

**CHARTER REVISION COMMISSION
MINUTES FOR REGULAR MEETING
MAY 10, 2008**

1

The Charter Revision Commission conducted a meeting on Saturday, May 10, 2008, in the Police Dept, 900 Longbrook Avenue, Stratford, CT.

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

Members Absent: Benjamin S. Proto and Jon A. August.

Others Present: Attorney Bryan L. LeClerc (Town Attorney's Office).

CALL TO ORDER

- Chairman Florek called the meeting to order at 10:08 a.m.

Distributed to Commission Members:

1. *Drafted changes to Charter (prepared by Town Attorney's Office).*

1. **APPROVAL OF MINUTES**

- a. Regular Meeting of May 1, 2008.

- MR. FREDETTE MOVED, SECONDED BY MR. ORLOWE, TO APPROVE THE MINUTES OF MAY 1, 2008. MOTION CARRIED 7-0 (with Mr. Proto and Mr. August absent).

- b. Special Meeting of May 7, 2008.

- MR. FREDETTE MOVED, SECONDED BY MS. McMELLON, TO APPROVE THE MINUTES OF MAY 7, 2008. Discussion followed.

- In the fourth paragraph on page 3, Mr. Fahan asked that his comments be amended by adding to the Minutes that in his opinion, the Town Council, as the appointing authority, would have access to the background checks of the Mayor's nominations for Directors.

- APPROVAL OF THE MINUTES OF MAY 7, 2008, AS AMENDED, CARRIED 7-0 (with Mr. Proto and Mr. August absent).

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

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

**CHARTER REVISION COMMISSION
MINUTES FOR REGULAR MEETING
MAY 10, 2008**

2

4. REPORT FROM/QUESTIONS TO TOWN ATTORNEY

- Mr. Fahan advised that in Stamford newly-elected officials are required to make a financial disclosure as to any monetary conflicts. He asked whether Stratford has an orientation process for newly-elected Council members and members of land use boards explaining the Freedom of Information Act and the Ethics Ordinance? Mr. Fahan suggested that the CRC include with its Final Report a recommendation to the Council to adopt this procedure in Stratford. Chairman Florek suggested that the CRC might want to make this a Charter provision if it is not prohibited by law.

- Attorney LeClerc reported that he is still working on the opinion the CRC requested regarding the statutory protections of certain municipal positions, i.e., Chief of Police, Fire Chief, Fire Marshal, Building Official and Health Director.

- The "at will" positions in the current Charter are the Finance Director and Assistant Finance Director, Safety Director, Public Works Director, Town Clerk, Chief Administrative Officer, Human Resources Director, Assistant Fire Chiefs and Deputy Fire Chief, the Deputy Police Chief, the Clerks in the Registrar's Office, and a few administrative assistant positions.

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]

- 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.
- p. Other employment/business pursuits of Mayor (§1.2).
- s. Chief Administrative Officer (§§ 5.1.1 - 5.1.4).
- t. Residency requirement for Department Heads.
- w. Police Commission.
- x. Technical Changes
- z. Term Limits for Mayor, Council, Commission Members.

**CHARTER REVISION COMMISSION
MINUTES FOR REGULAR MEETING
MAY 10, 2008**

3

- MR. BOOTH MOVED, SECONDED BY MR. ORLOWE, TO TAKE ITEMS 5.1 AND 5.2 OFF THE TABLE IN THEIR ENTIRETY. MOTION CARRIED 7-0 (with Mr. Proto and Mr. August absent).

- Mr. Booth suggested amending Section 5.1.2. along the lines of Section 5.2.6 to reflect that the CAO can be removed by the Mayor and is an "at will" employee unless superseded by contract or law.

- Mr. Orlowe brought up the scenario of the Mayor giving the CAO a long-term contract. Does this mean the next Mayor can't hire his own CAO? Attorney LeClerc suggested leaving the first sentence of Section 5.1.2 as it is written and instead add at the end, "and shall be considered an at will employee." This would remove the possibility of any long-term contract rights.

- MR. BOOTH MOVED TO AMEND THE FIRST SENTENCE OF SECTION 5.1.2 AS FOLLOWS: *"THE CAO SHALL BE APPOINTED AND MAY BE REMOVED OR SUSPENDED, WITH OR WITHOUT PAY, BY THE MAYOR, AND SHALL BE CONSIDERED AN AT WILL EMPLOYEE."* MS. RODIA SECONDED AND THE MOTION CARRIED 7-0 (with Mr. Proto and Mr. August absent).

- Based upon the earlier discussion, Chairman Florek asked the CRC if it wanted to keep the word "contracts" in Section 5.2.6 or if all the Directors should be at will? One drawback is that good candidates may go elsewhere if they can't get the security of a contract. However, some members of the CRC were concerned about the Mayor entering into long-term contracts that tied the next Mayor's hands.

[CRC recessed at 11:50 a.m. and reconvened at 12:01 p.m.]

- The CRC continued to discuss whether the word "contract" should be removed from Section 5.2.6. Removing it altogether may imply that the Mayor has no authority to enter into a contract if he chose to do so. Mr. Orlowe asked if the Mayor has contracts with the Directors now? Attorney LeClerc will find out for the next meeting.

- The CRC needs to understand the hiring process in Stratford and whether the Mayor is the final hiring authority. The Town Attorney's Office will also get this information for the next meeting.

- The CRC again discussed Section 1.2 and whether the Mayor should be allowed outside business interests. The Town Attorney has opined that the current Charter language prohibits the Mayor from being actively involved in other business pursuits, but he could retain an interest in a partnership or corporation. The Town Attorney's opinion defines "actively involved" as even minimal participation in another business and would include 1099 employees as well as those who receive W-2's.

**CHARTER REVISION COMMISSION
MINUTES FOR REGULAR MEETING
MAY 10, 2008**

4

- Chairman Florek stated that he would not object to a Mayor having an outside business interest and he gave Shelton as an example. Otherwise, you seriously limit the pool of candidates. He liked the language in Mr. August's earlier proposal that the Mayor should spend the fulltime necessary to the duties of the office.

- MR. FAHAN MOVED TO TABLE THIS ISSUE UNTIL MR. AUGUST IS PRESENT BECAUSE HE DRAFTED THE ORIGINAL REVISION FOR SECTION 1.2. MR. FREDETTE SECONDED AND THE MOTION TO TABLE CARRIED 7-0 (with Mr. Proto and Mr. August absent).

- Ms. Rodia noted that in the first line of the fourth paragraph of her revision for Section 2.2.14, the word "ordinance" should be changed to "resolution."

- MR. FREDETTE MOVED, SECONDED BY MR. ORLOWE, TO PUT ITEMS 5.1 AND 5.2 BACK ON THE TABLE IN THEIR ENTIRETY. MOTION CARRIED 7-0 (with Mr. Proto and Mr. August absent).

6. NEW BUSINESS/FURTHER SUGGESTIONS - None.

7. ADJOURNMENT

- MR. FREDETTE MOVED, SECONDED BY MR. ORLOWE, TO ADJOURN. MOTION CARRIED 7-0 (with Mr. Proto and Mr. August absent). THE MEETING ADJOURNED AT 12:38 P.M.

Respectfully submitted,

Gail J. Nobili, Secretary