and between low turnout in off years and the learning curve, and it can be changed by charter revision. This is not a forever situation. It makes sense that mayor and council have a four year term.

The Chair asks that we vote on this to reconsider the terms.

Dan states we are voting to reconsider, not to put it to two years. Reconsider our motion to recommend a 4-yr term for council. It is five aye votes by Commissioners Members Petras, Milardo, Pessina, Hutton and Loffredo and four nay votes by Commissioners Blanchard, Ryan, Thornton, and Adams. The motion carries to reconsider the four-year term for Council.

Commissioner Loffredo moves that the Council members have a two year term instead of a four year term. His motion is seconded by Commissioner Milardo.

Comm. Blanchard states we should give the voters the option whether to go to four years or not; if the voters don't feel comfortable, then they will decide at the polls to the two year term. We should give it to the council and get their recommendation and send it to voters. Comm. Loffredo states they can go along with it and it is still there. Comm. Ryan disagrees; he states unless this commission recommends it, it will not be before the council because presently it is two years and it will be the same as it is and the commission is not recommending anything new and it would not be considered by the council or public.

Comm. Milardo states he reserves the right to speak at the workshop and tell them our thoughts and what our constituents talked to us about it. He will vote for or against it. I understand the process and he would vote in favor of keeping it the way it is. It is nice to have the report and the consensus is the council should stay two years.

The Chair states the motion is a term of two years and to take the four-year term off our list of recommendations. He calls for the vote. It is five ayes by Commissioners Petras, Milardo, Hutton, Pessina, and Loffredo and five nay votes by Commissioners Blanchard, Ryan, Thornton, Adams, and Larson. Commissioner Loffredo questions the Chair voting to cause a tie. Commissioner Ryan responds unlike the Council with the Mayor as Chair, Comm. Larson is a member of this body and can vote.

The Chair states the vote is five to five; the recommendation stays at four years.

Comm. Loffredo states just having the Board of Education and Planning and Zoning and Board of Assessment appeals would limit the numbers and he asks for clarification if those who voted for the four-year terms you are saying there would be no impact on the turnout. He wants to understand their idea of voter turnout without mayor or council. Comm. Blanchard states he would use the same example 2013 in Hartford had a terrible turnout and he is not sure what will happen; he knows what the turnout was and it is up to the candidate to engage the voters. He has not seen any members of the public come and discuss with us the charter revision. Comm. Loffredo states a four year term there is no recall ability. Comm. Blanchard states in those years, you will have the mayor and council, don't discount the voters ability.

Chair Larson states Comm. Hutton has stepped out and he would like to wait for his return to continue. He calls a recess at 8:40 p.m.

Chair Larson reconvenes the meeting at 8:47 p.m.

Chair states we will need votes to move things forward to the Council. The first thing is to vote on the recommendations for changes to the Charter; recommendation 13 we will add registrar of voters; taking out the old 17 relative to fire district and add new 17 for off year elections will be on the referendum voting schedule, three polling places, Moody, City Hall and South District.

Comm. Hutton moves the recommendation list for approval with the noted changes; Comm. Pessina seconds that motion. There is no discussion. The vote is called and it is seven aye votes by Commissioners Pessina, Hutton, Blanchard, Ryan, Thornton, Adams, and Loffredo and two nay votes by Commissioners Milardo and Petras.

The Chair asks that the Commission look at the language and he will go through the highlights for this evening. The other language we voted on the Section 2 Municipal officers added Assessment Appeals; move to municipal elections terms of office read the underlined areas and asks they look at. His suggestion is that General Counsel can look at that and put it in the proper order. He asks Linda Bettencourt what is the best time to start the four-year term for the Registrars; she responds 2018, the next gubernatorial election. The Chair responds the City Counsel will determine that. Comm. Milardo asks that the word commencing has a c not an s and below the word such is misspelled. The Chair asks that they be corrected. He states pages 3 and 4 we have approved and asks they move to page 5, Chapter VI, changing the name of the election to Mayoral and in the next two sections changing the name of Mayor's Administrative Assistant to Chief of Staff.

Comm. Adams moves to accept the language changes; her motion is seconded by Comm. Pessina.

Comm. Loffredo states there was a fact that it was uncommon the salaries are spelled out by charter. Comm. Ryan states we went through that in great deal. The Chair states we did not ask the question and the discussion was to take it out of the political realm. Comm. Loffredo asks if they have confirmation that it is uncommon to have a salary in the charter. They do not have confirmation and they do not know.

The Chair states we have motion to accept the language with corrected typos; he asks if there is further discussion. Seeing none, he calls for the vote. It is unanimous to approve with nine aye votes.

The Chair states Marie gave us an extensive draft report; does anyone want to add to this and make changes. There are none. The Chair thanks everyone. We worked through this and we were not unanimous on everything. I think debate is good and thank you all. They thank the staff for their work as well as Attorney Smith. Comm. Pessina thanks Chair Larson stating there were sensitive topics and you handled them well including the public. Comm. Ryan agrees and states you kept us moving and voting and we accomplished a lot in not all that many meetings.

The Commission reviewed next steps; the public hearing of the Council and if recommendations, the need for a meeting with the Council and an additional meeting of the Commission. They agreed future meetings will be held in the Council Chamber.

### **Meeting Adjourned**

Comm. Blanchard moves to adjourn and is seconded by Comm. Pessina. The Chair declares the meeting adjourned at 9 p.m.

ATTEST:

MARIE O. NORWOOD  
STAFF, CHARTER REVISION