

# TOWN OF SUFFIELD

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Charter Revision Commission  
Chairman Jerry Mahoney  
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The Charter Revision Commission recommends the following Charter Revisions in the order they appear in the Charter:

1. The CRC recommends amending the charter provision for succession in the event of a vacancy in the office of the First Selectman. The charter currently provides for succession in accordance with Connecticut General Statutes. The state statute, however, allows the Board of Selectmen 30 days to choose a new First Selectman and then, in the event the Board does not do so, allows elected officials of the same party as the vacating First Selectman another 60 days to choose the new First Selectman. The statute thus allows the Town to be without a First Selectman for 90 days or more.

The CRC recommends revising the Charter to provide that the Board of Selectman may designate one of its members from the same party as the vacating First Selectman by majority vote within 7 days. If there is no such vote, the Board of Selectmen has an additional 7 days to designate one of its members without regard to political party. If the vacancy is filled by the appointment of a current member of the Board of Selectmen, the Board will appoint a new member to the Board, but the same balance of political parties as before the First Selectman vacancy must be maintained. If the Board of Selectmen do not fill the vacancy with one of its members within 14 days, the Board has another 16 days to appoint a resident who is a registered with the same political party as the vacating First Selectman. If the Board of Selectmen has not been able to designate someone to fill the First Selectman position within that time, the town committee for the vacating First Selectman's political party will designate someone to fill the position.

This proposed revision recognizes that the residents elected a First Selectman of particular political party, and allows the Board the flexibility to choose a member of either party in the event that a member of the same party as the vacating First Selectman is not elected. Finally, this revision moves the process along more expeditiously to minimize disruption in the management and operations of the Town. The revision can be found at Section 204.

2. We recommend that the term of office for the First Selectman be increased to four (4) years. The CRC heard from a number of people who felt that the current two-year term of office does not provide adequate continuity in the position. People also felt the relatively short two-year term of office impacted the ability of the Town to attract well qualified candidates for the position. Some expressed the sentiment that a First Selectman spends the first year in office learning the job and the second year trying to

win re-election. The CRC noted that the First Selectman and Board of Selectmen are the only elected positions in Town which do not already have a four-year term of office. On consideration, the CRC felt increasing the First Selectman's term of office to four years instead of two years would both make the position more attractive to potential candidates and promote continuity and better operations for Town management. A countervailing argument would be that officials elected every two years may be more responsive to residents than those elected less frequently. This revision can be found at Section 302, paragraph A.

3. We also recommend that the term of office for the other members of the board of selectman also be increased from two years to four years. A majority of the CRC felt it would be incongruous for the other selectman to have a shorter term of office than the First Selectman, and that it would diminish the position of the other selectmen. This is the only recommendation that did not receive unanimous or essentially unanimous support by the CRC. A significant minority felt that the policy arguments in favor of a 4 year term for the First Selectman are not as strong for the other members of the Board of Selectmen and there is value in electing the members every 2 years. The CRC considered staggering 4 year terms for the selectmen, but staggering the terms would mean that two seats on the board would always be elected at the same time as the First Selectman, and two seats would never be elected at the same time as the First Selectman. Accordingly, the recommendation is for the First Selectman and the other members of the Board to stand for election together every 4 years. This revision can be found at Section 302, paragraph A.
4. We recommend the Charter be revised to provide operational clarity for the police chief in accordance with the recommendations of the October 2019 Management Operational Study of the police department. According to the Study, "Generally, a police chief reports to and receives specific direction from a town manager, mayor, or specific member of a governing board on a day to day basis and is further generally responsible to the full board or council. Such is not the case in Suffield." The Study found there is a lack of clarity in who the Chief reports to, the First Selectman or the Police Commission. The Study found the absence of clear lines of authority "rejects the long-held and proven important unity of command component wherein every person reports to and is responsible to one person. It has and does mitigate the ability of the chief to perform his [or] her duties, [and] further is a problem . . . which likely will emerge during an unforeseen emergency or crisis." The Study found that the status quo "is untenable and diminishes the capability of the chief to be fully effective."

Finally, the Study said, "an obvious remedy would be the transfer of [all] responsibility to the First Selectman and the abolishment of the Police Commission."

The CRC recognizes that a board or commission is poorly situated to handle decision making that needs to be made in the moment. A commission chair sets the commission agenda and runs the commission meetings. A commission chair, however, does not have the power to act on behalf of the commission. A commission acts by a majority vote held at a meeting of the commission, (there are some actions by a commission that may

require a super majority vote). Before a meeting takes place, there must be notice to the town residents by way of an agenda posted by the town at least 24 hours before the meeting. That process does not lend itself to handling, for example, an emergency decision that needs to be made immediately, rather than 48 hours, a week, or a month in the future.

The CRC recommends adding the following language to the Charter:

The Board of Police Commissioners shall have the powers afforded to it by the Connecticut General Statutes. Day to day operations shall be handled by the Chief of the Suffield Police Department acting as a Department Head reporting to the First Selectman.

This revision can be found at Section 302, paragraph H.

5. Although the Daigle Management Operational Study did not study or make recommendations for the fire chief, the command structure is the same and has the same lack of operational clarity. The same concerns apply. Accordingly, the CRC recommends adding the following language:

The Board of Fire Commissioners shall have the powers afforded to it by the Connecticut General Statutes, except that day to day operations shall be handled by the Chief of the Suffield Fire Department acting as a Department Head reporting to the First Selectman.

This revision can be found at Section 302, paragraph I.

6. The CRC also recommends reducing the number of members of the police commission and fire commission from six (6), an even number, to five (5), an odd number. A consideration in favor of retaining an even number of members was that an even number of members requiring as sort of super majority, in this case 4 votes, for action by the commission, ultimately the CRC felt an odd number of members is more manageable and more efficiently conduct business. This revision can be found at Section 302, paragraphs H and I.
7. The CRC also recommends adding language defining the relationship between the Town and its Water Pollution Control Authority (WPCA). This has been a matter of contention for many years going back to at least 1980. The Town established its WPCA. The WPCA has liability insurance through the Town. WPCA employees are eligible for Town benefits which are only available to Town employees, such as pension benefits and health insurance benefits. The WPCA facility is on land owned by the Town. People working at the facility operate motor vehicles bearing municipal license plates. Nonetheless, in the past the Town of Suffield WPCA has taken the position that the people working there are not Town employees. The WPCA's position is that the Town has no role in hiring the people working at the WPCA, no role in evaluating the performance of the people working there, and that the Town has no role in negotiating the

contract with the union representing the employees. The WPCA's position is that people working at the WPCA are not subject to oversight by the Town, and not subject to any personnel policies adopted by the Town. These positions taken by the WPCA each assume that the people working at the WPCA are not Town employees.

The WPCA response to the coronavirus pandemic is one example of how this has played out. At the onset of the pandemic, the Town adopted a variety of policies aimed at protecting its employees and residents. The WPCA refused to comply with the policies adopted by the Town. The WPCA adopted its own set of policies instead.

The Town has potential legal liability for the actions and omissions of the WPCA. The Town also has potential legal liability for its own actions and omissions in its oversight of its WPCA. The CRC concluded that it is not tenable for the Town to continue to have this potential legal liability, and at the same time not to have the ability to manage or limit that liability. Accordingly, the CRC recommends the following revision:

The WPCA shall have all powers prescribed to it under the Connecticut General Statutes to provide for the effective management of waste water in the Town. The WPCA shall set such policies required for the effective management of waste water and shall direct the Superintendent of the WPCA to implement such policies as a Department head of the Town. The WPCA shall control its annual budget except that such budget shall be submitted each year to the Board of Finance for review, comment and advice and to assess any impact such budget has on the Town's long-term obligations. All employees working at the WPCA facilities shall be employees of the Town off Suffield and subject to the policies adopted by the Town in accordance with this Charter.

The CRC has also proposed some technical corrections to the Charter.

Thank you for your consideration of the foregoing.

Jerry Mahoney, Chair

On behalf of the Charter Revision Commission:

Collin Seguin, Vice Chair  
A. Chase Wessling, Secretary  
Beth Fanous  
Jeffrey Greer  
Mike Haines  
George Marion  
Edward McAnaney  
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