



CHARTER REVISION COMMISSION

SPECIAL MEETING MINUTES

August 4, 2008

Auditorium

7:30 P.M.

Commissioners Present: Jack Bashar
Steve Bellis
Paul DiMauro
Chris Gallo
Bob Lally
Ken Nappi
Irene Smith

Commissioners Absent: Sue Coyle
Michael Davis

CALL TO ORDER

Chairman Paul DiMauro called the Special Meeting of the Charter Revision Commission to order at 7:37 P.M.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited at earlier meeting.

COMMUNICATION

There was communication received by the Charter Revision Commission. (attached)

The Commission continued going through the proposed Charter section by section to verify language and grammar was correct and to verify proper verbiage.

The open items that will be addressed at the Special Meeting of the Charter Revision Commission on Tuesday, August 5, 2008 are: Planning and Zoning, Minority Representation and General Provisions.

APPROVAL OF MINUTES

Commissioner Lally motioned to approve the minutes of the Special Meeting of the Charter Revision Commission of July 31, 2008. Commissioner Bellis seconded the motion.

A voice vote was taken; motion passed unanimously.

ADJOURNMENT

Commissioner Lally motioned to adjourn the Special Meeting of the Charter Revision of August 4, 2008. Commissioner Bashar seconded the motion.

A voice vote was taken; motion passed unanimously.

Chairman DiMauro adjourned the meeting at 10:52 P.M.

The next meeting of the Charter Revision Commission is scheduled as a Special Meeting for Tuesday, August 5, 2008 at 7:30 pm

Respectfully submitted,

Sophia V. Belade

Sophia V. Belade
Charter Revision Clerk

TAPES ARE AVAILABLE IN THE TOWN CLERK'S OFFICE

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

Date: August 4, 2008

To: Chairman Paul DiMauro,
Shelton Charter Revision Commission

RE: Letter from Superintendent of Schools concerning proposed Charter Revisions

Mr. DiMauro,

Enclosed are the original and nine copies of a letter by the Superintendent of Schools Robin Willink concerning some of the proposed Charter Revisions.

SHELTON BOARD OF EDUCATION

*382 Long Hill Avenue, Shelton, CT 06484
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Patricia L. Curran
*Director of Instruction
ext. 325*

Robin G. Willink
*Superintendent of Schools
ext. 302*

Allan W. Cameron
*Director of Finance
ext. 312*

Valentina M. Parchin, Ph.D
*Director of Special Education/PPS
ext. 350*

Lorraine B. Rossner
*Assistant Superintendent
ext. 306*

Susan Attard Kollet
*Director of Human Resources
ext. 339*

August 1, 2008

Shelton Charter Revision Commission
54 Hill Street
Shelton, CT 06484
Attn. Mr. Paul DiMauro, Chairman

RE: Proposed Charter changes affecting the Board of Education

Dear Chairman DiMauro:

I am writing to express my concern about some of the proposed Charter changes as detailed in the document identified as "Charter Draft for Public Hearing" posted on the CityofShelton.org website.

I am extremely concerned about the proposed change in Section 7.14 Purchases and Bidding.

The current Charter, in Section 3, Paragraph 2 says, "The Board of Aldermen and the Board of Education for its purposes 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."

The proposed revision says, "The Board of Aldermen shall establish by resolution those services which are considered as professional and as to which selection by bidding to determine the lowest responsible provider is not required. The Board of Aldermen shall by resolution establish such procedures with regard thereto as each deems reasonable."

The proposed revision also says, in Section 7.14 (C) Professional Services, Section 3 "The Board of Aldermen shall appoint a Committee(s) consisting of five (5) members, of which a minimum of one (1) shall have been selected by the requesting authority, to evaluate the proposals. The Committee shall forward its recommendation to the Purchasing Agent for appropriate action.

These proposals transfer the Board of Education's ability to determine what it considers professional services to the Board of Aldermen and its ability to decide who will actually provide those services to a committee appointed by the Board of Aldermen. These proposals directly interfere with the Board's ability to carry out its statutory responsibilities. We believe that at least some of the proposed changes are contrary to the law and are therefore unenforceable.

I am also concerned about Section 7.14 (B) Bidding.

The current Charter, in Section 2 states that "When any purchase involves an expenditure in excess of One Thousand Dollars (\$1,000.00) and does not exceed Four Thousand Nine Hundred and 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 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."

The proposed revision says "When any purchase involves an expenditure in excess of One Thousand Dollars (\$1,000.00) and does not exceed Seven Thousand Four Hundred and Ninety Nine Dollars (\$7,499.00), 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 proposals for the purchase of the item and shall make such purchase from the lowest responsible vendor.

This change eliminates the ability of the Purchasing Agent, or in the case of the Board of Education, an agent designated by the Board of Education, to respond to emergency situations, (for example the recent mercury spill at Shelton High School) or situations in which the appropriate goods or services are available only from a single vendor (for example, Trane parts to repair a Trane Chiller). Once again, I am concerned that the proposed change will limit the Board's ability to effectively serve students, in accordance with the law.

Finally, I am concerned about Section 6.4.5 Electronic Data Processing. The proposed Charter adds the following words to the Director of Finance's responsibilities: "all electronic data processing systems *and related technologies*". For the sake of consistency, those words should be added to the sentence which says "The management of the existing electronic data processing system *and related technologies* by the Board of Education shall remain under the management of the Board of Education until such Board otherwise determines"

I am unaware of a problem that these changes are intended to solve. However, I do see that changing the current process will create a host of problems and additional costs because our ability to provide services to students, their families and our staff in a timely way will be curtailed. I urge you and your Commission to reconsider the language changes in the area of Purchases and Bidding; retain the revised threshold at Seven Thousand Four Hundred and Ninety Nine Dollars (\$7,499.00) and retain the existing Charter language in the other areas.

Thank you for your consideration of this request. If you have any questions about my request, I will appear before your Commission to provide any additional information that may be required.

Sincerely yours,

A handwritten signature in cursive script that reads "Robin G. Willink".

Robin G. Willink

C: Win Oppel, Chairman, Shelton Board of Education
Thomas Welch, Corporation Counsel

August 4, 2008

Section 4.7 Ordinances

4.7.1 Proposal:

The Mayor or any member of the Board of Aldermen may propose an ordinance in writing to the Clerk of the Board and, not later than the next regular meeting following its submission, the Clerk shall refer the ordinance without the requirement of a vote to the proper committee of the Board of Aldermen.

4.7.2 Committee Review:

All proposed ordinances shall be reviewed by the committee to which they were referred at the next regular meeting of the committee. The committee shall report back to the full board no later than 30 days after the date of referral to the committee with or without comment. In no case shall a committee of the Board withdraw the proposed ordinance from further consideration by the Board.

4.7.3 Hearing:

Within 30 days of receiving the committee report the Board shall hold without the requirement of a vote at least one public hearing on the proposed Ordinance and notice of such hearing shall be published in a newspaper having substantial circulation in the City at least 5 days prior to said hearing.

4.7.4 Board Action:

Not later than the next regular meeting following the Public Hearing, the Board of Aldermen shall consider the proposed Ordinance together with any amendments that may be offered thereto, and the Board shall either reject or pass such Ordinance with or without such amendments except that the Board may table said ordinance until its' next regular meeting in order to permit further study or investigation. At such next regular meeting the Board shall consider the proposed Ordinance together with such amendments as shall be proposed and shall reject or pass such Ordinance with or without amendments.

Rationale for these changes:

The current charter requires ordinances to go to committee for review. This allows all BOA members, Corp. Counsel and the public time to review the ordinance. Since we are talking about making a law, allowing a 30 day window for committee review opens up the process. After all, BOA members may or may not have the legal experience to write a law and it just will create more work if it is not written correctly. Committee review will alleviate these issues. On a state and federal level this is how laws are written. A lawmaker cannot write a law on his/her own and then forward it directly to a public hearing. All proposed laws must go to staff, counsel and committee review.

The draft proposed currently eliminates mandatory committee review and allows the majority on the BOA to "fast track" ordinances if they desire by a majority vote. This creates a dangerous situation whereby the majority members can pass new laws quickly and easily just based on the fact that they have the votes and not on the content of the law.

My language above still requires mandatory committee review but shortens the time to 30 days for the committee to report back to the full board therefore eliminating any concern that the committee will hold up the ordinance. This makes the process fair for all members of the BOA and the Mayor who may propose an ordinance.

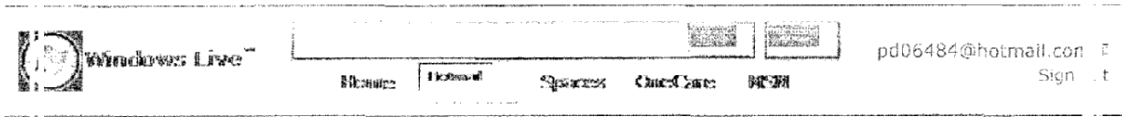
Chris Panek
19Meghan Lane
Shelton, CT 06484

M.C.

Charter Revision

1. Section 7.14. Professional Services: The State of CT has revised regulations about cities, etc. selecting professional services (so I've been told by architects). I suggest that this whole section be reviewed by Tom W. to insure it conforms to state rules. Especially in light of the last part of subsection 3: albeit on a subjective basis.
2. Section 3 is unclear and needs to be revised
 - No minority representation mentioned as required for a city-wide committee. How does the member from the requesting authority representative impact minority representation?
 - No term of office specified
 - Should be stated that the member from the requesting authority must be an elector in Shelton
 - What happens if the estimated price is under \$1,000? Can the requesting authority act on its own? And if actual amount is more than \$1,000, does the whole process start over again? Do building committees have to use the same process? As an overall comment, the process could take months to get completed. Can an authority act on its own in an emergency?
 - How many committees will there be? The wording allows for many, but Paul indicated there would be two. How can you have only one or two if there is a requirement to have a member from the requesting authority on the committee? Would the BoA have to appoint the same 4 members plus the authority's member each time? This seems unworkable.

Overall, part 3 seems to be administrative policy and should be, I believe, put into an ordinance rather than in the charter. If the procedure is not working as the Charter Revision Commission believes it will, it will require a charter revision to change it. An ordinance can be altered/dropped much more easily than a charter change. Part D seems to recognize this and allows for the BoA to prepare procedures.



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Charter Revision Public Safety Council

From: **Chief Joel W. Hurliman** (jhurliman@sheltonpolice.net)
 You may not know this sender. [Mark as safe](#) | [Mark as unsafe](#)
 Sent: Mon 8/04/08 3:08 PM
 To: PD06484@hotmail.com

Dear Paul,

It was nice to speak to you this morning. I would like to bring to your attention an interesting problem with the draft copy of the charter as I see it. The EMS Chief is proposed as a voting member because this person is in charge of operations much like the Fire Chief and the Police Chief. Unlike Fire and Police, the EMS Chief is elected by the EMS members and they are essentially a private non-governmental organization.

The voting member of the Public Safety Council needs to be someone with the best interests of the City of Shelton in mind. The EMS Commission Chairperson represents the City and is appointed by the Mayor and can be removed. I believe that the EMS Commission Chairperson should be a voting member unlike a member of the Board of Fire Commissioners because the Fire Chief is appointed by the Mayor. The current EMS Chief would make a fine voting member, but he may not be a Chief very long and it is unknown who his successor might be.

Thank you for consideration of this and say hello to your family for me. Thank you very much.
 Chief Joel Hurliman

BOARDS & COMMISSIONS - CHARTER PROVIDED

<u>BOARD/COMMISSION</u>	<u>METHOD</u>	<u>TOTAL</u>	<u>MAJORITY</u>	<u>MINORITY</u>
Board of A & T	Elected	6	3	3
Board of Education	Elected	9	5	4
Library Board	Elected	6	4	2
P & Z	Elected	7	5	2
Parks & Rec	Mayor	12	7	5
Board of Zoning Appeals	Mayor	5	3	2
Conservation Committee	Mayor	7	4	3
Economic Development	Mayor	5	3	2
Inlands Wetlands	Mayor	7	4	3
Board of Tax Review	Alderman	3	2	1
Public Building	Alderman	5 to 9	none	none
Public Employee	Alderman	5	none	none
Water Pollution	Alderman	8	none	none
Board of Ethics	Alderman	5	2	

City of Cambridge
Charter Revision Commission
Public Hearing – July 29, 2008
Summary of Comments

Person	Charter Reference	Comments	Submission
<u>Joan Flannery</u>	5.1.4 Planning & Zoning Commission	If increasing positions -increase minority representation (4-3 not 5-2) Elect by wards	Written testimony submitted
	5.2.4 Economic Development Commission	Why change split from 3-2 to 4-1? Where is the fair representation? Clarify wording in English	
	5.5 General Provisions	To change as propose is discriminatory. Include wording municipal/state offices then OK or leave it alone. If this section to be change it should be for all or none.	
<u>Anthony Simoneiti</u>	5.1.4 Planning & Zoning Commission	No change in member elected - leave it alone as in the current charter.	

<u>Robert Araujo</u>	Fire Department Section	BOFC rejects Charter Commission proposal. Details of proposal are not needed specifics should be by policy of the BOFC. The Fire Marshal reporting structure should not be separated from Fire Department -this also should be by policy of the Board. All appointments made by policy of the BOFC Policy by the Board of fire Commissioners allow flexibility – charter provisions would not	Written recommendations submitted
<u>Mark Holden</u>	7.1 Budget Process	Change the time period for submission of the budget –changing from 1 month to 3 weeks latter is ok - but give the extra week to Board of A & T for more time on deliberations, etc.	
	7.14 Bidding Process	<p>It is ok to change that the Finance Committee need not be present – but some information is given at the openings that members may miss.</p> <p>Under \$7,500 purchases requires 3 quotes. What happens if there are less than 3 available – any alternative?</p>	

<p><u>Marty Coughlin</u></p>	<p>7.14 Bidding Process</p>	<p>Check recently enacted State Statutes concerning 'Building Committees' and the bidding process.</p> <p>If the selection is based on competitive or subjective evaluation it conflicts with the wording of a related section calling for the lowest bidder selection.</p> <p>Commission should review the proposal of 5-person committee to select 'professional services'. It may result in a number of selection committees (every building committee) being formed. Make sure that members of the committee are electors of the city. What is the term of committees & where is the minority representation? The process seems unnecessary and long for it to be so specific in the charter. If the process does not work the charter will have to be changed. There is more detail then needed - it should be left to the BOA to cover the process by ordinance.</p>	
<p><u>Jack Finn</u></p>	<p>5.5 General Provisions</p>	<p>Proposed change is discriminatory – only affects one person: Change proposed wording to say, "Members shall hold no more than one (1) other elected office and /or one other appointed office in the city".</p>	

<u>Chris Panek</u>	3.3.3 Mayor Succession to Office	Special election for mayoral vacancy if vacancy occurs more than 60 days before the next general election.	Written recommendations submitted.
	4.7 Ordinances	Leave this charter section as it is currently.	
	5.1.1 Board of Apportionment & Taxation	Clarify - What authority the Board may delegate to the finance committee.	
	5.1.4 Planning & Zoning	If increasing the members to 7 set the minority representation at 3. If adopting the state statute apply the standard to all boards and commissions.	
	5.2.5 Inland Wetlands	Supports election of this commission BUT if not elected - 1/W members should be approved by BOA	
	5.5 General Provisions	Leave this section alone OR prohibit state as well as municipal office holders from holding more than one elected or appointed positions. Adopt Robert's Rules of Order as procedure of all boards and commissions.....	

<p><u>Chris Panek</u> recommendations (continued)</p>	<p>7.14 Professional Services</p>	<p>Clarify A & B as to the Board of Education. Section A excludes BOE - Section B includes BOE. Clarify C section 3. Is a committee needed every time a professional services award is made? Clarify D. This appears to conflict with other proposed wording of Professional Services section.</p>	<p>Written recommendations submitted.</p>
<p><u>Rich Widomski</u></p>	<p>Planning & Zoning Commission</p>	<p>Current 6 member board allows a simple majority of only 4 members to approve a zone change. Consider increasing the P & Z Commission to 8 members. This would increase the votes needed to approve a zone change while at the same time increase minority representation.</p>	<p>Written recommendations submitted (remarks read into the record by Chris Panek).</p>

Irving Steiner	2.4.1 Planning & Zoning 5.1.4	Recommend 8 members elected by wards (2 members from each ward) along with term limits.	Written recommendations submitted.
	4.1.1 Powers of Initiative	Allow for initiative on budget and fiscal policy.	
	5.3.5 Board of Ethics	Actual state statute should be included.	
	5.5 General Provisions	The charter should not limit elected positions unless there is a conflict of interest.	
	5.5 General Provisions	No appointed position should be left vacant for over 30 days. Commissioners appointed by the Mayor should tender resignations following each mayoral election.	
	6.7.3 Department of Public Works, Powers & Duties	Wording should not be changed concerning the City Engineer.	
	9.6.2 Appointed Office	The wording " Any vacancy shall be filed within 30 days of the vacancy by the appointing authority " is sufficient.	

<u>Al Cameron</u>	7.14 Bidding Process	Professional Services section as proposed may be hard for the BOE to comply with due to the special education requirements mandated by the state. The time it may take to comply with the RFP process, etc. may conflict with the time that services have to be provided to special education students. Section should be left as is in the current charter.	
<u>Virginia Harger</u>	5.1.4 Planning & Zoning	Should remain as citywide elected board of 6 with minority representation as allowed by the current charter.	
<u>Frank Ozak</u>	City Audit Provisions	The charter should include a section on the city audit function requirements and the public release of findings including the management/opinion letter. It should also provide for the implementation of audit recommendations.	

<u>Mike Aldrich</u>	Fire Department Section	<p>The new proposal on the charter sections dealing with the Fire Department is workable. The proposed revision, for the most part, reflects the Officers Council's recommendations. The Council had worked on the changes and had voted unanimously for the submitted changes.</p>	
<u>James Tortora</u>	Fire Department Section	<p>Supports the document proposed as to the Office of Fire Marshal and the Fire Department. The proposal does not separate the Fire Marshal from the Fire Department. He called for the elimination of the Board of Fire Commissioners but supports the Charter Commission revisions.</p>	
<u>John Millo</u>	Fire Department Section	<p>Charter Revisions as presented can be supported by 99% of the fire department. The Fire Chief should run the operations of the fire department not the BOFC. Excellent in defining the roles of the BOFC, Fire Chief, Fire Marshal and the Officer's Council.</p>	
<u>Remy Kocurek</u>	General	<p>Supports comments of Chris Panek. Remember comment by Irving Steiner that the charter should be a noble document.</p>	

<u>Chris Jones</u>	Planning & Zoning	Increase the members to 7 if the minority representation becomes 4-3. If the minority representation is not increased leave it as it is currently with 6 members.	
<u>Tom Harbinson</u>	4.3.2 Quorum and Action	Charter should conform to Robert Rules of Order as to voting. Charter should not require 5 affirmative votes for passage of any action but should reflect a simple majority of those casting a vote.	Written recommendations submitted.
<u>Mark & Monica Peterson</u>	5.5 General Provisions	Reject proposal of limiting persons from holding more than 1 elected and 1 appointed municipal office.	Letter submitted