

**CHARTER REVISION COMMISSION  
MINUTES FOR SPECIAL MEETING  
MARCH 15, 2008**

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The Charter Revision Commission conducted a special meeting on Saturday, March 15, 2008, at 10:00 a.m., in the Police Dept Training Room, 900 Longbrook Avenue, Stratford, CT.

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

Others Present: Richard J. Buturla (Town Attorney) and Attorney Bryan L. LeClerc (Town Attorney's Office).  
[Note: Attorney Buturla had a pre-existing appointment and had to leave at 10:18 a.m.]

**CALL TO ORDER**

- Chairman Florek called the special meeting to order at 10:05 a.m.

*Distributed to Commission Members:*

1. *Town Attorney Legal Opinion, re: Residency Requirements.*
2. *Proposed changes to Sections 1.2, 1.3 and 2.1.5 (drafted by Mr. Fahan).*
3. *Proposed changes to Section 1.2 (drafted by Ms. Rodia).*
4. *Overview of Changes (drafted by Mr. Orlowe).*

**1. DISCUSSION, RE: FORMATION OF SUB-COMMITTEES**

- Mr. Proto suggested the formation of a sub-committee to deal with the archaic language in the Charter. To save time, Attorney Buturla suggested that instead of a formal sub-committee, he and Mr. Proto will sit down together and redline all the archaic language for the Commission. If anyone on the Commission believes that some of the suggested changes are substantive, the change will be eliminated.

- ON MOTION BY MR. FREDETTE AND SECONDED BY MR. ORLOWE, IT WAS UNANIMOUSLY MOVED THAT ATTORNEY BUTURLA AND MR. PROTO REVISE THE ARCHAIC LANGUAGE IN THE CHARTER AND BRING THE SUGGESTED CHANGES BACK TO THE CRC.

**2. SOURCES OF INFORMATION FOR THE COMMISSION**

- Mr. Feehan is scheduled for Thursday, March 20. Mayor Miron has agreed to Thursday, March 27. Chairman Florek is working on other speakers.

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

- Attorney Buturla distributed his legal opinion regarding residency requirements for department heads. The conclusion is that a residency requirement *may* be imposed if it rationally relates to a legitimate government purpose. The Town cannot impose residency requirements on employees subject to collective bargaining. Also, a *pre-employment* residency requirement is unconstitutional.

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

**4.1. PRIORITY AREAS [TABLED]**

- a. Power of Investigation (§ 2.2.15, etc.) **[Tabled pending legal opinion]**
- 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.).

**4.2. OTHER AREAS FOR CONSIDERATION [TABLED]**

- i. Run-off election (§ 1.1). **[Tabled pending legal opinion]**
- 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).
- m. Recall/Referendum/Initiative (Section 8). **[Tabled pending legal opinion]**
- 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. **[Tabled pending legal opinion]**
- u. Composition of Town Council (§ 2.1.1, § 2.1.5, § 1.2, § 1.3).
- w. Police Commission.
- x. Technical Changes

- UPON MOTION BY MR. PROTO AND SECONDED BY MR. FREDETTE, ITEMS 4.1 AND 4.2. IN THEIR ENTIRETY WERE TAKEN OFF THE TABLE.

- Mr. Fahan proposes that the Council Chair act for the Mayor if he is absent or disabled. In Section 1.2, he would delete the provision that, "...and he or she shall not engage in any other employment during his or her term of office." In Section 1.3, if the office of Mayor becomes vacant, the Council Chair would serve as Acting Mayor until a success Mayor is elected. The Acting Mayor would have all of the powers and duties of the Mayor with the exception that he could not hire or fire directors or employees for sixty days. In Section 1.2, he would also eliminate the need for the Mayor to have the Council's consent to take control during an emergency.

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Referring to Attorney Buturla's earlier opinion of December 31, 2007 (that as Acting Mayor, Councilman Kubic could not command the Police Dept because he did not have the certification and training), Mr. Proto asked if this would this also apply to a sitting Mayor? The CRC needs a legal opinion as to whether sitting Mayors have the authority to take control of the police during an emergency.

- Ms. Rodia stated that she based her amendments on comments that she has heard from the public over the last two years. In Section 1.2, she suggested that a pre-designated member of the Council should act for the Mayor if he is absent or disabled. She doesn't like the *"his or her" language* and would replace it with *"the Mayor."* After *"he or she shall not engage in any other employment,"* she would add *"compensated/noncompensated or inlike or kind."* She would also add the sentence, *"[T]he Mayor may have a pre-election established financial interest/ownership in a business providing it is an inactive role only."* In 1.2(1) she added at the end, *"with the exception of the Board of Education."* In 1.2(3) she added that the Mayor will provide all documents of inquiry requested to the Council. In 1.2(5), she eliminated the Mayor as the tie-breaker. In 1.2(7) she added notification to the public of appointment vacancies. In addition, the Council would confirm the Mayor's nominations to boards and commissions. In 1.2.(13) she added *"...or maintaining employment of"* [department heads and administration...]. In 1.2(14) she changed *"approved"* job descriptions to *"required"* job descriptions. She also added another sentence as follows, *"[R]esponsible for providing public access for viewing and inspection of these practices, policies and postings in the Mayor's Office, Human Resources Office, Town Clerk's Office, Town Library and the Town website."* In addition, Ms. Rodia suggested deleting the final paragraph of Section 1.2 as she didn't know what *"additional powers,"* besides the State statutes, this paragraph was referencing. Attorney LeClerc explained that the elimination of this paragraph could be problematic as it was referring to ordinances. Similar language is found in all charters.

- Mr. Orlowe reviewed his suggestions. His concern is to provide for checks and balances and keep the executive and legislative branches separate. He suggested a Vice-Mayor who would be elected with the Mayor for a four year term. The Council would set the Vice-Mayor's salary. He would succeed the Mayor when the Mayor is absent or disabled. His second priority would be economic development. He also suggested bringing back the Councilman-At-Large to be the Council Chair and tie-breaker. The Mayor could not vote on the Council, but he would retain the veto. He also suggested a budget cap to be fixed at a certain percentage of the previous year's total budget. If the Council needs a higher amount, this would trigger a budget referendum. After two referendums, if there is still no consensus the budget would revert to the original cap. He suggests a cap of 4%, but this is open for discussion.

- Chairman Florek suggested the CRC review the Charter, line by line. Starting with Section 1, the entire CRC agrees that the Mayor should be the chief executive officer. Mr. Proto doesn't like the terminology *"official head"* in the second sentence of

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Section 1.2. Ms. McMellon suggested “*official representative.*” The successor to the Mayor is a source of controversy. The CRC discussed whether this should be an appointed or elected official. The CRC was in favor of an elected official succeeding the Mayor. Mr. Proto suggested that a Councilman-At-Large could serve as the Council Chair, set the agendas, and only vote in case of a tie. He would also serve as the Acting Mayor if the need arose. Another solution suggested by Mr. Proto, and the simplest, is to amend the current Charter to provide that by a specific date the new Council appoints one of its members to serve as Acting Mayor. It was pointed out that having a Council person serve in an executive role might not be good checks and balances.

[The CRC recessed at 11:40 a.m. and reconvened at 11:50 a.m.]

- Another issue in Section 1.2 is what do the words “*absence or disability*” mean? When is the Mayor “*absent?*” With modern technology, it is easier for the Mayor to communicate with the Town even if he is out of the state. Mr. Booth pointed out that there are really two different kinds of “absence.” Sometimes the Mayor may still be able to communicate, but his physical presence might be required, i.e., ceremonial purposes or emergencies. Mr. Proto advised that the Bridgeport Charter does a good job of defining the “temporary absence” of the Mayor. In Bridgeport, the Council President takes over until the Mayor is able to act. Mr. Feehan likes the idea of a Deputy [Vice] Mayor who could sign documents and perform the Mayor’s duties during his absence. Also, when is the Mayor “*disabled?*” Section 1.3(6) provides for the permanent or progressive incapacity of the Mayor, but what about short term incapacity, i.e., effects of medication or surgery. Another issue is whether an Acting Mayor should have the full powers of the Mayor or only restricted authority?

- The four possibilities for successor to the Mayor are (1) a Councilman-At-Large, who could also serve as tie-breaker; (2) the Council Chair; (3) a Mayor/Deputy Mayor team approach; or (4) tweak the language in the current Charter to let the Council appoint a successor. The CRC felt that the Acting Mayor should be paid. Ms. Rodia would prefer to pay a volunteer Acting Mayor when needed rather than create a Deputy Mayor position. Ms. McMellon brought up that if the Acting Mayor is a Council person they might not be of the same party as the Mayor and might have a different agenda. This might not be fair to the people who voted for the Mayor and his platform. Also, someone who is only a volunteer might not always be available to fill in for the Mayor. Mr. Proto suggested offering an annual stipend to the Acting Mayor since that person has to always be ready to assume the Mayor’s role. The Mayor could have the power to assign him other duties as well, such as chairing a committee. Mr. Proto was not convinced, however, that the Council needs a tie-breaker in which case the Deputy Mayor could be elected with the Mayor. Chairman Florek was in favor of a tie-breaker on the Council. Before the CRC can decide on a line of succession, it needs to decide whether or not a tie-breaker is needed on the Council.

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- UPON MOTION BY MS. RODIA AND SECONDED BY MR. ORLOWE, ITEMS 4.1 AND 4.2. IN THEIR ENTIRETY WERE PUT BACK ON THE TABLE.

5. NEW BUSINESS/FURTHER SUGGESTIONS AS TO POSSIBLE TOPICS

- UPON MOTION BY MR. BOOTH AND SECONDED BY MS. RODIA, THE TOPIC OF "TERM LIMITS FOR THE MAYOR, TOWN COUNCIL AND COMMISSION MEMBERS" WAS ADDED AS ITEM '4.2.z' ON THE AGENDA.

6. ADJOURNMENT

- ON MOTION BY MR. PROTO AND SECONDED BY MR. ORLOWE, THE SPECIAL MEETING ADJOURNED AT 12:56 P.M.

Respectfully submitted,

Gail J. Nobili  
Recording Secretary