



CHARTER REVISION COMMISSION REGULAR MEETING MINUTES

June 24, 2008

Room 204

7:00 P.M.

Commissioners Present: Jack Bashar
Steve Bellis
Susan Coyle
Paul DiMauro
Chris Gallo
Ken Nappi (arrived 7:38 pm)
Irene Smith

Commissioners Absent: Michael Davis
Bob Lally

CALL TO ORDER

Chairman Paul DiMauro called the Regular Meeting of the Charter Revision Commission to order at 7:02 P.M.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

COMMUNICATION

A letter was received by the Charter Revision Commission from Rick Schultz, Planning and Zoning Administrator.

(letter attached):



City of Shelton
Office of Planning and Zoning
54 Hill Street
Shelton, Connecticut 06484-3267

Richard D. Schultz, AICP
Planning & Zoning Administrator

Patrick J. Tisi, MPA
Asst. Planning & Zoning Administrator / ZEO

203-924-1555 Ext 18
Fax: 203-924-6980
Email: rick.schultz@snet.net

To: Paul DiMauro, Chairman
Charter Revision Commission

From: Richard D. Schultz, Planning and Zoning Administrator *RDS*

Date: June 11, 2008

Re: Charter Revision: Recommendations of Shelton Planning and Zoning
Commission

Please be advised that the Shelton Planning and Zoning Commission at their June 10, 2008 meeting discussed Charter Revision Commission proposals relative to the membership of the Planning and Zoning Commission and offer the following recommendations:

1. The majority of the sitting Commission supports the current make up of six (6) regular members and two (2) alternates. This arrangement requires the presence of four members to constitute a legal quorum, to adopt a zone change (majority vote of all of the Commissioners) or adopt a zone change under "protest" (two-thirds vote of all of the Commissioners). The Commission believes that this arrangement gives the Commission adequate and proper control over land use decisions within the City of Shelton.
2. The majority of the sitting Commission does not support a seven (7) regular member and two (2) alternate member scenario insofar as it will require (5) members to adopt a zone change under "protest" (two-thirds vote of all of the Commissioners). The Commission believes that the five vote requirement would lead to decision delays and potential unwanted lawsuits. The minority representatives of the seating Commission, however, does support the minority party increase of three under the seven and two membership arrangement.
3. All of the sitting Commission does not support an eight (8) regular member and two (2) alternate member scenario. This would lead to quorum problems, decision delays and potential unwanted lawsuits.

The following open items were addressed with resolutions as follows:*5.2.5. Economic Development Commission:*

The City shall have an Economic Development Commission, consisting of five (5) members, no more than ~~three (3)~~ **four (4)** of ~~which~~ **whom** shall be from the same political party, appointed by the Mayor to serve for staggered terms of five (5) years. The term of one (1) member shall expire each year of a five year cycle. **The commission shall promote development of the economic resources of the City and shall have such duties and powers as are set forth in the Connecticut State Statute relating to local economic development commissions.**

5.3.2. Public Building Committees:

The City shall have a Public Building Committee for each public building project which ~~is bonded or~~ **may** reasonably ~~may~~ exceed ~~One~~ **Three** Hundred Thousand Dollars (\$~~1300,000.00~~) 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.** Each committee shall supervise the public building project for which it was appointed, and shall appoint and may remove such professional **service providers** 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.

Section 5.5. General Provisions.

If not reappointed, no appointee shall serve beyond his/her 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 Section 9.6. Vacancies; 9.6.2. Appointed Office.

6.4.5. Electronic Data Processing:

The Mayor shall appoint an Information Technology Administrator which position may also be assumed by the Director of Finance. The Information Technology Administrator ~~who~~ shall be responsible for maintaining the City website, all electronic data processing systems and all other technologies and shall provide such services to the City, its Boards, Commissions and other bodies, its departments, officers, agencies, and officials as may be directed by the Mayor. The management of the existing electronic data processing system by the Board of Education shall remain under the management of the Board of Education until such Board otherwise determines.

Section 7.14. Purchases Bidding Accounting.

(a) The Purchasing Agent shall make all purchases on behalf of the City. He ~~S~~shall purchase all goods and services required by the City and its boards, commissions, and other bodies (except the Board of Education, with which the Purchasing Agent shall work on coordinating major purchases under single contract), and its departments, offices and other agencies and its officials. The Purchasing Agent shall act upon receipt of a requisition signed by a responsible representative designated by any board, commission, other body or department, office or other agency or official. The Purchasing Agent shall, to the extent requested by the Chairman of the Board of Education, serve as the purchasing agent for the Board of Education. The Purchasing Agent shall hold no other elected or appointed office within the City and shall have no other employment with the City.

(b) Bidding:

1. The Purchasing Agent shall let to bid all purchases (including those made by the Board of Education) which reasonably may involve the expenditure of ~~Seventy Five Hundred Dollars (\$7,500.00)~~ ~~Five Thousand Dollars (\$5,000.00)~~ or more by the invitation of sealed bids, giving at least ten (10) days notice of the closing date for bids by publication at least once in a newspaper having a substantial circulation in the City. ~~Within~~

~~five (5) days after the closing date for bids;~~ The bids shall be opened publicly ~~at the time stated in the notice,~~ during regular working hours, by the Purchasing Agent and a representative of the entity requesting the purchase, at a time which shall be published in the notice. A list of all bids received shall be prepared and recorded in the City/Town Clerk's Office and a copy of all bids shall be available for public inspection in the Purchasing Agents Office. ~~and the Board of Apportionment and Taxation (or the Finance Committee if the authority to award contracts has been delegated).~~ The Board of Apportionment and Taxation (or the Finance Committee if the authority ~~to award contracts~~ has been delegated) shall ~~award the contract for the purchase to determine~~ the lowest responsible bidder; ~~provided however~~ unless it may reject any, all or any part of any bids. If the authority ~~to award contracts~~ has been delegated, the Finance Committee shall ~~award contracts~~ determine the lowest bidder only by unanimous decision and if a unanimous decision cannot be reached, the matter shall be determined by the Board of Apportionment and Taxation. The Board of Aldermen may establish such other regulations for purchases and bidding as it deems appropriate.

2. When any purchase involves an expenditure in excess of One Thousand Dollars (\$1,000.00) and does not exceed ~~Seven Thousand Four Hundred Ninety Nine Dollars and Ninety Nine Cents. (7,499.99),~~ ~~Four Thousand Nine Hundred Ninety Nine Dollars (\$4,999.00)~~ the Purchasing Agent, or in the case of the Board of Education, an agent designated by the Board of Education, shall obtain a minimum of three (3) written proposals for the purchase of the item and shall make such purchase from the lowest responsible vendor. ~~, unless the Purchasing Agent, or in the case of the Board of Education, an agent designated by the Board of Education determines otherwise and in that event, the Purchasing Agent or in the case of the Board of Education, an agent designated by the Board of Education shall create and maintain a written record of the reasons for such choice.~~
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, including but not limited to 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.

4. Professional services procurement procedure.
 - (a) Shall be applicable to 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 surveying or such other as defined by the Board of Aldermen.
 - (c) There shall be a Selection Committee of five (5) members which shall be comprised of the Mayor or his/her designee, the Purchasing Agent, the Public Works Director for public works-type projects or the Purchasing Agent 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.

The Board of Aldermen shall establish by resolution those services which are considered as professional and as to which ~~the professional procurement procedure shall be utilized.~~ The Board of Aldermen may by such resolution establish such ~~additional~~ procedures with regard thereto as ~~it~~ deems reasonable.

Section 9.6. Vacancies

9.6.2. Appointed Office:

Any vacancy, ~~including one created by completion of a member's appointed term~~ 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. ~~In the event that the appointing authority fails to do so, the remaining members of such~~

board or commission shall appoint a replacement within thirty days.

Section 9.7. Conflicts of Interest.

Any elected or appointed official or employee who has a conflict of such interest or financial interest, whether direct or indirect, in any contract transaction or decision shall disclose such as provided for in the City's Code of Ethics. ~~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. Violation of this Section with knowledge, ~~express~~ **expressed** 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.

The following items were addressed with further discussion required.

2.4.1. Officials:

- (f) A Planning and Zoning Commission consisting of ~~seven-nine (7-9) members~~ **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.

The following is draft for proposed new language:

Section 6.9. Public Safety.

6.9.1. Public Safety Council:

The City Shall have a Public Safety Council, consisting of the Mayor, who shall serve as Chairman, the Chief of Police, the Fire Chief, the Fire Marshal, the Director of Office of Emergency Management, Director of Public Works and the Chief/Director of the Ambulance Service provider as designated by the EMS Council. The public Safety Council shall coordinate the public safety functions of the Police Department, the Fire Department, the Office of Emergency Management, the Department of Public Works and Emergency Medical Service.

6.9.2.3. Powers and Duties:

The Department shall provide law enforcement within the City. The Department shall have such other related powers and duties as may be prescribed by the Mayor or the Board of Aldermen.

6.9.3. Fire Department:

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

6.9.3.2. Board of Fire Commissioners:

The Board of Fire Commissioners shall serve as the administrative body of the Fire Department. It shall consist of one (1) Commissioner appointed by the Mayor, who shall be the Chairman of the Board, and one (1) 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. Each Commissioner shall serve for a term of two (2) years.

The Commissioners shall be equal in rank and authority, have one (1) vote each, and shall serve without compensation, but may receive reimbursement for reasonable and necessary expenses. The Chairman shall preside at all meetings of the Board of Fire Commissioner, appoint the chairpersons of all committees and shall have a vote in any matter before the Board. Each Commissioner shall serve for a term of two (2) years.

The Board shall be responsible for administrative policies and oversight, long range planning, capital improvements, the department budget, and all appointments as provided for by the Charter. The Board shall also serve as the Appeals Board of the Fire Department.

6.9.3.3. Appointments:

The Board of Fire Commissioners shall appoint and may remove, subject to the approval of the Mayor:

A Fire Chief to serve a term of up to three (3) years; A Deputy Chief to serve a term of two (2) years; and any other assistant chief(s) and

employees of the Department as the Board may deem necessary or convenient to the operation of the Department.

In addition, one (1) Assistant Chief, meeting the requirements of the Board of Fire Commissioners, shall be selected by the members of each volunteer fire company providing service to the Department in such a manner as may be provided in the bylaws thereof. Each Assistant Chief shall serve a term of two (2) years

6.9.3.4. Officers' Council:

The Fire Department shall have an Officers' Council, which shall consist of the Fire Chief (Ex Officio), Deputy Fire Chief, Fire Marshal, Deputy Fire Marshal, Department Training Officer, and the Captain and Lieutenants from each company. The Officers' Council shall serve to recommend operational policies and procedures to the Fire Chief and may recommend administrative policy to the Board of Fire Commissioners.

6.9.3.5. Fire Chief:

The Fire Chief shall be the operational head of the Fire Department and shall exercise the day-to-day supervision and control over the department and staff as to all operational matters. The Deputy Chief shall be second in command to the Fire Chief. The Fire Chief, as the operational department head, shall report to the Mayor consistent with the provisions of the City Charter. The Fire Chief shall have all powers and duties as provided for in accordance with applicable Connecticut General State Statutes.

The Fire Chief shall propose an operational budget to the Board of Fire Commissioners and once approved administer the same. The Chief shall work closely with the Board of Fire Commissioner in those areas as determined by the Board, including but not limited to, long range planning, capital improvements, and conformance to all administrative policy as established by the Board. The Fire Chief or his designee shall serve as the representative/liaison of the department on all operational matters. The Chief shall make quarterly reports to the Board and the Mayor on the status of the Fire Service within the City.

6.9.4. Office of Fire Marshal:

6.9.4.1. Function and Activities:

The Office of Fire Marshal shall aid in the prevention and investigation of fires and the enforcement of the State Fire Code as provided by the Connecticut General State Statutes and Regulations. The Office shall have such other related duties as may be prescribed by the State Fire Marshal, the Mayor or the Board of Aldermen.

6.9.4.2. Appointment:

The Board of Fire Commissioner shall appoint and may remove, subject to the approval of the Mayor and in accordance with the procedures set forth in the Connecticut General State Statutes and City Charter: the Fire Marshal, Deputy Fire Marshal, Fire Inspectors and other employees as the Board may deem necessary or convenient to the operation of the Office of Fire Marshal.

6.9.4.3. Fire Marshal:

The Fire Marshal shall serve as the department head of the Office of Fire Marshal and shall control and supervise the operations and staff of the Office. The Marshal shall be responsible for carrying out the duties and responsibilities of that office in accordance with the provisions of Connecticut General State Statutes and City Charter. The Marshal shall report to the Mayor consistent with provisions of the City Charter and State Statutes. In addition, the Marshall shall be responsible for the submission and the administration of an approved department budget. The Marshal shall work closely with the Fire Chief in implementing fire prevention planning and fire safety within the City. The Marshal shall make quarterly reports to the Board of Fire Commissions and the Mayor on the status of the Office of Fire Marshal.

APPROVAL OF MINUTES

Commissioner Gallo motioned to approve the minutes of May 27, 2008. Commission Bashar seconded the motion.

A voice vote was taken; motion passed unanimously.

ADJOURNMENT

Commissioner Gallo motioned to adjourn the Charter Revision Meeting of June 10, 2008. Commissioner Bashar seconded the motion.

A voice vote was taken; motion passed unanimously.

Chairman DiMauro adjourned the meeting at 8:47 P.M.

The next meeting of the Charter Revision Commission is scheduled for Tuesday, July 8, 2008 at 7:00 P.M. in Room 204 at City Hall.

Respectfully submitted,

Sophia V. Belade

Sophia V. Belade
Charter Revision Clerk

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