

**CHARTER REVISION COMMISSION  
MINUTES FOR REGULAR MEETING  
MARCH 27, 2008**

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The Charter Revision Commission conducted a meeting on Thursday, March 27, 2008, at 7:00 p.m., in the Council Chambers, Town Hall, 2725 Main Street, Stratford, CT.

Members Present: John A. Florek, Eric W. Booth, Beth McMellon, Benjamin S. Proto, John E. Fahan, Richard Fredette, Jon A. August, James Orlowe and Karen Rodia.

Others Present: Town Attorney Richard J. Buturla and Mayor James R. Miron.

**CALL TO ORDER**

- Chairman Florek called the meeting to order at 7:00 p.m. He noted that unless more special meetings are scheduled, all CRC meetings from now on are regular meetings. Also, due to time constraints between Thursday and Saturday meetings, Minutes will be approved at the Thursday night regular meetings.

*Distributed to Commission Members:*

1. *Legal opinion dated November 13, 2006 regarding "LoCip Funds," referred to by Mr. Feehan.*
2. *Excerpt of transcript from CRC meeting of February 19, 2003, regarding discussion on "tie-breaker."*
3. *Xerox copy of Mr. Feehan's notes from March 20, 2008 presentation.*
4. *Legal opinion dated March 27, 2008, regarding "Recall/Referendum/Initiative."*
5. *Legal opinion dated March 27, 2008, regarding "Instant Runoff Voting."*
6. *Draft #1 of Revisions to Charter [re: veto powers].*

**1. APPROVAL OF MINUTES:**

- a. Organizational Meeting of March 6, 2008
- b. Special Meeting of March 13, 2008
- c. Special Meeting of March 15, 2008
- d. Special Meeting of March 20, 2008

- UPON MOTION BY MR. FREDETTE AND SECONDED BY MS. McMELLON, THE MINUTES OF THE ORGANIZATIONAL MEETING OF MARCH 6, 2008 WERE APPROVED 9-0.

- UPON MOTIONS BY MR. FREDETTE AND SECONDED BY MR. PROTO, THE MINUTES OF THE SPECIAL MEETINGS OF MARCH 13, 2008 AND MARCH 15, 2008 WERE APPROVED 9-0.

- MR. FREDETTE MADE A MOTION TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF MARCH 20, 2008. MS. McMELLON SECONDED. Discussion followed.

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- Chairman Florek noted that page 4 [the bottom paragraph] should be corrected to read that Mr. Proto's position is that *"the current Charter allows the Mayor to be the tie-breaker on Resolutions, but not Ordinances."*

- THE MINUTES OF MARCH 20, 2008, AS CORRECTED, WERE APPROVED 9-0.

2. GUEST SPEAKER - MAYOR JAMES R. MIRON

- Rather than giving a prepared speech, Mayor Miron suggested a question and answer format. Having been one of the authors of the Minority Report submitted by the last CRC, Chairman Florek asked whether his views had changed? Mayor Miron stated that there was nothing wrong with the council/manager form of government. It is uniquely American and used throughout the United States. One of the charges to the last CRC was whether or not Stratford's form of government should be changed? He was never against a mayoral form of government; however, he also felt that there was nothing inherently wrong with the council/manager form, and that with some changes it could be strengthened to address the public's concern about accountability. One of the problems under the council/manager form is that the town manager is not accountable to the public. Mayor Miron and his staff spend a great deal of time each day responding to the public. The intent of the last CRC was to create a strong CEO, whose hands were not tied by the Council. The last CRC talked about a lot of the same issues being discussed now.

- Regarding the line of succession, Mayor Miron stated that the current Charter has three different provisions dealing with this issue. Under Section 1.3, if the Mayor is absent from office for more than ninety days, the office is declared vacant and that section is fairly well articulated. Section 1.2 talks about the temporary "absence" or "disability" of the Mayor, but doesn't define those terms. The CRC might want to consider adding a definition section to the Charter. Finally, Section 5.1.1 states that the CAO *"shall possess, have and exercise the executive and administrative powers vested in the Town..."* Mayor Miron interprets this to mean that he can designate the CAO as Acting Mayor in times of his absence. In the short term, this makes sense because Department Heads are professionals who run their own Department from day to day.

- If the Mayor is going to have veto power, then Mayor Miron believes he should have it for both Resolutions and Ordinances. The last CRC wanted a strong Mayor, but it never spelled out the veto process in the Charter. Resolutions are vetoed on the floor contemporaneously with the Council vote. He would not have a problem with decreasing the amount of time to veto an Ordinance from thirty days to possibly two weeks. However, in his opinion, 48 hours is too short.

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- Regarding the Budget Ordinance and the notification process, the Council has until the end of May to set the Budget, but the Charter can specify an earlier date. Mayor Miron would suggest that the Council have a Budget in place by May 14, and then the Mayor would have two weeks to approve or veto the Budget and notify the Council. Also, the Charter doesn't spell out what happens if the Mayor exercises the line item veto.

- As to whether the Town Clerk should be elected, Mayor Miron said he hasn't given that issue much thought. However, the Town Clerk is a very important job and should be a certified professional.

- Mayor Miron has never broken a tie on an Ordinance. A Mayor can only act as the tie-breaker if the vote is 5-5 because it takes six affirmative votes to pass an Ordinance. (To date, if it looks like a possible tie, one Councilperson has been leaving before the vote.)

- Getting back to the issue of successor, Mayor Miron doesn't think anyone would run town-wide to be Councilman-At-Large rather than Mayor. He doesn't have a problem with designating an elected official, although most of the Council members have day jobs. The Charter needs to clearly set out what a temporary Mayor's authority would be. Most Departments run themselves.

- Mr. Orlowe asked about the Town Attorney's Office. When looking at an appointed versus in-house Town Attorney, the CRC needs to look at other municipalities and see what they spend on legal costs. There is too much work for one Town Attorney, so the Town would need to hire Assistant Attorneys and supporting staff. Also, some work would still have to be farmed out. Mayor Miron would estimate that the Town would have to pay an in-house Town Attorney at least \$130,000 in salary, plus another \$40,000 or more in benefits. Right now the Town Attorney bills out at \$150/hour, which is below market rate. Stratford's Town Attorney's budget is not exorbitant for the amount of work performed. Mayor Miron did not think a corporation counsel would be any cheaper. The CRC could consider an RFQ process; however, experience and impartiality are important when choosing a Town Attorney. The Town Attorney is "independent" in the sense that he represents the Town. In most municipalities the Town Attorney is appointed by the CEO because most of a town's legal work is a function of the executive branch. The Town Council has the power of the purse. It passes the Budget, it approves settlements of lawsuits, and its members serve on the Finance and Claims Committee and the Pension Board. Mr. August pointed out that the Council approves the Town Attorney's budget so the money spent is really a Council issue.

- Mr. Proto asked about having either an approval or disapproval process over the Mayor's appointments for Department Heads and the Town Attorney. Mayor Miron stated that there are approximately 450 full-time employees and another 100 part-time

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or seasonal employees on the Town side. About 430 of these employees are already in collective bargaining. He is using the same hiring practices used by the Town Manager, except the Mayor makes the hiring decisions instead of the Town Manager. There are about twenty "at will" employees (the "upper management") hired by the Mayor and who are exempt from the unions because of their sensitive positions with the Town. This is the same in most municipalities. All CEO's, whether in government or the corporate sector, need to be able to hire their own team in order to move their agenda forward and be accountable. Mayor Miron is not in favor of the Council approving the hiring of employees. He thinks this would take away the Mayor's authority and create gridlock. This can also create privacy issues if a perspective employee had to answer questions at a public hearing. If he had to choose between the two, Mayor Miron would prefer a disapproval process. However, he thinks it is inappropriate for the Legislature to be involved in the hiring process. If the CRC were to recommend an approval or disapproval process for Department Heads, it should be clearly spelled out and any disapproval should be by a two-thirds vote. As to an approval process over mayoral nominations to Commissions, Mayor Miron stated that this was discussed by the last CRC. It has the potential for creating gridlock. Also, if the Mayor does not have power of appointment, then he cannot be fully accountable. He doesn't have a problem with requiring Department Heads to be residents of Stratford, but this does impose a standard on them not imposed on other employees. As to Mr. Fahan's inquiry about appointments to the Ethics Commission, Mayor Miron thought that if the Council made the appointments there would still be a potential conflict. The Ethics Commission has its own interview process and makes recommendations to the Mayor. It is already hard enough to get people to serve on commissions and committees.

[CRC recessed at 9:16 p.m. and reconvened at 9:28 p.m.]

- After the recess, Ms. McMellon asked about what other areas the CRC should look at in the Charter? Mayor Miron stated that the rest of the Charter was neglected by the last CRC. This CRC should look at the Minority Report which addressed some of these other areas. He also believes that as of the last charter revision Stratford is now under Home Rule and some of the special act provisions are no longer valid. He also advised the CRC to maintain a good legislative record of its proceedings.

- Mr. Fredette asked about extending or staggering the term of the Council. Mayor Miron thought staggered terms would be confusing to the public. He advises keeping a four year term for the Mayor because two years would be too distracting with constant campaigning and elections. Although there is no recall for a Mayor at present, the Council could always go through the judicial process if they thought the Mayor had violated the Charter.

- Ms. Rodia inquired about the Dept of Safety and whether it should include EMS and the Dispatch Center. Mayor Miron stated that this language was taken from the old Charter and the Dept of Safety is more of an organizational designation. He cautions

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against being too detail-oriented in the Charter. Otherwise, if you accidentally leave something out of the Charter it will be interpreted that you did so on purpose. Also, naming a department head in the Charter does not mean that person is considered a department head under State labor law.

- As to the W.P.C.A., that is an independent body established by State law. In Stratford, the Council has been designated as the W.P.C.A. According to an earlier Town Attorney opinion, the W.P.C.A. controls the money and the Mayor controls the employees and the day-to-day operations of Water Pollution Control.

- Mayor Miron is not in favor of a budget referendum. The Council was elected to make these decisions. There's a lot that goes into a budget and most of the public is not informed on the issues. As to Mr. Fahan's question about a Rainy Day Fund, there is already an "Unreserved Fund Balance," although it is not fully funded. A Charter provision could require the Council to put money away every year, but Mayor Miron wouldn't get too specific about the amount. As to transfers within the Budget, the Council currently passes a Resolution every year authorizing inter-departmental transfers. On the other hand, intra-department transfers are made everyday and are approved by the Council after the fact.

- Getting back to the succession issue, Chairman Florek asked for Mayor Miron's definition of "absence." With today's technology, Mayor Miron would define it as the inability of the Mayor to communicate with his staff. Also, he would not rule out allowing a Mayor to have other business interests, but being Mayor is a full-time job.

3. THE FORMATION OF SUB-COMMITTEES - No business.

4. SOURCES OF INFORMATION FOR THE COMMISSION.- No business.

5. REPORT FROM/QUESTIONS TO TOWN ATTORNEY

- It is Attorney Buturla's opinion that Stratford no longer has the right of Recall because after the last charter revision and the adoption of an entirely new Charter Stratford is now under Home Rule. There is no legislative authority for the adoption of a recall provision by municipalities under the Home Rule Act. However, Attorney Buturla has not been able to find any precedent or statutory authority dealing specifically with the issues of Referendum or Initiative. He would advise leaving them in the Charter for now, but he believes a court would find both provisions invalid if challenged. On the other hand, the Recall provision is clearly unlawful and he would recommend striking it from the Charter.

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As to Mr. Booth's inquiry about "Instant Runoff Voting," as the Town Attorney's Office previously opined municipalities cannot enact laws which affect the state election process. IRV would be prohibited in Stratford.

**6. DISCUSSION OF AREAS FOR POSSIBLE AMENDMENT**

**6.1. PRIORITY AREAS [TABLED]**

- a. Power of Investigation (§ 2.2.15, etc.) **[Tabled pending legal opinion]**
- b. ~~Veto power of the Mayor (§ 1.2(6), § 2.2.2, § 2.2.9, etc.)~~ **[NEW LANGUAGE TO BE DRAFTED BY TA FOR CRC REVIEW]**
- c. Powers of Mayor/Council (§ 1.2, § 2.2.1, etc.)
- d. Appointments to Boards/Commissions.
- f. Line of Succession in the event of vacancy/disability/absence of Mayor (§ 1.2, § 1.3, § 5.1.1, etc.).
- g. Hiring/firing/administration of Town Employees (Section 5, etc.).
- h. Office of the Town Attorney (Section 3, etc.).
- r. Length of Mayor's term (§ 1.1, etc.).

**6.2. OTHER AREAS FOR CONSIDERATION [TABLED]**

- i. Run-off Elections/Instant Runoff Voting ) **[Tabled pending legal opinion]**
- j. Employment of CRC members (§ 9.8.1). **[Tabled pending legal opinion]**
- k. Planning and Zoning Boards (§ 4.2.1, § 4.2.2, § 4.2.5, § 4.2.6).
- l. Emergency fiscal measures/Rainy Day Fund/Council oversight of spending (§§ 6.2.1 - 6.2.3).
- m. Recall/Referendum/Initiative (Section 8). **[Tabled pending legal opinion]**
- n. Budget referendum.
- o. Salary/stipend/expenses of Council members (§ 2.1.6).
- p. Other employment/business pursuits of Mayor (§1.2).
- q. Relation of delinquent taxes to appointed/elected officials. **[Tabled pending legal opinion]**
- s. Chief Administrative Officer (§§ 5.1.1 - 5.1.4).
- t. Residency requirement for Department Heads. **[Tabled pending legal opinion]**
- u. Composition of Town Council (§ 2.1.1, § 2.1.5, § 1.2, § 1.3).
- w. Police Commission.
- x. Technical Changes
- y. Council Term
- z. Term Limits for Mayor, Council, Commission Members.

- UPON MOTION BY MR. PROTO AND SECONDED BY MR. AUGUST, ITEM 6.2(i) WAS TAKEN OFF THE TABLE.

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- Based on Attorney Buturla's opinion, MR. PROTO MOVED TO STRIKE ITEM 6.2(i). MR. AUGUST SECONDED AND THE MOTION CARRIED 9-0.

7. NEW BUSINESS/FURTHER SUGGESTIONS AS TO POSSIBLE TOPICS

- Mr. Fahan asked if the Council would be prohibited by FOI from having access to background checks of perspective employees if the CRC were to recommend an approval process? Attorney Buturla needs to research this.

8. ADJOURNMENT

- ON MOTION BY MR. FREDETTE AND SECONDED BY MR. ORLOWE, THE MEETING ADJOURNED AT 10:50 P.M.

Respectfully submitted,

Gail J. Nobili  
Secretary