Call to Order / Pledge of Allegiance

Aldermanic President John Anglance called the special meeting of the Board of Aldermen to order immediately following the public hearing, at approximately 7:24 p.m.

Roll Call: Board of Aldermen

Alderman John F. Anglance, Jr., President – present
Alderman Lynne Farrell - present
Alderman John “Jack” Finn – present
Alderman Stanley Kudej – present
Alderman Noreen McGorty – present
Alderman John P. Papa – present
Alderman Eric McPherson - present
Alderman Anthony Simonetti – present

Charter Revision Commission:

Ken Nappi, Chairman
Ruth Ann Dunford
Jack Bashar
Steve Bellis

1. Charter Revision Discussion

Alderman Anglance stated, a few things came up that you might want to clarify. I know throughout the Charter Revision process you gave all of the department heads and others the opportunity to be heard at your meetings, so there was a lot of input along the way. I think some of these issues might have been talked about before but they’re worthy of explanation as to what you’ve arrived at.

Section 9.6 that had been brought up at public hearing by Mrs. Domorod; I had submitted comments on that and I know you considered them. I think it would be good if you could share with us your thinking on it.

Mr. Nappi explained, the Charter Revision Commission worked in excess of six months on this document, reviewing the 1994, the 2006 and the 2008 submittals that were put to referendum. In addition, we held two public hearings and a public portion on our regular meetings. We sent correspondence to all department heads and every board and
commission within the City of Shelton asking for them to offer input on any section. Some availed themselves to that; some members of public did as well.

What you have before you is a document not only put together by members of the Charter Revision Commission but with input from the public and various City Commissions, as well as the President of the Board of Aldermen. As we had our meetings, the document was also placed on the website so the public had knowledge of what we were deliberating and considering. If the Section on the Planning and Zoning was not put in green it was not done intentionally – it was due to an error and we apologize for that – and I will glad to answer any questions on that.

Considering your remarks on Item 9.6 – first, it was not the purpose of the Commission to make any additional work for anyone, but to try to make more transparency in government. Transparency that started in 2006, went to the edition of 2008 and to this edition – it’s the same wording that’s appeared before this body in the City in two different terms – it wasn’t passed in two terms, so maybe that’s why because of this section, but I don’t believe that is the case. It was put there to try to make more transparency to the public. We had much discussion on it, and we thought, of course we don’t do the work, that it could be a simple type of function in that you could put on your City Directory that has everyone’s term expiring. If you put that on at the beginning of the term of government, that could remain there, and that fulfills, at least in our opinion, the Charter Revision requirement that it appear at least 30 days prior to any vacancies. The real vacancies occur when someone resigns or moves out of town. Usually the proper procedure is to notify the City Town Clerk’s Office that this person has moved out of town and is resigning his or her position. Therefore we thought that since the City Clerk gets that message, that it would also be equally easy to put that on the website that, for instance, Ken Nappi has resigned from the Charter Revision Commission or whatever commission. So we don’t look at it as a burden, but we looked at it as a needed transparency for the City in the next 10 years.

Alderman Anglace stated, if I understand it correctly, the intent was to take the appointments that are made from the City Directory, when they’re made, what they are, and put on the City website and a one time notice posted by the City Clerk’s Office like once a year...

Mr. Nappi continued, we can’t tell the City Town Clerk nor the government how to operate this provision; we can just recommend. This position, as I said, was put there for transparency and it requires that at least 30 days prior to a vacancy that it be put onto the website and be available in the City Town Clerk’s Office. Our discussion was that an easy way to do that would be to list the City Directory with the expiration terms of office. That would meet our intent, along with any other resignations, retirements, moved out of town, notifications that are made, that could be updated as they occur.

Alderman Anglace stated, when a vacancy occurs, or resignation, the City Town Clerk is notified, and then she would put that on the City website.

Mr. Nappi stated, that is my understanding, yes.
Alderman Papa asked, if someone is on a board or commission and isn’t reappointed but is still on the commission, they are still active until he or she leaves?

Mr. Nappi replied, yes, there is a provision in the Charter that says that if an appointment is not made, then that person remains in that position until such an appointment is made. Therefore that wouldn’t be a vacancy, because that position is still there.

Alderman Anglace stated, the reason that I think it is important to understand the intent is so that when challenged, Corporation Counsel will be asked what it means. We want Corporation Counsel understands the simplicity of the intent behind this. It’s not as some people may think, as I thought, that every day the City Town Clerk’s Office would have to review the openings and update the posting.

Mr. Bellis stated, I agree with what Ken said and I am glad Marge spoke up. It was not our intention that your office checks and monitors it every day. If the person who moved out of town or when there is a vacancy didn’t tell the Town Clerk, we thought that the Chairman of any one of these Commissions could notify Marge of the vacancy. That would solve the problem. If the person fails to tell the Town Clerk, the Chairman of that Commission could certainly say, “Oh, by the way, one of my members moved out of town and we now have a vacancy.” We were not intending to put a burden on the Clerk’s Office; it was more so that it would get reported to her.

Mr. Nappi stated, in addition, it could be looked upon to aid in the recruitment of people throughout the City that may be interested in serving on a particular board or commission, and again that was part of the intent of being more transparent.

Alderman McGorty asked, how does this address those that term expires but they choose to stay on? Wouldn’t this fall under this language to be the responsibility of the Town Clerk to write that down?

Mr. Nappi replied, again, I believe, and Jack, maybe you could talk to this, we did ask for and receive a legal reference on this issue. There is a section in the Charter that says if a person is not reappointed to that position, that person remains in that position until a person is appointed, and therefore that is not a vacancy in that position. This particular section 9.6 handles vacancies of positions.

Mr. Bashar stated, I think the answer is that you have two scenarios – one is if someone is appointed and they are not reappointed – that person stays in that position until somebody is reappointed. So they will carry over their job and their duties until somebody takes their place. The second one is the vacancy issue - that issue is when someone passes away, retires, quits, moves away – that is a vacancy that would have to be appointed. We are consistent with MacMillan’s Rights on Municipal Government, State Government. And he has taken that position that the successor, or the office holder stays in until a successor is appointed. We are consistent with that in the Charter.
Alderman Anglace asked Mr. Nappi if he would like to comment on anything else that was said in the public hearing, like the comment on “subject to the approval of the Mayor”?

Mr. Nappi stated, no, we had commented on that prior and it was to keep the Charter consistent. However I would just draw your attention to 9.6.2 – we should clarify that.

If you look at 9.6.2b there is a new expanded provision that spells out “should vacancies occur after 60 days” what happens and how they’re then appointed. That may answer some of your questions.

Mayor Lauretti stated, I would like to weigh in on this reporting of vacancy issues. We can sit here today and talk about intent and clarify intent. Five years from now when players change, no one has an idea what the intent is or was. So you’ll always wrestle with that issue about “It says right here in the Charter that you must do and you shall do this or else”... Everybody has their own version of the meaning of “this”, and that’s where, if it’s not spelled out very clearly about intent and actual procedure, this is the political game that gets played. We have all seen attorneys from time to time that want to make their case on anything that is on the table. I am not sure it is so simple when these vacancies occur that everyone will know within 30 days. People who run these boards and commissions, most of them are volunteer. Sometimes they may not know, or they forget. It may sound like a lame excuse but at the end of the day, that’s what happens. There is nothing perfect about the world we live in. I know the document that is supposed to guide us can only be as good as the way it’s written, and the intentions are well intended. I’m not sure that this one may be more problematic than the issue of transparency. You have all these positions spelled out in the Charter, and you’ve already designated and entrusted the appointment of these positions to an appointing authority, whether it’s the Mayor or the Board of Aldermen. So I’m not sure that transparency is really the thing that we need to hang our hat on or worry about in terms of being able to fill these vacancies. The people elect Mayors, and they elect members of the Board of Aldermen and the Charter has given them the judgment to make the appointments of whom they see fit, or whom they desire to appoint – good, bad or indifferent. I would err on the side of caution on this one in the standpoint of what the Town Clerk’s responsibility has to do as well as the hundreds of other duties required under State and Federal law, that the Town Clerk has to be responsible for, day in and day out.

Alderman Anglace stated, the reason that I brought it up is because if we try to define the intent in the minutes of these meetings, and we hear from the Charter Revision Commission what their real intent was, they defined vacancy, they told us what the intent was. That forms the basis for Counsel who will be consultant when somebody questions this particular clause of the Charter, and this will give him the basis for an accurate response by Counsel.

Alderman Finn stated, the intent of the Charter Revision Commission was really just to identify the vacancies on the boards and commissions throughout the City. By identifying those that are vacant, you are notifying the public of the vacancies and they have the opportunity to apply for it if they wish to.
Mayor Lauretti stated, they always had the opportunity to do that. The Charter is a published document. It is a public document and all of the vacancies of all of the appointed positions are in the Charter. You make it sound like that’s the only opportunity they have.

Alderman Simonetti stated, I understand the intent and I think it’s a good idea. I think the Town Clerk when she prepares the list of positions she can put right after the name the date their term expires – that would solve the problem – they don’t have to do it once a month, just once a year, unless someone actually gives them a resignation or they know someone has moved. So would it be terribly difficult to change the wording that the City Clerk will prepare a current list of positions whose terms will be expired within 30 days, and that would be just one list per year unless there’s a change? That is my suggestion.

Alderman Finn stated, reading it here, it says it must be posted once the Charter is approved. There is no mention in here that they have to keep posting it every year. The only change is that if a vacancy does occur [inaudible], so it would be a one time posting on the website and change only when people resign, etc. when changes occur.

Alderman Anglace stated, as long as we understand that you only have to do it one time, and it’s not an every day thing or every month thing.

Mrs. Domorod stated, this says “shall maintain a current list of positions”...

Mayor Lauretti stated, I know. It doesn’t say that... How many appointed positions are there?

Mr. Nappi replied, 70.

Alderman Simonetti stated, if you put the date next to the name it would solve your problem. If it is a two-year, three year, one year, put down the expiration date. Would it be difficult to add the dates with the names on the website? Put down the expiration date of their term beside their name.

Alderman Anglace asked, is there any other section that anyone would like to discuss?

Alderman McGorty replied, yes, I would like the Commission to comment on Section 3.4.

Alderman Anglace asked, as you comment, I would like to know, did you submit these comments to the Commission while they were working on it, or is this a new comment they are hearing for the first time?

Alderman McGorty stated, I would like them to comment on the public comment that was made. I would like to see what their reaction or their response was to it.
Alderman Finn stated, the comment was, the Mayor is elected. A week or two later the Mayor leaves office. The President of the Board of Aldermen becomes Mayor for the remainder of the term. Why was the wording about a Special Election removed?

Mr. Nappi replied, this is the wording that’s currently in the 1994 Charter – the current Charter. I think the wording you’re talking about was proposed at one time and deliberated by the Commission, and thought that first of all, the President of the Board of Aldermen is elected with the knowledge that if the Mayoral position becomes vacant that the President of the Board would become Mayor. I would think it is incumbent upon the Board of Aldermen when they select a president to keep that in mind – that they’re not only selecting a President of the Board of Aldermen but they are possibly selecting someone that would move and serve as the Mayor of the City if there should be a vacancy. It does say that they fill the seat until an election is held. It was kind of hard to say “at what point do we hold a special election?” We saw no reason we should have a special election. The commission felt that the President of the Board of Aldermen had historically been the City’s way to fill the slot should the Mayor resign or step aside, and we should consider that. We saw no reason to have a special election.

Alderman Finn noted that it has happened in the past, when Mayor Tisi stepped down.

Mr. Nappi stated, it has happened several times.

Alderman Anglace stated, it has happened in the past. When Vin Tisi, way back when, accepted a Commissioner’s job with the Worker’s Compensation Commission and Frank Kelley took over as Mayor. As I recall, in those days, first of all the example was given tonight, what if the Mayor leaves after a week? Well, 1 week, 2 weeks, a month, 3 months, 6 months... how do you pick the date at which you say? The person taking over for the Mayor is taking over all of the administrative duties of this City, which are immense, including the budget. I weighed in on this with the Commission; I sent them an email on it and it was my opinion that I think the person that takes over will first of all have to have some understanding of the process. You have an election; you are bringing in new people in the middle of the thing. If we are down to the last 3 months of the term, it’s pretty obvious in the last three months you wouldn’t have a special election. But if you talk about this and say when he steps down you’re going to have a special election, you have to have it any time the Mayor steps down.

Mr. Bellis stated, it was problematic about the whole nominating process. What if an independent wanted to run? What if there were primaries – and the time period for that to happen. It became problematic and that’s why we scrapped it. It works for the State and Federal level as well.

Mr. Bashar stated, another point too, and I think Counsel is right – the issue really is that it is very expensive to run an election. So are you going to allow primaries? We talked about putting the language in that says there is not going to be a primary. Is that going to violate some statute? I think the easiest way to do it is, the Mayor is only going to be elected for two years. I would hope that no Mayor would step down after two weeks. In the short term the President of the Board of Aldermen is an elected official and he’s
going to take over. I think this is the way its been and I don’t see any reason that this should change.

Alderman Anglace asked if anyone else had thoughts on the Charter.

Alderman Finn stated, throughout the Charter you used the old English “his/her”… instead of “their” ... why?

Mr. Nappi explained, it goes throughout the document. The last time we had someone that looked at the document and made grammatical corrections. It was suggested at the last Charter Revision Commission that we insert this.

Mr. Bashar stated, it’s simply a matter of being appropriate. It’s gender neutral so we’ve included “he/she”, “him/her” throughout the entire Charter. It’s absolutely appropriate.

Alderman Anglace stated, as the draft document was proposed to us, if we make no recommendations, we can move to approve the proposed Charter as submitted by the Charter Revision Commission and proceed to set the referendum date.

Mr. Nappi stated, yes, it then goes forward as the final document.

Alderman Anglace continued, if we make recommendations, then the Charter Revision Commission in total have to meet with us to confer on those, then you have to meet to adopt a final document. That has to be in to the City Clerk by the 6th, Wednesday. It appears that we have no earth-shaking changes to recommend. I my recommendation to the Board would be to adopt the draft report.

2. Approval/Disapproval of Charter as Revised

Alderman Finn MOVED approve the proposed Charter as submitted by the Charter Revision Commission; and further,

Move to set a referendum date of November 6, 2012 with the proposed Charter Revisions to be submitted to the electorate for approval or rejection, which shall be held in conjunction with the Presidential Election; and further,

Move to submit the Charter Revisions to the electorate for approval or rejection in the form of the following question:

“Shall the Charter of the City of Shelton be revised in accordance with the report and recommendations of the Charter Revision Commission?
Yes  No”

Further, authorize the Town Clerk to prepare, subject to the approval of the Corporation Counsel, concise explanatory text of the proposed Charter and allocate the sum of $5,000 (Five Thousand Dollars) from the Contingency General Account #001-9900-
900.99-00 to Town Clerk Printing and Advertising Account #001-1400-415.30-07 for the preparation and distribution of said explanatory text regarding the proposed Charter changes. SECONDED by Alderman Papa.

Mayor Lauretti stated, I've got to go back to the issue of vacancies. The language says, “The City Town Clerk shall maintain a list.” Maintain means ongoing. It doesn’t mean once a year. I think it would be wrong to put an onerous undue burden on the Town Clerk. I can’t be any clearer than that. We live in this political world of documents that are interpreted every single day and have to make the wheels of government turn. I see this coming.

Alderman Simonetti stated, your Honor, I understand what you’re saying.

Mayor Lauretti stated, I don’t think you do.

Alderman Simonetti stated, throughout the year we appoint people to commissions all the time, whether they’re brought to us for a gardening group or for ...

Mayor Lauretti interjected, those are ad hoc committees.

Alderman Simonetti stated, I would think that when those are given to us, you’d put the name on the list, you’d put the date their term expires, and it’s done.

Mayor Lauretti stated, it’s not done. It says, “shall maintain”; that means ongoing. I’ll let the Town Clerk say it. I’ve said it already. She’s the one that’s got to do it.

Alderman Anglace stated, let me explain this to you.

Mayor Lauretti stated, please. I don’t get it.

Alderman Anglace explained, first of all, time does not permit us to make changes to this document and get it done on time. If you want this document to be changed, it cannot go to the November election, it’s going to go later on. The reason that we tried to discuss it was to gain clarification. That is the best we could do.

Mayor Lauretti stated, that doesn’t solve her problem every single day. As soon as somebody doesn’t get their way about something, it becomes a debate and the media has a feast over it.

Alderman Anglace stated, there’s an old saying – as hard as you try, you can’t make everybody happy. Everything can’t be perfect. We’re going to have to live with the clarifications.

Mr. Bellis stated, John has a point – if there was an attorney or someone who were to challenge the language – first they look at the language, and if it’s clear then you use that. If it’s not clear, the next thing they’re supposed to do is look at the legislative history. The legislative history is what we’re talking about today. We hope our comments
addressing Marge’s concerns are crystal clear that she is not supposed to keep this and maintain it every single day. So that if someone were then to look at the legislative history they would come to the minutes of this meeting...

Mayor Lauretti interjected, but Steve, don’t you think that’s a little disingenuous? People come and go constantly throughout the various boards and commissions.

Mr. Bellis stated, I understand; I’m just trying to tell you what the law is. That’s how you’re supposed to attack something. If it’s not clear by the words in the document, then you’re allowed to look at what we said here tonight. A judge would rule on that.

Alderman Anglase asked, is it possible for the Charter Revision Commission, without changing the document, without us making a recommendation for change because if we do we’re done – is it possible for you, that when you meet again, to get written clarification on this?

Mr. Bashar stated, I think our minutes are pretty clear that our position was exactly what we’ve set forth today, because this discussion went on and on for quite a time. I think our minutes are clear, as well as the minutes of this meeting.

Alderman Papa stated, that’s right because if we decide to reject this, our suggestions that we talked about today go to the Charter Revision Commission tomorrow. Our suggestions could be rejected and would come back to us as is.

Mr. Bellis stated, that is correct.

Alderman Papa stated, then that sums it up.

A voice vote was taken and the MOTION PASSED 8-0.

ADJOURNMENT

Alderman Kudej MOVED to adjourn; SECONDED by Alderman Simonetti. A voice vote was taken and the MOTION PASSED 8-0.

The meeting adjourned at approximately 8 p.m.

Respectfully submitted,

Patricia M. Bruder, Clerk Date Submitted: ______________________________
Board of Aldermen

DATE APPROVED: __________________BY: ________________________________
Mark A. Lauretti
Mayor, City of Shelton