

**CHARTER REVISION COMMISSION
MINUTES FOR SPECIAL MEETING
APRIL 24, 2008**

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The Charter Revision Commission conducted a special meeting on Thursday, April 24, 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, Karen Rodia, 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 8:00 p.m.

Distributed to Commission Members:

1. *Drafted changes to Charter (prepared by Town Attorney's Office).*
2. *Proposed changes to Section 1.3(b) (prepared by Attorney Holcomb).*
3. *Proposed changes to Section 1.5 (prepared by Mr. Proto).*

1. **THE FORMATION OF SUB-COMMITTEES** - No business.

2. **REPORT FROM/QUESTIONS TO TOWN ATTORNEY**

- The CRC discussed the proposed changes to the last paragraph of Section 1.3(b) of the Charter prepared by Attorney Holcomb. Mr. Proto pointed out that the CRC had previously voted that the Council Chair always fills the vacancy in the Mayor's office, whether temporary or permanent. Chairman Florek stated that the issue was whether the Council Chair should finish out the Mayor's term in the event of a permanent vacancy or if there should be a special election to fill the vacancy. Per the Town Attorney's opinion of April 17, 2008, 150 days is the minimum timeframe to hold a special election.

- Mr. Proto suggested moving the last paragraph of Section 1.3(b) to a new Section 1.3(c), and revising it to state that if a vacancy occurs in the office of the Mayor pursuant to Section 1.3(b), the Council Chairman shall become the Mayor.

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

- 3.1. **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.).

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- 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.).

3.2. 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.

- UPON MOTION BY MR. PROTO AND SECONDED BY MR. ORLOWE, ITEMS 3.1 AND 3.2 WERE TAKEN OFF THE TABLE IN THEIR ENTIRETY. MOTION CARRIED 9-0.

- The CRC discussed the line of succession and the special election issue.

- MR. PROTO MOVED, SECONDED BY MR. FREDETTE, TO FURTHER AMEND THE NEW SECTION 1.3(c) TO ADD THAT IF A VACANCY IN THE OFFICE OF MAYOR OCCURS MORE THAN TWO YEARS PRIOR TO THE NEXT MAYORAL ELECTION, A SPECIAL ELECTION SHALL BE HELD TO FILL THE VACANCY. IF A VACANCY IN THE OFFICE OF MAYOR OCCURS LESS THAN TWO YEARS PRIOR TO THE NEXT MAYORAL ELECTION, THEN THE COUNCIL CHAIR FILLS THE VACANCY TO THE END OF THE MAYORAL TERM. MOTION CARRIED 9-0.

- Based on the comments of some of the speakers at the earlier public hearing, Mr. Booth questioned what Special Act powers the Town of Stratford lost after the last charter revision? Chairman Florek responded that the CRC has no jurisdiction over these issues and it had previously voted to leave all the Special Act powers in the Charter until decided by the courts. As to the subpoena power of the Council, the Town Attorney had opined that no municipality in Connecticut has subpoena power regardless of whether a special act charter or under Home Rule.

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- Ms. Rodia reviewed her proposed revision for Section 1.2.7 as stated at the last meeting: *“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.”* She would also support the Mayor having some approval power over Council appointments.

- Mr. Proto reviewed his proposed revisions to Section 1.5. (Appointments).

(a) *The Mayor shall appoint all directors, the Town Attorney and the Chief Administrative Officer. and shall notify the Town Clerk, the Council Chairman and the Council Clerk, in writing of said appointment, within two (2) business days of making the appointment. Not later than thirty (30) days following receipt of the notice of appointment, the Town Council may, by an affirmative vote of two-thirds of the entire membership, vote to reject the appointment. In the event the Town Council fails to act, or fails to reject the appointment, the appointment shall be deemed approved. In the event the appointment is rejected, the Mayor may appoint an acting department head, Town Attorney or Chief Administrative Officer, but in no event shall the person serve in the position for a period of time in excess of ninety calendar days. The Mayor shall, within said ninety days, appoint a different person who shall be subject to the same confirmation process set forth in this subsection.*

(b) *The Mayor shall nominate members to boards, commissions, authorities, agencies and offices as may be required by Charter, ordinance, resolution or General Statute. The Mayor shall, within two (2) business days of making the nomination, notify the Town Clerk, the Council Chairman and the Council Clerk, in writing of said nomination. Any person nominated to any such board, commission, authority, agency or office, which board, commission, authority, agency or office has the authority to spend any appropriated funds, without the consent of the Town Council, render a final decision on a matter, enter into an agreement without the consent of the Town Council or is required by state or federal law, shall be subject to confirmation by a majority of the members of the Town Council in the event that Town Council does not vote to confirm or reject the nominee within thirty (30) days of the submission of the nomination by the Mayor to the Town Council, the nominee shall be deemed to have been confirmed.*

(c) *The Mayor shall nominate members to the Economic and Community Development Commission. The Mayor shall, within two (2) business days of making the nomination, notify the Town Clerk, the Council Chairman and the Council Clerk, in writing of said nomination. All nominees to the Economic and Community Development Commission shall be confirmed by a majority of the members of the Town Council. In the event that Town Council does not vote to confirm or reject the nominee within thirty (30) days of the submission of the nomination by the Mayor to the Town Council, the nominee shall be deemed to have been confirmed.*

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- Mr. Proto would limit Council approval of mayoral appointments to boards and commissions to three criteria: (1) Does the body have authority to spend money without Council consent? (2) Can the body render a final decision or enter into an agreement without Council consent? (3) Is the body required by state or federal law? This would eliminate any boards or commissions which are strictly advisory in nature. If the Council doesn't confirm or reject an appointment within thirty days, then the nominee is deemed to be confirmed.

- The Economic and Community Development Commission was kept separate because it's mentioned separately in the current Charter. The Ethics Commission will also be treated separately, although it does have the power to render final decisions.

- Mr. Fahan stated that he had proposed having the Mayor make nominations to all boards and commissions with Council approval, but he is open to Mr. Proto's suggestion. Ms. Rodia was concerned about the same group of people being appointed to all the boards and commissions. Mr. Orlowe felt that the CRC was making too much out of the appointment process. The Council controls the purse anyway so he wanted the process to be kept simple.

- Chairman Florek questioned whether the Charter should require advertising for vacancies on boards and commissions? Mr. Booth didn't think it was appropriate for it to be mandated in the Charter. Mr. Proto suggested adding language requiring the Council to develop a policy for dissemination of information regarding vacancies.

- MR. PROTO MOVED TO APPROVE SUBSECTIONS (b) AND (c) OF HIS PROPOSED REVISIONS TO SECTION 1.5 OF THE CHARTER, AND TO ADD A SUBSECTION 1.5(d) REQUIRING THE COUNCIL TO ADOPT A POLICY TO PUBLICIZE TO THE GENERAL PUBLIC ALL VACANCIES ON BOARDS AND COMMISSIONS. MR. FAHAN SECONDED THE MOTION AND IT CARRIED 9-0.

- As to appointment of Department Heads, Ms. Rodia suggested that the Town adopt a policy similar to the Board of Education where the Superintendent makes the nominations, a committee reviews the nominations, and the Board has the final approval. She would be in favor of the Council approving the hiring of every employee on the Town side. Attorney Holcomb stated that this process wouldn't impact new hires, but it would violate promotional clauses in existing collective bargaining agreements.

- Mr. Fahan suggested that the CRC take a different approach and work from the top down by first identifying who are the "Department Heads."

- Chairman Florek stated that per the Town's Organizational Chart, the following Department Heads or Directors are listed: Chief Administrative Officer, Finance Director, Health Director, Human Resources Director, Town Attorney, Fire Chief, Police

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Chief, Public Works Director, Town Clerk, and Economic & Community Development Director.

- Mr. Proto pointed out that Section 5.2.1 of the Charter only lists six administrative departments, each headed by a "Director": Public Works, Safety, Health, Economic & Community Development, Finance, and Town Clerk. Per state statute, the Health Director has a contract. Also, both the Economic & Community Development Director and the EMS Chief are in the Supervisor's Union, and the Human Resources Director is not a Charter position.

- To help clarify who are "at will" employees, Attorney Holcomb will get a list of the non-union employees for the CRC.

- UPON MOTION BY MR. FREDETTE AND SECONDED BY MS. RODIA, ITEMS 3.1 AND 3.2 WERE PUT BACK ON THE TABLE IN THEIR ENTIRETY. MOTION CARRIED 9-0.

- MR. PROTO MOVED THAT COPIES OF ALL LEGAL OPINIONS RECEIVED BY THE CRC BE PUT ON THE CHARTER REVISION WEBSITE. MR. FREDETTE SECONDED AND THE MOTION CARRIED 9-0.

4. ADJOURNMENT

- ON MOTION BY MR. FREDETTE AND SECONDED BY MR. ORLOWE, THE SPECIAL MEETING ADJOURNED AT 10:19 P.M.

Respectfully submitted,

Gail J. Nobili, Secretary