Charter Revision Commission Actions

OCTOBER 21, 2004

ATTENDANCE: Thomas Flaherty, Chairman; Kelly Straniti; Richard Moccia; Galen Wells; Susan Wallerstein; Mayor Alex Knopp.

STAFF: Louis Ciccariello, Corporation Counsel; Tom Hamilton, Finance Director.

OTHERS: John Lombardi, Dave Davidson; Diane Lauricella; Andy Garfunkel, Town Clerk.

PUBLIC HEARING

The Chairman convened the public hearing and reviewed the charge of the committee. He also reviewed the draft report, which changes the budget process to 15 weeks and advances it closer to the new fiscal year. It will start on January 15th and end on the first Monday in May. This will not change the referendum process in any way. The second change is to change the position of Town Clerk from elected to appointed, taking effect after the election of November 2007. The Town Clerk will be appointed for four year terms.

Mr. Hamilton said that State law does provide for several different mechanisms for the City to have the authority to issue tax anticipation notes and the Board of Estimate to authorize expenditures for 90 days initially, and if necessary, beyond that 90 day period based on the line item budget approved the prior year, in the event that the budget is not approved on time (due to referendum). A tax bill can be issued based on the prior year's tax levy. There will then be an adjustment made if necessary.

Mr. Davidson commended the committee on extending the end date by one month and by providing additional time for the Finance director. In Sec. 1-239, he urged that the duties of the Director of Finance be underscored and emphasized as follows: "Recommend appropriations for all expenses of said City". In I-239, where there are references to responsibilities of the City Council, the requirement should be changed from 2/3rds to 4/5ths. Right now that is being ignored.

Diane Lauricella said in the past ten years, she had reviewed the operating and capital budgets. She often would go to the Finance Director's office and ask for a copy of the budget. It is an excellent idea that the budget will now be available on line. She had hoped they would submit it the last day of January, not the last day of December. Any additional time is appreciated by citizens, but she was not sure 15 days is enough, given that this is a holiday period. It is very important to talk with CCM and she was appreciative that this administration does that. Ms. Lauricella suggested at least 15 business days rather than 15 days. If that is not possible, Sec. 1-669 of the Charter should be revised as well so that the referendum is not the engine that drives the process.

John Lombardi, William Street, said at the first public hearing, he was afraid about doing away with Sec. 1-669, but that does not seem to be the case. He agreed with Mr. Davidson, but the problem is if Council members make fools of their power as this Council did, hopefully people won't elect them again. You cannot just change the Charter to make sure there are Councils that take their responsibilities seriously. He said he no longer has qualms about referendums. Changing the percentage to 4/5ths would make it difficult. They should not change the Charter because the Council chose not to exercise its powers.

Mayor Knopp said that the draft report is a very reasonable proposal and accomplishes the goals that the committee established. There already is a requirement of 10 members out of 15 to adjust the cap and 4/5ths would make it impossible. The higher the extraordinary majority is, the harder it is to adjust the cap.

Attorney Ciccariello said that the Charter imposes substantial duties on all boards, commissions and officials. He suggested that the underscoring of any part of the duties of the Finance Director would be highly unusual.

** MRS. STRANITI MOVED TO CLOSE THE PUBLIC HEARING.
** MRS. WALLERSTEIN SECONDED.
** MOTION PASSED UNANIMOUSLY.

The Public Hearing was closed at 8 p.m.

ROLL CALL

The Chairman called the meeting to order at 8 p.m.

MINUTES

The following corrections were made to the minutes of October 7, 2004: Under "Roll Call", it should be noted that Mr. Moccia was absent and Mr. Pennington was present, and throughout the minutes, all references to Mr. Moccia should be changed to Mr. Pennington.

** MRS. WALLERSTEIN MOVED TO APPROVE THE MINUTES AS CORRECTED.
** MS. WELLS SECONDED.
** MOTION PASSED WITH 2 ABSTENTIONS (MRS. STRANITI, MR. MOCCIA).

OLD BUSINESS

CONTINUED DISCUSSION OF DRAFT REPORT

The Chairman said there should be some clarification items in report, which he discussed with Attorney Cicciarello. The proposed final report takes into account some of the changes from the draft report. The final report takes into account tonight's public hearing and gives a hope of the committee that in making the change in which they provide an additional 15 days to the current 8 to 13 days given to the Finance Director to receive proposed budgets and forward to the Board of Estimate and the Council, they are saying that it is the hope of this committee that the additional time will allow the Finance Director to come up with the Charter mandates, criticisms or recommendations he receives from the departments and then make recommendations. This issue came up at the last meeting. Several members felt this should be carried out. In addition, Attorney Ciccariello indicated that changing the Town Clerk's position to an appointed position would not take place until November 2007. There were no changes to Sec. 1-166 or Park 5, Sec. 1-429 of the Town Clerk except for Paragraphs C & D. They did not change the concept but indicated that it is a four year term.

Mrs. Wallerstein said that a good job was done. It reflects the conversations and clarifies and refines. Mr. Moccia said he agreed with Mrs. Wallerstein. His concern is that people want them to incorporate responsibilities and duties in the Charter and the recommendation in the report solves the problem without changing the Charter.

The Chairman next reviewed Mr. Davidson's recommendation that there be a change in the voting requirement of the Council to establish budgetary limits. The Mayor has said that idea does not have a lot of merit. Mr. Lombardi said that the present proposals seem appropriate. They are not taking away the public's right of referendum.

Mr. Moccia said that Ms. Lauricella had asked for the extension back to the end of January. January 15th is a compromise. This committee does not intend to make an end run around referendum. The Chairman said that Ms. Lauricella may not have understood that they are providing an additional 15 days to the 13 days that the Finance Director currently has.

Mayor Knopp said that reasonable people might differ about the role of the Finance Director in the budget-setting process. He favors giving the Board of Estimate the role of making a lot of the choices. In the past, the Finance Director may have had to play a role. "In a more effective and timely manner" gives credence to a criticism that is not deserved.

Attorney Cicciarello asked if budgetary authority should be instituted for the Finance Director, and Mayor Knopp said that was a possibility. The Chairman said they are recommending no changes in this area in the Charter itself. It was not his intent to cause a problem. They can change the language by "in a more effective and timely manner" to "more time". Mrs. Wallerstein suggested eliminating the sentence that starts "it is the hope". The Chairman said that made sense. "See Sec. 1-289" is where the sentence should stop. This will be incorporated into the final draft.

NEW BUSINESS

There was no new business.

ACTION ON BUSINESS ITEMS

** MR. MOCCIA MOVED TO APPROVE THE FINAL DRAFT REPORT AS AMENDED FOR SUBMISSION TO THE COMMON COUNCIL.
** MRS. WALLERSTEIN SECONDED.
** MOTION PASSED UNANIMOUSLY.

The Chairman thanked everyone for their service.

ADJOURNMENT

** MRS. WALLERSTEIN MOVED TO ADJOURN.
** MRS. STRANITI SECONDED.
** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Cheryl Telesco
Telesco Secretarial Services