

**CHARTER REVISION COMMISSION
MINUTES FOR REGULAR MEETING
APRIL 17, 2008**

1

The Charter Revision Commission conducted a meeting on Thursday, April 17, 2008, in the Council Chambers of the Town Hall, 2725 Main Street, Stratford, CT.

Members Present: John A. Florek, Beth McMellon, John E. Fahan, Richard Fredette, Jon A. August, James Orlowe and Karen Rodia.

Members Absent: Benjamin S. Proto and Eric W. Booth

Others Present: Attorney Warren Holcomb (Town Attorney's Office).

CALL TO ORDER

- Chairman Florek called the meeting to order at 7:10 p.m.

Distributed to Commission Members:

1. *Letter from Chairman Chaloux, re: Ethics Commission Recommendations for CRC.*
2. *Legal Opinion dated April 17, 2008 regarding "Special Elections."*
3. *Legal Opinion dated April 17, 2008 regarding "Definition of 'department head' and the role of the Town Council in hiring a 'department head'."*
4. *Proposed Changes to Section 2.2.5 of the Charter (from Chairman Florek).*
5. *Proposed Changes to Section 1.2.7, etc. of the Charter (from Ms. Rodia).*
6. *Proposed Changes to Section 2.2.11 of the Charter (from Mr. Fahan).*

1. APPROVAL OF MINUTES:

- a. Meeting of April 10, 2008
- b. Meeting of April 12, 2008

- UPON MOTIONS BY MR. FREDETTE AND SECONDED BY MS. McMELLON, THE MINUTES OF APRIL 10, 2008 AND APRIL 12, 2008 WERE UNANIMOUSLY APPROVED 6-0 (with Mr. August, Mr. Proto and Mr. Booth absent).

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

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

4. REPORT FROM/QUESTIONS TO TOWN ATTORNEY

- The CRC discussed the draft changes to the Charter e-mailed to the members earlier in the week.

- In Section 1.2, Chairman Florek pointed out that the CRC had voted to strike the second to last sentence in paragraph 1, "*In time of public danger or emergencyand enforce the laws.*" Also, in Subsection 1.2.6(b), **§ 1.2.6(a)** should be corrected to read **§ 1.2(6)(a)** [i.e., 6 should be in parenthesis].

**CHARTER REVISION COMMISSION
MINUTES FOR REGULAR MEETING
APRIL 17, 2008**

2

- In the second sentence of Section 2.2.15, the word “exercise” should be changed to “**exercising.**”

- In the last paragraph of Section 1.3, the language has to be corrected to reflect that whoever fills the vacancy in the office of Mayor has all the powers and duties of that office.

- Attorney Holcomb distributed the two Town Attorney opinions and the CRC recessed to read the opinions.

CRC recessed at 7:25 p.m. and reconvened at 7:32 p.m.

5. DISCUSSION OF AREAS FOR POSSIBLE AMENDMENT

5.1. PRIORITY AREAS [TABLED]

- a. ~~Power of Investigation (§ 2.2.15, etc.)~~
- 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.).

5.2. 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).
- 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.
- 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.

**CHARTER REVISION COMMISSION
MINUTES FOR REGULAR MEETING
APRIL 17, 2008**

3

- UPON MOTION BY MS. RODIA AND SECONDED BY MR. FREDETTE, ITEMS 5.1 AND 5.2 WERE TAKEN OFF THE TABLE IN THEIR ENTIRETY. MOTION CARRIED 7-0 (with Mr. Proto and Mr. Booth absent).

- Chairman Florek presented his proposed revision to Section 2.2.5 of the Charter: *"The Council shall fix the salaries of the Mayor and of all Council or Mayoral appointees. Prior to the first day of July during each year in which the regular election of the Mayor is held, the Council shall approve by ordinance a salary schedule for the Mayor, to be effective with the commencement of the mayoral term next following the election and to include each successive year of said term. The Mayor's salary shall not be subject to any further interim increase or decrease during said term of office. The Council shall further have the power to approve or disapprove wage and salary schedules recommended by the Mayor for administrative department employees."*

- Mr. Fahan stated that he thought the Charter was purposely vague on this issue. He also questioned whether the Mayor should get an increase if he's doing a poor job? Chairman Florek stated that he doesn't have strong feelings either way about the Mayor getting a salary increase; however, he believes the Mayor's salary needs to be set before the election. If the previous Town Council fixes the Mayor's salary prior to the next mayoral election, this takes all the politics out of it as no one knows who will be the next Mayor. The current Charter states that the Council shall fix the salary of the Mayor, but it doesn't say when this has to be done. Mr. Fahan didn't like the phrases "salary schedule" and "each successive year." He thought the language should be bland.

- MR. FAHAN MOVED TO AMEND THE FIRST SENTENCE OF SECTION 2.2.5 AS FOLLOWS: "THE COUNCIL SHALL FIX THE SALARIES OF THE MAYOR AND OF ALL COUNCIL OR MAYORAL APPOINTEES PRIOR TO THE FIRST DAY OF JULY DURING EACH YEAR IN WHICH THE REGULAR ELECTION OF THE MAYOR IS HELD." HE WOULD LEAVE THE REST OF SECTION 2.2.5 AS CURRENTLY STATED IN THE CHARTER. MR. AUGUST SECONDED. Discussion followed.

- Chairman Florek pointed out two problems with Mr. Fahan's motion. First, the Council can set the salaries of Council and Mayoral appointees each year in the Budget. The only issue is the Mayor's salary. The language should clarify that any change in the Mayor's salary decided by the Council takes effect with the next Mayor and does not pertain to the sitting Mayor.

- Ms. Rodia suggested deleting the words "Council or Mayoral appointees" from the first sentence. She also suggested changing "during each year" to "during the year."

- Chairman Florek suggested amending the second sentence of his draft as follows: "Prior to the first day of July during ~~each~~ the year in which the regular election

**CHARTER REVISION COMMISSION
MINUTES FOR REGULAR MEETING
APRIL 17, 2008**

4

of the Mayor is held, the Council shall approve by ordinance a salary ~~schedule~~ for the Mayor, to be effective with the commencement of the mayoral term next following the election [period]"

- Mr. Fahan questioned whether the Mayor's salary had to be set by ordinance? He'd rather keep it vague and not require the Council to enact an ordinance. Chairman Florek stated that the Mayor's salary could be a line item in the Budget every year, but an ordinance is more clear that this is the Mayor's salary for the next four years. Mr. Fredette stated that the Mayor's salary would become a political football if it was a line item in the Budget. Attorney Holcomb added that per Section 2.2.7 of the Charter, the Council can only act by ordinance or resolution.

- The CRC discussed whether changing "salary schedule" to "salary" would prohibit the Council from giving the Mayor a raise during his term? It was felt that whether the Mayor gets any kind of an increase should be left to the discretion of the Council when they enact the ordinance. Chairman Florek was strongly in favor of keeping the language prohibiting interim increases or decreases in order to prevent the next Council from arbitrarily changing the Mayor's salary mid-term.

- Ms. Rodia again questioned whether "*Council or Mayoral appointees*" should be in the first sentence. Their salaries are set by the Budget Ordinance. Chairman Florek disagreed that this language is irrelevant. If the Charter doesn't state that the Council approves salary schedules, then theoretically a department would be able to make intra-department transfers to fund a position since intra-department transfers don't need Council approval.

MR. FAHAN AND MR. AUGUST ACCEPTED ATTORNEY FLOREK'S REVISIONS AS A FRIENDLY AMENDMENT TO THEIR MOTION. THEIR REVISED MOTION AMENDING SECTION 2.2.5 NOW READS AS FOLLOWS: "*THE COUNCIL SHALL FIX THE SALARIES OF THE MAYOR AND OF ALL COUNCIL OR MAYORAL APPOINTEES. PRIOR TO THE FIRST DAY OF JULY DURING THE YEAR IN WHICH THE REGULAR ELECTION OF THE MAYOR IS HELD, THE COUNCIL SHALL APPROVE BY ORDINANCE A SALARY FOR THE MAYOR, TO BE EFFECTIVE WITH THE COMMENCEMENT OF THE MAYORAL TERM NEXT FOLLOWING THE ELECTION. THE MAYOR'S SALARY SHALL NOT BE SUBJECT TO ANY FURTHER INTERIM INCREASE OR DECREASE DURING SAID TERM OF OFFICE. THE COUNCIL SHALL FURTHER HAVE THE POWER TO APPROVE OR DISAPPROVE WAGE AND SALARY SCHEDULES RECOMMENDED BY THE MAYOR FOR ADMINISTRATIVE DEPARTMENT EMPLOYEES.*" MOTION CARRIED 7-0 (with Mr. Proto and Mr. Booth absent).

CRC recessed at 8:30 p.m. and reconvened at 8:40 p.m.

**CHARTER REVISION COMMISSION
MINUTES FOR REGULAR MEETING
APRIL 17, 2008**

5

- Ms. Rodia stated that the public believes the appointment process is flawed. She has been researching other Charters and likes the language used in Middletown. Her proposed revision for Section 1.2.7 is as follows: *“Advertise to fill vacancies that occur in the Town’s various Boards and Commissions and may make nominations to the Council to fill such vacancies created therein not otherwise provided for by this Charter. All nominations are to be confirmed by the Council for appointment.”* Ms. Rodia is trying to improve the political climate in Stratford by getting everyone on the same page. Mr. Fahan agrees. On the flip side, Ms. Rodia would support the Mayor having some checks over Council appointments.

- Chairman Florek pointed out that the last CRC was looking for accountability in the Mayor and they set the Charter up so that the Mayor could fill the boards and commissions with like-minded people who would move his agenda forward. This is really a philosophical question: Should the elected Mayor or the elected Council drive the agenda?

- Mr. August reminded the CRC that the current Charter is only three years old. He doesn’t want Charter changes based on the person rather than the process.

- Mr. Fahan pointed out that the appointment process could work two ways. All nominations could go through the Mayor with Council approval, or the Council could have the power to make some appointments directly. He was in favor of the nominations going through the Mayor.

- Mr. Fahan distributed his proposed revisions to Section 2.2.11 of the Charter, which are based on the Stamford Charter.

- Chairman Florek suggested that the discussion regarding appointments to Boards and Commissions be continued next week when Mr. Proto and Mr. Booth are here.

- UPON MOTION BY MR. ORLOWE AND SECONDED BY MR. FREDETTE, ITEMS 5.1 AND 5.2 WERE PUT BACK ON THE TABLE IN THEIR ENTIRETY.

6. NEW BUSINESS/FURTHER SUGGESTIONS AS TO POSSIBLE TOPICS

- No new business.

7. ADJOURNMENT

- Chairman Florek advised that he will be scheduling a special meeting following the public hearing next week.

**CHARTER REVISION COMMISSION
MINUTES FOR REGULAR MEETING
APRIL 17, 2008**

6

- ON MOTION BY MR. FREDETTE AND SECONDED BY MS. McMELLON,
THE MEETING ADJOURNED AT 9:30 P.M.

Respectfully submitted,

Gail J. Nobili, Secretary