

**CHARTER REVISION COMMISSION  
MINUTES FOR SPECIAL MEETING  
MAY 22, 2008**

1

The Charter Revision Commission conducted a special meeting on Thursday, May 22, 2008, in the Council Chambers, Town Hall, 2725 Main Street, Stratford, CT.

Members Present: John A. Florek, Beth McMellon, Benjamin S. Proto (left 7:25 p.m.), 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 7:23 p.m. For the record, Mr. Proto stated that he had a zoning meeting in Monroe and would not be able to stay for the special meeting.

*Distributed to Commission Members:*

1. *Revised Charter with both substantive and technical changes.*
2. *Revised Draft Report.*

1. **DISCUSSION OF COMMENTS FROM PUBLIC HEARING**

- Before leaving, Mr. Proto advised that he agreed with Mr. Ciecuch that the Charter should require the Council to hold at least one public forum a month.

[CRC recessed at 7:25 p.m. and reconvened at 7:51 p.m.]

- The CRC discussed Mr. Proto's comment. Attorney LeClerc advised that under a representative form of government, the public does not have the right to address a legislative body unless it is so specified in the operating rules of that body, i.e., Town Council Rules or Charter provision. Mr. Orlowe agreed with Mr. Proto and thought that a public forum was a good outlet for the public to address the Council or the Mayor. Mr. Fredette stated that the Mayor already holds open door sessions and a Council public forum is not the place to address the Mayor. Mr. August was in favor of leaving it up to the Council. He felt that the "business of government" was as equally compelling as "transparency in government." Chairman Florek was also in favor of leaving it up to the Council. He thought it would be political suicide for the Council to discontinue the public forum. However, members of the public can contact the Council anytime by writing, calling or e-mailing.

- Ms. Rodia agreed with Ms. Neupert's comment that the Mayor should not be the personnel director. Chairman Florek asked Attorney LeClerc for an opinion regarding the legal significance of the Mayor being the personnel director?

**CHARTER REVISION COMMISSION  
MINUTES FOR SPECIAL MEETING  
MAY 22, 2008**

2

2. REPORT FROM/QUESTIONS TO TOWN ATTORNEY

- Attorney LeClerc advised that adding “volunteers” to Section 5.4.2 would not extend to volunteer EMS or volunteer firefighters any rights or benefits due employees. Volunteers are already covered for workers’ compensation purposes and are indemnified under the Town’s liability insurance.

- Based on Attorney LeClerc’s opinion, MS. RODIA MOVED, SECONDED BY MR. FREDETTE, TO ADD THE WORDS “AND/OR VOLUNTEERS” TO THE END OF SECTION 5.4.2. MOTION CARRIED 8-0 (with Mr. Proto absent).

- Attorney LeClerc further advised that he had spoken with the Tax Assessor and Sections 6.3.4, 6.3.5, and 6.3.6. are no longer applicable and should be stricken from the Charter.

- In addition, Attorney LeClerc would recommend adding the word “*personal*” before the word “*property*” in Section 6.3.3 to make that section clearer. Tax Assessor should also be capitalized. Finally, the November date in that section relates back to what personal property the taxpayer owned in October.

- MR. FREDETTE MOVED, SECONDED BY MR. ORLOWE, TO AMEND SECTION 6.3.3 BY ADDING THE WORD “*PERSONAL*” BEFORE THE WORD “*PROPERTY*” IN LINES TWO AND FOUR, AND BY CAPITALIZING TAX ASSESSOR. MOTION TO AMEND CARRIED 8-0 (with Mr. Proto absent).

- Based on Attorney LeClerc’s recommendation, MS. McMELLON MOVED, SECONDED BY MR. FREDETTE, TO DELETE SECTIONS 6.3.4, 6.3.5 AND 6.3.6 FROM THE CHARTER. MOTION TO DELETE CARRIED 8-0 (with Mr. Proto absent).

- Attorney LeClerc advised that because Sections 6.4.10 and 6.4.11 were previously deleted, the first sentence in Section 6.4.1 needs to be amended to reference Sections 6.4.9 instead of 6.4.11. This is only a technical change.

- MR. FREDETTE MOVED, SECONDED BY MR. FAHAN, TO AMEND THE FIRST SENTENCE OF SECTION 6.4.1 AS FOLLOWS: “*AS USED IN SECTIONS 6.4.2 TO 6.4.9, INCLUSIVE, .....*” MOTION CARRIED 8-0 (with Mr. Proto absent).

3. DISCUSSION OF AREAS FOR POSSIBLE AMENDMENT

- All items previously stricken from the Agenda.

**CHARTER REVISION COMMISSION  
MINUTES FOR SPECIAL MEETING  
MAY 22, 2008**

3

4. REVIEW CHARTER CHANGES FOR INCONSISTENCIES

- In the first paragraph of Section 1.2, Chairman Florek questioned the sentence, *"In his or her absence, all legal process issued by and on behalf of the Town requiring an affidavit of any official of the Town, should be signed by the Town Clerk."* Did the CRC want to replace "Town Clerk" with the "Acting Mayor?"

- Mr. August thought that this was only a ministerial act since it was limited to legal process. Attorney LeClerc pointed out that time may be of the essence and the Acting Mayor may not be available. The CRC decided to make no changes to this Section.

- Since the Mayor cannot veto resolutions, MR. FREDETTE MOVED, SECONDED BY MS. RODIA, TO DELETE THE WORDS *"OR RESOLUTIONS"* IN LINE TEN OF SECTION 1.3(a). MOTION TO DELETE CARRIED 8-0 (with Mr. Proto absent).

- In reading Section 1.2.6 in conjunction with Section 6.2.2, Chairman Florek questioned whether the Council would have enough time to override a mayoral veto and still have a Budget in place by May 31? Mr. Fahan read the Minutes of March 29, 2008, when the Budget process was amended by the CRC. Since Mr. Proto suggested the language that was adopted by the CRC, the CRC will defer this discussion until next week.

- Chairman Florek next questioned Section 2.2.8 and the sentence which states, *"No member shall be excused from voting, except on matters involving the consideration of his or her own official conduct or where his or her financial interests are involved."* There is an Ethics Ordinance and Conflict of Interest Ordinances in the Town Code which are more broad and state other circumstances where a Councilman may have a conflict of interest.

- MR. FAHAN MOVED, SECONDED BY MR. AUGUST, TO AMEND SECTION 2.2.8 AS FOLLOWS: *"NO MEMBER SHALL BE EXCUSED FROM VOTING, EXCEPT ON MATTERS INVOLVING A CONFLICT OF INTEREST."* MOTION TO AMEND CARRIED 8-0 (with Mr. Proto absent).

- Chairman Florek asked if Section 2.2.11 needs to state that the Town Council makes appointments to Council Committees (or was this covered under resolutions)? Attorney LeClerc advised that Section 2.1.5 already deals with appointments to Council Committees.

- Section 3 states that Assistants to the Town Attorney shall be compensated, but no compensation is stated for the Town Attorney. [Chairman Florek recused himself

**CHARTER REVISION COMMISSION  
MINUTES FOR SPECIAL MEETING  
MAY 22, 2008**

4

from discussions.] It appears that the last sentence of Section 3.1.1(b) should not have been deleted.

- MS. RODIA MOVED, SECONDED BY MS. McMELLON, TO ADD THE FOLLOWING SENTENCE TO THE END OF SECTION 3.1.1(b): "*THE TOWN ATTORNEY SHALL BE COMPENSATED IN AN AMOUNT WHICH SHALL BE SET BY THE COUNCIL.*" MOTION CARRIED 7-0 (with Chairman Florek abstaining and Mr. Proto absent.)

- Mr. August had a question about the compensation for the Assistants. MR. FAHAN MOVED, SECONDED BY MR. ORLOWE, TO RECONSIDER THE PRIOR VOTE. MOTION CARRIED 7-0 (with Chairman Florek abstaining and Mr. Proto absent.)

- Mr. August questioned why Section 3.1.2 states that the Assistants to the Town Attorney "shall be compensated in a manner and in an amount approved by the Town Council?"

- MS. RODIA AGAIN MOVED, SECONDED BY MS. McMELLON, TO ADD THE FOLLOWING SENTENCE TO THE END OF SECTION 3.1.1(b): "*THE TOWN ATTORNEY SHALL BE COMPENSATED IN AN AMOUNT WHICH SHALL BE SET BY THE COUNCIL.*" MOTION CARRIED 7-0 (with Chairman Florek abstaining and Mr. Proto absent.)

5. ADJOURNMENT

- ON MOTION BY MR. FREDETTE AND SECONDED BY MR. ORLOWE, THE SPECIAL MEETING ADJOURNED AT 8:58 P.M. MOTION CARRIED 8-0 (with Mr. Proto absent).

Respectfully submitted,

Gail J. Nobili, Secretary