

**CHARTER REVISION COMMISSION
MINUTES FOR SPECIAL MEETING
MAY 21, 2008**

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The Charter Revision Commission conducted a special meeting on Wednesday, May 21, 2008, in the Employees Lounge, Town Hall, 2725 Main Street, Stratford, CT.

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

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

CALL TO ORDER

- Chairman Florek called the special meeting to order at 8:09 p.m.

Distributed to Commission Members:

1. *Revised Charter with both substantive and technical changes.*

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

A. **Contracts for Public Work or Improvement (§ 6.4.1, etc.)**

- Attorney LeClerc advised that although the Charter does not define a municipal structure as a "Public Work or Improvement," Town Code Ordinance 14-4 requires competitive bidding for "*all purchases of, and contracts for, supplies, materials, equipment and contractual services.....greater than \$7,500....*" In addition, checks and balances are built into the system because although the Mayor can negotiate a contract, only the Council can authorize funding. The CRC decided not to make any Charter revisions regarding a Public Work or Improvement.

- Regarding Section 7.1.5 and Election Districts, Attorney LeClerc advised that current law allows for each District to be no greater than ten percent of the total population. The Charter currently provides for twelve percent.

- Based on the opinion of the Town Attorney, MR. FAHAN MOVED TO MODIFY SECTION 7.1.5 AS FOLLOWS: "*.....EACH OF WHICH SHALL ENCOMPASS NOT MORE THAN TEN (10%) PER CENTUM.....*" MR. FREDETTE SECONDED AND THE MOTION CARRIED 9-0.

- Mr. Proto advised that when making the technical changes, he and the Town Attorney had skipped over Sections 6.3.4, 6.3.5 and 6.3.6, dealing with personal property lists and the power of the Assessor to issue summons to taxpayers. He didn't believe these sections were in compliance with state statutes. Attorney LeClerc will review the state statutes and speak with the Tax Assessor for the next meeting.

- MS. RODIA MOVED TO AMEND SECTION 5.4.2 TO ADD THE CHIEF OF EMERGENCY MEDICAL SERVICES TO THE DEPARTMENT OF SAFETY, AND TO

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ALSO ADD AT THE END OF THAT SECTION, AFTER THE WORD "*EMPLOYEES*," THE PHRASE "*AND/OR VOLUNTEERS.*" MS. McMELLON SECONDED THE MOTION. Discussion followed.

- Mr. Proto asked if adding "volunteers" to the composition of the Department of Safety would give these individuals some kind of special status or financial benefits that they don't currently have? Attorney LeClerc will check on this.

- MS. RODIA, SECONDED BY MR. PROTO, MOVED TO TABLE THE ABOVE MOTION. MOTION TO TABLE CARRIED 9-0.

- MR. PROTO MOVED TO AMEND SECTION 5.4.2 TO ADD THE CHIEF OF EMERGENCY MEDICAL SERVICES TO THE DEPARTMENT OF SAFETY. MS. RODIA SECONDED AND THE MOTION CARRIED 9-0.

- Attorney LeClerc advised that in order to get charter revision on the ballot for the November election, the Secretary of State must receive notice at least 45 days prior to the election. However, the Town Council's deadline for deciding whether to forward the charter changes to the ballot is 60 days prior to the election. Therefore, in order for the charter changes to be on the ballot in November 2008, the Council's deadline is September 4. The CRC discussed adding these dates to its Draft Report or providing a separate timesheet for the Town Council and Town Clerk. Mr. Booth added that the last regular Council meeting prior to September 4 is August 12.

2. DISCUSS EFFECTIVE DATE OF CHARTER CHANGES (§ 9.5.1)

- Assuming the charter amendments are approved, the CRC discussed the effective date of these changes. None of the changes are radical so it should not be a problem for them to go into effect almost immediately. The only change that would have to wait until after the next mayoral election is the selection of the Town Attorney. Also, the budget cycle next year would be pushed forward a couple of weeks.

- Attorney LeClerc advised that per the state statutes, charter amendments go into effect thirty days after approved unless another date is specified. Mr. Fahan suggested December 1, 2008 as the date for the amendments to go into effect. The CRC discussed possible dates if the charter changes were not on the November 2008 ballot, but were approved at a later election. If no date is specified, the amendments automatically become effective thirty days after approval.

- MS. RODIA MOVED, SECONDED BY MR. FREDETTE, TO DELETE SECTION 9.5.1 IN ITS ENTIRETY AND SUBSTITUTE IN LIEU THEREOF THAT THE CHARTER AMENDMENTS ARE EFFECTIVE IN ACCORDANCE WITH THE CONNECTICUT GENERAL STATUTES. MOTION CARRIED 9-0.

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3. WORK ON DRAFT REPORT.

- The CRC discussed the Draft Reports prepared by Chairman Florek and Mr. Proto. Mr. Fahan suggested making it clearer that the Acting Mayor has no authority to permanently hire during the Mayor's absence. He also wanted to clarify for the public that the Mayor has the power to break 5-5 ties on Council ordinances and resolutions (even though the Council can only act by ordinance and resolution). Mr. Proto suggested rewording the paragraph dealing with the Powers of the Electorate, which he thought was misleading. The CRC rejected the recommendation of the Town Attorney to eliminate these powers from the Charter, not cries from the public. Mr. Proto also pointed out that the CRC did not reject the idea of the Town Attorney being a fulltime employee because no one ever made that motion.

- Ms. McMellon pointed out that Sections 6.4.5 and 6.5.2 of the Charter are both entitled "Contracts for Public Works or Improvements."

- MS. McMELLON MOVED, SECONDED BY MS. RODIA, TO CHANGE THE TITLE OF SECTION 6.5.2. TO "BIDDING FOR PUBLIC WORK OR IMPROVEMENT." MOTION CARRIED 9-0.

- Regarding the technical changes, Ms. Rodia had suggested deleting the words "changed or removed" from the end of the first paragraph and replacing them with the word "corrected." She doesn't want the public to have the impression that the CRC was deleting provisions from the Charter. Mr. Proto advised that since receiving Ms. Rodia's e-mail, he rewrote that sentence to read, "*The Commission made a decision, early on, that it was important that these provisions be identified and, where appropriate, amended, to ensure that they are now technically correct, or, if outdated, or if the state legislature has taken action to supersede the provision, removed.*" Chairman Florek stated that he liked the additional explanation.

- Chairman Florek will add language to the end of the Draft Report explaining the effective date of the charter amendments and the competitive bidding issue.

MR. PROTO MOVED, SECONDED BY MR. BOOTH, TO ACCEPT THE DRAFT REPORTS, AS AMENDED TONIGHT, AND THE FINAL CHARTER REVISIONS. MR. BOOTH SECONDED AND THE MOTION CARRIED 9-0.

4. DISCUSSION OF AREAS FOR POSSIBLE AMENDMENT.

4.1. 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.)~~

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- ~~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.).~~

4.2. OTHER AREAS FOR CONSIDERATION [TABLED]

- ~~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.
- ~~x. Technical Changes~~
- z. Term Limits for Mayor, Council, Commission Members.

- MS. RODIA MOVED, SECONDED BY MR. FREDETTE, TO TAKE ITEM 4.1.t OFF THE TABLE FOR DISCUSSION PURPOSES. MOTION CARRIED 9-0.

- Mr. Rodia advised that members of the public have approached her about this issue. She suggested that the Charter be amended to require the Department Heads for the emergency services, and possibly Public Works, to live in Stratford or in a bordering municipality. Mr. Fahan referred to the Town Attorney opinion of March 14, 2008, and asked if this would pass the “rationale basis” test? Mr. August pointed out that the CRC had already discussed the “absence” of the Mayor when working on the line of succession and the same standard should be applied to Department Heads. With modern communications, a Department Head doesn’t have to physically be in Stratford to be “available” to direct operations. Mr. Orlowe pointed out that the Chief of Emergency Medical Services is currently in the Supervisors’ Union so this amendment wouldn’t apply to her. Mr. August also felt that a residency requirement limits the talent pool. Mr. Fahan added that some communities offer tax incentives to emergency personnel and teachers to reside in town.

- MS. RODIA MOVED, SECONDED BY MS. McMELLON, TO STRIKE ITEM 4.1.t FROM THE AGENDA. MOTION TO STRIKE CARRIED 9-0.

- MR. BOOTH MOVED, SECONDED BY MR. PROTO, TO TAKE ITEMS 4.1.z OFF THE TABLE. MOTION CARRIED 9-0.

- Mr. Booth would like to get rid of term limits and leave this decision to the voters. Mr. Proto is also not in favor of term limits, especially for the land use boards and Board of Education; however, term limits were imposed by the voters through Initiative. Mr. Proto feels that the prospect of running for re-election, and possibly losing, acts as a check on the actions of politicians. If they can’t run for re-election, they don’t have to listen to the public. Mr. Fahan added that he is not even sure term limits are legal and he has been waiting for the Attorney General to issue an opinion.

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- Chairman Florek advised that terms limits are not a Charter provision. They were imposed by the electorate through an Initiative Petition and are an ordinance. Former Town Attorney Kevin Kelly had opined that because term limits were voted in by the people, they can only be voted out by the people. The CRC could, however, add a new Charter provision prohibiting term limits, which the electorate would vote on assuming it reaches the ballot. Chairman Florek is not in favor of term limits either. It forces people to give up their seats on the Board of Education and land use boards just when they begin to understand the issues. Also, the same group of people keep getting elected to different positions because they are the only ones interested in running for office.

- Since term limits is not currently a Charter provision, the CRC did not think they should add it to the Charter. However, Mr. Booth would still like the Town Council to take a look at this issue.

- MR. BOOTH MOVED, SECONDED BY MR. PROTO, TO STRIKE ITEMS 4.1.z FROM THE AGENDA. MOTION TO STRIKE CARRIED 9-0.

5. ADJOURNMENT

- ON MOTION BY MR. FREDETTE AND SECONDED BY MS. McMELLON, THE SPECIAL MEETING ADJOURNED AT 10:34 P.M. MOTION CARRIED 9-0.

Respectfully submitted,

Gail J. Nobili, Secretary