



# CHARTER REVISION COMMISSION REGULAR MEETING MINUTES

May 27, 2008

Room 204

7:00 P.M.

**Commissioners Present:** Jack Bashar  
Steve Bellis  
Michael Davis  
Paul DiMauro  
Chris Gallo  
Ken Nappi

**Commissioners Absent:** Susan Coyle  
Bob Lally  
Irene Smith

## CALL TO ORDER

Chairman Paul DiMauro called the Regular Meeting of the Charter Revision Commission to order at 7:05 P.M.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

## COMMUNICATION

There was correspondence received from Bob Araujo, Chairman of the Board of Fire Commissioners; Mike Ullrich, Assistant Chief and Chairman of the Officer's Council, and Jim Tortora, Fire Marshal.

## BOARD OF FIRE COMMISSIONERS

The Charter Revision Commission met with Bob Araujo, Chairman of the Board of Fire Commissioners. His recommendations to the Charter Revision follow:

*File Comm*

6.9.3.1 Department Composition and Functions:

The City shall have a Fire department headed by the Board of Fire Commissioners and consisting of such existing fire companies and such other fire companies as may be deemed necessary or convenient by the Board of Fire Commissioners and approved by the Board of Alderman.

6.9.3.2 Board of Fire Commissioners:

The Board of Fire Commissioners shall consist of one commissioner appointed by the Mayor, who shall be the Chairman of the Board, and one commissioner from each volunteer fire company providing service to the department. Company commissioners shall be elected by the members of each individual company in such manner as may be provided in the bylaws thereof. The Commissioners shall be equal in rank and authority and may serve without compensation but may receive reimbursement for reasonable and necessary expenses. Each Commissioner shall serve for a term of two (2) years. The Commissioners shall have one (1) vote each in any matter before the board. If the total number of Commissioners including the Chairman is an even number, then the Chairman, in the event of a tie vote, shall have an additional vote to break the tie. The Board of Fire Commissioners shall be responsible for the Department Budget, long range planning, policies, capital improvement and appointments.

6.9.3.3 Appointments:

The Board of Fire Commissioners shall be the appointing authority of the Fire Department. The Board shall appoint and remove the Fire Chief, Deputy Fire Chiefs, Assistant Chiefs and all other officers and employees of the Department as the Commissioners may deem necessary or convenient to the operation of the Department. The Board shall also appoint and remove the Fire Marshal and Deputy Fire Marshals in accordance with the procedures set forth in the Connecticut General Statutes and in accordance with the procedures of the City Charter. All appointees are subject to the rules, regulations and the policies established by the Board of Fire Commissioners and in accordance with City Charter provisions.

6.9.3.4. Powers and Duties:

The Fire Department shall provide protection from fire and enforcement of all laws relating to the fire prevention and fire safety. The Department shall have such other related duties as may be prescribed by the Board of Fire Commissioners, Mayor or the Board of Alderman.

6.9.3.4 Officers Council:

The Fire Department shall have an officer's council, which will consist of the Fire Chief, Deputy Fire Chief, Assistant Fire Chiefs and the Captains and the Lieutenants from each company and the Fire Marshal. The council will elect a chairman applicable to the procedures of the charter. The officer's council will recommend standard operating procedures, standard operating guidelines and also recommend operational policies to the Board of Fire Commissioners. The officers Council will also resolve operational problems as well as to hear appeals within the Department per the policies and procedures of the Fire Department.

6.9.3.5 Fire Chief:

The power and duties of the Fire Chief, his assistants and deputies shall be defined by the Board of Fire Commissioners in accordance with applicable Connecticut General Statutes and City Charter provisions.

**OFFICER'S COUNCIL**

The Charter Revision Commission met with Mike Ullrich, Assistant Chief and Chairman of the Officer's Council. His recommendations to the Charter Revision Commission as follow:



## SHELTON FIRE DEPARTMENT Officers' Council

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At the May 6, 2008 meeting of the Officers' Council the members voted unanimously that I send you a letter detailing the changes that we would like to see in the City Charter.

One of our major concerns relates to the role of the Board of Fire Commissioners. The board of Fire Commissioners is comprised of one representative from each of the four volunteer fire companies; each is elected by their membership to a two year term. A fifth member, the chairperson is appointed by the Mayor. Currently the only duties of the chairperson are to chair the meetings. We would like to see some defined roles for the chairperson. This is necessary for organizational efficiency and effectiveness. Unfortunately there are times when there is a lack of unity of direction, creating an approach which considers the overall needs of the City must be the primary function of the Board of Fire Commissioners, as a result a number of the recommendations in this report address that concern.

The major recommendations in the report include:

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- Alter the organizational structure of the Fire Department, making the Board of Fire Commissioners responsible for administrative policy, long range planning, capital improvements and appointments and delegating administrative duties to the Fire Chief.
  - Restructure the chain of command so that all positions except office staff report to the Fire Chief.
  - The Fire Chief shall prepare and administer an operational budget as approved.

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- The Chairperson of the Board's duties should be defined to include that all sub-committees of the BOFC be appointed by the chairperson, that the duties of each commissioner be assigned by the chairperson and that the chairperson shall designate a commissioner to serve as his/her designee for acting chairperson if unavailable for meetings.
  - Remove the section that says all commissioners are equal, as this creates confusion.
  - All commissioners shall have one (1) vote.
  - The BOFC shall serve as the appeals board for the department.
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Under this proposed organizational structure the BOFC would be responsible for Administrative oversight and administrative policy development for the department. The Fire Chief would be responsible for carrying out the administrative policies of the BOFC, general administration and development of and implementation of operational policies of the Fire Department. The BOFC would be responsible for selection of the Fire Chief, Deputy Fire Chief(s), Assistant Fire Chiefs and any other positions necessary for the development of an integrated and unified Fire Department. The Fire Chief would work directly with the BOFC on policy and planning issues. Daily Administration would be the responsibility of the Fire Chief.

The Recommendations in this section are as follows:

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- Reorganize the reporting structure within the Department. All appointments of the BOFC shall report to the Fire Chief, with the exception of office staff (secretary, keeper of records)
  - The Fire Chief and Fire Marshal should report directly to the Mayor for administrative matters in order to establish responsibilities and a clear chain of command at the City level and within Fire Department officer ranks.
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These changes allow for greater coordination of all operational and staff functions of the department. The Fire Marshal would continue to administer the Fire Marshal's office and the Office of Fire Prevention.

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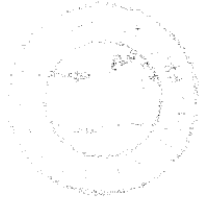
Another area that warrants review is the Fire Chief's term. The current two year term should be changed. Although the Fire Chief may be re-appointed after two years, a four year term appointment provides a more reasonable time for a Fire Chief to address the key issues and needs of the Department. This additional two years would allow the Fire Chief more time to plan and implement programs for improving the and directing the Department with forward looking management measures. The duties of the Fire Chief should be listed as being defined by CT general statues with duties and term limits established by the BOFC.

The Officers' Council section should be changed to add the Training Officer as a member of the council. Also the Council should seek to resolve operational issues and recommend SOP's and operational policy to the Fire Chief. Remove the hear appeals section.

The Office of the Fire Marshal should be added as a section in the charter. The duties of the Fire Marshal are dictated by CT general statues and numerous codes promulgated by them. The organizational structure of the FM Office consists of the FM, DFM's and the A/C of Fire Prevention.

Thank you for your consideration of our recommendations and we look forward to working with you on this.

A/C Mike Ullrich  
Chairman Officer's Council



## SHELTON FIRE DEPARTMENT Officers' Council

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At the May 6, 2008 special meeting of the Officers' Council the membership voted unanimously to send the following recommendations to the Charter Revision Commission.

6.9.3.1 The Officers Council recommends that the section that states The Board of Fire Commissioners is the Chief Administrative Body be removed and add under recommending additional fire companies that the chief may also recommend to the Board of Fire Commissioners any additional fire companies.

6.9.3.2 The BOFC should be listed as the appointing authority of the Fire Department. The Chairman shall be the Mayor's appointee. The Chairman's' duties should be defined as to include that all sub-committees of the board be appointed by the chairman and the duties of each commissioner be assigned by the chairman, also that the chairman may designate a commissioner to serve as his designee for acting chairman if unavailable to attend a meeting.

The BOFC should also be responsible for long range planning, appointments, administrative policies and capital improvements.

The BOFC should also approve or deny the Fire Chief's operational budget and once approved the Fire Chief shall administer the operational budget as approved.

The BOFC shall also adopt an administrative budget for the year and administer same.

Also added was that all appointments of the BOFC with the exception of the office staff would report to the Fire Chief for day to day operations.

All commissioners shall have one (1) vote.

The BOFC shall serve as the appeals board of the fire Department.

6.9.3.3 Stays the same

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6.9.3.4 Removed to hear appeals, added to seek to resolve operational problems, added training officer as a member of the council, also added that the council shall recommend operational policy to the Fire Chief as well as SOP's.

6.9.3.5 Added that the powers of the Fire Chief are to be defined by State Statues and the Fire chief shall serve a term not to exceed four (4) years. Additional terms may be offered upon successful reviews. The qualifications and terms of appointment shall be established by the BOFC. Removed powers and duties defined by BOFC.

6.9.3.6 Added new item for FM office. This section should list the duties and make-up of this office.

I have attached a copy of our wording for your review.

Thank you for your consideration of our recommendations and we look forward to working with you on this.

A/C Mike Ullrich  
Chairman Officer's Council



### Charter Revision Ideas

#### 6.9.3.1 Department Composition and Functions:

The City shall have a Fire Department consisting of such existing fire companies and such other fire companies as may be deemed necessary or convenient by the Board of Fire Commissioners and/or the Fire Chief and approved by the Board of Aldermen

#### 6.9.3.2 Board of Fire Commissioners:

The Board of Fire Commissioners shall be the appointing authority of the Fire Department. The Board shall consist of one (1) fire commissioner appointed by the Mayor, who shall be the Chairman of the Board of Fire Commissioners, and one (1) fire commissioner from each volunteer fire company providing service to the department. Company commissioners shall be elected by the members of each individual company in such manner as provided by the bylaws thereof.

The commissioners shall serve without compensation, but may receive reimbursement for reasonable and necessary expenses. The Chairman or in his absence, his designee shall preside at all meetings of the Board of Fire Commissioners. The Chairman of the Board of Fire Commissioners shall appoint all sub-committees of the Board of Fire Commissioners and assign the duties of each commissioner.

The Board of Fire Commissioners shall be responsible for long range planning, appointments, administrative policies, and capital improvements.

The Board of Fire Commissioners shall also serve as the appeals board of the Fire Department.

The Board shall also approve or deny the annual operational budget as presented by the Fire Chief and submit same for approval to the Mayor and the Board of Aldermen. Once the annual budget is approved and adopted by the Aldermen, the Fire Chief will administer the operational budget for the year.

The Board shall also adopt an administrative budget for the year to be approved by the Mayor and the Aldermen. The Board shall be responsible for the administrative budget once adopted by the Board of Aldermen.

The Board of Fire Commissioners shall appoint and may remove, subject to the approval of the Mayor a Fire Chief, such Deputy Chiefs, Assistant Fire Chiefs, Training Officer, Quarter Master and all other officers of the department. All appointments of the Board of Fire Commissioners shall report to the Fire Chief for day to day operations with the exception of the office staff.

The Board of Fire Commissioners shall also appoint and may remove, subject to the approval of the Mayor a Fire Marshal and such Deputy Fire Marshals and other positions in the Fire Marshals office as may be deemed necessary or convenient by the Fire Marshal and approved by the Board of Fire Commissioners

The Board of Fire Commissioners shall also appoint and may remove subject to the approval of the Mayor any paid employees of the fire department in accordance with the procedures set forth in the general statutes.

Each Commissioner shall serve for a term of two (2) years. All commissioners shall have one (1) vote.

#### 6.9.3.3 Powers and Duties:

The department shall provide protection from fire and enforcement of all laws relating to fire prevention and fire safety. The department shall have such other related duties as prescribed by the Mayor or the Board of Aldermen.

#### 6.9.3.4 Officers' Council:

The Fire Department shall have an Officers' Council which shall consist of the Fire Chief, Deputy Fire Chief(s), Assistant Fire Chiefs, The Fire Marshal, Deputy Fire Marshals, and the Captains and Lieutenants from each fire company. The Officers' Council shall seek to resolve operational problems. The Officers' Council shall also recommend standard operating procedures as well as operational policies to the Fire Chief.

#### 6.9.3.5 Fire Chief:

The powers of the Fire Chief, Deputy Fire Chief(s), and Assistant Fire Chiefs shall be defined by Connecticut State Statutes. The Fire Chief shall serve for a term not to exceed five (5) years. Additional terms may be offered upon successful reviews. The qualifications and other terms shall be established by the Board of Fire Commissioners.

#### 6.9.3.6 Fire Marshal:

The Powers of the Fire Marshal shall be defined by Connecticut State Statutes.

### **Fire Marshal Tortora's recommendations:**

#### DRAFT PROPOSED CHARTER REVISION CHANGES

#### 6.9.3.6 (?) Office of the Fire Marshal

The Board of Fire Commissioners shall appoint and may remove, subject to the approval of the Mayor, the Fire Marshal and Deputy Fire Marshal's as set forth and in accordance with, applicable Connecticut General Statutes.

Day to day activities of the Office of the Fire Marshal shall be under the direction of the Mayor or his/her designee.

The Fire Marshal shall prepare the annual operating budget for the Office of the Fire Marshal and submit the budget to the Mayor for approval. The administration of the annual budget shall be under the direction of the Fire Marshal.

The Fire Marshal shall appoint and may remove, including but not limited to, Fire Inspectors, Fire Safety Code Inspectors, Fire Investigators or Fire Prevention Bureau personnel or any other employees as may be necessary or convenient to the operations of the Office of the Fire Marshal, subject to the approval of the Mayor and in accordance with applicable Connecticut General Statutes.

**The following areas of the Charter were reviewed with discussion to continue:**

\* Section 2.4. Elected Municipal Officials and Voting.

*2.4.1. Officials:*

- (f) A Planning and Zoning Commission consisting of seven-nine (7-9) ~~six (6) members~~ elected as follows: ~~Three (3) members to be elected at the November 1995 election to fill the term of those members whose term expire in November 1995 and two (2) alternates for a term of two years and thereafter at each biennial election six (6) members~~ and two (2) alternates *shall serve* for a term of two (2) years. **OPEN ITEM**

\* **Section 4.8. Approval or Disapproval of Votes, Resolutions, and Ordinances. – OPEN ITEM**

*4.8.1. Certification to Mayor:*

The Clerk of the Board of Aldermen shall, within ten (10) days of Board action, certify to the Mayor for his approval or disapproval each vote, resolution, or ordinance (except an emergency vote, resolution, or ordinance or any vote, resolution, or ordinance relating to the procedures of the Board, any of which shall become effective without review or approval by the Mayor and except any vote, resolution, or ordinance adopting a final budget or making an emergency appropriation, any of which shall become effective in accordance with Chapter 7 of this Charter).

*4.8.2. Approval:*

If the Mayor approves the vote, resolution, or ordinance, he shall sign it, upon which, subject to the provisions of this Charter, it shall become effective.

*4.8.3. Disapproval:*

If the Mayor disapproves the vote, resolution, or ordinance, he shall, within fourteen (14) days after it was certified to him, return it to the Clerk of the Board of Aldermen with a statement of the reasons for his disapproval, which statement shall be read by the Clerk to the Board at its next regular meeting. If the Board shall pass the vote, resolution, or ordinance within seven (7) days after it has been read to the Board, by an affirmative vote of at least six (6) of the eight (8) members, then subject to the provisions of this Charter, it shall become effective without the approval of the Mayor.

*4.8.4. Failure to Return:*

If the Mayor does not return the vote, resolution, or ordinance within the time required, subject to the provisions of this Charter, it shall become effective without the approval of the Mayor.

**Section 4.9. Publication of Ordinances; Effective Date.**

The Clerk of the Board of Aldermen shall file each ordinance, within five (5) days after final passage, with the City/Town Clerk pursuant to Section 4.8.2, 4.8.3, 4.8.4. ~~and as required by Connecticut State Statute.~~ ~~W~~within ten (10) days after receipt of such ordinance, the City/Town Clerk shall publish the same ~~in summary form~~ in a newspaper having substantial circulation within the City, which notice shall also state that a full copy of the ordinance has been posted on the City website and is on file with the City/Town Clerk. - OPEN ITEM

*5.2.5. Economic Development Commission:*

The City shall have an Economic Development Commission, consisting of five (5) members, no more than three (3) of which shall be from the same political party, appointed by the Mayor to serve for staggered terms of ~~five (5) three (3) years.~~ ~~The term of one (1) member shall expire each year of a five-year cycle.~~ The terms of two (2) members shall expire in the first and second years of a three-year cycle and the term of one (1) member shall expire in the third year of a three-year cycle. - OPEN ITEM (requesting clarification from Corporation of what authority)

*5.3.2. Public Building Committees:*

The City shall have a Public Building Committee for each public building project which ~~is bonded~~ or reasonably may exceed ~~One~~ ~~Three~~ ~~Hundred~~ ~~Thousand~~ ~~Dollars~~ (\$~~1~~300,000.00) in total cost. Each committee shall consist of from five (5) to nine (9) members as appointed by the Board of Aldermen to serve for an indefinite term until completion of the public building project for which the committee was appointed. The Board of Aldermen shall appoint each committee no later than fourteen (14) days after the Board has first authorized the expenditure of any funds for the public building project. At the first meeting of each committee, the committee shall elect, by plurality vote, a chairman from its members to serve until completion of the public building project for which the committee was appointed. Each committee shall supervise the

public building project for which it was appointed, develop a project program with input from the appropriate department head or representative of the Board/Commission for which the project is being completed for and shall have such powers as conferred upon them by the Board of Aldermen. ~~appoint and may remove an architect and such other necessary professional help and such other personnel as may be necessary or convenient to the supervision of the project. Each committee shall have the power to issue change orders which do not result in an increase in the total cost of the project above the authorized total bond issue or cost.~~ No committee shall have the power to award contracts or waive bids on any project, but a committee may recommend the acceptance or rejection of any bid on any project or the waiver of the bids. – OPEN ITEM (language added)

\* **Section 5.5. General Provisions.**

- (a) Members shall serve without compensation, but may receive reimbursement for reasonable and necessary expenses per the procedures as established by the City. – OPEN ITEM
- (k) If not reappointed, no appointee shall serve beyond his designated term, unless the appointing authority fails to appoint a replacement. In such case he/she shall serve until a replacement has been appointed per Chapter 9.6.3. – Appointed Office. – OPEN ITEM

\* *6.9.3. Fire Department:* OPEN ITEM - revisions being prepared for discussion

\* **Section 7.14. Purchases Bidding Accounting.**

- 3. "Purchase" as used herein shall be defined to include the purchase in any fiscal year of any goods, ~~item,~~ services or combination of goods and ~~items~~ or services, public improvements and professional services. ~~which singly or in the aggregate total the amounts indicated herein.~~ Aggregate purchases shall not be divided into small increments so as to avoid the provisions called for herein. – OPEN ITEM

4. Professional services procurement procedure.
- (a) Shall be applicable or any services of seventy five hundred (\$7,500.00) or over.
- (b) Professional services shall be those within the scope of practice of architecture, professional engineering, registered land surveyors or such other as defined by the Board of Aldermen.
- (c) There shall be a selection committee of five (5) members elected which shall be comprised of the Mayor or his/her designee, the Public Works Director for public works-type projects or the Purchasing Director for all other, one (1) member appointed by the user group, Board, Commission or Department, one (1) appointed by the Board of Aldermen and one (1) appointed by the Mayor who shall serve as Chairman. - OPEN ITEM

The Board of Aldermen and the Board of Education for its purchases shall establish by resolution those services which are considered as professional and as to which bidding is not required. The Board of Aldermen and the Board of Education respectively may by such resolution establish such procedures with regard thereto as each deems reasonable. When the purchase of goods and the provision for services are combined, that portion involving the purchase of goods shall be subject to the provisions of this section. - OPEN ITEM

**\* Section 9.4. Definitions; Construction. - OPEN ITEM**

*9.4.1. Definitions:*

- (a) City shall mean the City of Shelton.
- (b) State shall mean the State of Connecticut.
- (c) Person shall mean any natural person and any legal entity.
- (d) CT Statutes will mean General Statutes of Connecticut as may be amended from time to time.

9.4.2. *Construction:*

- (a) Where required the masculine gender shall include the feminine gender. and the singular number and plural number.
- (b) Headings are for convenience only.

\* 9.6.2. *Appointed Office:* - OPEN ITEM

Any vacancy in any appointed office shall be filled within thirty (30) days of the vacancy by the appointing authority in such manner as the original appointment was made.

\* **Section 9.7. Conflicts of Interest. – OPEN ITEM**

Any elected or appointed official or employee who has a conflict of interest, significant financial interest, or beneficial interest direct or indirect, in any contract transaction or decision ~~is called upon to participate in a decision~~ on any matter in which he has a financial interest shall disclose the interest on the record of the body of which he is a member or in writing to the Mayor and the Board of Aldermen, and a written record shall be kept of each such disclosure. Violation by any official or employee of this Section shall be grounds for his removal. Such disclosure shall disqualify the official, employees from participating in the matter, transaction, or decision. Violation of this Section with knowledge, express or implied by any person participating in the matter shall render the transaction voidable by the Board of Aldermen or by a court of competent jurisdiction.

**APPROVAL OF MINUTES**

**Commissioner Bellis motioned to approve the minutes of May 13, 2008. Commission Davis seconded the motion.**

**A voice vote was taken; motion passed unanimously.**

**ADJOURNMENT**

**Commissioner Davis motioned to adjourn the Charter Revision Meeting of May 27, 2008. Commissioner Gallo seconded the motion.**

**A voice vote was taken; motion passed unanimously.**

Chairman DiMauro adjourned the meeting at 9:04 P.M.

The next meeting of the Charter Revision Commission is scheduled for Tuesday, June 10, 2008 at 7:00 P.M. in Room 204 at City Hall.

Respectfully submitted,

*Sophia V. Belade*

Sophia V. Belade  
Charter Revision Clerk

**TAPE IS AVAILABLE IN THE TOWN CLERK'S OFFICE**

**ALL ATTACHMENTS MAY NOT BE AVAILABE ON THE WEB, FULL COPIES AVAILABLE IN CITY/TOWN CLERK OFFICE**