

Charter Revision Commission Meeting
Thursday, October 14, 2021
6:30 p.m.
Via WebEx
Fairfield, CT

A recording of this meeting can be found here: [youtube.com/watch?v=wzytNb5-e2g](https://www.youtube.com/watch?v=wzytNb5-e2g)

DRAFT MINUTES

MEMBERS PRESENT: Bryan Cafferelli-Chair, Chris Brogan-Vice Chair, Marlene Battista, Pamela Iacono, John Mitola, John Wynne

MEMBERS ABSENT: Jay Gross

OTHERS PRESENT: Attorney Steven Mednick, Town Attorney James Baldwin, FairTV and members of the public.

- I. **Call to Order.** Chairman Bryan Cafferelli called the meeting to order at 6:30pm.
- II. **Roll Call.** Recording Secretary Pru O'Brien took the roll call. Jay Gross was the only member who was not present.
- III. **Informal Item: Public Email Comments (Posted on CRC Webpage).** Mr. Cafferelli went over the new email address and the way emails received are processed and logged. Mr. Cafferelli also told the public that there will be another public hearing at which they will be able to speak to the commission, after the CRC meets with the other groups from the town.
- IV. **Approval of minutes.** (A) September 22, 2021 and (B) October 6, 2021. Chris Brogan made a motion to amend the 9.22.21 minutes by adding a link to the meeting recording. John Wynne seconded the motion.

The motion carried unanimously.

John Mitola made a motion to approve the amended minutes of 9.22.21 and the minutes as presented of 10.6.21. Marlene Battista seconded the motion.

The motion carried unanimously.

- V. **Meeting with Department Heads and Other Appointed Officials pertaining to the effect of the Charter on Town operations.** Mr. Cafferelli opened the meeting to hear comments/suggestions from Department Heads and Appointed Officials.

- Elizabeth P. Browne, MMC, MCTC, Town Clerk - comments read are attached at the end of the minutes.

- Sarah Roy, Chair – Fairfield Bike & Pedestrian Committee (“FBPC”) - The FBPC was formed in 2014 by the BOS, but they are not in the charter. Ms. Roy would like to recommend putting the FBPC into the charter. She will review charter and send an email.
- Julie DeMarco-Director of Social Services - Recommends changing Charter §10.16.A from *handicapped* and *handicapped persons* to *aging and Social Services* in both sentences where mentioned below.

A. Members and terms. The Human Services Commission shall consist of nine members appointed by the Board of Selectmen, not more than five members of whom shall be registered with the same political party. Members shall have terms of four years which shall be staggered so that no more than four terms expire in one year. The Human Services Commission shall have members representing the interests of the aging and *the handicapped* and may form its own committees with additional persons to assist and advise the Human Services Commission in matters which concern the conditions and needs of aging and of *handicapped persons*.

- Becky Bunnell - Chair, Flood & Erosion Control Board - Ms. Bunnell said the FECB will be finalizing and voting on a formal statement to submit to the CRC, at the next FECB meeting on Tuesday. Some of the items will be a change to the board name to include the word *Resiliency*, as recommended by the state. Adding 2-3 more members to the board and slightly expanding responsibilities of the FECB to better align with the state statute listed in the town charter.
- Henry Yoon - Chair, Board of Health - Dr. Yoon would like to make some changes to Charter §9.20 C Board of Health Powers and Duties as well as §10.9 Board of Health and Public Health Department. He said there is a broad scope of involvement with the Director of Health. The BOH is meeting soon to get some input and bring back language to make “*licensed health professional*” be more specific.
- Becky Bunnell-Chair, Flood & Erosion Control Board- Ms. Bunnell had comments regarding Task Forces. Ms. Bunnell wondered if permanent task forces would be added to the charter going forward. John Mitola said the BOS creates a task force and there is no intent to make them permanent. Attorney Mednick recommended looking at all the boards and commissions and determine the importance of them. Task Forces are usually temporary, and he hasn’t seen one in a charter. The actual process is governed by a charter but is not part of the charter. Ms. Bunnell also mentioned that Solid Recycling and Waste is in the town code, but not in the charter. She asked for clarification between the town code and town charter. Town Attorney Jim Baldwin said according to the town charter, the BOS can create advisory boards, commissions, and committees, as well as task forces. The BOS can eliminate them too. Attorney Baldwin also said Solid Waste and Recycling was created by an ordinance, so it doesn’t have to be in the charter. An ordinance is more flexible if subject to change. The charter would make that much less flexible. The guidelines on operations are in the charter.

- Town Attorney Jim Baldwin referred to Charter §9.4- Assistant Town Attorneys and suggested it be removed altogether or at least be addressed by the commission as it is antiquated.

Pam Iacono suggested that if there is another session with department heads and elected officials, to please email what they will present ahead of time so the CRC is prepared, can take notes, and ask questions. Ms. Iacono also asked about the upcoming meeting dates and what is happening at the meetings. Attorney Mednick will update the list to reflect the subject of the meetings ahead. He also explained the breakdown of colors on the comment grid. As emails come in, he will update the grid and send it out before the next meeting. The grid will always be part of the backup documents as will the emails sent in to the CRC email address.

VI. Adjournment

Pam Iacono made a motion to adjourn. Marlene Battista seconded the motion.

The meeting adjourned at 7:36pm.

Respectfully submitted,

Pru O'Brien
Recording Secretary



TOWN OF FAIRFIELD
611 OLD POST ROAD
FAIRFIELD, CONNECTICUT 06824
(203) 256-3090

OFFICE OF THE TOWN CLERK
ELIZABETH P. BROWNE, MMC, MCTC
TOWN CLERK

TOWN OF FAIRFIELD CHARTER - SUGGESTED CHANGES

2.6 G Resignation & vacancies.

(4) The Town Clerk shall cause notice of the meeting to be delivered to each member not less than three days before the time set for the meeting.

Proposed Change: The Town Clerk shall notify each member of the meeting not less than three days before the time set for the meeting.

4.3D Meetings.

D. Notice. The Town Clerk shall notify all RTM members of the time and place at which each regular or special RTM meeting is to be held. The notice shall be sent by mail at least five days before the meeting, and a copy of such notice shall be published before the meeting in a newspaper having a general circulation in the Town and posted as required by the Freedom of Information Act....

Proposed Change: The Town Clerk shall notify all RTM members of the time and place at which each regular or special RTM meeting is to be held. The notice shall be published at least five days before the meeting.

§ 4.5. Ordinances.

The Town Clerk shall cause any action of the RTM adopting, amending, or repealing an ordinance to be published in proper summary form within one week after the adjournment of the meeting at which such action was taken in a newspaper having a general circulation in the Town...

Proposed Change: The Town Clerk shall cause any action of the RTM adopting, amending, or repealing an ordinance to be published in proper summary form within one week after the adjournment of the meeting at which such action was taken.

Justification:

The Town of Fairfield has maintained a website where its residents have immediate access to information. We have been e-mailing agendas and backup to Town Boards and Commissions for several years. On October 1, 2021 the USPS announced the current three-day delivery standard for first-class mail will drop to delivery anywhere within the US within five days, thus we would not be in compliance with the Town Charter. These proposed change would save taxpayer money while still providing the public with the opportunity of notification in a timely manner.

Respectfully submitted,



Elizabeth P. Browne, MMC, MCTC
Town Clerk

Charter Revision Commission Special Meeting
Thursday, October 28, 2021
6:30 p.m.
Via Webex
Fairfield, CT

DRAFT MINUTES

A recording of this meeting can be found here: <https://www.youtube.com/watch?v=UxIlhuQo04U>

MEMBERS PRESENT: Bryan Cafferelli-Chair, Chris Brogan-Vice Chair, Marlene Battista-Secretary, Jay Gross, Pam Iacono, John Mitola, John Wynne

OTHERS PRESENT: Town Attorney James Baldwin, Attorney Steven Mednick

I. Call to Order

Chair Bryan Cafferelli called the meeting to order at 6:32pm.

II. Roll Call

Recording Secretary Pru O'Brien took the roll call.

III. Information Item: Public Email Comments (Posted on CRC Webpage)

There were no comments from the Commission.

IV. To Hear, Consider and Act Upon the Election of Commission Secretary

John Wynne nominated Marlene Battista to be the CRC secretary. John Mitola seconded the motion.

The motion passed unanimously.

V. Redline and Charter Review Session with Town Attorney Baldwin and Commission Counsel Mednick

Attorney Mednick introduced the Red Line Session. Town Attorney Jim Baldwin went through the Articles of the Charter and the articles which will be reviewed:

Article I, Incorporation, General, Powers and Organizations

- §1.3B-Review defined terms to make sure there is consistency where required.
- §1.4- Review and bring up to date with any change in Articles VIII, IX+X
- §1.4A- What should be done about Constables
- §1.4B- (A) Eliminate Assistant Town Attorneys, (B) Where “terms of office” are missing there should be a reference to the relevant charter provision.

Article II, Elected Officials and Elections

- §2.2B-Minority representation provisions should be reviewed and possibly aligned.
- §2.3C-Board of Education minority representation provisions should be reviewed.
- §2.3D-Consider eliminating the clause “after their election and qualification.
- §2.3E-How many Justices of the Peace?
- §2.4 and 2.6G-Resigning from elected office. Should align.
- §2.6A(2)-How do we address the issue of redistricting to avoid partisan paralysis.
- §2.6A(3)-56 members on RTM-How should this be addressed?
- §2.6C-Nominations governed by General Statutes?
- §2.6D (4)-moderator notice of election of RTM members
- §2.6F-Procedured for tied elections: governed by general statutes (see2.2 above)
- §4.2A-Eliminate Assistant Town Attorneys
- §4.2B-Judge of Qualifications: what does this mean? Is this a standard for removal?
- §4.5-Eliminate “newspaper” publication requirements

Article V Executive Branch

- §5.3-Official Bonds: Is this necessary? (Note: check with CIRMA)
- §5.4-Regulations: ‘Publication’ issue

Article VI Board of Selectmen and First Selectman

- General Issue: How will we approach the issue of governance reform?

Article VII Elected Officers

- §7.1B(3)-Should the town treasurer position be eliminated?
- §7.2-Should CRC address the number of Justices of the Peace and whether the Town Constable position should be eliminated.

Article IX Appointed Officers

- §9.5A-Fiscal Officer and Controller-Review the qualification provision.

- §9.6-Should CRC eliminate?
- §9.17-D and E-Tax Collector: review “Accounting Method” and “Special Exemption”
- §9.18-Tree Warden-Does the one-year term make sense?

Article X Specific Permanent Appointed Boards, Authorities, Commissions and Departments

- §10.8-There is no specific Commission to which DPW is attached. Should it be moved to a different article?

Article XII Budget Procedures and Related Matters

- §12.8-Should this provision be moved to Purchasing Agent provision?
- §12.9-Should this provision be moved to Board of Finance?

Article XIV Miscellaneous

- §14.1-Official Seal provision should be reviewed.

VI. Adjournment

Chris Brogan made a motion to adjourn. Marlene Battista seconded the motion. The meeting adjourned at 8:41

Respectfully submitted,

Pru O'Brien
Recording Secretary

CHARTER REVISION COMMISSION EMAILS 11/5/2021

From: kgriffi1@optonline.net <kgriffi1@optonline.net>
Sent: Thursday, November 4, 2021 12:39 PM
To: CRC <CRC@fairfieldct.org>
Subject: Previous Charters and CRC Minutes

I'd like to request that you upload scanned copies of the previous two charters (1997 and 1985) to the CRC website files and documents page. And if the commission minutes are available (1992, 1997 and 2006), that would be helpful as well.

Thank you,

Kathleen Griffin

15 Stonybrook Road

From: panded@optonline.net <panded@optonline.net>
Sent: Friday, November 5, 2021 12:39 PM
To: CRC <CRC@fairfieldct.org>
Subject: Resident response to last meeting

Dear Charter Revision Commission:

During the 10/28 "red-line" meeting, a CRC participant suggested removing from the charter the engineering license requirement for the post of DPW head. I disagree with the suggestion for the following reasons.

- 1) The argument wasn't that the position no longer requires a knowledge of engineering principles but that the knowledge can be provided by the town's Engineering Department. However for the DPW head to access this knowledge, he/she will need some engineering background to know what to ask and when, so why not leave the requirement as is and demand the more fully qualified candidate.
- 2) Though the laws governing engineering are the same for both departments, the needs and demands often are not. Given the importance of the DPW head, i.e. oversight of much of the daily functions of Fairfield, our town would be better served by

a department head who is a fully informed advocate for the operations under his/her supervision.

3) An unforeseen consequence of this change could be that a lesser qualified but more politically connected candidate could fill this critical post. Please know that I am not ascribing this motive to any CRC members. However, the existing requirement helps safeguard against such a possibility. To my mind this consideration alone outweighs any “efficiency” benefits the change might deliver.

4) Given the increasing frequency of damaging storm events, Fairfield like all coastal communities must prepare itself for the coming projects that “resiliency planning” will demand. Complicated infrastructure updates will surely be among them. Faced with this future, our town should not weaken the qualifications of the person who will oversee this critical work.

Thank you for listening.

Patrick C. Burhenne

827 Riverside Drive

Fairfield, CT 06824