

## Charter Revision Commission

May 6, 2014

**Present:** Chairman Suzanne Burr Monaco, Vice Chairman Dan Portanova, Secretary Adam Maiocco, Town Attorney Barbara Schellenberg, Ken Martin and Daniel Shamas.

Non members: Marian Moore, Anthony D'Aquila, Cindy Katske and Carl Massaro

### Call To Order

Chairman Suzanne Burr Monaco called the meeting to order at 7pm at the Town Hall, Nichols Room followed by the Pledge of Allegiance.

### Past Minutes

Mrs. Monaco noted two changes to the minutes: under "Present" – Vincent Monaco should read Vincent **Marino** and the last sentence in the second paragraph, second page should read "It will take time **to** reach AAA status." Mr. Shamas moved to approve the minutes as amended. Seconded by Mr. Portanova and approved unanimously. Mrs. Monaco noted she did not hear from Mr. Ponzio about the number of towns in Fairfield County which mandate funding to the ARC. She will be speaking with him tomorrow and will try to get that information.

Mrs. Monaco noted the business at tonight's meeting was to prioritize areas the commission thinks should be revised.

Mr. Portanova noted he received an email from Tony Silber, a town resident, and read it into the record as follows: He respectfully suggests that the commission modify the charter to clarify the language on the resignations of elected members of boards and commissions. He stated we had a law suit this year because of the lack of clarity regarding community notification. My thought was to more clearly establish a time table for filing of petitions for special elections. This has long been an area of political gamesmanship by both parties and does not serve the community well. The ten day window needs to clearly state whether it starts on the day of the resignation or the filing with the clerk or with the notification to the public or the day after. More importantly the notification needs to be improved and should include a requirement that the chairperson of the affected board or commission notify all members of both parties. It should also include public posting on the town website.

Second request is the commission modify the charter to designate that one of the existing town attorney positions be hired by and report to the town council. I don't recommend adding to the number of attorneys or expand the legal budget. Perhaps an analysis of their work will indicate that a significant number of opinions are related to items that must be voted on by the council. At any rate a fundamental premise of American government is that the legislative branch should be equal to and independent from the executive. As it is now, the citizen legislation in Trumbull both lacks the independent ability to conduct legal research around the issues it votes on and as community volunteers, its members don't have the same amount of time to research issues as our paid elected executives and our government staff. Legal support for the Council would help it perform its duty under the charter more effectively.

With regard to a mandate to fund the ARC, I don't see how a mandate with an emergency out clause is an effective mandate at all. The out clause will be used as a matter of course in my view and the ability to use it will be legislative way that makes it easier to exercise. As I mentioned Thursday, I did a spot check of 10-15 municipal charters in CT, including Norwalk, which First Selectman Herbst specifically referenced, and didn't find any that have such a mandate. I would ask the CRC to do a comprehensive analysis idea and find out a) where this been implemented b) if, as I suspect, it's uncommon, why and c) has it actually worked – does it get the intended task done.

I would also request that the commission analyze how much actual money in dollar amount would be needed each year to actually fund the ARC and indicate that in its report along with the likely impact on taxes if existing spending patterns remain the same. Finally I request that the CRC spell out its intended scope early in the process. This is important in my view because the First Selectman specifically called for a narrow focus for the commission but now we are hearing discussions of four year terms for the elected fundamental chains in the provisions of the charter and more.

Thanks for considering my notes and, again, it was a pleasure meeting with you. Tony Silber

Mrs. Monaco noted that some of the items mentioned in Mr. Silber's email have been addressed by the commission.

Mr. Portanova began by discussing the ARC. He stated that the last time the commission met, all members present voted in the affirmative that they, in fact, want to mandate the ARC. We should put this in focus now for the Council to put into language that is appropriate for the upcoming election/referendum. Mr. Martin agreed with Mr. Silber's comment with reference to the ARC in terms of municipalities who has them, their implementation and benefits and why it has not been implemented other places. We have not received this information from Mr. Ponzio at this time. Mr. Portanova stated he read the articles provided by Mr. Martin noting the main thrust is the lack of discipline of all municipalities to fund it originally so when you get 10-15 years into the fund, it is not funded. Mr. Shamas thanked Ken for the information from Boston College and Pennsylvania. It was very helpful in giving background on the ARC. After listening to the Finance Department and the Town Treasurer tell the commission this is doable, he doesn't see how we cannot afford to do this. They noted at that time it would be 10 years to get to the 50% level. It is a legal obligation. This will be mandated without an opt-out. Mrs. Monaco noted the Council is responsible for language; it was requested this be a question all by itself. It was agreed this would be a separate ballot question.

Mr. Portanova continued by discussing the four year term for the First Selectman, Town Clerk and Town Treasurer beginning in 2017. Mrs. Monaco stated she was trying to find a way to include the four year in and out terms of the BOE. This needs to stay distinct but if you have to put other four year terms, this may be confusing to the public. She is willing, as this is the first year where everyone will be on two year terms on the BOE, to let this work and see what happens. Just do the four year terms beginning in 2017 for the top of the ticket. Leave the BOE as it is with seven people with two year terms which start this year. The four year term for the top of the ticket will be a separate ballot question. Everyone agreed on this. Discussion was held regarding the proposed terms for BOE members for the first time. This is the first time the BOE has been elected after the charter change and it is for two years. After that the BOE would be four year terms. Mrs. Monaco felt most will run for re-election. They have worked well with each other. Mr. Martin noted there is a question as to why the BOE could be elected every four years with the First Selectman every two years. Continuity is lost which is the reasoning behind the change. If the four year term for the BOE is on the ballot, it might confuse the public. However, this could be

revisited during another charter revision. Mr. Portanova suggested this topic be passed on and discussed after the other recommendations are agreed upon.

Mr. Portanova reviewed the line of succession for the First Selectman to Council Chair to Town Treasurer in accordance with the home rule act. Mr. Shamas questioned whether it is important that the person be of the same political party. Mrs. Monaco noted you could have a different political party with either the Council Chair or the Town Treasurer. Both individuals know a lot about all facets of the government going on which is important. This is mentioned in the Fairfield charter but they have a Board of Selectman which is different. Mrs. Monaco noted she spoke with Attorney Schellenberg regarding a suggestion that whoever gets that position, if there is less than a year remaining to the term, they finish out the term. This could potentially disrupt continuity, especially during budget season. They would flip the Town Treasurer with the Council Chair. This would allow the First Selectman to appoint a new Town Treasurer rather than have a special election. Council Chair is appointed from within the council, the party of that person would appoint a replacement for them. Council Chair can always decline the position and it would go to the Town Treasurer. This would be on the only change to the terms of succession.

Mr. Portanova reviewed the language changes and noted all agreed to increase purchasing power from \$1,000 to \$5,000.

Mrs. Monaco noted that Attorney Schellenberg pointed out that under Ethics, page 64, section D, can be removed. This section does not need to be in the charter because it is in the ordinance and it conflicts with the ordinance. With this caveat, this means that all "housekeeping" items will be in one ballot question.

Mr. Maiocco questioned the 48 hour notification versus 24 hours. Is a change being made or is this already established? Mrs. Monaco noted 24 hours is the standard but 48 hours is required in-house. Mrs. Monaco believes it is in state statute for 24 hours. There is no change being made to the charter. Everyone agreed on the language changes.

Discussion was held regarding appointments. Attorney Schellenberg noted that what is written in the past minutes is correct. By statute it must be on publication which is in the minutes. The additional 15 day waiting period is not necessary. Publication is what is required by state statute which is a legal notice in the newspaper, not just on the website.

Discussion resumed regarding the BOE. Commission members agreed about this the last meeting. It was noted that if nothing is in the charter revision regarding the BOE, it will go on as it has in the past. Mrs. Monaco noted this is the first time all seven will be re-elected for a two year term. Every two years, on the odd number years, it would run concurrent with the town elections not always with the top of the ticket. This would happen even if terms were four years. The benefit of four year terms would be continuity. Mr. Martin liked the four year term for the complete body being consistent and trying to stagger it starting in 2015. He also noted it was incongruous to argue that with the other positions to increase the term limit to four years but arbitrarily not in this one. Research shows most have four year terms in local towns. Mr. Maiocco is in favor of a four year term. There has been no feedback with regard to changing the terms. However, it is on the TV and in the minutes so this gives them the opportunity to respond. A letter could also be sent to them to let them know it is on the ballot. Mr. Shamas is leaning in favor but would like to give the BOE an opportunity to respond on this issue. Mr. Portanova, Mr. Martin and Mr. Maiocco are in favor. This would need to be a fifth question

on the ballot. How can we say we need this on the town side and not the BOE side. Three out of five present are in favor. Mrs. Monaco noted it would be difficult to write how this would work in the first election. This will be three seats or four seats running for re-election. Mrs. Monaco will write this in a way the public can understand it. Mr. Martin said that if the public doesn't like it, it will not be passed. Mr. Portanova noted we are writing a draft and have identified the issues and agreed on everything except the BOE issue. He would like to work on this another week to see if the commission can become unanimous on all issues. He hopes to write a charter revision that is right for the town, not the politics. It would be in everyone's interest to have uniformity on this.

Mr. Portanova felt the commission has framed the biggest five issues. If it is made overwhelming and consuming, it will become a negative. No more issues will be added. Mr. Maiocco requested clarification regarding the non-privileged language, specifically where it is intended to be added. (Section 3e iii) Page 7 and Page 69 were discussed regarding this. The change is being made on Page 7 which makes it consistent with Page 69.

Mrs. Monaco noted that on May 13, a draft report should be ready with a public hearing on May 20. Mrs. Monaco will write these up and present to the commissioners for the next meeting. She would like to schedule the public hearing for May 20. We would give our draft report to the Town Council for their June 2 meeting. It was suggested that a larger venue for the public hearing would be better.

#### **Adjournment**

There being no further business, it was moved by Mr. Portanova, seconded by Mr. Shamas to adjourn the meeting at 7:55pm. Approved unanimously.

Respectfully submitted,

Barbara Crandall  
Clerk

These minutes are considered a draft until approved at the next meeting of the Charter Revision Commission.