

**CHARTER REVISION COMMISSION
MINUTES FOR REGULAR MEETING
MARCH 29, 2008**

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The Charter Revision Commission conducted a meeting on Saturday, March 29, 2008, at 10:00 a.m., in the Police Dept, 900 Longbrook Avenue, Stratford, CT.

Members Present: John A. Florek, Eric W. Booth, Beth McMellon, Benjamin S. Proto, John E. Fahan, Richard Fredette, Jon A. August (arrived 11:08 a.m.), James Orlowe and Karen Rodia.

Others Present: Town Attorney Richard J. Buturla (arrived 10:20 a.m.).

CALL TO ORDER

- Chairman Florek called the meeting to order at 10:05 a.m.

1. THE FORMATION OF SUB-COMMITTEES - No business.
2. SOURCES OF INFORMATION FOR THE COMMISSION.- No business.
3. REPORT FROM/QUESTIONS TO TOWN ATTORNEY - No report.
4. DISCUSSION OF AREAS FOR POSSIBLE AMENDMENT
 - 4.1. 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.)~~
 - 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.).
 - 4.2. OTHER AREAS FOR CONSIDERATION [TABLED]
 - 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).

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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. FREDETTE, ITEM 4.1(b) WAS TAKEN OFF THE TABLE FOR DISCUSSION.

- Mr. Proto liked the Mayor's comments about changing the process for the adoption and veto of the Budget Ordinance. Mr. Proto suggested requiring the Council to adopt a Budget not later than May 15. Then the Mayor could have fourteen days to exercise the veto and the Council could have another fourteen days to override the veto. The Mayor would still have thirty days to veto all other Ordinances. Chairman Florek noted that this would require the Mayor to present the proposed Budget earlier than three months before the end of the fiscal year.

- FOR PURPOSES OF DISCUSSION, MR. PROTO MOVED THAT UNDER SECTION 6.2.1, THE MAYOR BE REQUIRED TO PRESENT HIS BUDGET NOT LATER THAN MARCH 12; THAT THE COUNCIL SHALL ADOPT THE BUDGET ORDINANCE NOT LATER THAN MAY 12; AND THAT THE MAYOR SHALL EXERCISE THE VETO POWER NOT LATER THAN THIRTY DAYS AFTER THE ADOPTION OF AN ORDINANCE, WITH THE EXCEPTION THAT HE SHALL EXERCISE THE VETO POWER OVER THE BUDGET NOT LATER THAN FOURTEEN DAYS AFTER THE ADOPTION OF THE BUDGET ORDINANCE. FURTHER, THE TOWN COUNCIL MAY OVERRIDE A MAYORAL VETO OF AN ORDINANCE NOT LATER THAN THE NEXT REGULAR COUNCIL MEETING FOLLOWING SAID VETO, WITH THE EXCEPTION THAT THE COUNCIL MAY OVERRIDE A MAYORAL VETO OF THE BUDGET ORDINANCE NOT LATER THAN FOURTEEN DAYS FOLLOWING SAID VETO. MR. FREDETTE SECONDED THE MOTION FOR DISCUSSION PURPOSES ONLY.

- The CRC discussed shortening the time period for all Mayoral vetoes of Ordinances to two weeks. This would give the Council two weeks until the next regular Council meeting.

- MR. PROTO MADE A FRIENDLY AMENDMENT TO HIS MOTION TO STATE THAT THE MAYOR SHALL EXERCISE THE VETO POWER FOR ALL ORDINANCES NOT LATER THAN FOURTEEN DAYS AFTER THE ADOPTION OF SAID ORDINANCES. MOTION AS AMENDED CARRIED 8-0 (with Mr. August absent).

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- MS. RODIA MOVED, SECONDED BY MR. PROTO, TO TAKE ITEMS 4.1 AND 4.2 OFF THE TABLE IN THEIR ENTIRETY. MOTION CARRIED 8-0 (with Mr. August absent).

- Chairman Florek noted that the March 20 CRC meeting ended with the tabling of Ms. Rodia's motion to limit the Mayor's tie-breaking power to Resolutions. The CRC discussed the tie-breaking provisions in the current Charter.

- MR. BOOTH MADE A MOTION, SECONDED BY MR. PROTO, THAT THE MAYOR HAVE THE POWER TO VETO ORDINANCES BUT HE CANNOT BREAK TIES ON ORDINANCES, AND CONVERSELY, THE MAYOR IS THE TIE-BREAKER ON RESOLUTIONS BUT CANNOT VETO RESOLUTIONS.

- The CRC discussed whether the Mayor should be the tie-breaker on both Ordinances and Resolutions for consistency and to avoid deadlock. Mr. Proto pointed out that the Council makes appointments by Resolution. If the CRC was going to give the Council approval over the Mayor's appointments, then he thought the Mayor should be the tie-breaker on Council appointments. However, he still was not in favor of having a tie-breaker for Ordinances as the Council did not consider that many Ordinances in a year as compared to Resolutions. Mr. Booth agreed with Mr. Proto. Mr. Fahan noted that the CRC could require a supermajority affirmative vote of the Council for some appointments which would avoid the tie-breaker question altogether.

- MS. RODIA MOVED TO DIVIDE THE QUESTION INTO TWO PARTS. MR. FREDETTE SECONDED.

A) SHOULD THE MAYOR BE THE TIE-BREAKER ON RESOLUTIONS IN THE EVENT OF A 5-5 VOTE, BUT HAVE NO VETO POWER? MOTION CARRIED UNANIMOUSLY.

B) SHOULD THE MAYOR HAVE VETO POWER OVER ORDINANCES, BUT NO TIE-BREAKING POWER? MR. FAHAN ASKED MR. BOOTH TO WITHDRAW THIS PART OF HIS MOTION, BUT MR. BOOTH DECLINED.

- Discussion continued about whether the Mayor should have veto power and also be the tie-breaker to avoid deadlock.

- MOTION FAILED 4-5 (with only Mr. Booth, Mr. Orlowe, Mr. Proto and Ms. Rodia voting in favor).

- MR. PROTO MOVED THAT SECTIONS 2.2.8 AND 1.2(5), AND ANYWHERE ELSE IN THE CHARTER WHERE APPROPRIATE, BE AMENDED TO INDICATE THAT THE MAYOR HAS THE RIGHT TO BE THE TIE-BREAKER ON ORDINANCES

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AND CAN BE THE SIXTH AFFIRMATIVE VOTE FOR THE PASSAGE OF BOTH ORDINANCES AND RESOLUTIONS. MR. FREDETTE SECONDED AND THE MOTION CARRIED 9-0.

[CRC recessed at 11:45 a.m. and reconvened at 11:55 a.m.]

- MR. PROTO MADE A MOTION FOR THE COUNCIL CHAIR TO FILL ANY VACANCY IN THE OFFICE OF MAYOR PER HIS EARLIER PROPOSAL [see March 20 Minutes.] MR. FAHAN SECONDED THE MOTION.

- Mr. Proto reiterated his proposal. The Temporary Absence section follows the Bridgeport Charter. Based on Mayor Miron's comments, he would define the Mayor's "absence" or "disability" as the "*inability of the Mayor to perform the duties of office.*" Although the Mayor may still be able to communicate, Mr. Booth brought up those situations in which the Mayor's physical presence may be required as the figurehead of the Town. Per Mr. Proto's proposal, the temporary Mayor shall have limited powers (i.e., cannot hire or fire Directors or Department Heads). Attorney Buturla brought up the situation where both the Mayor and the Council Chair may be unavailable. Section 1.2 currently gives the Council the power to select someone.

- MR. FAHAN ASKED TO MOVE THE QUESTION. Chairman Florek stated that the CRC needed to vote on whether they wanted the Council Chair or someone else designated by the Council to succeed the Mayor?

- MS. RODIA MOVED THAT THE COUNCIL CHAIR FILL ANY VACANCY IN THE OFFICE OF MAYOR, AND IN THE ABSENCE OF BOTH THE MAYOR AND THE CHAIR THEN THE PRO TEM OF THE COUNCIL FILL THE VACANCY.

- MR. PROTO'S EARLIER MOTION WAS WITHDRAWN.

- MR. FREDETTE SECONDED MS. RODIA'S MOTION AND ADDED THAT IN THE ABSENCE OF THE MAYOR, THE CHAIR AND THE PRO TEM, THEN THE MAJORITY LEADER FILL THE VACANCY.

- MR. PROTO MADE A FRIENDLY AMENDMENT THAT IN THE ABSENCE OF BOTH THE MAYOR AND THE CHAIR, THEN THE COUNCIL SELECTS SOMEONE FROM THE COUNCIL TO FILL THE VACANCY.

- MS. RODIA'S MOTION, AS AMENDED TO READ THAT THE COUNCIL CHAIR FILL ANY VACANCY IN THE OFFICE OF THE MAYOR, AND THAT IN THE ABSENCE OF BOTH THE MAYOR AND THE CHAIR THEN THE TOWN COUNCIL DESIGNATES SOMEONE FROM THE COUNCIL TO FILL THE VACANCY, CARRIED 9-0.

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- MS. RODIA MOVED, SECONDED BY MR. ORLOWE, TO PUT ITEMS 4.1 AND 4.2 IN THEIR ENTIRETY BACK ON THE TABLE. MOTION CARRIED 9-0.

5. NEW BUSINESS/FURTHER SUGGESTIONS AS TO POSSIBLE TOPICS

- No new business.

6. ADJOURNMENT

- ON MOTION BY MR. FREDETTE AND SECONDED BY MR. ORLOWE, THE MEETING ADJOURNED AT 12:30 P.M.

Respectfully submitted,

Gail J. Nobili
Secretary