

# CITY OF STAMFORD 19<sup>TH</sup> CHARTER REVISION COMMISSION

Members  
*JEANETTE BILICZNIANSKI*  
*CYNTHIA BOWSER*  
*KAREN CAMPOREALE*  
*SUE HALPERN*  
*FRANCES LANE*  
*MICHAEL LAROBINA*

Thomas Lombardo, Chair  
Michael Larobina, Vice Chair  
Jackie Pioli, Clerk

Members  
*STEVEN LOEB*  
*ALEX MARTINEZ*  
*J.R. MCMULLEN*  
*SHELLEY MICHELSON*  
*ANTHONY PRAMBERGER, JR.*  
*CLEMON WILLIAMS*

## MEETING REPORT Saturday, August 19, 2023 9:00am Meeting Held Remotely

**Call to Order** - Chair Lombardo called the meeting to order at 9:03 a.m.

**Roll Call** - In attendance were Chair Lombardo, Vice Chair Larobina, and Commissioners Bilicznianski, Camporeale, Halpern, Lane, Loeb, McMullen, Michelson, and Williams. Commissioners Bowser, Kolenberg, Martinez, Pioli, and Pramberger were excused. Also present were Attorneys Mednick and Roberts.

**Pledge of Allegiance** - Commissioner Halpern led the Pledge of Allegiance.

**Approval of Minutes of August 10, 2023 meeting** – A motion to approve the draft minutes of August 10, 2023, with corrections as noted by Comm. Michelson, was made, seconded, and approved by a vote of 7-0-3 (Comms. Lombardo, Larobina, Camporeale, Halpern, Loeb, Michelson, and Williams in favor; Comms. Bilicznianski, Lane, and McMullen abstaining)

**Review and approval of Final Report to be submitted to the Board of Representatives.**

### PREAMBLE AND PART 1

The Commission reviewed the most recent proposed changes to the Preamble and Part I of Charter as a result of the recommendations of the Board of Representatives and PA 23-205 as shown below:

#### PREAMBLE

- The deletion of the word “revolutionary” from the Preamble as shown below:
  4. The multiracial and multiethnic nature of our city is our strength. We honor and respect the cultures, languages and histories of all who call and have called Stamford home, and we celebrate the ~~revolutionary~~ imagination, courage, and resiliency of our citizenry.

#### PART 1. ORGANIZATION AND ELECTION PROCEDURES

- Modifications to the “Newspaper Notice” provision of definitions [Sec. C1-10-4 (14)] in response to PA 23-205 as shown below:
  - (14) “Newspaper Notice” Notwithstanding the provisions of Sec. C1-10-4(2), above, newspaper notice may be required with regard to the action on a proposed Ordinance by the Board of Representatives, as set forth in Sec. ~~C2-10-12 of this~~

~~Charter; and, shall be required in the case of: (a) adoption of amendment of the Master Plan; or, (b) approval or disapproval of subdivision proposals by the Planning Board as set forth in Sec. C6-30-9 or Sec. C6-30-15 of this Charter; and, (c) the amendment of the Zoning Regulations or Zoning Map; or, (d) applications for approval of site and architectural plans; and/or, (e) requested uses by the Zoning Board as set forth in Sec. C6-40-11 of this Charter. C2-10-12 of this Charter.~~ All Public Notices and Meeting or Hearing Notices shall be posted or published and all Meetings and Public Hearings shall be conducted in strict compliance with Law; in particular the Americans with Disabilities Act, as may be amended from time-to-time.

- Inclusion of a definition of “Ordinance” [Sec. C1-10-4 (15)], as shown below:

(15) “Ordinance(s)” or “City Ordinances” means the powers of the City to (1) establish rules or regulations of general municipal application, the violation of which may result in the imposition of a fine or other penalty; (2) create a permanent local law of general applicability; or (3) accomplish other objectives permitted by the General Statutes as may be enacted in accordance with the provisions of this Charter.

- Amendment to the definition of public hearing as a result of PA 23-205 [new Sec. C1-10-4 (16)], as shown below:

~~(15)~~(16) “Public Hearings” means a publicly noticed Meeting or official proceeding held in order to receive testimony from all interested parties, including the general public, on a proposed issue, item or action. Such parties, within the parameters of the rules of the Board or Commission shall have an opportunity to submit views and Data relative to a matter on which a decision of the Board or Commission is pending. Public hearings shall be required prior to the adoption of Ordinances, ~~Regulations, Master Plan Amendments, amendments to the Zoning-Map or amendments to the Zoning~~ Regulations; or decisions pertaining to contested cases before a board or commission (excluding the Planning Board or the Zoning Board) where public participation is required or permitted under Law. Additional Public Hearing(s) may be permitted by the Chair of the board or commission or may be required by Ordinance.

- Amendments to Division 5 – Condemnation and Disposition of Land [Secs. C1-50-1 through C1-50-3] as a result of PA 23-205, which return the language to its current state as shown below:

#### **Sec. C1-50-1. Condemnation for Municipal Purposes.**

- (a) **Required Approvals.** The City may take any land which has been fixed upon as a site for a building or buildings or addition thereto for municipal purposes, or land fixed upon for any municipal purpose or use, subject to the payment of just compensation therefor to the owner, provided that there shall be prior approval by the Mayor, ~~by the affirmative vote of two-thirds (2/3<sup>rds</sup>) of the entire membership of the Planning Board, by the affirmative vote of two-thirds (2/3<sup>rds</sup>) of the entire membership of the Board of Finance, and by the affirmative vote of two-thirds (2/3<sup>rds</sup>) of the entire membership of the Board of Finance, and the Board of Representatives.~~
- (b) **Required Public Hearings.** ~~There shall be a joint Public Hearing convened by the Planning Board, the Board of Finance and the Board of Representatives prior to taking any action on the proposal.~~ No condemnation for municipal purposes as provided herein shall be commenced unless there has been a ~~Public~~

~~Hearingpublic hearing~~ on the project by the ~~Department or Agency proposing to condemn such landappropriate agency.~~

- ~~(c) — **Required Public Outreach.** That Department or Agency shall also engage in neighborhood engagement and outreach which shall include (i) written notification of members of the Board of Representatives for the district(s) in which such property is located, (ii) posting on the City website, and (iii) placement of a sign at the property indicating that the condemnation of the property at that location is being contemplated and identifying a contact person or website where additional information may be obtained~~

## **Sec. C1-50-2. Proceeding on Condemnation.**

The procedure for the condemnation of any land shall be that set forth in the Connecticut General Statutes or where appropriate, the condemnation procedure provided for in this Charter. Initial notice of the condemnation shall be made in accordance with Sec. C8-60-4. In those instances where this Charter conflicts with the General Statutes, the condemnation procedure shall be in accordance with the General Statutes.

## **Sec. C1-50-3. Acquisition and Disposition of Real Estate.**

No purchase or lease of real estate by the City and no sale or lease of any real estate belonging to the City shall be valid unless approved by the Mayor, the Planning Board, the Board of Finance and the Board of Representatives.

- ~~(a) — **Required Approvals.** Subject to the provisions of Sec. C6-120-3, no purchase or lease of real estate by the City and no sale or lease of any real estate belonging to the City shall be valid unless approved by the Mayor upon the approval of the Planning Board, Board of Finance and Board of Representatives, as follows:~~
- ~~(1) — **Disposition.** With respect to the disposition of the real estate, including the sale or lease of property owned by the City, by the affirmative vote of two-thirds (2/3<sup>rds</sup>) of the entire membership of the following boards (i) the Planning Board, (ii) the Board of Finance; (iii) the Board of Representatives.~~
- ~~(2) — **Acquisition.** With respect to the acquisition of the real estate, including the purchase or lease of property by the City, by the affirmative vote of a majority of the entire membership of the following boards (i) the Planning Board, (ii) the Board of Finance; (iii) the Board of Representatives.~~
- ~~(b) — **Required Public Outreach** The governmental Agency, Department, Board or Official of the City proposing such disposition shall also engage in neighborhood engagement and outreach which shall include (i) written notification of members of the Board of Representatives for the district(s) in which such property is located, (ii) posting on the City website, and (iii) placement of a sign at the property indicating that the disposition of the property at that location is being contemplated and identifying a contact person or website where additional information may be obtained.~~
- ~~(c) — **Required Public Hearings.** There shall be a joint Public Hearing convened by the Planning Board, the Board of Finance and the Board of Representatives prior to taking any action on the proposal. The governmental Agency, Department, Board or Official of the City proposing such disposition shall make a presentation regarding such proposal at the joint Public Hearing.~~

**Power of Board of Representatives to Enact Ordinances** The Board of Representatives is authorized to enact ordinances governing the purchase, sale, lease or other disposition of such real estate.

A motion to approve the amendments to the to the Preamble and Part I of the Charter was made, seconded, and approved by a vote of 8-2-0 (Comms. Lombardo, Larobina, Bilicznianski, Camporeale, Halpern, Lane, Loeb, and Williams in favor; Comms. McMullen and Michelson opposed).

## **PART 2**

The Commission reviewed the most recent proposed changes to Part 2 of Charter in subsection C2-10-3 as shown below. Changes included the elimination of the qualification requirements and using qualifications to arrive at the compensation standard.

### **PART 2. LEGISLATIVE BODY**

#### **Sec. C2-10-3. Legal Assistance and Investigatory Functions.**

(1) **Staff Counsel to the Board of Representatives.** The Board of Representatives may (a) appoint or engage ~~Counsel~~, subject to ana professional services agreement ~~for a term~~ (“Outside Counsel”); or ~~years~~, (b) employ Counsel as a pay plan employee (“Staff Counsel”), upon approval by a majority vote of those present and voting. ~~Said Counsel shall be an attorney admitted to practice law in this State and shall have been a member in good standing of following submission by the bar President of the State of Connecticut for at least five (5) years; and, has been actively practicing law in Connecticut for at least five (5) years. Such Counsel shall have such duties as the Board shall determine of~~ Representatives. In the event Counsel is employed by the Board of Representatives such Counsel shall receive compensation as fixed by the Board of Representatives which shall be in an amount no greater than a Deputy Corporation Counsel of equal experience and any adjustments based upon any applicable agreements. (“Staff Counsel”). Staff Counsel shall have experience and background in legal matters generally associated with local legislative bodies. The appointment or retention of Outside Counsel by the Board of Representatives shall be exempted from the provisions of Sec. C5-50-2(k) and any Ordinances adopted thereunder.

#### **(2) Funds for Investigation.**

(a) **Authority to Commence Investigation and Incur Expenses.** The Board of Representatives shall have authority, by a majority vote of its entire membership, to incur any expenses which it deems necessary or advisable, in connection with any investigation authorized under Sec. C2-10-2(12) of this Charter.

(b) **Expenses Binding on the City.** Expenses so incurred shall be paid by the Office of Administration on warrant issued by the Mayor and counter-signed by the Clerk of the Board of Representatives.

(c) **Authority to Appropriate Funds.** The Board of Representatives may, by a majority vote of its entire membership, appropriate funds to cover expenses incurred pursuant to this Section without request for such appropriation by any officer of any department of the City, other than the Board of Representatives.

#### **(3) Legal and Other Professional Assistance.**

(a) **Retention of Outside Counsel, Experts, Professional Advisors and Consultants. Execution of Agreement.** The Board of Representatives may incur

expenses and the President of the Board may execute all agreements approved by a majority vote of ~~those present and voting (following submission by the entire Board President)~~ for the retention of ~~outside counsel~~ (“Outside Counsel”), and professional experts, advisors and consultants (“Other Professional Advisors”), where such services are necessary or convenient to the performance by the Board ~~(or its Committees)~~ of its legislative functions and duties as prescribed by this Charter or under Law.

**(b) Role of Outside Counsel.** ~~Such~~ Outside Counsel may be retained ~~for the purpose of:~~ (i) ~~render~~rendering opinions pertaining to legislative function, legal and procedural matters; (ii) ~~advise~~advising the Board during hearings and other proceedings before the Board; and, (iii) ~~appear~~appearing in any proceeding, case controversy or appeal on behalf of or before the Board.

**(c) Expenses Binding on the City.** Expenses for Outside Counsel and Other Professional Advisors so incurred shall be binding upon the City and be paid by the Office of Administration on warrant issued by the Mayor and counter-signed by the Clerk of the Board of Representatives.

**(d) Consultation with the Corporation Counsel.** Prior to any vote on the retention of Outside Counsel, the President shall consult with the Corporation Counsel for the sole purpose of ensuring there are no legal, ethical or positional conflicts between the Outside Counsel and the City.

**(e) Budget for Outside Counsel and Other Professional Advisors (“Professional Services Budget”).** The Board of Representatives shall adopt and forward to the Mayor its proposed annual Professional Services Budget, in accordance with the procedures and timetable established for other City Departments. The Mayor’s budget shall include, and the Boards of Finance and Representatives shall appropriate for support of the Professional Services Budget ~~at least the an~~ amount ~~greater than or equal to one-quarter of the outside counsel budget expenditures incurred by the City in the prior fiscal year; although, in no case not~~ less than the ~~previous annual~~ Professional Services Budget for the prior fiscal year, unless the Board of Representatives requests a lesser amount. In furtherance of the authority to retain Outside Counsel and Other Professional Advisors in the event there are insufficient funds in the Professional Services Budget available for the retention of Outside Counsel and Other Professional Advisors, the Board of Representatives may, by Resolution approved by a majority vote of ~~its entire membership~~ those present and voting, appropriate or transfer monies to pay the fees and costs of such purposes

Commission members discussed whether there was a need to specify the functions of the staff counsel. There was no motion to add such language.

It was noted that the staff counsel would be in the Pay Plan and not subject to union requirements.

A motion to amend Sec. C2-10-3 (1) as follows: “upon approval by a majority vote of ~~those present and voting the Board of Representatives~~” was made, seconded, and failed by a vote of 5-5-0 (Comms. Larobina, Bilicznianski, McMullen, Michelson, and Williams in favor; Comms. Lombardo, Camporeale, Halpern, Lane, and Loeb opposed).

A motion to amend Sec. C2-10-3 (1) as follows: “Staff Counsel shall have experience and background in legal matters generally associated with municipal law and local legislative bodies.” was made, seconded, and approved by a vote of 9-1-0 (Comms. Lombardo, Larobina, Camporeale, Halpern, Lane, Loeb, McMullen, Michelson, and Williams in favor; Comm. Bilicznianski opposed).

A motion to approve the amendments to Part 2 of the Charter was made, seconded, and approved by a vote of 10-0-0 (Comms. Lombardo, Larobina, Bilicznianski, Camporeale, Halpern, Lane, Loeb, McMullen, Michelson, and Williams in favor).

### **PART 3**

The Commission reviewed the most recent proposed changes to Part 3 of the Charter in subsection C3-10-4. Changes clarify that the standard for compensation of the acting mayor will be determined by resolution for the first 30 days.

#### **PART 3. EXECUTIVE DIVISION 1. THE MAYOR'S POWERS**

##### **Sec. C3-10-4. Temporary Absence or Disability of the Mayor**

In the event the Mayor is or intends to be absent from the City for a period of forty-eight (48) hours or more, the Mayor shall give written notice to that effect to the President and ~~the~~ Clerk of the Board of Representatives, and the Town and City Clerk. In the event of absence from the City or temporary disability of the Mayor, the President of the Board of Representatives, the Majority Leader, or the Minority Leader, in that order, or, if none of the foregoing shall have agreed to assume the duties of the Mayor, such member as the Board of Representatives shall designate, shall exercise the power of the Mayor, except that until such absence or disability of the Mayor has continued for thirty (30) days, the Acting Mayor shall not have power to appoint or remove officers or employees. The financial compensation for the Acting Mayor for the first thirty (30) days, if any, shall be determined by resolution of the Board of Representatives but shall in no case exceed ~~in proportion a per diem rate based on~~ the Mayor's salary ~~of the Mayor~~. If the ~~time~~ period is greater than ~~a thirty (30) day period said days,~~ compensation for such period will be equal to a per diem rate based on the Mayor's salary. ~~Said compensation~~ Compensation for the Acting Mayor, as determined above, will begin on the first day the Acting Mayor assumes the duties of the role, and end on the day ~~when before~~ the Mayor returns to duty.

A motion to delete the phrase "if any" was made, seconded, and failed by a vote of 5-5-0 (Comms. Lombardo, Halpern, Lane, McMullen, and Michelson in favor; Comms. Larobina, Bilicznianski, Camporeale, Loeb, and Williams opposed).

Attorney Mednick noted the proposed change to Sec. C3-10-14 as shown below:

##### **Sec. C3-10-14. (Reserved) Mayor's Role in Intergovernmental Relations**

The Mayor, on behalf of and in the name of the City, shall act as the principal representative of the City in intergovernmental relations and affairs with the federal and state governments, other municipalities and regional agencies. During the state legislative session and any special sessions, the Mayor shall immediately report to the Board of Finance and Board of Representatives, all legislative items and proposals, including but not limited to those which may impact the governance or financial well-being of the City, whether introduced by the City or otherwise. On matters introduced by the City the notice shall be, at least, simultaneously with submission or in accordance with the provisions of Ordinance.



A motion to approve the amendments to Part 3 of the Charter was made, seconded, and approved by a vote of 9-0-1 (Comms. Lombardo, Larobina, Camporeale, Halpern, Lane, Loeb, McMullen, Michelson and Williams in favor; Comm. Bilicznianski abstaining).

## **PARTS 4 & 5**

### **PART 4. OTHER ELECTIVE OFFICERS**

### **PART 5. CITY DEPARTMENTS**

Commission members discussed that there are no recent proposed changes to Parts 4 and 5.

A motion to approve Parts 4 and 5 of the Charter with the substitution of City Engineer for Municipal Engineer throughout the Charter, was made, seconded, and approved by a vote of 10-0-0 (Comms. Lombardo, Larobina, Bilicznianski, Camporeale, Halpern, Lane, Loeb, McMullen, Michelson, and Williams in favor).

## **PARTS 6 & 7**

### **PART 6. BOARDS AND COMMISSIONS**

#### **DIVISION 1. GENERAL PROVISIONS**

Commissioners discussed the recent proposed changes to Part 6 in Sec C6-00-3.

#### **Sec. C6-00-3. Appointment and Removal.**

(a) **Nominations by the Mayor.** The Mayor shall submit to the Board of Representatives, nominations of members to each appointive Board or Commission to fill each vacancy where a term of office has expired or in the event of a vacancy. As used herein, the term "Boards or Commissions" may include, but are not limited to, other similar appointive positions or "panel of alternates" as may be provided elsewhere in this Charter or defined by Ordinance. Unless otherwise set forth in this Charter the approval of a nomination shall be by a majority vote of the Board of ~~Representative~~Representatives.

(1) **Role of the Town and City Clerk: Notice.** The Town and City Clerk shall be responsible for maintaining the official records pertaining to the membership on Boards and Commissions. With respect to vacancies and the expiration of terms, the Clerk shall notify the Mayor and the President, Majority and Minority Leaders of the Board of Representatives ~~at~~in accordance with the following time-line:

(i) **End of term. At** least sixty (60) ~~days~~Days prior to the end of the term of any member of an appointive Board or Commission; or, ~~within~~

(ii) **Other Vacancies. Within** forty-eight (48) hours of the creation of a vacancy on a Board or Commission for any other reason ("City Clerk's Notice").

(4)(2) **Commencement of Mayoral Appointment Period.** The time-~~line~~ for submission by the Mayor shall commence with the City Clerk's Notice.

(2)(3) **Submission of Nomination.: One Hundred and Twenty (120) Calendar Day Timeline.** The Mayor's nomination(s) for a member of a Board or Commission shall be submitted to the Board of Representatives, ~~as follows:~~ within one hundred and twenty (120) Days following City Clerk's Notice ("Timeline") or as set forth in Sec. C6-00-3(a)(4), below.

~~(i) Within one hundred (100) days of the effective date of the Charter; or, (ii) In the event a Mayoral nomination is rejected by the Board of Representatives the Mayor shall submit a nomination to the Board of Representatives within thirty (30) days of such rejection, whether the nominee is a resubmittal or new nominee and may continue to do so within the one hundred and twenty (120) days permitted under this section.~~

**(4) Transition Provision.** Within thirty (30) days from the effective date of the revisions to this section provisions of the Charter; or, thereafter, following the election of a Mayor, the Mayor shall submit nominations for all vacant and hold-over positions on the Boards and Commission at the time. In the event the Mayor fails to submit a nomination within thirty (30) days the authority shall default to the procedures set forth in Sec. C6-00-3(a)(3) and (4), as the case may be. Commissions at the time of election.

Notwithstanding the foregoing, the Mayor may not submit the same name more than two times for the Board or Commission for which the nominee was rejected, taking into account the original submission.

**(i) Failure of the Mayor to Submit a Nomination: Notice of the City Clerk.** The City Clerk shall notify the Mayor or Mayor-elect with forty-eight (48) hours following the certification of the election results. In the event the Mayor fails to submit a nomination on or before the close of business on January 15<sup>th</sup>, the sole appointing authority of the Mayor shall shift to the procedures set forth in Sec. C6-00-3(a)(5) ("January 15<sup>th</sup> Timeline").

**(ii) Extension of January 15<sup>th</sup> Timeline.** The January 15<sup>th</sup> Timeline may be extended through and including April 15<sup>th</sup> of the same year, by Ordinance.

**(5) Subsequent Submissions within the Timeline or January 15<sup>th</sup> Timeline.** In the event a Mayoral nomination is rejected by the Board of Representatives the Mayor shall continue to submit a nomination to the Board of Representatives so long as the Timeline has not expired. The Mayor may resubmit a rejected nominee (one more time following rejection) or a new nominee and the Board of Representatives shall be required to deliberate on a submission so long as the nominee is submitted prior to the last day of the Timeline, as may be certified by the City Clerk.

**(6) Concurrent Appointment Authority Defaults to the of Mayor and President of the Board of Representatives.** In the event the Mayor shall fail/fails to submit a nomination to the Board of Representatives within the time allotted in Sec. C6-00-3(a)(23) and (4), above; or, a position remains vacant the appointment authority shall, thereafter, concurrently vest in both the Mayor and President of the Board of Representatives for a period of one hundred and twenty (120) days from the Calendar Days thereafter, as shall be certified by the Town and City Clerk's Notice under Clerk ("Concurrent Authority Timeline").

**(7) Concurrent Appointment Procedures.** In accordance with Sec. C6-00-3(a)(1) ("default by 6), the Mayor", and President of the Board of Representatives shall each be entitled to submit a nominee for each vacant or holdover positions on any Board or Commission, as the case may be, to the first regular meeting of the Board of Representatives following the commencement of such authority as certified by the Town and City Clerk. The nomination or nominations shall proceed in accordance with the



rules of the Board of Representatives, whether or not both appointing authorities submit names.

**(8) Subsequent Submissions within the Joint Authority Timeline.** In the event the candidate or candidates submitted by the Mayor or the President are rejected by the Board of Representatives the Mayor and the President shall continue to submit nomination(s) to the Board of Representatives so long as the Concurrent Authority Timeline has not expired. The Mayor and President may resubmit a rejected nominee (one more time following rejection) or new nominee and the Board of Representatives shall be required to deliberate on a submission so long as nominee is submitted prior to the last day of the Concurrent Authority Timeline, as may be certified by the Town and City Clerk

**(3)(9) Appointment Authority Shifts to Members of the Board of Representatives: Plurality Standard.** In the event the Mayor and President of the Board of Representatives both fail to submit a nominee to the Board of Representatives or the Board of Representatives fails to approve such nomination(s) within the Concurrent Authority Timeline; then, during the one hundred and twenty (120) day-period following default by the Mayor, the President each member of the Board of Representatives shall be required entitled to may nominate and the Board of Representatives shall act upon the President's nomination of a a successor to fill the position. In the event the Board rejects the nomination of the President, the President may submit another nominee within thirty (30) days of such rejection. appointee for concurrent consideration of such nominees at the next Regular Meeting of the Board following the conclusion of the Concurrent Authority Timeline (as certified by the Town and City Clerk), subject to approval by a majority vote of the Board of Representatives, until such time as a nominee is approved.

**(1) (4) Failure of the President to Submit a Nomination. Appointment Authority Defaults to the Mayor, President, Majority and Minority Leaders of the Board of Representatives.** In the event the President shall fail to submit a nomination to the Board of Representatives within one hundred twenty (120) days following the default of the Mayor as set forth in sub-section (3), above; then, each of the Mayor and the President, Majority Leader and Minority may nominate successor appointees for concurrent consideration of such nominees and approval by the vote of a plurality of the members of the Board of Representatives, until such time as a nominee is approved.

**(5)(10) Failure of the Board of Representatives to Act: Deemed Approved.** In the event a nominee to any such Board or Commission shall not have been approved or rejected by the Board of Representatives for a period of sixty (60) days from the date of submission by the Mayor or any other appointing authority, then such nomination shall thereupon become effective, having been deemed to have been approved by the Board of Representatives through its inaction.

**(6)(11) Term for Which Appointee Shall Serve.** Any nominee who shall be appointed to fill any vacancy or expired term hereunder shall only serve for the balance of the term that was either vacated or not filled in a timely manner.

Attorney Mednick explained how the transition provision would work:

- Within 48 hours of the certification of election results for a newly elected or current Mayor, the Town Clerk would notify the Mayor of holdovers who would have until January 15<sup>th</sup> to submit replacement names
- The Town Clerk must give notice of the expiration of any term 60 days prior to the expiration of the term of any member of an appointive board or commission

- As to standard appointments, the notice to whoever is Mayor would be the 60 day notice prior to the end of the term. This would apply to a newly elected mayor. If the new mayor read the charter, the new mayor would know that there was a notice provided by the clerk which that Mayor will be held accountable for.

A motion to amend Sec. C6-00-3(a)(4) to change January 15<sup>th</sup> to February 15<sup>th</sup> and to delete the provision for an extension until April 15<sup>th</sup> by ordinance in Sec. C6-00-3(a)(4)(ii) was made, seconded, and approved by a vote of 10-0-0 (Comms. Lombardo, Larobina, Bilicznianski, Camporeale, Halpern, Lane, Loeb, McMullen, Michelson and Williams in favor).

It was noted that there is a scrivener's error in C6-00-3. The word "this" should be "these".

Attorney Mednick further explained C6-00-3(a) regarding concurrent appointments:

- In the event the Mayor's 120 days lapses or the February 15<sup>th</sup> deadline passes, there is the concurrent appointment authority by the Mayor and the President of the Board of Representatives for 120 days under C6-00-3(a)(6).
- If positions are not filled within the 120 days under C6-00-3(a)(6), each member of the Board of Representatives may nominate someone to fill the position (It was noted that the language needs to be cleaned up) under C6-00-3(a)(9)

Commission members expressed concern regarding the ability of any member to nominate someone creating chaos. In the prior version the Mayor would retain her authority; this version should be put back.

A motion to approve Sec C6-00-3 as amended above with the following amendments: to make the provisions regarding the Town Clerk a new subsection A and move the nominations by the Mayor to subsection B; to clarify the Mayor's Timeline as the Initial Timeline; and to allow the Mayor to retain her appointment authority when members of the Board may make nominations; and to clarify the Mayor's Timeline as the Initial Timeline was made, seconded, and approved by a vote of 7-2-1 (Comms. Lombardo, Larobina, Camporeale, Lane, Loeb, McMullen, and Williams in favor; Comms. Halpern and Michelson opposed; and Comm. Bilicznianski abstaining).

### **DIVISION 3. BOARDS AND COMMISSIONS WITH STATUTORY SIGNIFICANCE**

#### **DIVISION 4. OTHER BOARDS AND COMMISSIONS**

Attorney Mednick noted the following proposed Sections in Part 6 removed or modified due to Public Act 23-205: C6-00-001 through 005; C6-30-6(b); C6-30-7(a); C6-30-8(a); C6-30-9; C6-30-12; C6-30-13; C6-30-15; C6-30-16; C6-30-19; C6-30-20; C6-40-2 through C6-40-16; C6-40-19; C6-120-3.

Attorney Mednick noted that the Social Service Commission as noted in Sec. C6-190-2 will also have fair rent powers and that power will be removed from the Housing Commission in C6-220-3.

### **PART 7. PENSIONS**

Commission members discussed that there are no recent proposed changes to Part 7.

A motion to approve Parts 6 and 7 of the Charter with the amendments noted above was made, seconded, and approved by a vote of 7-1-2 (Comms. Lombardo, Larobina, Halpern, Lane, Loeb, Michelson, and Williams in favor; Comm. Camporeale opposed; Comm. Bilicznianski and McMullen abstaining).

## **PART 8**

The Commission reviewed the most recent proposed changes to Part 8 of the Charter, including reinstating the cap on the Rainy Day Fund in subsection C8-20-9(b), and eliminating the public hearing requirement for any amendments to the capital projects budget in C8-30-10(b)(4).

### **PART 8. BUDGETARY PROCEDURES**

#### **DIVISION 2. OPERATING AND CAPITAL BUDGET ESTIMATES**

##### **Sec. C8-20-9. Contingency Appropriation and Operating Reserve or "Rainy Day" Fund.**

(a) **Defined; Limitations.** The Mayor's proposed operating budget may include an appropriation the purpose of which is to fund unanticipated or unforeseeable during the fiscal year. No portion of this appropriation may be used to fund additional operating expenses of a recurring nature, although it may be used to fund unanticipated incremental increases of ordinary operating expenses.

(b) **Transfer of Prior Fiscal Year Budget Surplus.** The Mayor may direct, on or before the fifteenth (15<sup>th</sup>) day of October, subject to the approval of the Board of Finance and Board of Representatives, that any portion of any budget surplus from the prior fiscal year, as evidenced by the audited financial statements for such prior year approved by the Board of Finance, be transferred to an Operating Reserve or "Rainy Day" Fund. In no event shall the Mayor transfer monies to the Fund that would cause the balance of the Fund to exceed five (5%) percent of the total amount of general fund expenditures in the prior fiscal year. Any portion of the Fund may be withdrawn at any time and used for any lawful purpose upon the special request of the Mayor. Approval of such request shall require (i) the affirmative vote of four (4) members of the Board of Finance and (ii) the affirmative vote of two-thirds (2/3<sup>rds</sup>) of those present at a meeting of the Board of Representatives which two-thirds (2/3<sup>rds</sup>) shall not be less than a majority of the entire membership.

#### **DIVISION 3. THE BUDGET**

##### **Sec. C8-30-10. Restrictions on Capital Project Authorizations at Other Times.**

(a) **Authorized Obligations Defined.** No obligations of the City shall be authorized for any capital project not included in the capital projects budget as finally recommended by the Mayor, except as otherwise set forth in Sec. C8-30-10(b), below.

(b) **Amendment of the Capital Projects Budget.** Following the adoption of a Capital Budget, upon the request of the Mayor, the Board of Finance may amend the capital projects budget to increase the amount appropriated or the number of obligations which may be authorized for any project previously authorized if such increase is, in the opinion of the Board of Finance, necessary for the completion of the project, or to add new capital projects.

(1) **Predicate to Approval by the Board of Finance: Advisory Opinion of the Planning Board.** Prior to any such action by the Board of Finance, an advisory opinion of the Planning Board shall be obtained.

(2) **Adoption of Amendment by the Board of Finance; Approval Requirement: Submission to the Board of Representatives.** When the Board of Finance adopts an amendment adding a project to the capital projects budget, or increasing the expenditures or the obligations which may be authorized on account of any project, such amendment shall be submitted to the Board of Representatives. Approval for a project amendment increasing the capital projects budget shall require the affirmative vote of four (4) members of the Board of Finance.

(3) **Action by the Board of Representatives; Approval Standard: Filing with the Office of the Town and City Clerk.** If the Board of Representatives adopts the amendment, the capital projects budget shall be deemed amended accordingly. Not later than five (5) days after such adoption, the amendment to the capital projects budget shall be filed in the Office of the Town and City Clerk and public notice thereof shall be given. Approval for a project amendment increasing the capital projects budget shall require a two-thirds ((2/3<sup>rd</sup>s)) vote of those present at the Meeting, which two-thirds (2/3<sup>rd</sup>s) shall not be less than a majority vote of the entire membership of the Board of Representatives.

~~(4) **Required Joint Public Hearings.** The Board of Finance and the Board of Representatives shall conduct joint Public Hearing upon receipt of any proposed amendment to the capital projects budget and a final Public Hearing not later than five (5) days prior to any final votes on the program. Each of the Boards may conduct additional Public Hearings in their discretion.~~

A motion to approve Part 8 of the Charter was made, seconded, and approved by a vote of 7-3-0 (Comms. Lombardo, Bilicznianski, Camporeale, Halpern, Loeb, McMullen, and Williams in favor; Comms. Larobina, Lane and Michelson opposed).

## **PART 9**

The Commission reviewed the most recent proposed changes to Part 9 of the Charter, the transitional provisions to be restored in the event there are legislative or judicial changes that permit the Charter to have been adopted in this way. Included in this the provision are definitions of Owner, Landowner, and Zone; making the Town Clerk the party responsible for providing names and addresses of owners within 500 feet of amendments to the Master Plan, Zoning Map or Zoning Regulations and for determining the validity of petitions

### **PART 9. MISCELLANEOUS PROCEDURES DIVISION 4. TRANSITION PROVISIONS**

Sec. C9-40-1. ~~(Reserved) Transitional Provisions regarding Petitions under Division 3 of Part 6 of the Charter.~~

~~(a) **Transitional Provisions.** In the event of the repeal, amendment or final judicial determination of the invalidity of subsection (1) of Section 158 of Public Act 23-205, or that the proposed changes are otherwise determined to be legally permissible, the following revisions to the Charter shall become effective:~~

~~(1) **Subdivision A shall be added to Division 3 of Part 6 of the Charter as follows:**~~

#### ~~**DIVISION 3. BOARDS AND COMMISSIONS WITH STATUTORY SIGNIFICANCE SUBDIVISION A. DEFINITIONS; PROVISIONS APPLICABLE TO PETITIONS**~~

~~**Sec. C6-30-001. Definition .**~~

~~(a) **Whenever used in this Division 3:**~~

~~(1) **“Owner” and “Landowner” shall mean, as applied to a building or land, includes any part owner, joint owner in survivorship, tenant in common or joint tenant of**~~

the whole or of a part of such building or land, which shall include ownership in whole or in part of a unit in a common interest community or condominium, all as it appears on the Land Records of the City.

(2) “Zone” shall mean a specific contiguous geographic area bearing the same Zoning Map designation notwithstanding the fact that other properties located within the City may have the same Zoning Map designation.

#### **Sec. C6-30-002. Petition Filing Requirements .**

The provisions of this subsection shall apply to all petitions circulated and filed pursuant to Secs. C6-30-7, C6-30-8, C6-40-2, C6-40-5, C6-40-6 and C6-40-9 of this Charter.

(a) Petitions may be signed by a duly authorized representative, officer or agent of any entity owning such building or land. In the event the land is owned in trust, a petition may be signed by the trustee(s) authorized to act on behalf of the trust.

(b) Petition signatures shall be accompanied by the printed name and address of any signatory thereof and the date such signature was added to the petition.

(c) The Town and City Clerk shall provide, at any time upon request, the names and addresses of all owners of privately-owned property within the area included in the proposed amendment to the Master Plan, the Zoning Map or Zoning Regulations and the privately-owned land located within five hundred (500) feet of the borders of any such area.

(d) Such petitions shall be filed simultaneously with the original to the Town and City Clerk and a copy filed with the Planning Board or Zoning Board, as applicable, and the signatures shall be verified by the Town and City Clerk. In the event the Town and City Clerk determines that the petition does not contain sufficient signatures or is otherwise invalid, the Town and City Clerk shall contemporaneously provide a written explanation of any deficiencies to the person(s) submitting such petition and shall post the same on the City website.

(e) Such petitions shall be verified within ten (10) days of filing.

(2) Sections C6-30-7, C6-30-8, C6-40-2, C6-40-5, C6-40-6 and C6-40-9 of the Charter are each hereby amended to provide (1) that any references therein to “owners” shall be modified to refer to “Owners”, (2) that any references therein to “landowners” shall be modified to refer to “Landowners”, (3) that any references therein to “zone” shall be modified to refer to “Zone”, and (4) that any petition under any of the foregoing sections shall be filed in accordance with the provisions of Sec. C6-30-002 .

(b) Severability and Invalidity. If any provision of this section of the Charter shall be adjudged by any court of competent jurisdiction to be invalid or in excess of or contrary to the powers granted to the City under any Public or Special Act or amendment thereto, such judgment shall not invalidate or otherwise affect any of the remaining provisions hereof or any

other section of the Charter and such determination of invalidity shall be as narrowly construed as possible to effectuate the purposes of this section.

Commissioners discussed the definition of Zone.

A motion to approve Part 9, Division 4 of the Charter was made, seconded, and approved by a vote of 8-1-1 (Comms. Lombardo, Larobina, Camporeale, Halpern, Lane, Loeb, Michelson, and Williams in favor; Comm. McMullen opposed; Comm. Bilicznianski abstaining).

## **FINAL REPORT**

A motion to approve the Final Report was made, seconded, and approved by a vote of 10-0-0 (Comms. Lombardo, Larobina, Bilicznianski, Camporeale, Halpern, Lane, Loeb, McMullen, Michelson, and Williams in favor; Comm. opposed; Comm. abstaining).

Chair Lombardo adjourned the meeting at 11:04 a.m.

Respectfully submitted,  
Thomas Lombardo, Chair

*This meeting is on [video](#).*