

AUGUST 5, 2022 DATE-STAMPED COVER PAGE OF  
CHARTER REVISION COMMISSION FINAL REPORT  
APPROVED ON AUGUST 1, 2022

# CHARTER

OF THE

# TOWN OF FAIRFIELD

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TOWN CLERK'S OFFICE  
FAIRFIELD, CT

## Final Report of the Charter Revision Commission Approved: 1 August 2022<sup>1 2</sup>

### Transmittal to Town Clerk and Board of Selectpersons: 5 August 2022

**Bryan Cafferelli**  
Chair

**Christopher Brogan**  
Vice Chair

**Marlene Battista**  
Secretary

**Jay Gross**

**Hon. Pamela Iacono**

**Hon. John Mitola**

**John Wynne**

**James T. Baldwin**  
Town Attorney

**Steven G. Mednick**  
Counsel

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<sup>1</sup> **Please Note:** This document *remains a draft and will continue to undergo due diligence reviews throughout the entirety of this process*. We will continue to clarify and align provisions for the duration. This draft is based upon the 11 January 2022 Reorganizational Baseline. This document remains a work in progress and will be reviewed and refined as the CRC and Board of Selectpersons progresses through the process. Please excuse any errors or inaccuracies. Internal references will continue to be addressed and aligned at the final stage in this process.

<sup>2</sup> **Further Note re – July 4<sup>th</sup> Red-Line:** This July 4<sup>th</sup> redline edition was prepared on an Article-by-Article basis and, where necessary, on a paragraph-by-paragraph basis. This is due to the fact that the proposed revised Charter has been consolidated and various provisions have been moved and consolidated. Please continue to review this document thoroughly and provide input on any errors or inconsistencies that remain.

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# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE I - INCORPORATION, GENERAL POWERS, CONSTRUCTION, ORGANIZATION AND STANDARDS<sup>3</sup>

### §1.1. Title<sup>4</sup>.

The Charter of the Town of Fairfield (the “Town”) shall be the organic Law of the Town in the administration of its local affairs.

### §1.2. Incorporation and powers<sup>5</sup>.

All the inhabitants dwelling within the Town, as previously constituted, shall continue to be a body politic and corporate under the name of the Town and shall have all powers and privileges and immunities previously exercised by the Town and not inconsistent with this Charter, the additional powers and privileges conferred in this Charter, and all powers and privileges conferred upon towns under the General Statutes of the State of Connecticut as the same may be amended<sup>6</sup>.

### §1.3. Rights and obligations<sup>7</sup>.

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or inchoate in the Town as of the date when this Charter shall take effect are continued in the Town, and the Town shall continue to be liable

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<sup>3</sup> [HISTORY: Adopted by ballot of the Town of Fairfield 11-7-2006, effective 11-27- 2006 (“2006 Charter”)<sup>3</sup>. Amendments noted where applicable.] Editor’s Note: This enactment supersedes the former Charter adopted by the Representative Town Meeting 11-4-1997, effective 11-24-1997. **Comment from the 2022 Charter Revision Commission:** The annotations set forth herein are not definitive or comprehensive. The effort is a first step in the process of recreating the historical antecedents to the current provisions of the Charter as well as showing the continued impact, if any, of Special Act provision adopted prior to the adoption of the Home Rule Act and Article Tenth of the 1965 Constitution of the State of Connecticut.

**NOTE:** When the term “edit” is used in these annotations it means a minor grammatical change or conformity revision. When the term “modification” is used, it means a more substantive change, which may be described in the footnote. Where not described, we recommend a careful review of the current and previous charter in order to ascertain the difference.

<sup>4</sup> NEW (2022).

<sup>5</sup> 2022 recodification and minor edits of previous Article I, §1.1. Derived from Chapter I, §1 of “An Act Concerning a Charter for the Town of Fairfield” (1947) (“1947 Act”). Chapter XXIII of the 1947 Act and 1956 Acts included a Town Court; which was amended by §3 of Special Act No. 382 of the Special Act of 1949: (“1949 Act”); further amended by §21 of “An Act Amending the Charter of the Town of Fairfield” (1951) (“1951 Act”); Chapter I, §1 of “An Act Concerning a Charter for the Town of Fairfield” (1956) (“1956 Act”); Chapter I, §1 of the Charter of Town of Fairfield (1975) (“1975 Charter”); and, Article I, §1.1 of the Charter of the Town of Fairfield (1997)(“1997 Charter”).

<sup>6</sup> Derived from Chapter I, §3 of the 1947 Special Act. Further amended by §§1 and 2 of the 1951 Act.

<sup>7</sup> 2022 recodification of previous Article I, §1.2. Derived from Chapter I, §2 and 3 of the 1947 Act; reenacted by Chapter I, §2 and 3 of the 1956 Act; Chapter I, §2 and 3 of the 1975 Charter; and modified by Article I §1.2 of the 1997 Charter. Chapter I, §4 of the 1947 and 1956 Acts and 1975 Charter included contained a provision vesting the ‘legislative power of the Town’ in the Representative Town Meeting; said provision as well as the “corporate powers” provision in Chapter I, 3 of the 1947 and 1956 Acts and 1975 Charter were abandoned by the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

for all debts and obligations of every kind for which the Town shall be liable on the effective date, whether accrued or not. Nothing shall be construed to affect the right of the Town to collect any assessment, charge, debt, or lien for the construction, alteration, or repair of any public improvement.

## §1.4. Definitions.

**A. Definitions and Titles Generally<sup>8</sup>.** The definitions contained in the General Statutes of the State of Connecticut shall govern the interpretation of this Charter; unless otherwise defined herein. Articles and Section Titles are for the purpose of ready reference and shall not be held to limit, extend or effect the interpretation and meaning of the text.

**B. Capitalized terms<sup>9</sup>.** The following rule has been used in determining which terms in this Charter are capitalized: All references to particular Town officials, as defined, below, and to particular Town Boards and Commissions are capitalized, while general references are not. For example: The Board of Education shall have the powers and duties conferred on boards of education by the General Statutes.

**C. Defined terms<sup>10</sup>.** The following terms shall have the meanings set forth in this paragraph unless otherwise specified in this Charter:

**(1)** “Appointed Town Officer<sup>11</sup>” means an employee who heads any Department in the Town, whether established by Charter or the Town Code; has the authority and qualifications set forth in §6.1 through §6.2; and, is directly accountable to the First Selectperson, unless otherwise set forth in this Charter.

**(2)** “Board” or “Commission<sup>12</sup>”. For the purposes of this Charter and except as otherwise provided by Law, the terms “Board” and “Commission” mean all boards, agencies, commissions, authorities or like entities or bodies of the Town, whether elected or appointed. This term does not include advisory committees, tasks forces or other like entities created for limited duration, purposes or scope pursuant to §4.2.B(4)(c).

**(3)** “Board of Selectpersons<sup>13</sup>” means the executive authority of the Town as defined in Article IV.

**(4)** “Charter<sup>14</sup>” means the Charter of the Town of Fairfield.

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<sup>8</sup> NEW (2022)

<sup>9</sup> 2022 recodification and minor edits of previous Article I, §1.3.A. Derived from Article I, §1.3.A of the 1997 Charter.

<sup>10</sup> 2022 recodification of previous Article I, §1.3.B. Derived from Article I, §1.3.B of the 1997 Charter

<sup>11</sup> NEW (2022). This is a definition is derived from common usage in the previous Charter, although not defined. See generally, Articles VI and VII.

<sup>12</sup> NEW (2022).

<sup>13</sup> NEW (2022)

<sup>14</sup> NEW (2022). **Comment of the 2022 Charter Revision Commission:** All internal section or provision references herein are to sections or provisions of this Charter; unless otherwise specifically set forth.

# CHARTER OF THE TOWN OF FAIRFIELD

(5) "Contract<sup>15</sup>" means all contractual relations of the Town, including, without limitation, purchase contracts, lease contracts, and service contracts, including but not limited to, agreements, memoranda of understanding, memoranda or agreement, letters of understanding, side letters and other agreements.

(6) "Day(s)<sup>16</sup>" means calendar days; unless, otherwise specifically set forth in this Charter. Moreover, where a Day set forth in this Charter falls on a weekend, holiday or day when the Town is closed for business, the deadline shall be extended through the close of the next Town business day; unless otherwise required by law

(7) "Department<sup>17</sup>" means any major functional or administrative division of the Town, including any offices, agencies, bureaus or other descriptions serving such purpose as may be set forth in the budget of the Town. When used within the section establishing or describing the duties of the particular department or its related Board or Commission, the term "Department" shall apply exclusively to the functional division referred to in that section.

(8) "Elected Town Officials<sup>18</sup>" means an individual who holds an elected municipal office as set forth in §2.3.A, and as further set forth in this Charter.

(9) "Elector<sup>19</sup>" shall have the meaning contained in the General Statutes. When used in this Charter this term would be synonymous with the term "Elector of the Town.".\

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<sup>15</sup> 2022 recodification and significant modification of the definition of "contracts that was in previous Article VI, §6.1.C(1) (2006)(third sentence).

<sup>16</sup> NEW (2022).

<sup>17</sup> NEW (2022).

<sup>18</sup> NEW (2022). **Comment of the 2022 Charter Revision Commission.** This is a definition derived from common usage in the previous Charter, although not defined. See, prior version of the Charter §2.1.B, §2.3.A, §2.3.D and §2.4.

<sup>19</sup> NEW (2022). A common term used throughout the previous Charter. **Comment of the 2022 Charter Revision Commission.** C.G.S. §9-1. Definitions. (e) "Elector" means any person possessing the qualifications prescribed by the Constitution and duly admitted to, and entitled to exercise, the privileges of an elector in a town". C.G.S. §9-12. Who may be admitted. (a) Each citizen of the United States who has attained the age of eighteen years, and who is a bona fide resident of the town to which the citizen applies for admission as an elector shall, on approval by the registrars of voters or town clerk of the town of residence of such citizen, as prescribed by law, be an elector, except as provided in subsection (b) of this section. For purposes of this section a person shall be deemed to have attained the age of eighteen years on the day of the person's eighteenth birthday and a person shall be deemed to be a bona fide resident of the town to which the citizen applies for admission as an elector if such person's dwelling unit is located within the geographic boundaries of such town. No mentally incompetent person shall be admitted as an elector. (b) Any citizen who will have attained the age of eighteen years on or before the day of a regular election may apply for admission as an elector. If such citizen is found to be qualified the citizen shall become an elector on the day of the citizen's eighteenth birthday. The registrars shall add the name of any person applying under this subsection, if found qualified, to the registry list and, if applicable, to the enrollment list, together with the effective date of his registration. The registrars may place the name of each such person at the end of the registry and enrollment lists for the voting district.

# CHARTER OF THE TOWN OF FAIRFIELD

(10) “First Selectperson<sup>20</sup>” means the chief executive officer of the municipality, as required by the General Statutes and as set forth in this Charter.

(11) “General Statutes” or C.G.S.<sup>21</sup> means the official General Statutes of Connecticut under arrangement of the 1958 Revision as amended and updated, from time to time. Where chapter references are made, they are to chapter designations as of January 1, 2006. In the event a chapter designation is changed by the publishers of the General Statutes, the new chapter references shall be substituted for the chapter references contained in this Charter.

(12) “Law<sup>22</sup>” means, although is not limited to, decisions of courts and administrative bodies (or any agreements sanctioned by said bodies), federal or state legislative enactments, Ordinances and Regulations, including all applicable rules contained therein.

(13) “Majority Vote of the RTM<sup>23</sup>” means more than half of the votes have been cast by the members at a meeting of the RTM at which a quorum is present.

(14) “Meeting<sup>24</sup>” shall have the meaning set forth in C.G.S. §1-200(2), including meetings by means of electronic equipment, as may be amended from time to time.

(15) “Meeting (or Hearing) Notice<sup>25</sup>” means a notice posted by the Town Clerk as required by the General Statutes, including posting of regular meetings with the Office of the Secretary of the State (if required) and the Town Clerk, as well the requirement pertaining to special and emergency meetings as well as public hearings, in the same manner as set forth in §1.4.C(17), and as may be established by Ordinance or written rules of the RTM or any Board or Commission insofar as such notice requirements are in accordance with the General Statutes. In addition to the above-referenced postings, the Town Clerk may post notices on its web-site or notify Elected Town Officials, members of the RTM or members of Boards and Commissions through other electronic media and, if otherwise required by Law, said notice shall be published in a daily newspaper of general circulation distributed in the Town. A Meeting Notice (including public hearings) shall state the time and place thereof and shall be published at a minimum in compliance with the General Statutes or by a more stringent requirement as may be set forth in this Charter. Meeting or

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<sup>20</sup> NEW (2022). A commonly used title in the previous Charter. A provision required by C.G.S. § 7-193(a)(2)(C).

<sup>21</sup> 2022 recodification and edit of previous Article I, §1.3.B (the fourth definition). Derived from Article I, §1.3.B of the 1997 Charter

<sup>22</sup> NEW (2022).

<sup>23</sup> NEW (2022).

<sup>24</sup> NEW (2022)

<sup>25</sup> NEW (2022). **Comment of the 2022 Charter Revision Commission:** The 2022 Charter revision deletes previous Article IV, §4.3.D (2006). Modification of Chapter III, §2 (third sentence) and §4 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.3.D of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** The previous provision in Article IV referenced the Freedom of Information Act, while the new language references the General Statutes.

# CHARTER OF THE TOWN OF FAIRFIELD

Hearing Notice may also be governed by regulatory practices and procedures set forth in the General Statutes.

**(16)** “Ordinances” or “Ordinances of the Town” or “Town Code<sup>26</sup>” means the legislative powers of the Town 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.

**(17)** “Public Notice” or “Publication<sup>27</sup>” means a notice for matters other than public meetings or hearings, including the public inspection or availability of any documents or data, as may be required by this Charter. Said Public Notice shall be specifically set forth in this Charter or may be governed by the requirements of the General Statutes. Public Notice shall be posted by the Town Clerk (1) in the Office of the Town Clerk and other public space or location in the Town Hall designated by the Town Clerk in order to assure sufficient disclosure to and access by the public or other public places as may be determined by the Town Clerk; (2) on the Town website or through other electronic media by the Town Clerk; and, (3) if otherwise required by Law, by publication in a daily newspaper of general circulation distributed in the Town. Unless otherwise required by Law, newspaper publication is in the discretion of the Town Clerk or the body providing the Public Notice.

**(18)** “Regulation<sup>28</sup>” means a statement of general applicability approved by a Department or Board or Commission, without regard to its designation, that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any such Department, Board or Commission or the Laws under which they operate.

**(19)** “Representative Town Meeting” or “RTM<sup>29</sup>” means the legislative body of the Town, as required by the General Statutes and as specifically set forth in Article III.

**(20)** “Special Acts” or “Special Laws<sup>30</sup>” means the acts of the General Assembly pertinent to the Town.

**(21)** “State” or “Connecticut<sup>31</sup>” means the State of Connecticut.

**(22)** “State Constitution<sup>32</sup>” means the Constitution of the State of

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<sup>26</sup> NEW (2022). A commonly used title in the previous Charter.

<sup>27</sup> NEW (2022)

<sup>28</sup> NEW (2022). Derived from C.G.S. §4-166(16).

<sup>29</sup> NEW (2022). A commonly used title from the previous Charter and required by C.G.S. §7-193(a)(1)(C).

<sup>30</sup> NEW (2022). A commonly used title from the previous Charter.

<sup>31</sup> NEW (2022). A commonly used title from the previous Charter.

<sup>32</sup> NEW (2022). A commonly used title from the previous Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

Connecticut.

(23) "Town<sup>33</sup>" means the Town of Fairfield.

(24) "Town Office<sup>34</sup>" means any position in Town government which is described by this Charter or the Town Code except membership on the Representative Town Meeting.

(25) "Town Officer<sup>35</sup>" means an individual elected or appointed to a Town Office, including any Appointed Town Officer whether established by this Charter or the Town Code, other than as a member of a Board or Commission.

(26) "Town Official<sup>36</sup>" means any Town Officer and Board or Commission or the individual members thereof, including any Appointed Town Officer whether established by this Charter or the Town Code.

(27) Where reference is made to the word "shall" the legislative intention is to make the function a mandatory or imperative obligation for the official or entity charged with an obligation under this Charter or under the Town Code. It is recommended that to avoid any doubt the word "must" should be used in order to impose clarity on the concept of obligation<sup>37</sup>.

## §1.5. Standards of Conduct<sup>38</sup>.

**A. Declaration of Policy<sup>39</sup>.** Town Officials, RTM members and all employees of the Town shall demonstrate by their example the highest standards of ethical conduct, to the end that the public may justifiably have trust and confidence in the integrity of government. As agents of public purpose, they shall hold their offices or positions for the benefit of the public, shall recognize that the public interest is their primary concern, and shall faithfully discharge the duties of their offices regardless of personal considerations.

**B. Conflict of Interest<sup>40</sup>.** No Town Official, RTM member or any employee

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<sup>33</sup> NEW (2022). A commonly used title from the previous Charter.

<sup>34</sup> 2022 recodification of previous Article I, §1.3.B (first definition). Derived from Article I, §1.3.B of the 1997 Charter

<sup>35</sup> 2022 recodification and edits of previous Article I, §1.3.B (second definition). Derived from Article I, §1.3.B of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** We included the term "Town Code" in the edits to make it clear that these definitions apply to the body of law of the Town.

<sup>36</sup> 2022 recodification and modification of previous Article I, §1.3.B (third definition). Derived from Article I, §1.3.B of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** We included the term "Town Code" in the edits to make it clear that these definitions apply to the body of law of the Town.

<sup>37</sup> NEW (2022)

<sup>38</sup> 2022 recodification of previous Article XI entitled "Standards of Conduct.

<sup>39</sup> 2022 recodification and edit of previous Article XI, §11.1 (2006). Derived from Article XI, §11.1 of the 1997 Charter,

<sup>40</sup> 2022 recodification and edit of previous Article XI, §11.2 (2006). Derived from Chapter XXV of the 1975 Charter; and, Article XI, §11.2 of the 1997 Charter,

# CHARTER OF THE TOWN OF FAIRFIELD

shall:

(1) Solicit or accept any gift, directly or indirectly, whether in the form of money, loan, gratuity, favor, service, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the Town Official, employee, or member in the performance of official duties; (Nothing in this paragraph shall preclude the solicitation or acceptance of lawful contributions for election campaigns).

(2) Disclose confidential information gained by reason of the office or position or use such information for the personal gain or benefit of anyone;

(3) Knowingly have or acquire any financial interest or any personal beneficial interest, direct or indirect, in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by the Town in connection with any project, matter or thing which comes within the Town Official's, employee's, or RTM member's jurisdiction or the jurisdiction of the Board, Commission or any other body of which the person is a member (unless such interest is acquired through being the lowest responsible bidder after public advertisement); or

(4) Engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of the official duties or which may tend to impair the independence of judgment in the performance of the Town Official's, employee's, or RTM member's official duties<sup>41</sup>.

**C. Disclosure of Interest<sup>42</sup>.** Any Town Official, RTM member, or employee who possesses or who acquires such private interest as might reasonably tend to create a conflict with the public interest shall make disclosure thereof to such Board, Commission or body and such person shall be disqualified from action on any matter involving the private interest.

**D. Fair and Equal Treatment<sup>43</sup>.** No Town Official, RTM member, or employee shall use an official position to secure or grant special consideration, treatment, advantage, privilege, or exemption to himself or herself or to any person beyond that which is available to every other person.<sup>44</sup>. This provision is not intended to prevent an RTM member from

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<sup>41</sup> Subsections C. and D. may be derived from Chapter II, §6 of the 1947 and 1956 Acts.

<sup>42</sup> 2022 recodification and edit of previous Article XI, §11.3 (2006). Derived from Article XI, §11.3 of the 1997 Charter,

<sup>43</sup> 2022 recodification and edit of previous Article XI, §11.4 (2006). Derived from Article XI, §11.4 of the 1997 Charter.

<sup>44</sup> NEW (2022). **Comment of the 2022 Charter Revision Commission:** In the model ethics code of the State of Florida this provision usually includes the following presumption language: "If an official or employee believes his or her accusation to be true, and then learns that it was false, even in part, he or she should apologize in the same forum the accusations were made. A failure to so apologize within a reasonable period of time after learning of the falseness of the accusations will create the presumption that the conduct was fully intentional."



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properly representing the people of the member's district.

**E. Penalties and Disciplinary Action for Violations<sup>45</sup>.** The failure to comply with, or any violation of, the standards of conduct established by this Charter shall be grounds for the removal from office, discharge from employment of the offending Town Official, RTM member, or employee, and the Board of Selectpersons in its discretion may void any contract entered into or adopted in violation of this Charter. The Board of Selectpersons or the Ethics Commission may recommend disciplinary measures for RTM members who fail to comply with, or who violate, these standards, but the RTM retains the final authority to discipline its members.

## **§1.6. Rules of Order and Civility<sup>46</sup>.**

Town Officials and employees shall treat members of the public with respect and expect the same in return in official in-person or virtual/electronic interactions. The Town is committed to maintaining orderly administrative processes and in keeping Town administrative offices free from disruption.

**A. The Workplace and Town Operations.** In the workplace and other official interactions this Charter promotes mutual respect, civility and orderly conduct among Town employees, Town Officials, Members of the RTM and the public. This section is not intended to deprive any person of his or her right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, productive, and harassment-free workplace for Town staff and a safe and non-threatening environment for the public. The Town encourages all parties to engage in professional, respectful, and courteous communication and discourages hostile, intimidating, or otherwise disruptive actions.

**B. Public Meeting Decorum.** The Town is committed to the democratic process, the rule of law, individual rights of expression, robust debate, and tolerance for disparate views and the building of better community relationships through increased empathy, greater awareness and decreased reactivity. The Town's elected and appointed Boards and Commissions, the RTM and other public bodies and various community groups, including, committees, task forces, or other like entities (created pursuant to §4.2.B(4)(c)) all convene public meetings to address, from time to time, controversial issues that may engender passionate and often conflicting opinions. An atmosphere of incivility and disrespect at these meetings can stifle participation and debate, threaten the quality of decisions and undermine the local democratic process.

**C. Rules of Order.** In order to effectuate these provisions of the Charter, the Town may adopt Ordinances generally governing the conduct of public meetings in accordance with this Charter.

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<sup>45</sup> 2022 recodification and edit of previous Article XI, §11.5 (2006). Derived from Article XI, §11.5 of the 1997 Charter.

<sup>46</sup> NEW (2022).

# CHARTER OF THE TOWN OF FAIRFIELD

**(1) Parliamentary Guidance: The General Rule<sup>47</sup>.** Robert's Rules of Order shall, as a general rule, regulate the conduct of all meetings of the RTM and all elected and appointed Boards and Commissions of the Town, unless the RTM or particular Board or Commission otherwise specifies.

**(2) Adoption of Rules.** Notwithstanding the foregoing, the RTM and each elected and appointed Board and Commission may adopt rules of order in order to conduct public meetings and government business in a civil and orderly environment. The rules shall be adopted by a vote of two-thirds (2/3<sup>rd</sup>) of the members of the Board or Commission, following review by the Town Attorney to ensure that the rules are based on best practices in parliamentary procedure and consistent with the open meeting requirements of the General Statutes and this Charter.

**D. The Role of the Presiding Officer.** The presiding officer of the RTM and each elected and appointed Board and Commission shall be responsible for maintaining the decorum at public meeting and for the uniform enforcement of rules of order.

**E. Compliance with Rules of Order and Decorum.** Likewise, all persons who attend a public meeting shall comply with any lawful order of the presiding officer to enforce rules of order and decorum. In all circumstance, members of the public and all public officials shall be expected to follow the rules of the body and shall not engage in disorderly conduct, uncivil language or actions as may be defined by Ordinance, Regulation or rules of order of the body.

**F. Breach of Rules.** In the event any person breaches the rules of order pertaining to civility in a manner that disturbs, disrupts, or otherwise impedes the orderly conduct of the Meeting, the presiding officer shall order that person to cease such conduct. The presiding officer has the authority to order a member of the public, public official or member of the body to leave the public meeting in the event of continued violations following an initial order from the presiding officer. If said initial order to cease the offending conduct is not obeyed and said conduct continues in spite of an escalation of additional orders from the presiding officer, the party may be removed from the Meeting. Removal of a person at an in-person event may be facilitated by a Sergeant at Arms or law enforcement officer. At a virtual or hybrid meeting the presiding officer may block the person from participation. Members of appointed Boards or Commissions may be subject to removal in accordance with the provisions of §6.7.A.

## **§1.7. Open Meetings and Public Records<sup>48</sup>.**

**A. Records<sup>49</sup>.** Each Elected and Appointed Board and Commission and

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<sup>47</sup> Recodification and edit of previous Article VIII, §8.1.B(4)[Elected Boards and Commissions]; and, Article X, §10.1.B(4)[Appointed Boards and Commissions] (2006). Derived from Article VIII, §8.1.B and Article X, §10.1.B of the 1997 Charter.

<sup>48</sup> NEW (2022).

<sup>49</sup> 2022 recodification and edits of previous Article VIII, §8.1.B (2) and Article X, §10.1.B(2), derived from

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committees, task forces, or other like entities (created pursuant to §4.2.B(4)(c)) shall keep a complete and accurate record of its official acts, votes, meetings, and proceedings and shall have custody of its correspondence, files and other records and shall designate one of its members or its clerk to keep such record. The minutes and recordings of Boards and Commissions shall be public records, in accordance with the General Statutes, and shall be open for public inspection (A) at the office of the Town Clerk, during regular business hours; and, (B) on the Town website in compliance with the requirements of Law.

**B. Open and Public Meetings<sup>50</sup>.** All Meetings of the RTM<sup>51</sup> and all other Elected and Appointed Boards and Commissions and all committees, task forces or other like entities, shall be open to the public except for executive sessions permitted by the General Statutes, and all appointed Boards and Commissions, and all committees, task forces or other like entities shall comply with state freedom of information laws unless otherwise provided by the General Statutes or Law.

## **§1.8. Diversity on Boards and Commissions<sup>52</sup>.**

The active, informed, inclusive, and equitable engagement of community members, both individually and collectively, is an essential element of healthy civic life and a thriving local democracy. All Appointing Authorities (as defined in §6.4.A) should take into consideration the knowledge, expertise, experience, and, to the fullest extent possible, the diversity of residents and the geographic areas of Town when considering the composition of Boards and Commissions. Diversity on Boards and Commissions should, in its broadest sense be considered to include, but shall not be limited to<sup>53</sup>, race, color, ethnicity, religious creed, age, sex, national origin, ancestry or culture, status as a veteran, socio-economic status, sexual orientation, gender identity or expression, familial and marital status, pregnancy, or physical and mental disability.

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Chapter XXIV, §1 and §2 of the 1947 and 1956 Acts; and, Chapter XXVI, §2 of the 1975 Charter.

<sup>50</sup> 2022 recodification and edits of previous Article VIII, §8.1.B(3) and Article X, §10.1.B(3), derived from Chapter II, §6 of the 1947 and 1956 Acts; and, Chapter II, §5 of the 1975 Charter.

<sup>51</sup> 2022 recodification of previous Article IV, §4.3.A (2006) (Second sentence). Modification of Chapter III, §4 of the 1947 and 1956 Act, which established a quorum as one-third of the members and 1975 Charter (which established a majority standard); and, Article IV, §4.3.A of the 1997 Charter.

<sup>52</sup> NEW (2022).

<sup>53</sup> **Comment of the 2022 Charter Revision Commission.** The listing in this Charter is not exclusive since it reflects the current state of protected classes under federal and state law. It is fully expected that as those classes are modified by Congress or the General Assembly, the new protected classes will be deemed covered as if they were specifically included in the enumeration.

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## ARTICLE II - ELECTED OFFICIALS AND ELECTIONS

### §2.1. Application of General Statutes<sup>54</sup>.

Unless otherwise, specifically set forth in this Charter, the General Statutes, as amended from time to time, relating to elections, including, without limitation, residency requirements and nomination of candidates, shall be applicable to all elections held in accordance with the provisions of this Charter. The nomination and elections of all Federal, State and Town elected officials shall be conducted as prescribed by the General Statutes and as further set forth in this Charter.

### §2.2. Rules Pertaining to Electors.

**A. Eligibility to Vote<sup>55</sup>.** Each Elector of this State who shall reside within the limits of the Town upon the date of any election, and who shall be qualified to vote therein, shall be an Elector of the Town.

**B. Eligibility to serve as an Elected Town Official<sup>56</sup>.** No person shall be eligible for nomination or election to office as an Elected Town Official who is not an Elector of the Town, in accordance with the General Statutes.

**C. Prepared Lists of Electors<sup>57</sup>.** The Registrars of Voters shall prepare lists of Electors qualified to vote therefore, in the manner prescribed by the State Constitution, the General Statutes and any Special Acts applicable to the Town.

**D. Effect of ceasing to be an Elector or Resident of a District: Vacancy; Exception.**

**(1) General Rule<sup>58</sup>.** If any Elected Town Official ceases to be an Elector of the Town, the office shall become vacant, including the position of district representative on the Representative Town Meeting.

**(2) Exception: Change of Residence<sup>59</sup>.** In the event a member of the

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<sup>54</sup> NEW (2022)

<sup>55</sup> NEW (2022).

<sup>56</sup> 2022 recodification and edit of previous Article II, §2.1.A (2006). Derived from Chapter II, §3 of the 1947 and 1951 Acts; Chapter II, §7 of the 1956 Act; Chapter II, §3 of the 1975 Charter; and, Article II, §2.1.A of the 1997 and 2006 Charters. **Comment of the 2022 Charter Revision Commission.** At the time of adoption, the applicable statute is C.G.S. §9-186.

<sup>57</sup> NEW (2022).

<sup>58</sup> 2022 recodification and edit of previous Article II, §2.1.B (2006). Derived from Chapter II, §3 of the 1947 and 1951 Acts; Chapter II, §7 of the 1956 Act; Chapter II, §3 of the 1975 Charter; and, Article II, §2.1.B of the 1997 and 2006 Charters. **Comment of the 2022 Charter Revision Commission:** The final clause is a recodification and consolidation of previous Article IV, §4.2.D (2006).

<sup>59</sup> 2022 recodification and consolidation of previous Article IV, §4.2.D (2006). Derived from Chapter II, §3 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.2.D of the 1997 Charter. In addition, this

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Representative Town Meeting remains an Elector of the Town yet moves from the district from which the member was elected to serve, said member may continue to serve until the next election of RTM members.

## §2.3. Date of Elections and Terms of Office for Elected Offices.

### A. Elected Town Officials<sup>60</sup>. The Elected Town Officials are:

First Selectperson (Art. IV)	Board of Education (§5.4)
Board of Selectpersons (Art. IV)	Board of Finance (§5.5)
Town Clerk (§5.1)	Board of Assessment Appeals (§5.6)
Registrars of Voters (§2.3.C(5))	Town Plan and Zoning Commission (§5.7)
Justices of the Peace (§5.2) <sup>61</sup>	Zoning Board of Appeals (§5.8)

**B. Representative Town Meeting<sup>62</sup>.** There shall be forty (40) members of the Representative Town Meeting divided amongst ten (10) districts by the RTM as set forth in §3.2.A(1). RTM members shall be eligible for reelection<sup>63</sup>.

**C. Date of Town Elections and Term of Office<sup>64</sup>.** A meeting of the Electors of the Town for the election of Elected Town Officials and RTM members shall be held on the first (1<sup>st</sup>) Tuesday after the first (1<sup>st</sup>) Monday in November in each odd numbered year, as follows:

(1) In November 2023, and in the odd numbered years thereafter, as the term of office shall fall:

(a) Three (3) members of the **Board of Selectpersons, including the First Selectperson** for a term of four (4) years<sup>65</sup>;

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provision, consolidates and recodifies current Article II, §2.6.B(2) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

<sup>60</sup> 2022 recodification and alteration of previous Article I, §1.4.A (2006). **Comment of the 2022 Charter Revision Commission:** The provision pertaining to elected Constables was repealed. Constables will be appointed by the Board of Selectpersons in accordance with Article VII, §7.17. The composition of the multi-members Elected Town Officials are as follows: (a) Three (3) members of the Board of Selectpersons, including the First Selectperson; (b) Nine (9) members of the Boards and Education and Finance, respectively; (c) Five (5) members of the Board of Assessment Appeals; (d) Seven (7) members of the Town Plan and Zoning Commission, plus three (3) alternate members; (e) Five (5) members of the Zoning Board of Appeals, plus three (3) alternate members;

<sup>61</sup> 2022 recodification of current Article VII, §7.2.A (2006)(Establishment Clause).

<sup>62</sup> 2022 recodification and modification of current Article I, §1.4.A (2006). **Comment of the 2022 Charter Revision Commission:** The Charter eliminates the shifting size of the RTM, determined by its members to a fixed number established by the Electors.

<sup>63</sup> 2022 recodification of previous Article II, §2.6.H (2006).

<sup>64</sup> 2022 recodification and structural modification of previous Article II, §2.3.A (2006). Derived from Chapter II, §4 of the 1947 Act, which included a Monday election day. The November election dated was established in §4 of the 1951 Act and reconfirmed in Chapter II, §4 of the 1956 Acts and 1975 Charter and Article II, 2.3 A of the 1997 and 2006 Charters. **Comment of the 2022 Charter Revision Commission:** This provision replaces the charter that was included in Article I, §1.4.A and Article II, §2.3.B and C

<sup>65</sup> 2022 recodification of previous §1.4.A. and §2.3.C (2006). Note: The four-year term commenced in 2007.

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- (b) Forty (40) members of the **Representative Town Meeting**, for a term of two (2) years, as further set forth in §3.2.A<sup>66</sup>;
- (c) **Town Clerk**, for a term of four (4) years<sup>67</sup>;
- (d) Three (3) members of the **Board of Finance**, for a term of six (6) years, as further set forth in §5.3.A and §5.5<sup>68</sup>;
- (e) Five (5) members of the **Board of Education**, for a term of four (4) years, as further set forth in in §5.3.A and §5.4<sup>69</sup>;
- (f) Three (3) members of the **Town Plan and Zoning Commission** for a term of four (4) years, as further set forth in §5.3.A and §5.7<sup>70</sup>;
- (g) One (1) member of the **Town Plan and Zoning Commission** for a term of two (2) years, as further set forth in §5.3.A and §5.7<sup>71</sup>;
- (h) Three (3) members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.8<sup>72</sup>;
- (i) One (1) member of the **Zoning Board of Appeals**, for a term of two (2) years, as further set forth in §5.3.A and §5.8<sup>73</sup>; and,
- (j) Two (2) members of the **Board of Assessment Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.6<sup>74</sup>.

(2) In November 2025, and in the odd numbered years thereafter, as the term of office shall fall:

- (a) Three (3) members of the **Board of Finance**, for a term of six (6) years, as further set forth in §5.3.A and §5.5 A<sup>75</sup>;
- (b) Four (4) members of the **Board of Education**, for a term of four (4) years, as further set forth in in §5.3.A and §5.4<sup>76</sup>;
- (c) Three (3) members of the **Town Plan and Zoning Commission** for a term of four (4) years as further set forth in §5.3.A and §5.7<sup>77</sup>;
- (d) Three (3) alternate members of the **Town Plan and Zoning Commission**, for a term of four (4) years, as further set forth in

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<sup>66</sup> 2022 recodification of previous §1.4.A and §2.6.E (2006). Also, recodification of current Article II, §2.6.E (2006). Note: The term provisions were established in Chapter III, §3(c) of the 1947 and 1956 Acts and 1975 Charter. There was also a general provision for terms of office for elective officials in Chapter II, §5 of the 1947 and 1956 Acts and the Chapter.

<sup>67</sup> 2022 recodification of previous §1.4.A. and §2.3.C (2006). Note: The four-year term commenced in 2007.

<sup>68</sup> 2022 recodification of previous §1.4.A and §2.3.B (2006).

<sup>69</sup> 2022 recodification of previous §1.4.A and §2.3.C (2006).

<sup>70</sup> 2022 recodification of previous §1.4.A and §2.3.B (2006).

<sup>71</sup> 2022 recodification of previous §1.4.A and §2.3.B (2006).

<sup>72</sup> 2022 recodification of previous §1.4.A and §2.3.C (2006)

<sup>73</sup> 2022 recodification of previous §1.4.A and §2.3.C (2006).

<sup>74</sup> 2022 recodification of previous §1.4.A and §2.3.C (2006).

<sup>75</sup> 2022 recodification and edit of previous §1.4.A and §2.3.B (2006).

<sup>76</sup> 2022 recodification and edit of previous §1.4.A and §2.3.C (2006).

<sup>77</sup> 2022 recodification of previous §1.4.A and §2.3.B (2006).

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§5.3.A and §5.7<sup>78</sup>;

- (e) Two (2) members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.8<sup>79</sup>;
- (f) Three (3) alternate members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.8<sup>80</sup>;
- (g) Three (3) members of the **Board of Assessment Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.6<sup>81</sup>; and,
- (h) All Elected Town Officials and members of the RTM, for a term of two (2) years, as further set forth in §3.2.C(1)(c), (h) and (j)<sup>82</sup>.

(3) In November 2027, and in the odd numbered years thereafter, as the term of office shall fall:

- (a) Three (3) members of the **Board of Finance**, for a term of six (6) years, as further set forth in §5.3.A and §5.5,<sup>83</sup>; and,
- (b) All Elected Town Officials and members of the RTM as set forth in §2.3.C(1), who serve for a term of two (2) or four (4) years, as the case may be<sup>84</sup>.

(4) **Terms of Justices of the Peace**<sup>85</sup>. The forty-five (45) Justices of the Peace<sup>86</sup>, selected as provided in the General Statutes, shall serve a four (4) year term. They shall have such powers as set forth in the General Statutes<sup>87</sup>.

(5) **State Election – Registrar of Voters**<sup>88</sup>. The Registrars of Voters shall be elected at state elections every four (4) years<sup>89</sup>, as provided in the General Statutes and shall have such powers duties as set forth in the General Statutes<sup>90</sup>.

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<sup>78</sup> 2022 recodification of previous §1.4.A and §2.3.C (2006).

<sup>79</sup> 2022 recodification of previous §1.4.A and §2.3.C (2006).

<sup>80</sup> 2022 recodification of previous §1.4.A and §2.3.C (2006).

<sup>81</sup> 2022 recodification of previous §1.4.A and §2.3.C (2006).

<sup>82</sup> NEW (2022).

<sup>83</sup> 2022 recodification and edit of previous §1.4.A and §2.3.A.

<sup>84</sup> NEW (2022).

<sup>85</sup> 2022 recodification and edits of previous Article II, §2.3.E (2006); see also current Article VII 7.2.A (2006)(Establishment Clause). Derived from Chapter II, §1 of the 1947 Act, included 14 justices of the peace. **Comment of the 2022 Charter Revision Commission.** At the time of adoption of the Charter, the applicable statutes are C.G.S. §9-183a, b and c and §9-444.

<sup>86</sup> Derived from Chapter II, §1 of the 1947 Act, included 14 justices of the peace.

<sup>87</sup> 2022 recodification and edit of previous Article VII, 7.2.B (2006)(“Powers and Duties Clause”).

<sup>88</sup> 2022 modification and edit of previous Article II, §2.3.F (2006)(first clause).

<sup>89</sup> **Comment of the 2022 Charter Revision Commission;** The baseline commencement date was 2008.

<sup>90</sup> **Comment of the 2022 Charter Revision Commission:** At the time of adoption of the Charter the Registrars of Voters is governed by C.G.S. 9-190 and 9-190a (state election cycle). Within Chapter 146; see, C.G.S. §9-164 et seq.)

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## **D. Commencement Date of Terms of Elected Town Officials and RTM.**

Terms of office of all Elected Town Officials and RTM members declared elected and qualified hereunder shall commence:

**(1) Elected Town Officials and members of the RTM<sup>91</sup>:** On the third (3<sup>rd</sup>) Monday in November and shall continue until their successors have been elected or otherwise chosen and qualified.

**(2) State Office - Terms of Justices of the Peace<sup>92, 93</sup>.** On the first (1<sup>st</sup>) Monday in January after their nomination.

**(3) Terms of Registrars of Voters<sup>94</sup>.** On the Wednesday after the first (1<sup>st</sup>) Monday in January after their election.

## **§2.4. Minority representation on elected Boards and Commissions.**

**A. Even number requirements<sup>95</sup>.** Except as provided below with respect to the Board of Education, when an even number of members of a Board or Commission is to be elected, no political party shall nominate, and no Elector shall vote for, more than one-half (1/2) the number of persons to be elected.

**B. Uneven number requirements<sup>96</sup>.** Except as provided below with respect to the Board of Education, when an uneven number of members of a Board or Commission is to be elected, no political party shall nominate, and no Elector shall vote for, more than a bare majority of the number of persons to be elected.

### **C. Board of Education<sup>97</sup>.**

**(1) As pertains to §2.3.C(1)(e).** In an election where five (5) candidates shall be elected to the Board of Education, the Electors shall vote for up to five (5) candidates for the Board of Education. Each major or minor party, as defined by the General Statutes and petitioning candidates (if permitted by the General Statutes) ("Political Party") may nominate up to three (3) candidates. At such time as candidates representing one Political Party have been declared elected to three (3) seats, two (2) candidates not of the same Political Party as the party securing said three (3) seats, shall be declared elected according to their vote count.

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<sup>91</sup> 2022 recodification and edit of previous Article II, §2.3.D (2006).

<sup>92</sup> 2022 recodification and modification of current Article II, §2.3.E (2006), in compliance with C.G.S. §9-183b.

<sup>93</sup> 2022 recodification and modification of current Article II, §2.3.E (2006), in compliance with C.G.S. §9-183b.

<sup>94</sup> 2022 recodification and edit of previous Article II, §2.3.F (2006)(second clause).

<sup>95</sup> 2022 recodification and edit of previous Article II, §2.2.A (2006). Derived from Article II, §2.2.A of the 1997 and 2006 Charters.

<sup>96</sup> 2022 recodification and edit of previous Article II, §2.2.B (2006). Derived from Article II, §2.2.B of the 1997 and 2006 Charters.

<sup>97</sup> 2022 recodification and edit of previous Article II, §2.2.C (2006). Derived from Article II, §2.2.C of the 2006 Charter.



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**(2) As pertains to §2.3.C(2)(b):** In an election where four (4) candidates shall be elected to the Board of Education, the Electors shall vote for up to four (4) candidates for the Board of Education. Each major or minor party, as defined by the General Statutes and petitioning candidates (if permitted by the General Statutes) may nominate up to three (3) candidates. At such time as candidates representing one Political Party have been declared elected to three (3) seats, one (1) candidate not of the same Political Party as the party securing said three (3) seats, shall be declared elected according to his or her vote count.

## **§2.5. Single office requirement for Elected Town Officials<sup>98</sup>.**

No person shall be eligible to serve as an Elected Town Official, including membership on any elected Board or Commission, who is at the same time an RTM member, Town Official or an elected state official. For purposes of this paragraph, the term "Town office" does not include Justices of the Peace, but does include members of the Board of Education.

## **§2.6. Vacancies in elected offices.**

**A. Generally<sup>99</sup>.** Except as provided in §2.6.E, with respect to the RTM and §2.6.D with respect to the Board of Selectpersons, a vacancy in any elected Town Office<sup>100</sup>, including membership on elected Boards and Commissions, shall be filled by the Board of Selectpersons until the vacancy can be filled by election, as follows:

**(1)** The vacancy shall be filled at the next Town election if the vacancy occurs prior to the time in which nominations can be made under Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.). If the vacancy occurs after such time, it may be filled at the next municipal general election for which nominations can be timely made, or at a special election if convened by the Board of Selectpersons or upon application by Electors as provided in Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.).

**(2)** Vacancies shall be filled for a term ending at the same time the vacating member's term would have expired.

**(3)** If the person vacating the office was elected as a member of a political party, the vacancy shall be filled during the period of appointment from the membership of the same political party.

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<sup>98</sup> 2022 recodification and edit of previous Article II, §2.1.C (2006). Derived from Article II, §2.1.C of the 1997 and 2006 Charters.

<sup>99</sup> 2022 recodification and edit of previous Article II, §2.5. Derived from Chapter II, §7 of the 1947 Act; further amended by §4 of the 1951 Act and Chapter II, §7 of the 1956 Act; Chapter II, §6 and Article II, 2.5 of the 1997 and 2006 Charters.

<sup>100</sup> 2022 recodification and edit of previous Article VII, 7.1.H. (2006). Derived from Article VII, §7.1.H of the 1997 Charter

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**B. Vacancies in the Office of Justice of the Peace<sup>101</sup>.** Vacancies in the office of Justice of the Peace shall be filled in the manner prescribed in Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.).

**C. Long-term illness or disability of First Selectperson<sup>102</sup>.** In addition to the death or resignation of the First Selectperson, a vacancy shall exist in the office of First Selectperson, in the event the First Selectperson is unable to carry out the duties of office for a period of four (4) consecutive months, as certified at the end of that period by the remaining Selectpersons to the Town Clerk. The vacancy shall exist from the date of such certification.

**D. Method of filling vacancies on the Board of Selectpersons<sup>103</sup>.**

**(1) Role of the Remaining Members.** At any time a vacancy occurs on the Board of Selectpersons, including First Selectperson, a replacement, who shall be registered with the same political party as the person vacating the office, shall be designated by the remaining Selectpersons. If the Selectpersons designate one of themselves to fill the vacancy, they shall designate another Elector to fill the vacancy of Selectperson so created.

**(2) Role of the Town Clerk, Other Elected Town Officials and RTM Members.** If such a vacancy in the office of First Selectperson or of Selectperson is not so filled within thirty (30) Days after the Day of its occurrence, the Town Clerk shall, within ten (10) Days thereafter, notify the Elected Town Officials and RTM Members enrolled in the same political party as the First Selectperson or Selectperson, as the case may be, who vacated the office, or all Elected Town Officials and RTM Members, if such First Selectperson or Selectperson who vacated the office was not enrolled with a political party, and it shall be filled by such Elected Town Officials and RTM Members within sixty (60) Days after its occurrence.

**(3) Term of the Replacement Member.** Any person appointed pursuant to this section shall serve until the next general municipal election provided the vacancy occurs prior to the time in which nominations can be made under Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.). If the vacancy occurs after such time, it shall be filled at the next municipal general election for which nominations can be timely made.

**E. Resignation and vacancies on the RTM<sup>104</sup>.**

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<sup>101</sup> 2022 recodification and modification of previous Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** Constables were removed from this provision.

<sup>102</sup> 2022 recodification and edit of previous Article VI, §6.3.A (2006). Derived from Article VI, §6.3.A of the 1997 Charter.

<sup>103</sup> 2022 recodification of current Article VI, §6.3.B (2006). Derived from Article VI, §6.3.B of the 1997 Charter. See also, **Cook-Littman v. Board of Selectmen of the Town of Fairfield**, 328 Conn. 758,778 (Conn. 2018) in which the Court held that this provision took precedence over the provisions of C.G.S. §9-222.

<sup>104</sup> 2022 recodification and edit of previous Article II, §2.6.G (2006). Derived from Chapter III, §7 of the 1947

# CHARTER OF THE TOWN OF FAIRFIELD

(1) Any member may resign by filing a written notice of resignation with the Town Clerk and such resignation shall take effect upon the date specified in the notice or, if none is specified, upon the date of filing.

(2) Any vacancy in the office of RTM member from whatever cause arising shall be filled for the unexpired portion of the term at a special meeting of the members of the district in which the vacancy occurs, called for that purpose by the Town Clerk within thirty (30) Days after the vacancy occurs, in accordance with the requirements under this Charter pertaining to Meeting Notice.

(3) If the person previously occupying the office which is vacant was elected as a nominee of a political party, the vacancy shall be filled by a person registered with the same political party.

(4) The Town Clerk shall provide Meeting Notice, as defined in this Charter, to be delivered to each member not less than three (3) Days prior to the time set for the meeting.

(5) Such meeting shall elect its own chair and clerk and shall vote by ballot. The election of a member as chair or clerk shall not disqualify the member from voting.

(6) A majority of the remaining members from such district shall constitute a quorum, and a majority vote of those present shall elect.

(7) Each of the remaining members, including the chair and clerk of the meeting, shall have one (1) vote.

(8) If for any reason such vacancy is not filled within a thirty-day (30) period, the Town Clerk shall report such vacancy to the Moderator and the matter of filling such vacancy shall be placed on the call of the next regular RTM meeting.

(9) A Majority Vote of the RTM shall elect a successor on such vacancy.

(10) The successful candidate shall be deemed a duly qualified member for the remainder of the unexpired portion of the term upon filing with the Town Clerk a certificate of his\* election signed by the chair of such special meeting of the district or by the Moderator of the RTM.

**F. Resigning from elected office<sup>105</sup>.** Any elected Town official, except the Town Clerk, may resign by submitting a written notice of resignation to the Town Clerk. The Town Clerk may resign by submitting a written notice of resignation to the Board of Selectpersons. The resignation shall become effective on the date specified in the notice

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and 1956 Acts and the 1975 Charter; and, Article II, §2.6.G of the 1997 Charter.

<sup>105</sup> 2022 recodification and edit of previous Article II, §2.4 (2006).

# CHARTER OF THE TOWN OF FAIRFIELD

of resignation or, if no date is specified, on the date the notice of resignation is received by the Town Clerk or the Board of Selectpersons, as the case may be.

## **§2.7. Composition and Election of the Board of Selectpersons and First Selectperson<sup>106</sup>.**

**A.** There shall be a Board of Selectpersons which shall consist of the First Selectperson and two (2) other Selectpersons, no more than two (2) of whom shall be registered with the same political party<sup>107</sup>.

**B.** Each major or minor political party, as defined by the General Statutes, and petitioning candidates (if permitted by the General Statutes) may nominate not more than one (1) candidate for First Selectperson and not more than one (1) candidate for Selectperson. Candidates shall be listed separately on the ballot<sup>108</sup>.

**C.** Each Elector may vote for one (1) candidate for First Selectperson and no more than one (1) candidate for Selectperson<sup>109</sup>.

**D.** The candidate for First Selectperson receiving the highest number of votes shall be elected First Selectperson. The next two (2) candidates, whether for First Selectperson or Selectperson, receiving the highest number of votes shall be elected to the two (2) remaining Selectperson positions<sup>110</sup>.

**E.** If the candidate receiving the second or third most votes does not take office, then the next highest ranking candidate shall be deemed elected to the office taking into consideration the provisions of §2.7.A pertaining to minority party representation<sup>111</sup>.

## **§2.8. Procedures for RTM elections<sup>112</sup>.**

### **A. Nomination<sup>113</sup>.**

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<sup>106</sup> 2022 recodification and edit of previous Article VI, §6.1.A (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>107</sup> 2022 recodification and edit of previous Article VI, §6.1.A(1) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>108</sup> 2022 recodification and edit of previous Article VI, §6.1.A(2) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>109</sup> 2022 recodification and edit of previous Article VI, §6.1.A(3) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>110</sup> 2022 recodification and edit of previous Article VI, §6.1.A(4) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>111</sup> 2022 recodification and edit of previous Article VI, §6.1.A(5) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>112</sup> Derived from Chapter II, §1 and §4 of the 1947 and 1956 Acts and 1975 Charter. Note: At the time elective officers were nominated and elected as in the special act or, if silent, on the basis of the General Statutes.

<sup>113</sup> 2022 recodification and edit of previous Article II, §2.6.C (2006). Petition provision set forth in Chapter III, §5 of the 1947 and 1956 Acts and the 1975 Charter; and, Article II, §2.6.C of the 1997 Charter.

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**(1) By a political party.** The nomination of candidates as members of the RTM shall be in the same manner as provided for the nomination of Elected Town Officials in Chapter 153 of the General Statutes (C.G.S. § 9-372 et seq.). No political party shall nominate more candidates for each district than the total number of members to which a district is entitled.

**(2) By petition.**

**(a)** Nomination of a candidate for the RTM may also be made by petition signed in ink on forms approved and provided by the Town Clerk. The petition shall be signed by not less than one (1%) percent of the Electors in the district in which the candidate resides and filed with the Town Clerk not less than fifty-five (55) Days prior to the election.

**(b)** No petition shall be valid in respect to any candidate whose written acceptance is not noted on or attached to the petition when filed.

**(c)** No signature on a petition shall be valid or counted if the signer thereof shall have signed other petitions on file with the Town Clerk for more than the number of candidates which a political party may nominate under this Charter for the district in which such signer resides.

**(d)** A petition may contain more than one (1) name but not more names than the number of candidates to which the district is entitled.

**(3)** The Town Clerk, within the time prescribed by Chapter 153 of the General Statutes (C.G.S. § 9-372 et seq.), shall certify and transmit the names of candidates duly nominated to the Secretary of the State.

**B. Election<sup>114</sup>.**

**(1)** At each biennial election for the election of RTM members voting shall be governed by the provisions of the General Statutes as to voting by ballots and voting machines, except as modified by this Charter.

**(2)** No Elector shall vote for more than the total number of RTM members to be elected in the district in which the Elector resides<sup>115</sup>.

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<sup>114</sup> 2022 recodification and edit of previous Article II, §2.6.D (2006). Modification of Chapter III, §2 (fourth sentence) of the 1947 and 1956 Acts and Chapter III, §5 of the 1975 Charter: "The provisions of the general statutes relating to voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections in the town under this act". The fifth sentence of §2 of the 1947 and 1956 Acts pertaining to certification of voters prior to an election is not in the current charter. There are also elaborate provisions §3 that do not appear in the current charter. Derived from Article II, §2.6.D of the 1997 Charter.

<sup>115</sup> 2022 recodification and modification of previous Chapter II, 2.6.D(2) derive from §1 of the 1947 Act.

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(3) The number of candidates in each district equal to the number of RTM members for the district who have polled the highest number of votes shall be declared elected.

(4) The chief election moderator shall forthwith after a biennial election of RTM members, file in the Town Clerk's office a list of members elected, by districts, together with their respective addresses. The Town Clerk shall, upon receipt of such list, forthwith notify all members, in accordance with the notice requirements of this Charter.

## **C. Procedures for tied elections<sup>116</sup>.**

(1) In case of a tie vote affecting the election of RTM members, the other newly elected and reelected members from the district in which the tie vote occurs shall by ballot determine which of the tied candidates shall serve as RTM member or members.

(2) The chief election moderator shall immediately after an election notify the Town Clerk of any and all tie votes, giving the names and addresses of the candidates affected.

(3) The Town Clerk shall forthwith call a meeting of the other newly elected and reelected members from the district or districts in which a tie vote occurs by causing a notice, in accordance with the notice requirements of this Charter, specifying the object, time and place thereof to each such member not less than three (3) Days before the time set for the meeting.

(4) At such meeting a majority of the members from the particular district shall constitute a quorum, and they shall elect from among their number a chair and a clerk whose right to vote at such meeting shall not be affected by their election to their respective offices.

(5) The chair and clerk shall count the ballots and the person or persons receiving the highest number of votes shall be declared elected. The chair and clerk shall forthwith make a certificate of the choice and file the same with the Town Clerk.

(6) The member or members so chosen shall thereupon be deemed elected and qualified as an RTM member or members, subject to the right of the RTM to judge the election and qualification of members as set forth in §4.2.B.

(7) If a tie vote occurs at such meeting the chair and clerk shall forthwith certify same to the Town Clerk, and the matter of breaking such tie vote shall be placed on the call and voted upon by the RTM at its organizational meeting.

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<sup>116</sup> 2022 recodification of current Article II, §2.6.F (2006). Note: Tie vote procedures established in Chapter III, §3(d) of the 1947 and 1956 Acts and the 1975 Charter; and, Article II, §2.6.F of the 1997 Charter.

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## ARTICLE III – REPRESENTATIVE TOWN MEETING

### §3.1. Legislative Body<sup>117</sup>.

The legislative power of the Town, including the power to enact Ordinances, shall be vested in the RTM, subject to referendum as provided by the terms of this Charter. The RTM shall constitute a continuing body. The RTM may delegate the power to implement or carry into effect any of the powers set forth in this Charter to any Town Official.

### §3.2. Membership.

#### A. Districts and Basis of Representation<sup>118</sup>.

##### (1) Districts.

(a) The members of the RTM shall be elected by districts<sup>119</sup>.

(b) There shall be ten (10) voting districts of the Town, which shall be reapportioned as set forth in §3.2.A(2), for the election of RTM members and shall be as established by Ordinance adopted by the RTM<sup>120</sup>.

(c) The RTM shall consist of forty (40) members<sup>121</sup>.

(d) A district representative on the RTM, upon election, shall be an Elector of the Town and a resident of the district from which elected, except as set forth in §3.2.A(1)(e)<sup>122</sup>,

(e) In the event a member of the RTM remains an Elector of the Town yet moves from the district from which the member was elected to serve, said member may continue to serve until the next election of RTM members<sup>123</sup>.

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<sup>117</sup> 2022 recodification and edit of previous Article IV, §4.1.A (2006). Derived from Chapter III, §1 of the 1947 and 1956 Acts and the 1975 Charter; and, Article IV, §4.1.A of the 1997 Charter.

<sup>118</sup> NEW (2022). In lieu of current Article II, §2.6.A(1) (first sentence) of the 1947 Act and the 1956 Acts, which reads as follows: "The voting districts of the Town, including the number of districts, for the election of RTM members shall be as established by ordinance adopted by the RTM." Further in lieu of current Article II, §2.6.A(3) (third sentence) of the 1947 Act and the 1956 Acts, which reads as follows: "The RTM shall consist of not more than 56 members."

<sup>119</sup> 2022 recodification of previous Article II, §2.6.B(1) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

<sup>120</sup> 2022 recodification and modification of previous Article II, §2.6.A(1). **Comment of the 2022 Charter Revision Commission:** This provision reaffirms the ten district structure that was advocated by many at the public hearing and comment session during the revision process. The RTM has full discretion on the issue of redistricting.

<sup>121</sup> 2022 repeal of Article II, §2.6.A(3) which permits "not more than 56 members."

<sup>122</sup> 2022 recodification of current Article II, §2.6.B(2) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

<sup>123</sup> 2022 recodification and edit of previous Article IV, §4.2.D (2006). Derived from Chapter II, §3 of the 1947



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(f) No Elected Town Official, Appointed Town Officer or Board or Commission member (excluding, however, members of advisory committees, task forces or like entities, as referred to in §1.4.C(2)) shall be eligible to serve as a voting member of the RTM, and no voting member of the RTM shall hold any other elected or appointed Town Office<sup>124</sup>.

(2) **Reapportionment of Voting Districts**<sup>125</sup>. After completion of the census of the United States and after any reapportionment of the State General Assembly Districts affecting the Town, voting districts of the Town shall be established by an Ordinance proposed by a committee of the RTM composed of an equal number of members from each party such that the population deviation from the largest to the smallest voting district shall not exceed ten (10%) percent. The redistricting Ordinance adopted by the RTM shall provide for an equal number of members from each district, and, to the extent practicable within the constraints of this Charter and State General Assembly redistricting, shall provide for districts that are located in only one State General Assembly District.

**B. Ex-officio non-voting members of the RTM**<sup>126</sup>. The RTM shall consist of the elected RTM members. In addition, the Selectpersons the Town Clerk, the Town Attorney, any Assistant Town Attorneys (in the event they are Electors), the chair of the Board of Education, and the members of the Board of Finance shall be ex officio members of the RTM without vote.

**C. Right to vote**<sup>127</sup>. The right to vote at RTM meetings shall be limited to RTM members elected as provided in §2.3.B.

**D. Judge of qualification**<sup>128</sup>. The RTM shall be the judge of the election and qualifications of its members.

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and 1956 Acts and 1975 Charter; and, Article IV, §4.2.D of the 1997 Charter. In addition, this provision, consolidates and recodifies current Article II, §2.6.B(2) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

<sup>124</sup> 2022 recodification and edit of previous Article II, §2.6.B(3) and Article IV, §4.2.C(2006). Derived from Article II, §2.6.B of the 1997 Charter. and Article IV, §4.2.C (2006). Derived from Article IV, §4.2.C of the 1997 Charter. Consolidates and replaces Article II, §2.6.B(3) (2006), which is derived from Article II, §2.6.B of the 1997 Charter, which reads as follows: "Each RTM member shall fulfill the eligibility requirements of §4.2.D at the time of election."

<sup>125</sup> 2022 recodification and edit of previous Article II, §2.6.A(2) (second sentence) of the 1947 Act and the 1956 Acts.

<sup>126</sup> 2022 recodification and edit of previous Article IV, §4.2.A (2006) entitled "Composition." Ex officio status of was established in Chapter III, §4 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.2.A of the 1997 Charter for the following: the three Selectmen; the Town Clerk; the Town Counsel; Chair of the Board of Education and the entire Board of Finance.

<sup>127</sup> 2022 recodification of previous Article IV, §4.1.B (2006). Derived from Chapter III, §1 of the 1947 and 1956 Acts and the 1975 Charter; and, Article IV, §4.1.B of the 1997 Charter.

<sup>128</sup> 2022 recodification of previous Article IV, §4.2.B (2006). Derived from Chapter III, §4 of the 1947 and 1956 Acts and 1975 Charter; and, and, Article IV, §4.2.B of the 1997 Charter.

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**E. Compensation<sup>129</sup>.** The RTM members as such shall receive no compensation.

## **§3.3. Annual meetings<sup>130</sup>, organization, and elections.**

**A. Date of organization meeting<sup>131</sup>.** An organization meeting of the RTM members shall be held on the fourth (4<sup>th</sup>) Monday in November in each year.

**B. Election of Moderator: Duties<sup>132</sup>.** Each organization meeting shall elect from among its voting members, by a vote of the Majority of the RTM, a Moderator. The Moderator shall preside at all RTM meetings and shall hold office for a term of one (1) year and until a successor is elected and has qualified. The Moderator of the RTM shall:

(1) Preside over all meetings of the RTM and perform such others duties consistent with the office as may be imposed by the RTM, but such Moderator shall not vote more than once on any question; and,

(2) Have all the powers and duties of a moderator of an open town meeting, including those set forth in C.G.S. 7-7 and 7-8 of Chapter 90 of the General Statutes.

**C. Deputy Moderator<sup>133</sup>.** Each organization meeting shall elect, by a Majority Vote of the RTM, from among its voting members a Deputy Moderator who shall hold office for a term of one (1) year and until a successor is elected and has qualified. In the event of inability of the Moderator to act, the Deputy shall have all the powers and duties of the Moderator.

**D. Clerk<sup>134</sup>.** The Town Clerk or, in the event of the Town Clerk's absence, an Assistant Town Clerk, shall act as clerk of all RTM meetings.

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<sup>129</sup> 2022 recodification of previous Article IV, §4.2.E (2006). Derived from Chapter II, §4 of the 1947 and 1956 Acts and 1975 Charter; and, and, Article IV, §4.2.E of the 1997 Charter.

<sup>130</sup> Note: There was an annual town meeting and budget meeting in Chapter III, §6 of the 1947 Act; further amended by §6 of the 1951 Special Act, as reaffirmed by Chapter II, §6 of the 1956 Act.

<sup>131</sup> 2022 recodification and edit of previous Article IV, §4.4.A (2006). Derived from Chapter III, §6 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.4.A of the 1997 Charter.

<sup>132</sup> 2022 recodification and modification of previous Article IV, §4.4.B (2006). Note: Chapter III, §3 and §4 of the 1947 and 1956 Acts and 1975 Charter refer to “presiding officer” and “moderator”. The election of the moderator was introduced to the charter in 1975. Derived from Article IV, §4.4.B of the 1997 Charter.  
**Comment of the 2022 Charter Revision Commission:** This section was modified when the Commission advanced the proposal to reduce the size and shift from the Town Meeting/RTM model to a town council-like legislative body. The “open town meeting” provision was restored as it was removed during this process and left out inadvertently.

<sup>133</sup> 2022 recodification and edit of previous Article IV, §4.4.C (2006). Derived from Article IV, §4.4.C of the 1997 Charter.

<sup>134</sup> 2022 recodification of previous Article IV, §4.4.D (2006). Derived from Article IV, §4.4.D of the 1997 Charter.

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**E. Moderator Pro-tempore and Clerk Pro-tempore<sup>135</sup>.** In the absence of the Moderator and the Deputy Moderator, a Moderator Pro-Tempore may be elected, by a Majority Vote of the RTM. In the absence of the Town Clerk and an Assistant Town Clerk, a clerk pro-tempore for the meeting may be elected, by a Majority Vote of the RTM, at the meeting.

**F. Rules and Committees of the RTM<sup>136</sup>.** The RTM shall have the authority to adopt standing rules for the conduct of RTM meetings and the power to appoint such committees as it shall determine.

## **§3.4. Meetings of the RTM.**

**A. Quorum<sup>137</sup>.** A majority of the entire membership of the RTM shall constitute a quorum for doing business, provided that a smaller number may organize temporarily and may adjourn from time to time. No RTM meeting shall adjourn past the date of an election of RTM members.

**B. Regular meetings<sup>138</sup>.** Regular RTM meetings shall be held at least once a month on a regular meeting day decided upon by a Majority Vote of the RTM. However, if there is no business to be acted upon at a regular RTM meeting, the meeting may be dispensed with upon the direction of the Moderator to the Town Clerk who shall notify the RTM members and the public.

**C. Special Meetings<sup>139</sup>.** Special meetings may be held whenever the First Selectperson, Chair of the Board of Finance, or the Moderator shall deem them necessary. In addition, a special meeting shall be held within ten (10) Days after the submission to the Town Clerk of a written petition for a meeting signed by one (1%) percent of the electors of the Town or upon written petition signed by ten (10) RTM members.

**D. Public Hearings. Notice<sup>140</sup>.** At least one (1) public hearing shall be held by the RTM or any committee thereof before any Ordinance shall be passed. Meeting Notice of such public hearing shall be given, in accordance with the requirements of the General Statutes; or this Charter or rules adopted hereunder, if the standard is stricter.

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<sup>135</sup> 2022 recodification and edit of previous Article IV, §4.4.E (2006). Derived from Article IV, §4.4.E of the 1997 Charter.

<sup>136</sup> 2022 recodification and edit of previous Article IV, §4.4.F (2006) (First clause). Derived from Article IV, §4.4.F of the 1997 Charter.

<sup>137</sup> 2022 recodification and modification of previous Article IV, §4.3.A (2006) (First sentence). Modification of Chapter III, §4 of the 1947 and 1956 Act, which established a quorum as one-third of the members and 1975 Charter (which established a majority standard); and, Article IV, §4.3.A of the 1997 Charter.

<sup>138</sup> 2022 recodification and edit of previous Article IV, §4.3.B (2006). Regular meeting provision established in Chapter III, §4 of the 1947 and 1956 Acts. Further amended by §5 of the 1951 Special Act ("no business" provision) and Chapter III, §4 of the 1975 Charter; and, Article IV, §4.3.B of the 1997 Charter.

<sup>139</sup> 2022 recodification and edit of previous Article IV, §4.3.C (2006). Special meeting provision contained in Chapter III, §4 of the 1947 and 1956 Acts, and 1975 Charter; and, Article IV, §4.3.C of the 1997 Charter.

<sup>140</sup> NEW (2022)

# CHARTER OF THE TOWN OF FAIRFIELD

**E. Meeting Notice<sup>141</sup>.** The Town Clerk shall notify all RTM members of the time and place at which each regular or special RTM meeting is to be held, in accordance with the notice requirements of the General Statutes and this Charter, or rules adopted hereunder, if the standard is stricter.

## **§3.5. Ordinances, Resolutions, Orders or Motions:**

**A. Public Notice of Final Action<sup>142</sup>.** The Town Clerk shall cause any action of the RTM adopting, amending, or repealing an Ordinance to be published in summary form within one (1) week after the adjournment of the meeting at which such action was taken, in accordance with §1.4.C(17). The effective date of the adoption or repeal of the Ordinance shall be fourteen (14) Days after the adjournment of the meeting at which it was passed or such later date as may have been set by the RTM at such meeting, unless a petition for referendum concerning an Ordinance is filed as provided in §3.6 of this Article.

**B. Publication and Posting of Adopted Legislation<sup>143</sup>.** All legislation, after final passage, shall be given a serial number by the Clerk of the RTM and be recorded by the Town Clerk and shall be properly indexed. Within five (5) Days after final passage, as provided in §3.5.A, the Town Clerk shall transmit for publication on the Town website and notice that such legislation is on file in the Office of the Town Clerk and is available for examination in accordance with §1.4.C(17).

## **§3.6 Petition for Overture (Referendum)<sup>144</sup>.**

### **A. Petition and time for filing<sup>145</sup>.**

**(1) Effective date of certain RTM votes.** Any vote of the RTM: (1) authorizing the expenditure for any specific purpose of \$500,000 or more<sup>146</sup>; or (2) for the issue of any bonds by the Town<sup>147</sup>; or (3) the adoption, amendment, or repeal of an Ordinance<sup>148</sup>; shall not be effective until the date for filing a referendum petition has passed. If within that time a petition for referendum is filed with the Town Clerk,

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<sup>141</sup> 2022 recodification and modification of previous Article IV, §4.3.D (2006). Modification of Chapter III, §2 (third sentence) and §4 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.3.D of the 1997 Charter.

<sup>142</sup> 2022 recodification and edit of previous Article IV, §4.5 (2006). Modification of Chapter III, §8 of the 1947 and 1956 Acts and 1975 Charter and Article IV, §4.5 of the 1997 Charter.

<sup>143</sup> NEW (2022)

<sup>144</sup> Current Article XII.

<sup>145</sup> 2022 recodification of previous Article XIII, §13.1 (2006).

<sup>146</sup> 2022 recodification and modification (raising the baseline in the referendum process from \$150,000 to \$500,000) of previous Article XIII, §13.1.A(1) (2006). Derived from Chapter III, §9 of the 1947 and 1956 Acts (\$25,000.00) and the 1975 Charter (\$50,000.00); and Article XIII, §13.1.A(i) of the 1997 Charter (\$150,000.00).

<sup>147</sup> 2022 recodification and edit of previous Article XIII, §13.1.A(2) (2006). Derived from Chapter III, §9 of the 1947 and 1956 Acts and the 1975 Charter; and, Article XIII, §13.1.A(ii) of the 1997 Charter.

<sup>148</sup> 2022 recodification and edit of previous Article XIII, §13.1.A(3) (2006). Derived from Chapter III, §10 of the 1947 and 1957 Act and 1975 Charter; further amended by §10 of the 1951 Act; and Article XIII, §13.1.A(iii) of the 1997 Charter.

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the vote shall not be effective unless and until it has been approved by referendum.

**(2) Petition forms.** Upon the request of any Elector, the Town Clerk shall promptly prepare petition forms, which shall be available to any Elector at the office of the Town Clerk, setting forth the questions sought to be presented on a referendum ballot.

**(3) Required number of signatures on petitions.** To be effective, a petition for referendum must be signed by not less than five (5%) percent of the Electors of the Town according to the most recent voter enrollment list available at the time of the action or vote on which a referendum is sought, and must contain the names and addresses of the signatories.

**(4) Time and place of filing petitions.** A petition requesting that a referendum be held must be filed at the office of the Town Clerk not later than the close of business on the fourteenth (14<sup>th</sup>) Day after the adjournment of the meeting at which the vote was taken. If the fourteenth (14<sup>th</sup>) Day is a Day on which the Town Clerk's office is closed, the petition must be filed by the close of business on the next Day that the Town Clerk's office is open.

**(5) Special requirements for petitions on appropriations and bond issues.** All petitions for referendum on any action of the RTM with respect to any bond issue or any appropriation in the amount required for a referendum shall set forth each item as to which a vote is desired, with the amount of the item as approved by the RTM, and the amount to which the petitioners desire it to be decreased or increased. However, no increase shall be proposed in excess of the amount approved for the item in question by the Board of Finance or by the RTM on appeal from the Board of Finance.

## **B. Manner of holding referendum<sup>149</sup>.**

**(1) Certification of Town Clerk.** Upon the filing of a petition fulfilling the requirements of §3.6, the Town Clerk shall certify that fact promptly to the Board of Selectpersons.

**(2) Date of referendum.** The Board of Selectpersons shall call a special election for all Electors of the Town to be held not less than twenty-one (21) Days nor more than twenty-eight (28) Days after the date of certification by the Town Clerk for the sole purpose of voting approval or disapproval of the question or questions presented in the referendum petition.

**(3) Voting hours and method.** For any referendum, the polls shall be opened at six o'clock (6:00 A.M.) and shall be closed at eight o'clock (8:00 PM), but

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<sup>149</sup> 2022 recodification and edit of previous Article XIII, §13.2 (2006). Derived from Chapter III, §10 of the 1947 and 1956 Acts and 1975 Charter; further amended by §7 of the 1951 Act and; Article XIII, §13.2 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

the hours for voting may be increased at the discretion of the Board of Selectpersons. Voting shall be by voting machine or printed ballot, at the discretion of the Board of Selectpersons.

**(4) Ballots for referendum on Ordinance.** The ballot labels or ballots used in referenda concerning Ordinances shall state the matter to be voted on in substantially the following form: "Shall the following action of the Representative Town Meeting held on (date of the meeting) be approved?" followed by a statement of the action questioned in substantially the same language and form set forth in the records of the RTM. The voting machine or printed ballot shall provide means of voting "yes" or "no" on each question so presented.

**(5) Ballots for referendum on appropriation and bond issue.** Ballot labels or ballots used for referenda brought on appropriations and bond issues shall present separately each appropriation so referred in substantially one (1) of the following forms:

- (a) "Shall a special appropriation, etc. be approved?"; or
- (b) "Shall a special appropriation, etc. be (increased) (decreased) to the sum of \$\_\_\_\_\_?"; or
- (c) "Shall the following items contained in the annual town budget be approved?; or
- (d) "Shall the following items contained in the annual town budget be (increased) (decreased) to the sum of \$\_\_\_\_\_?"

**(6) Vote necessary to pass referenda<sup>150</sup>.** In order to reverse or modify the action taken by the RTM, the vote in favor of reversing or modifying the action must both:

- (a) Exceed twenty-five (25%) percent of the total number of Electors of the Town eligible to vote as of the close of business on the Day before the election; and,
- (b) Constitute a majority of votes cast on the question.

## **§3.7. Appeals from the Board of Finance<sup>151</sup>.**

The RTM shall have the power to hear and determine appeals from decisions of the Board of Finance as provided in §9.8.

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<sup>150</sup> 2022 recodification and edit of previous Article XIII, §13.2.F. Derived from Chapter III, §11 of the 1947 and 1956 Acts; Chapter III, 11 of the 1975 Charter; and Article XIII, §13.2.F of the 1997 Charter.

<sup>151</sup> 2022 recodification and edit of previous Article IV, §4.6 (2006). Modification of Chapter III, §13 of the 1947 and 1956 Acts and Chapter III, §12 of the 1975; see also, Modification of Chapter XVII, §5 of the 1947 and 1956 Acts and 1975 Charter; and Article IV, §4.6 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

## **§3.8. Vacancies in the RTM<sup>152</sup>.**

Any vacancy in the RTM shall be filled as set forth in §2.6.E.

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<sup>152</sup> NEW (2022).

# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE IV - BOARD OF SELECTPERSONS AND THE FIRST SELECTPERSON

### §4.1. Executive Authority.

**A. The Executive Branch<sup>153</sup>.** The executive branch of the Town government shall consist of the Board of Selectpersons and the elected and appointed Boards and Commissions, Elected Town Officials or Appointed Town Officers, and employees set forth in this Charter.

**B. The First Selectperson<sup>154</sup>.** The First Selectperson shall be the chief executive officer of the Town as well as the town agent<sup>155</sup> and shall have the powers and duties vested in the office by this Charter and the General Statutes. The First Selectperson shall devote full time to the duties of the office<sup>156</sup>.

**C. Election and Qualifications<sup>157</sup>.** There shall be three (3) members of the Board of Selectpersons, including the First Selectperson, who shall be chosen by the Electors of the Town, as set forth in §2.3.C(1)(a), §2.3.C(3)(b) and (3)(b) and §2.7.

### §4.2. The Board of Selectpersons.

**A. Meetings<sup>158</sup>.** The Selectpersons shall hold their first meeting not later than the fourth (4<sup>th</sup>) Monday of November. The First Selectperson shall be chair of the Board of Selectpersons and shall preside over all of its meetings<sup>159</sup>. The Selectpersons shall meet at least twice each month, unless there is no business to be conducted<sup>160</sup>.

**B. General powers and duties<sup>161</sup>.** The executive authority of the Town shall be vested in the Board of Selectpersons, except to the extent such authority is expressly

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<sup>153</sup> 2022 recodification and edit of previous Article V, §5.1 (2006). Derived from Article V, §5.1 of the 1997 Charter

<sup>154</sup> 2022 recodification of previous Article VI, §6.2.A (2006). Derived from Article VI, §6.2A of the 1997 Charter.

<sup>155</sup> 2022 recodification of previous Article VI, §6.2.A(2) which is derived from Chapter IV, §3(d) of the 1947 and 1956 Acts; Chapter IV, §4 of the 1975 Charter; and, Article VI, §6.2A(1) and (2) of the 1997 Charter.

<sup>156</sup> 2022 recodification of previous Article VI, §6.2.A(1) which is derived from Chapter IV, §3(d) of the 1947 and 1956 Acts; Chapter IV, §4 of the 1975 Charter; and, Article VI, §6.2A(1) and (2) of the 1997 Charter.

<sup>157</sup> NEW (2022)

<sup>158</sup> 2022 recodification and modification ("unless there is no business to be conducted" clause) of previous Article VI, §6.1.B (2006). Derived from Chapter IV, §2 of the 1947 and 1956 Acts and 1975 Charter; and, Article VI, §6.1.B of the 1997 Charter.

<sup>159</sup> Derived from Chapter IV, §1 of the 1947 Act; further amended by §8 of the 1951 Act and affirmed by Chapter IV, §1 of the 1956 Act and the 1975 Charter; and, Article VI, §6.1.B of the 1997 Charter.

<sup>160</sup> Derived from Chapter IV, §2 of the 1947 Act and 1956 Act.

<sup>161</sup> 2022 recodification and edit of previous Article VI, §6.1.C (2006). Derived from Chapter IV, §3(a) and (c) of the 1947 Act and 1956 Act. Note: Subsection 3(b) of both Acts confers the authority of the Board of Sewer Commissioners upon the Board of Selectmen and the Department of Public Works as set forth under Special Act No. 222 (1929); see also, Chapter XXVI of the 1956 Special Act; Chapter IV, §3 and Chapter XXIV of the 1975 Charter; and, Article VI, §6.1.C of the 1997 Charter.



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granted to the First Selectperson in this Charter. The Board of Selectpersons shall have the powers and duties vested in them by the General Statutes, except those expressly vested in the First Selectperson by this Charter or by Ordinance. In particular:

## **(1) Contracts<sup>162</sup>.**

**(a)** All Contracts in excess of Fifty Thousand (\$50,000.00) Dollars, which are exempted from the competitive procurement and solicitation requirements of this Charter and any Ordinances or Regulations adopted hereunder<sup>163</sup> to which the Town (with the exception of contracts authorized to be made on or on behalf of the Board of Education) shall be a party shall be subject to approval of the majority vote of the Board of Selectpersons<sup>164</sup>. This provision shall not apply to emergency transactions, permitted by the General Statutes, this Charter or Ordinance<sup>165</sup>.

**(b)** The approval requirement by the Board of Selectpersons, set forth in this sub-paragraph, shall not be construed to eliminate review by other persons or bodies where required by this Charter, by Ordinance, the General Statutes or, otherwise provided by Law<sup>166</sup>.

**(2) Oversight of Appointees: Subpoena Authority<sup>167</sup>.** All Town Officials and employees of the Town appointed by the Board of Selectpersons shall be responsible to them for the faithful performance of their respective duties and shall render a report to the Selectpersons whenever requested to do so. The Selectpersons shall have the power to investigate any and all Town offices and Departments of the Town and for such purpose shall have the power to issue subpoenas.

**(3) Budget Review and Recommendation<sup>168</sup>.** The Board of Selectpersons shall review the budgets of all Elected Town Officials, Appointed Town Officers, Boards, Commissions, and Departments of the Town and make such recommendations in connection with such budgets to the Board of Finance as they deem necessary.

**(4) Appointment powers.** The Board of Selectpersons shall appoint:

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<sup>162</sup> 2022 recodification and edit of previous Article VI, §6.1.C(1) (2006)(fourth sentence).

<sup>163</sup> NEW (2022).

<sup>164</sup> 2022 recodification and modification of previous Article VI, §6.1.C(1) (2006)(first sentence).

<sup>165</sup> NEW (2022). Previous Article VI, §6.1.C(1) (2006)(second sentence is repealed. The Commission had considered the following modification: raising the contract threshold for delegation of authority for duration (less than three months instead of one month) and amount (\$25,000 instead of \$10,000).

<sup>166</sup> 2022 recodification and modification (The term "contract was moved to Article I) of previous Article VI, §6.1.C(1) (2006)(fourth sentence).

<sup>167</sup> 2022 recodification and edit of previous Article VI, §6.1.C(2) (2006)(First sentence). Modification of Chapter IV, §4 of the 1947, 1956 Acts and 1975 Charter; see also, Article VI, §6.1C.ii of the 1997 Charter; and, Article VI, §6.1.C(2) of the 2006 Charter. Please note the Special Act authority to issue subpoenas.

<sup>168</sup> 2022 recodification and edit of previous Article VI, §6.1.C(3) (2006).

# CHARTER OF THE TOWN OF FAIRFIELD

**(a) Required by Charter<sup>169</sup>:** The Town Officials and employees set forth in this Charter, any others required by the General Statutes or by Ordinance<sup>170</sup> to be appointed by the Board of Selectpersons and any other for which no other appointment provision is made in the General Statutes, this Charter or the Ordinances.

**(b) Required by General Statutes or Ordinance<sup>171</sup>:** The members of any other Board or Commission which is required by an Ordinance or the General Statutes.

**(c) Advisory committees, task forces or other similar entities<sup>172</sup>.** Such advisory committees, task forces or other similar entities, as they deem necessary or useful from time to time to study and advise on any matters which are the concern of the Town.

**(5) Membership on Boards, Commissions, and committees<sup>173</sup>.** Except as otherwise expressly provided in §8.11, each member of the Board of Selectpersons shall be an ex officio member, without vote, on all Town Boards, Commissions, and committees.

**(6) Reorganization of Departments<sup>174</sup>.**

**(a)** Notwithstanding any provisions of this Charter, the Board of Selectpersons may propose to the RTM a Resolution which may alter the method of appointment to or organization of any Town office, Department, Board or Commission of the Town, including combining or separating the duties of such individuals or bodies. The Resolution will effect the change when enacted by the RTM in the form of an Ordinance.

**(b)** The ability to make such changes by Ordinance shall not apply to the Police Department, the Fire Department, the Board of Library Trustees, any Elected Town Official, Elected Board or Commission, and any other office or body where such change by Ordinance is specifically prohibited by statute.

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<sup>169</sup> 2022 recodification and edit of previous Article VI, §6.1.D (2006) (first sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

<sup>170</sup> 2022 recodification and edit of previous Article VI, §6.1.D (2006) (second sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

<sup>171</sup> 2022 recodification and edit of previous Article VI, §6.1.D (2006) (second sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

<sup>172</sup> 2022 recodification and edit of previous Article VI, §6.1.E (2006). Modification of Chapter XXIV, §3 of the 1947 and 1956 Act; Chapter XXVI, 1 of the 1975 Charter; and, Article VI, §6.1.E of the 1997 Charter.

<sup>173</sup> 2022 recodification and edit of previous Article VI, §6.1.F (2006). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.F of the 1997 Charter.

<sup>174</sup> 2022 recodification and edit of previous Article VI, §6.1.G (2006). Derived from Chapter II, 11 of the 1975 Charter and Article VI, §6.1.G of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

(c) If the duties of two (2) or more bodies or Town offices are combined or separated by Ordinance, the existence, the method of appointment, the organization, powers, and duties of the prior Town offices or bodies shall cease as defined in this Charter and shall be as defined in the Ordinance.

(d) The method of election to any Town office, Board, Commission, or agency of the Town may be changed by Ordinance, as set forth in §4.2.B(6)(a), if the method of election set forth in this Charter is or becomes improper, invalid, or ineffective because of a change in the law or an ambiguity in, or erroneous provision of, this Charter.

## §4.3. Powers and Duties of the First Selectperson.

**A. Executive Powers<sup>175</sup>.** The day-to-day executive and management authority of the Town shall be vested in the First Selectperson. The First Selectperson shall have the powers and duties vested by Law

**B. Duties.** The First Selectperson shall:

(1) Direct and supervise<sup>176</sup> the administration of all Departments and officers<sup>177</sup> and shall be responsible for the administration of all the affairs of the Town in respect to such Departments<sup>178</sup>;

(2) Be responsible for the faithful execution of all laws, provisions of the Charter and Ordinances governing the Town<sup>179</sup>;

(3) Make periodic reports to the RTM and may convene Special RTM Meetings, as set forth in §3.4.D, attend and participate in RTM meetings, but shall have no vote<sup>180</sup>;

(4) Present, from time-to-time, to the Board of Selectpersons for disposition to the Board of Finance and RTM proposed capital project(s)<sup>181</sup>;

(5) Prepare and maintain a five (5) year capital plan, and submit annually

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<sup>175</sup> 2022 recodification and minor modification of previous Article VI, §6.1.C (2006). Derived from Chapter IV, §3(a) and (c) of the 1947 Act and 1956 Act. Note: Subsection 3(b) of both Acts confers the authority of the Board of Sewer Commissioners upon the Board of Selectmen and the Department of Public Works as set forth under Special Act No. 222 (1929); see also, Chapter XXVI of the 1956 Special Act; Chapter IV, §3 and Chapter XXIV of the 1975 Charter; and, Article VI, §6.1.C of the 1997 Charter.

<sup>176</sup> NEW (2022)

<sup>177</sup> 2022 recodification and edit of previous Article VI, §6.2.A(3).

<sup>178</sup> NEW (2022).

<sup>179</sup> 2022 recodification and minor modification of previous Article VI, §6.2.A(4).

<sup>180</sup> NEW (2022); although it included a reference to authority currently set forth in current Article IV, §4.2.A (2006) entitled "Composition" which permits the First Selectperson to participate in RTM meetings.

<sup>181</sup> NEW (2022).

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to the Board of Finance an update of such plan<sup>182</sup>;

(6) Keep the RTM and Board of Finance fully informed on the financial condition of the Town by issuance of quarterly reports of income and expense as to budget items, including grants, receipts, expenditures and changes to said budgeted amounts<sup>183</sup>;

(7) Select, appoint and hire Appointed Town Officers, including department heads, except as otherwise provided for in this Charter or by the General Statutes<sup>184</sup>;

(8) Investigate the availability of state and federal funds and grants on behalf of the Town and advise any of the Town's Departments and Boards and Commissions with respect to obtaining said funds and grants<sup>185</sup>;

(9) Act, or designate another, as the bargaining agent for the Town, with the exception of the Board of Education, in all labor and employment matters, including authority to retain the services of labor consultants and attorneys to assist in such matters<sup>186</sup>;

(10) After the election of any Town official of whom an oath is required by law, cause the Town official to be sworn to the faithful discharge of the duties of office<sup>187</sup>;

(11) Upon the request of any Selectperson, inform the Board of Selectpersons of the First Selectperson's actions<sup>188</sup>;

(12) Have the ability to delegate such authority as may be necessary to the Selectpersons or to administrative assistants whose appointment may be authorized by the RTM<sup>189</sup>; and

(13) Have the ability to convene the members of any or all Departments, Boards and Commissions to review and coordinate activities and to plan operations of the Town government<sup>190</sup>.

The First Selectperson shall have such additional powers and shall perform such

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<sup>182</sup> NEW (2022)

<sup>183</sup> NEW (2022)

<sup>184</sup> NEW (2022). **Comment of the 2022 Charter Revision Commission:** This provision simply recognizes Article IX requirements of the First Selectperson.

<sup>185</sup> NEW (2022).

<sup>186</sup> NEW (2022). Note: this is pursuant to the Municipal Employee Relations Act under the General Statutes.

<sup>187</sup> 2022 recodification of previous Article VI, §6.2.A(5).

<sup>188</sup> 2022 recodification and edit of previous Article VI, §6.2.A(6).

<sup>189</sup> 2022 recodification and edit of current Article VI, §6.2.A(7).

<sup>190</sup> 2022 recodification and edit of previous Article VI, §6.2.A(8).

# CHARTER OF THE TOWN OF FAIRFIELD

other duties as may from time to time be required by Ordinance, provided that the same are not inconsistent with this Charter or the provisions of the Connecticut General Statutes<sup>191</sup>.

## **C. Appointment powers<sup>192</sup>.**

(1) The First Selectperson shall appoint the Appointed Town Officers, Boards and Commission members, and employees set forth in Articles VII and VIII, any others required by the General Statutes or by Ordinance<sup>193</sup> to be appointed by the First Selectperson and any other for which no other appointment provision is made in this Charter<sup>194</sup>.

(2) All Appointed Town Officers, Board and Commission members and employees of the Town appointed solely by the First Selectperson shall be responsible to the First Selectperson for the faithful performance of their respective duties and shall report to the First Selectperson<sup>195</sup>.

**D. Designation of Acting First Selectperson<sup>196</sup>.** Immediately upon taking office, the First Selectperson shall designate, in writing, to the Town Clerk the member of the Board of Selectpersons authorized to act as First Selectperson during the unavailability or temporary disability of the First Selectperson and during the period from the date a vacancy occurs until a successor First Selectperson takes office under the provisions of §2.6.C and D. Such designation may be changed in writing from time to time.

**E. Staff<sup>197</sup>.** The First Selectperson is entitled to appoint a chief of staff and administrative assistant, or equivalent positions. All assistants and staff appointed by the First Selectperson shall serve at the pleasure of the First Selectperson.

## **F. Chief Administrative Officer<sup>198</sup>.**

(1) **Appointment and Duties.** The First Selectperson shall appoint a Chief Administrative Officer, who shall be an advisor to the First Selectperson. Under the supervision of the First Selectperson, the Chief Administrative Officer (a) shall be responsible for administrative functions relative to the daily operation of

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<sup>191</sup> NEW (2022).

<sup>192</sup> 2022 recodification of current Article VI, §6.2.B (2006). Derived from Article VI, §6.2B of the 1997 Charter. 2022 recodification and modification of current Article VI, §6.1.D (2006) (first sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

<sup>193</sup> 2022 recodification and modification of previous Article VI, §6.1.D (2006) (second sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

<sup>194</sup> 2022 recodification of previous Article VI, 6.2.B(1)(2006). Derived from Chapter IV, §3(d) of the 1947 and 1956 Acts.

<sup>195</sup> 2022 recodification and edit of previous Article VI, 6.2.B(2)(2006). Derived from Chapter IV, §3(d) of the 1947 and 1956 Acts.

<sup>196</sup> 2022 recodification and edit of previous Article VI, §6.2.C (2006). Derived from Article VI, §6.2.C of the 1997 Charter.

<sup>197</sup> NEW (2022).

<sup>198</sup> NEW (2022).

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Departments; (b) may be assigned as liaison between the First Selectperson and other Town Officials, Offices and Boards and Commissions; Boards; and (c) may be tasked by the First Selectperson with specific projects and duties. From time to time, or upon request from the Board of Selectpersons, the Chief Administrative Officer shall provide updates on town matters or special projects as assigned by the First Selectperson to the Board of Selectpersons.

**(2) Term.** The administrator shall be an unclassified employee of the town and serve at the pleasure of the First Selectperson.

**(3) Experience.** Said administrator shall be appointed on the basis of substantial executive and administrative experience, education, competencies, and credentials, in management and administration, in accordance with the best practices recommended for local government management by reputable national organizations with subject matter expertise in the management of local government and public administration<sup>199</sup>.

**(4) Qualifications.** Said qualifications shall be prepared by the Director of Human Resources, who shall also prequalify candidates for the position prior to interview by the First Selectperson.

**G. Purchasing Authority<sup>200</sup>.** The First Selectperson and the Purchasing Agent, acting in conjunction, shall be the general purchasing authority of the Town. All supplies, materials, equipment, other commodities, Contracts for public works or services, other than professional services, required by any department, office, agency, board, authority, or commission of the Town, including the Board of Education, shall be purchased by the purchasing authority on a requisition, in such form as the Selectpersons may prescribe, signed by the head of the Department, office, agency, or chair of the Board or Commission or other like entities. No purchase order shall be issued without the signature of the Purchasing Agent or, in the Purchasing Agent's absence, of the First Selectperson.

## **§4.4. Compensation of executive branch members<sup>201</sup>.**

The members of all Boards and Commissions except the Board of Selectperson shall serve without compensation unless the RTM shall otherwise direct. Except as provided in this Charter or otherwise by Law, the compensation of all Town Officials shall be fixed by the

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<sup>199</sup> **Comment of the 2022 Charter Revision Commission.** The following organizations meet the criteria set forth in the Charter at the time of deliberations and approval: such as the Government Finance Officers Association, the International City/County Management Association, National League of Cities, National Academy of Public Administrators, the IBM Center for the Business of Government, International Public Management Association for Human resources and other equivalent or successor organizations

<sup>200</sup> Recodification and edit of previous Article XII, §12.8 (2006). Derived from Chapter XXI of the 1947 Act; and further amended by §20 of the 1951 Act and affirmed by Chapter XXI of the 1956 Act and Chapter XVIII of the 1975 Charter. Derived from Article XII, §12.8 of the 1997 Charter.

<sup>201</sup> 2022 Recodification and edit of previous Article V, §5.2 (2006). Derived from Modification of Chapter II, §8 and Chapter IV, §5 of the 1947 Act and 1956 Act; Chapter II, §7 of the 1975 Charter and Article V, §5.2 of the 1997 Charter.

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Board of Selectpersons subject to the adoption of the Town Budget as provided in Article IX<sup>202</sup>.

## **§4.5. Regulations<sup>203</sup>.**

Any Town Official or Board or Commission empowered to enact Regulations under the provisions of the General Statutes or of this Charter shall hold at least one (1) public hearing before the enactment of such Regulations. Except as otherwise provided by statute, the time and place of such hearing together with a copy of the proposed Regulations shall be published at least once not more than ten (10) nor less than five (5) Days before the date set for such hearing.

Except as otherwise provided by statute, any such Regulation shall be superseded by an Ordinance adopted by the RTM affecting the same subject matter.

## **§4.6. Absence, Disability, Vacancy in the Office of First Selectperson<sup>204</sup>.**

Any vacancy in the Office of the First Selectperson shall be addressed as set forth in §2.6.D.

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<sup>202</sup> 2022 repeal of previous Article V, §5.3 (2006) (“Official Bonds”). Derived from Modification of Chapter II, §9 of the 1947 Act and 1956 Act; Chapter II, §9 of the 1975 Charter and Article V, §5.3 of the 1997 Charter.

<sup>203</sup> 2022 Recodification and edit of previous Article V, §5.4 (2006). Chapter XXVI, §8 of the 1975 Charter; and, Article V, §5.4 of the 1997 Charter.

<sup>204</sup> NEW (2022). Simply refers the reader to the correct section.

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## ARTICLE V – OTHER ELECTED OFFICERS, BOARDS AND COMMISSIONS

### §5.1. Town Clerk<sup>205</sup>.

**A. Establishment and election<sup>206</sup>.** There shall be a Town Clerk elected at the times and for the term set forth in §2.3.A(3) and §2.3.C(1)(d).

**B. Powers and duties<sup>207</sup>.** The Town Clerk shall have the powers and duties prescribed by this Charter, by Ordinance, and by the General Statutes. In particular, the Town Clerk shall:

- (1) Devote full time to the duties of the office;
- (2) Collect the fees or compensation provided by the General Statutes to be paid to the Town Clerk;
- (3) Deposit all money required to be collected by the Town Clerk with the Chief Fiscal Officer, with whom the Town Clerk shall file a full statement of receipts at the time of each deposit; and
- (4) Provide, as may be requested, a receipt for all money received to the person from whom it was received.

**C. Staffing<sup>208</sup>.** All expenses of the Town Clerk's office, including necessary clerical assistance and Assistant Town Clerks, shall be paid by the Town within the limit of the appropriation therefor.

**D. Assistant Town Clerks<sup>209</sup>.** The Town Clerk may appoint Assistant Town Clerks who shall be under the supervision of the Town Clerk and shall perform such duties as the Town Clerk specifies.

**E. Compensation<sup>210</sup>.** In lieu of all fees and other compensation, the Town Clerk shall receive a salary fixed by the Board of Finance.

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<sup>205</sup> Derived from Chapter VII of the 1947 and 1956 Acts and 1975 Charter.

<sup>206</sup> 2022 recodification and edit of previous Article VII, §7.1.A (2006). Derived from Article VII, §7.1.A of the 1997 Charter.

<sup>207</sup> 2022 recodification and edit of previous Article VII, §7.1.B (2006). Derived from Article VII, §7.1.B of the 1997 Charter.

<sup>208</sup> 2022 recodification of previous Article VII, §7.1.C (2006). Derived from Article VII, §7.1.C of the 1997 Charter.

<sup>209</sup> 2022 recodification and edit of previous Article VII, §7.1.D (2006). Derived from Article VII, §7.1.D of the 1997 Charter.

<sup>210</sup> 2022 recodification of previous Article VII, §7.1.E (2006). Derived from Article VII, §7.1.E of the 1997 Charter.



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**F. Ordinances and votes<sup>211</sup>.** The Town Clerk shall publish notice of action concerning Ordinances in accordance with this Charter. All Ordinances and RTM votes shall be recorded by the Town Clerk in records kept for the purpose.

**G. Reports to Assessor and Tax Collector<sup>212</sup>.** The Town Clerk shall promptly file with the Assessor and Tax Collector a complete abstract of all deeds and conveyances of land or of personal property, or of certificates of intention to transfer personal property, placed in the custody of the Town Clerk for record.

**H. Vacancy<sup>213</sup>.** A vacancy in the Office of the Town Clerk shall be filled as set forth in §2.6.A.

## **§5.2. Justices of the Peace.**

**A. Establishment and election<sup>214</sup>.** There shall be forty-five (45) Justices of the Peace<sup>215</sup> elected or nominated in the manner and for the terms prescribed in §2.3.A and C.

**B. Powers and duties<sup>216</sup>.** Justices of the Peace shall have the powers and duties prescribed by the General Statutes for their respective offices.

**C. Vacancies<sup>217</sup>.** Vacancies shall be filled as set forth in §2.6.B.

## **§5.3. Elected Boards and Commissions: In General.**

**A. Establishment and election<sup>218</sup>.** There shall be a Board of Education, Board of Finance, Board of Assessment Appeals, Town Plan and Zoning Commission, and Zoning Board of Appeals. The members of each Board and Commission shall be elected at the times and for the terms set forth in §2.3.A and C.

### **B. Meetings**

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<sup>211</sup> 2022 recodification and edit of previous Article VII, §7.1.F (2006). Derived from Article VII, §7.1.F of the 1997 Charter.

<sup>212</sup> 2022 recodification of previous Article VII, §7.1.G (2006). Derived from Article VII, §7.1.G of the 1997 Charter.

<sup>213</sup> 2022 recodification and edit of previous Article VII, §7.1.H (2006). Derived from Article VII, §7.1.H of the 1997 Charter.

<sup>214</sup> 2022 recodification and edit of previous Article VII, §7.2.A (2006). Derived from Article VII, §7.2.A of the 1997 Charter.

<sup>215</sup> Chapter II, §1 of the 1947 Act, included 14 justices of the peace; the number was raised to 18 in Chapter II, §1 of the 1956 Act; and then to 30 in Chapter II, §1 of the 1975 Charter; and then, 45 in Article VII, §7.2.A of the 1997 Charter. Note: Constables will no longer be elected officials.

<sup>216</sup> 2022 recodification and edit (reflecting the repeal of elected Constables) of previous Article VII, §7.2.B (2006). Derived from Article VII, §7.2.B of the 1997 Charter.

<sup>217</sup> 2022 recodification and modification (repeal of elected Constables) of previous Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter.

<sup>218</sup> 2022 recodification and edit of previous Article VIII, §8.1.A (2006). Derived from Article VIII, §8.1.A of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

(1) All elected Boards and Commissions, except the Board of Assessment Appeals, shall hold at least ten (10) Regular Meetings a year and shall give annual notice of such meetings as required by the General Statutes. Officers of each Board and Commission, except the RTM, shall be elected annually at an organization meeting so noticed with the Town Clerk held in the month of December<sup>219</sup>..

(2) All elected Boards and Commissions shall comply with the provisions of §1.5 and §1.6<sup>220</sup>.

C. **Vacancies**<sup>221</sup>. Except as provided in §2.6.D with respect to the Board of Selectpersons, vacancy in the membership of any elected Board or Commission shall be filled in the manner prescribed in §2.6.A

## §5.4. Board of Education<sup>222</sup>.

A. **Composition**<sup>223</sup>. The Board of Education shall consist of nine (9) members, for staggered terms, as set forth in §2.3.A(5) and §2.3.C(1)(f) and C(2)(b), no more than six (6) of whom shall be registered with the same political party.

B. **Powers and duties**<sup>224</sup>. The Board of Education shall have all the powers and duties conferred on boards of education generally by Chapter 170 of the General Statutes.

## §5.5. Board of Finance.

A. **Composition**<sup>225</sup>. The Board of Finance shall consist of nine (9) voting members, for staggered terms, as set forth in §2.3.A(4), §2.3.C(1)(e) and §2.3.C(2)(a), no more than six (6) of whom shall be registered with the same political party, and the Board of Selectpersons and the Fiscal Officer, ex officio, without vote.

B. **Powers and duties**<sup>226</sup>. The Board of Finance shall appoint the outside

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<sup>219</sup> 2022 recodification and edit of previous Article VIII, §8.1.B (2006). Derived from Article VIII, §8.1.B of the 1997 Charter.

<sup>220</sup> NEW (2022).

<sup>221</sup> 2022 recodification and edit of previous Article VIII, §8.1.B (2006). Derived from Article VIII, §8.1.B of the 1997 Charter

<sup>222</sup> Derived from Chapter XIX of the 1947 and 1956 Acts; and Chapter XX of the 1975 Charter.

<sup>223</sup> 2022 recodification and edits of previous Article VIII, §8.2.A (2006). Derived from Article VIII, §8.2.A of the 1997 Charter.

<sup>224</sup> 2022 recodification of previous Article VIII, §8.2.B (2006). Derived from Article VIII, §8.2.B of the 1997 Charter.

<sup>225</sup> 2022 recodification and edit of previous Article VIII, §8.3.A (2006). Derived from Chapter XVII, §1 of the 1947 and 1956 Acts and the 1975 Charter; and, Article VIII, §8.3.A of the 1997 Charter. See also, Chapter II, §4(c) of the 1947 and 1956 Acts.

<sup>226</sup> 2022 recodification of previous Article VIII, §8.3.B (2006). Derived from Article VIII, §8.3.B of the 1997

# CHARTER OF THE TOWN OF FAIRFIELD

auditors and shall have all of the powers and duties conferred by this Charter, by Ordinance, and upon boards of finance generally by Chapter 106 of the General Statutes.

**C. Clerk of the Board of Finance<sup>227</sup>.** The Board of Finance shall appoint a clerk and fix the clerk's salary. The clerk shall hold office at the pleasure of the Board of Finance. The clerk may be part time. The clerk shall:

(1) Keep minutes of Board meetings and be the custodian of its records, papers, and data relating to the conduct of its business;

(2) Be a certified or a licensed public accountant or otherwise have credentials, licenses and or certification and experience in the financial field; and

(3) Have the right to call upon all Town Departments, Boards and Commissions and officers for such information as the clerk may reasonably require in connection with the duties of the clerk and responsibilities of the Board of Finance<sup>228</sup>.

**D. Approval of budgets<sup>229</sup>.** The Board of Finance shall approve the Town budget in the manner set forth in Article IX.

**E. Bidding, requisition, and payment procedures<sup>230</sup>.** The Board of Finance shall establish and may amend from time to time procedures and guidelines for bidding on purchases and Contracts by the Town as well as procedures for departmental requisition and for payments.

## §5.6. Board of Assessment Appeals.

**A. Composition<sup>231</sup>.** The Board of Assessment Appeals shall consist of five (5) members, for staggered terms as set forth in §2.3.A(10), §2.3.C(1)(k) and §2.3.C(2)(g), and to be elected in accordance with Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.).

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Charter.

<sup>227</sup> 2022 recodification and edit of previous Article VIII, §8.3.C (2006). Modification of Chapter XVII, §3 of the 1947 and 1956 Acts and the 1975 Charter; and Article VIII, §8.3.C of the 1997 Charter.

<sup>228</sup> 2022 recodification and edit of previous Article VIII, §8.3.D (2006). Modification of Chapter XXII of the 1947 and 1956 Acts and Chapter XXIII of the 1975 Charter, which ratified Special Act No. 511 (1935); Special Act No. 270 (1939); and, Special Act No. 367 (1941); and, Article VIII, §8.3.D of the 1997 Charter.

<sup>229</sup> 2022 recodification of previous Article VIII, §8.3.E (2006). Modification of Chapter XVII, §4 of the 1947 and 1956 Acts and the 1975 Charter; and, Derived from Article VIII, §8.3.E of the 1997 Charter. **2022 Charter Revision Commission Comment:** Article VII, 8.3.D was repealed as the matter is addressed by the General Statutes.

<sup>230</sup> 2022 recodification and edit of previous Article XII, §12.9 (2006). Derived from Chapter XVIII, §4 and §5 of the 1975 Charter and Article XII, §12.9 of the 1997 Charter.

<sup>231</sup> 2022 recodification and edit of previous Article VIII, §8.4.A (2006). Derived from Article VIII, §8.4.A of the 1997 Charter.

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**B. Powers and duties<sup>232</sup>.** The Board of Assessment Appeals shall have all the powers and duties conferred on boards of assessment appeals generally by §§12-110 to 12-117 of Chapter 203 of the General Statutes.

## §5.7. Town Plan and Zoning Commission.

**A. Composition<sup>233</sup>.** The Town Plan and Zoning Commission shall consist of seven (7) voting members, for staggered terms as set forth in §2.3.A(6) and §2.3.C(1)(g) and (h); and, §2.3.C(2)(c) and (d), no more than five (5) of whom shall be registered with the same political party. There shall be three (3) alternate members of the Town Plan and Zoning Commission, as set forth in §2.3.A(7), no more than two (2) of whom shall be registered with the same political party.

**B. Powers and duties<sup>234</sup>.** The Town Plan and Zoning Commission shall have all the powers and duties conferred by this Charter, by Ordinance, and on zoning commissions and planning commissions generally by Chapter 124 and Chapter 126 of the General Statutes (C.G.S. §8-1 et seq. and §8-18 et seq.). In particular, the Town Plan and Zoning Commission shall:

- (1) Prepare, adopt, and amend the plan of conservation and development of the Town<sup>235</sup>;
- (2) Have control over the subdivision of land<sup>236</sup>;
- (3) Make studies and recommendations on matters affecting health, recreation, traffic, and other needs of the Town dependent on, or related to, the plan of conservation and development;
- (4) Consider and report upon the design, location, and relation to the plan of conservation and development of all new public ways, buildings, bridges, and other public places and structures<sup>237</sup>;

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<sup>232</sup> 2022 recodification of previous Article VIII, §8.4.B (2006). Derived from Article VIII, §8.4.B of the 1997 Charter.

<sup>233</sup> 2022 recodification and edit of previous Article VIII, §8.5.A (2006). Derived from Chapter XI, §1 of the 1947 Act, which established five members. The Board was expanded to seven members under the 1956 Act. The October election date was retained in §12 of the 1951 Act and reaffirmed by Chapter XI, §1 of the 1956 Act and the 1975 Charter; and, Article VIII, §8.5.A of the 1997 Charter.

<sup>234</sup> 2022 recodification and edit of previous Article VIII, §8.5.B (2006). Modification of Chapter XI, §2 of the 1947 Act. There was also an appeal to the court of common pleas in Chapter XI, §8 of the 1947 Act; further amended by §13 of the 1951 Act. The appeal to the court of common pleas was repealed by §14 of the 1951 Act. Reaffirmed by Chapter XI, §2 of the 1956 Act and the 1975 Charter; and, Article VIII, §8.5.B of the 1997 Charter.

<sup>235</sup> 2022 recodification and minor modification of current Article VIII, §8.5.B(1). Replacement of Chapter XI, §3 of the 1947 Act and 1956 Act.

<sup>236</sup> Replacement of Chapter XI, §5 of the 1947 Act. At the time a definition of “subdivision” was included in Chapter XI, §7 of the 1947 Act, which was repealed by §14 of the 1951 Act, along with §5; as reaffirmed by Chapter XI of the 1956 Act.

<sup>237</sup> Replacement of Chapter XI, §6 of the 1947 Act; Chapter XI, §5 of the 1956 Act; and Chapter XI, §4 of the

# CHARTER OF THE TOWN OF FAIRFIELD

(5) Consider and report upon the layout of new developments in the Town<sup>238</sup>;

(6) Make detailed plans for the improvement, reconditioning, or development of areas which in its judgment contain special problems or show a trend toward lower land values; and

(7) Make such other studies, recommendations, and inclusions in the plan of conservation and development as will in its judgment be beneficial to the Town<sup>239</sup>.

**C. Appointment of Planning Director<sup>240</sup>.** The Town Plan and Zoning Commission shall appoint a Planning Director who has been approved by the First Selectperson

**D. Other employees and consultants<sup>241</sup>.** The Town Plan and Zoning Commission may engage such employees and consultants as it requires to carry out its duties, including a zoning enforcement officer and assistants who, subject to the general supervision of the Planning Director, shall enforce all Laws, Ordinances, and Regulations relating to zoning and planning, and shall have such other duties as the Town Plan and Zoning Commission or the Planning Director may prescribe.

## **§5.8. Zoning Board of Appeals<sup>242</sup>.**

**A. Composition<sup>243</sup>.** The Zoning Board of Appeals shall consist of five (5) regular members, for staggered terms as set forth in §2.3.A(9), §2.3.C(1)(i) and (j); and, §2.3.C(2)(e), no more than four (4) of whom shall be registered with the same political party<sup>244</sup>, and three (3) alternates, as set forth in §2.3.C(2)(f), no more than two (2) of whom shall be registered with the same political party.

**B. Powers and duties<sup>245</sup>.** The Zoning Board of Appeals shall have the powers and duties conferred on zoning boards of appeals generally by §§ 8-5 to 8-7e of Chapter 124 of the General Statutes.

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1975 Charter.

<sup>238</sup> Replacement of Chapter XI, §4 of the 1947 and 1956 Acts and Chapter XI, §5 of the 1975 Charter.

<sup>239</sup> Replacement of Chapter XI, §3 of the 1947 Act. §2 and 3 of the 1947 Act were repealed by §15 and 16 of the 1951 Act.

<sup>240</sup> 2022 recodification and edit of previous Article VIII, §8.5.C (2006). Derived from Article VIII, §8.5.C of the 1997 Charter.

<sup>241</sup> 2022 recodification and edit of previous Article VIII, §8.5.D (2006). Derived from Article VIII, §8.5.D of the 1997 Charter.

<sup>242</sup> Modification of Chapter XII of the 1947 and 1956 Acts and 1975 Charter.

<sup>243</sup> 2022 recodification and edit of previous Article VIII, §8.6.A (2006). Derived from Article VIII, §8.6.A of the 1997 Charter. The

<sup>244</sup> The current “minority party” standard was not included in Chapter XII §2 of the 1947 and 1956 Acts: “Not more than three members of said board shall be members of the same political party.” The standard was increased to “four” in Article IX, §8.6.A of the 1997 Charter and has continued thereafter.

<sup>245</sup> 2022 Recodification of previous Article VIII, §8.6.B (2006). Derived from Article VIII, §8.6.B of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE VI - APPOINTED OFFICERS AND BOARDS AND COMMISSIONS IN GENERAL

### §6.1. Eligibility for appointed Town Office<sup>246</sup>.

**A. Elector requirements for Certain Appointed Town Officers and Members of Boards and Commissions; Exception<sup>247</sup>.** No person not at the time an Elector of the Town shall be eligible for appointment to any appointed Board or Commission or to the office of Town Treasurer or Constable. Persons serving as Chief of Police or Fire Chief must be or become a resident of the State of Connecticut, in accordance with the requirements of the respective Appointing Authorities (as defined in §6.2.B).

**B. Effect of ceasing to be an Elector<sup>248</sup>.** If any Appointed Town Officer required to be an Elector of the Town or any member of an appointed Board or Commission ceases to be an Elector of the Town, the office shall then become vacant.

**C. Single office requirement for appointed office<sup>249</sup>.** Except as otherwise provided in §8.5, §8.7, §8.8, and §8.11, no person shall be eligible to hold any appointed Town Office, including appointed members of any Board or Commission, who is at the same time an elected RTM member, Town Officer, an elected state official, or a member of an elected or appointed Board or Commission. For purposes of this paragraph, the term "Town Office" does not include Justices of the Peace or Constables or committees, task forces, or other like entities created pursuant to §4.2.B(4)(c).

**D. Eligibility for reappointment<sup>250</sup>.** No person shall be appointed to more than two (2) successive full terms on the same appointed Board or Commission, but such person shall be eligible for reappointment after an interval of not less than one (1) year except as otherwise provided in §8.14 and §8.15, with respect to the Ethics Commission and Golf Commission, respectively, or by Ordinance.

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<sup>246</sup> Derived from Chapter II, §3 of the 1947 and 1956 Acts and 1975 Charter.

<sup>247</sup> 2022 recodification and modification of previous Article III, §3.1.A (2006). Derived from Article III, §3.1.A of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** The residency requirements for Assistant Town Attorney was eliminated and the residency requirement for Chief of Police and Fire Chief was modified. In addition, the residency for the appointed Constables was affirmed,

<sup>248</sup> 2022 recodification and edit of previous Article III, §3.1.B (2006). Derived from Article III, §3.1.B of the 1997 Charter.

<sup>249</sup> 2022 recodification and modification of previous Article III, §3.1.C (2006). Derived from Article III, §3.1.C of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** Board of Education was removed from the exclusion at the end of the paragraph.

<sup>250</sup> 2022 recodification of current Article III, §3.1.D (2006). Modification of Article III, §3.1.D of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** The Board of Library Board of Trustees was removed from this provision due to the change of the term of office from six to three years, at the request of the Board,

# CHARTER OF THE TOWN OF FAIRFIELD

## **§6.2. Authority and Qualification of Appointed Town Officers<sup>251</sup>.**

**A. Authority of Appointed Town Officers, including department heads<sup>252</sup>.** Once appointed as described in this Charter, Appointed Town Officers, including department heads shall, unless otherwise set forth in this Charter or Law, appoint, hire, discipline and remove all deputies, assistants and other employees of the Department and subject to (1) the supervisory authority of the First Selectperson or other Appointing Authority, as defined in §6.4.A; (2) any specific provisions of this Charter or Law pertaining to the authority of a Appointed Town Officer, including department heads and the relationship with a governing Board or Commission; and, (3) any applicable collective bargaining agreements.

**B. Qualifications of Appointed Town Officers, including department heads<sup>253</sup>.** The job qualifications of all Appointed Town Officers, including department heads, in addition to those enumerated in this Charter, by the General Statutes or Special Act shall be prepared by the Director of Human Resources. Said job qualifications shall be prepared in accordance with nationally accepted professional standards and best practices in the applicable field and shall be reviewed and updated, if necessary, every four (4) years and whenever a vacancy occurs in the position.

## **§6.3. Minority representation on Boards and Commissions<sup>254</sup>.**

Unless other expressly set forth in this Charter, no more than a bare majority of the members of a Board or Commission shall be members of the same political party. This shall not apply to persons required to serve on a particular Board or Commission by virtue of holding another position or office in the Town.

## **§6.4. Terms of office<sup>255</sup>.**

**A. General Rule: Appointed Town Officers and Board and Commission Members.** Unless otherwise provided by the General Statutes, this Charter or by Ordinance the terms of office of all Appointed Town Officers and appointed members of Boards and Commissions shall commence on the fourth (4<sup>th</sup>) Monday in November, and shall continue for the terms set forth in Articles VII and VIII. Notwithstanding the foregoing, in the event that there is a vacancy and the Town Official who possesses the authority to make an appointment (“Appointing Authority”) does not appoint a new Appointed Town

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<sup>251</sup> NEW (2022).

<sup>252</sup> NEW (2022).

<sup>253</sup> NEW (2022).

<sup>254</sup> 2022 recodification and modification (the opening clause) of previous Article III, §3.2 (2006). Derived from Article III, §3.2 of the 1997 Charter.

<sup>255</sup> 2022 recodification and modification of current Article III, §3.3 (2006). Derived from Article III, §3.3 of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** The provision was broken into two sub-sections. The ethics Commission term was shifted to April 1 and the Board of Library Trustees was shifted to July 1.

# CHARTER OF THE TOWN OF FAIRFIELD

Officer or Board or Commission member by the fourth (4<sup>th</sup>) Monday in November after the biennial municipal general election, the commencement of the term of office as set forth in Law or this Charter; or, within sixty-five (65) Days following a vacancy in office, the incumbent shall serve as a continuing Appointed Town Officer or Board or Commission member until either the Appointing Authority fills the vacancy or until the sixty-fifth (65<sup>th</sup>) Day after the fourth (4<sup>th</sup>) Monday in November or the date of the vacancy, whichever occurs first.

**B. Exception: Golf Commission, Ethics Commission and Board of Library Trustees.** The members of the Ethics Commission and the Golf Commission shall commence their terms on the first (1<sup>st</sup>) day of April in the year of their appointment for the duration of their term and shall only remain on said Commission if reappointed. Likewise, the Board of Library Trustees shall commence their terms on the first (1<sup>st</sup>) day of July of their year of appointment for the duration of their term as set forth in §8.16.

## **§6.5. Resigning from appointed office<sup>256</sup>.**

Any Appointed Town Officer or appointed Board or Commission member may resign by submitting a written notice of resignation to the Town Clerk. The resignation shall become effective on the date specified in the notice of resignation or, if no date is specified, on the date the notice of resignation is submitted.

## **§6.6. Vacancies in appointed office<sup>257</sup>.**

Unless otherwise set forth in the General Statutes or otherwise in this Charter, vacancies in Appointed Town Offices and membership on all Appointed Boards and Commissions shall be filled by the Appointing Authority. Persons so appointed shall serve for the remainder of the term of the position vacated.

## **§6.7. Removal from appointed office for cause.**

**A. Board or Commission<sup>258</sup>.** Any Appointed Town Officer or member of any appointed Board or Commission may, except as otherwise provided in the General Statutes or this Charter, be removed for cause by the Appointing Authority (including instances where Boards and Commissions have appointment authority), unless other set forth by Law provided, notice shall first be given in writing of the specific grounds for removal and the individual shall be given an opportunity to be heard in defense, alone or with counsel of the individual's choice, at a hearing before the Appointing Authority, held not more than ten (10) and not less than five (5) Days after transmittal of such notice in accordance with

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<sup>256</sup> 2022 recodification and edit of previous Article III, §3.4 (2006). Derived from Article III, §3.4 of the 1997 Charter.

<sup>257</sup> 2022 recodification and modification (opening clause) of previous Article III, §3.5 (2006). Derived from Article III, §3.5 of the 1997 Charter.

<sup>258</sup> 2022 recodification and modification of previous Article III, §3.6.A (2006). Derived from Modification of Chapter II, §6 of the 1947 and 1956 Acts; Chapter II, §12 of the 1975 Charter; and, Article III, §3.6.A of the 1997 Charter.



# CHARTER OF THE TOWN OF FAIRFIELD

§1.4.C(15). The hearing shall be held in accordance with the Freedom of Information Act (Chapter 14 of the General Statutes, C.G.S. §1-200 et seq.). Appeals may be taken where provided by statute.

**B. Department Head or Director<sup>259</sup>.** Unless this Charter provides that a particular department head or director may be removed without cause, the Board of Selectpersons by unanimous vote of all of its members shall have the power to remove for cause any Department Head, or any director or employee appointed by a Board or Commission, provided notice and opportunity for a hearing before the Board of Selectpersons following the same protocols as set forth in this §6.7.A, and such hearing is held in accordance with the Freedom of Information Act.

## **§6.8. Required Cooperation<sup>260</sup>.**

Each Town Officer, RTM member and employee of any Department of the Town shall assist the Boards and Commissions and the pertinent Departments in carrying out the provisions of this Charter. Furthermore, in the event a Board or Commission is attached to a Department, the Department Head shall cooperate with said Board or Commission in formulating and carrying out the operational, management and personnel policies of the Department.

## **§6.9. Compliance<sup>261</sup>.**

All appointed Boards and Commissions shall comply with the provisions of §1.5 through §1.8.

## **§6.10. Creation of Boards and Commissions<sup>262</sup>.**

In addition to those appointed Boards and Commissions established by this Charter, the RTM may, on its own initiative or at the recommendation of the First Selectperson or Board of Selectpersons, by Ordinance, establish any additional Boards and Commissions of the Town.

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<sup>259</sup> 2022 recodification and edit of previous Article III, §3.6.B (2006). Derived from Article III, §3.6.B of the 1997 Charter.

<sup>260</sup> NEW (2022)

<sup>261</sup> NEW (2022)

<sup>262</sup> NEW (2022)

# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE VII - APPOINTED TOWN OFFICERS

### §7.1. Appointed Town Officers<sup>263</sup>.

There shall be the following Appointed Town Officers as necessary:

**A. Officers Appointed by the First Selectperson<sup>264</sup>.** The First Selectperson shall appoint the Appointed Town Officers listed in § 7.2 through §7.12 Charter and §4.3.E and F.

Town Attorney (§7.2)	Purchasing Agent (§7.8)
Assistant Town Attorneys (§7.3)	Director of Human and Social Services (§7.9)
Fiscal Officer (§7.4.A and B)	Director of Parks and Recreation (§7.10)
Controller (§7.4.C)	Director of Community and Economic Development (§7.11)
Town Treasurer (§7.5)	Director of Human Resources (§7.12)
Director of Public Works (§7.6)	Chief of Staff (§4.3.E)
Building Official (§7.7)	Chief Administrative Officer (§4.3.F)

**B. Officers appointed by the Board of Selectpersons<sup>265</sup>.** The Board of Selectpersons shall appoint the Appointed Town Officers listed in §7.13 through §7.17.

Internal Auditors (§7.13)	Tree Warden (§7.16)
Assessor (§7.14)	Constables (§7.17)
Tax Collector (§7.15)	

**C. Officers appointed by other bodies<sup>266</sup>.** The Appointed Town Officers hereunder shall be appointed by the bodies specified in §7.18 through §7.24.

Director of Health (§7.18)	Planning Director (§7.21)
Chief of Police (§7.19)	Animal Control Officer (§7.22)
Fire Chief (§7.20)	Conservation Director (§7.23)
	Town Librarian (§7.24)

<sup>263</sup> 2022 recodification of previous Article IX, §9.1 (2006). Derived from Article IX, §9.1 of the 1997 Charter.

<sup>264</sup> 2022 recodification and modification of appointment authority set forth in previous Article IX, §9.2 (2006). Derived from Article IX, §9.2 of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** The Chief Administrative Officer and Chief of Staff were added to this provision; although their appointments are set forth in Article IV.

<sup>265</sup> 2022 recodification of appointment authority set forth in previous Article IX, §9.14 (2006). Derived from Article IX, §9.12 of the 1997 Charter.

<sup>266</sup> 2022 recodification of appointment authority set forth in previous Article IX, §9.19 (2006). Derived from Article IX, §9.17 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

## Officers Appointed by the First Selectperson

### §7.2. Town Attorney<sup>267</sup>.

**A. Appointment and qualifications.** The Town Attorney shall be appointed by the First Selectperson and shall be an attorney admitted to practice in the State who has practiced in the State for at least five (5) years. The Town Attorney may be removed by the First Selectperson without cause.

**B. Compensation.** The Town Attorney shall receive the compensation approved by the Board of Selectpersons within the appropriations made for the Town Attorney.

**C. Duties.** The Town Attorney shall:

(1) Be the legal advisor of, and counsel and attorney for, the Town and all Town Departments, Town Officials and the RTM, providing all necessary legal services in matters relating to the Town's interests or the official powers and duties of the Town officers and employees;

(2) Prepare or review all Contracts and other instruments to which the Town is a party or in which it has an interest;

(3) Upon the request of the Board of Selectpersons, or of any other Town Officer, Board or Commission, give a written opinion on any question of law relating to the powers and duties of the officer or body making the request;

(4) Upon the direction of the Board of Selectpersons, appear for the Town or any Town Officers, Boards and Commissions, or Departments in any litigation or any other action brought by or against the Town or any Town Officials; and

(5) Prosecute or defend, appeal from or defend appeals from, and make settlements of, litigation and claims, as the Board of Selectpersons direct.

### §7.3. Assistant Town Attorneys<sup>268</sup>.

**A. Number of positions and appointment.** The Board of Selectpersons, with

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<sup>267</sup> 2022 recodification and modification (adding the RTM; although historically, the legislative body has been represented by the Town Attorney) of previous Article IX, §9.3 (2006). Modification of Chapter VI of the 1947 Act; further amended by §9 of the 1951 Special Act and reaffirmed by Chapter VI of the 1956 Act and 1975 Charter.

<sup>268</sup> 2022 recodification and edit of previous Article IX, §9.4 (2006). Derived from Article IX, §9.4 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

the consent of the RTM, shall determine from time to time the number of Assistant Town Attorneys necessary to effectively carry out the legal business of the Town and shall increase or reduce the number of Assistant Town Attorney positions to the number determined to be necessary. The First Selectperson may then appoint the Assistant Town Attorneys and may remove Assistant Town Attorneys without cause.

**B. Qualifications.** Each Assistant Town Attorney shall be an attorney admitted to practice in the State.

**C. Duties.** The Assistant Town Attorneys shall have the duties assigned to them by, and shall be under the supervision of, the Town Attorney.

## **§7.4. Fiscal Officer and Controller<sup>269</sup>.**

**A. Appointment and qualifications.** The Fiscal Officer shall be appointed by the First Selectperson and shall be a certified or a licensed public accountant or otherwise have experience in the financial field, in accordance with the provisions of §6.2.B.

**B. Duties of the Fiscal Officer.** The Fiscal Officer shall:

- (1) Establish and supervise a central accounting and internal auditing system;
- (2) Be responsible for, and conduct a continuously current accounting of, the financial activities of the Town, including the Board of Education;
- (3) Audit, before payment, all payrolls, bills, invoices and claims drawn against the Town, including the Board of Education; and
- (4) Countersign and approve each requisition to be paid by the Town.

**C. Duties of the Controller.** The Controller shall have the same qualifications as the Fiscal Officer and shall have the duties assigned by, and be under the supervision of, the Fiscal Officer. The Controller may countersign requisitions in the absence of the Fiscal Officer.

## **§7.5. Town Treasurer<sup>270</sup>.**

**A. Appointment and eligibility.** The Town Treasurer shall be appointed by the First Selectperson and may be removed by the First Selectperson without cause. The Fiscal Officer may also serve as Town Treasurer. No person employed by or in the Purchasing Department may at the same time be Town Treasurer.

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<sup>269</sup> 2022 recodification and edit of previous Article IX, §9.5 (2006). Derived from Article IX, §9.5 of the 1997 Charter.

<sup>270</sup> 2022 recodification and edit of previous Article IX, §9.6 (2006). Derived from Article IX, §9.6 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

**B. Duties.** The Town Treasurer shall have the duties conferred on town treasurers by Chapter 94 of the General Statutes (C.G.S. § 7-79 et seq.). The Town Treasurer may be part-time.

## **§7.6. Director of Public Works<sup>271</sup>.**

**A. Appointment and qualifications.** The Director of Public Works shall be appointed by the First Selectperson in accordance with any requirements set forth in the General Statutes and in accordance with the provisions of §6.2.B.

**B. Duties.** The Director of Public Works shall:

- (1)** Administer and supervise the Department of Public Works;
- (2)** Have charge and control of all buildings, materials, apparatus, equipment, and documents of the Department of Public Works;
- (3)** Follow Town Human Resources policies and procedures to assign a Town Engineer who shall be chief technical advisor of the Town and all Departments, except the Board of Education, in all matters concerning the physical development of the Town and the design, construction, and maintenance of its physical plant<sup>272</sup>;
- (4)** Be an ex officio member without vote of the Town Plan and Zoning Commission with respect to planning, the Parks and Recreation Commission and the Flood Prevention, Climate Resilience and Erosion Control Board or, in the alternative, may appoint a designee on said Board<sup>273</sup>.
- (5)** Have the ability to make and enforce reasonable Regulations and rules not inconsistent with this Charter or the General Statutes necessary to efficiently exercise all powers and duties imposed on the Director of Public Works and the Department of Public Works;
- (6)** At the request of the Selectpersons, furnish technical advice reasonably required for the physical functioning of the Town or its government; and

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<sup>271</sup> 2022 recodification and modification (Elimination of the requirement of the professional engineering registration requirement) of previous Article IX, §9.7 (2006). Modification of Chapter IX of the 1947 Act and 1956 Act. Section 1 of the Act established the powers and duties of a Town Engineer as the director of the Department. Section 3 established the position of the Superintendent of Highways and Bridges. Section 4 addressed engineering issues; see, also Chapter IX of the 1975 Charter; and, Article IX, §9.7 of the 1997 Charter.

<sup>272</sup> **Comment of the 2022 Charter Revision Commission:** In lieu of the engineering requirement the Commission approved a provision that requires in-house engineering capabilities under the supervision of the Director of Public Works.

<sup>273</sup> **Comment of the 2022 Charter Revision Commission:** Participation of the Director or a designee is required on the Flood Prevention, Climate Resilience, and Erosion Control Board.

# CHARTER OF THE TOWN OF FAIRFIELD

(7) Perform other reasonable and related duties as directed by the Selectpersons.

**C. Assistants.** The Director of Public Works may request that the First Selectperson engage superintendents and assistants to the Director of Public Works.

## **§7.7. Building Official<sup>274</sup>.**

**A. Appointment and term.** The Building Official shall be appointed by the First Selectperson and shall serve for a term of four (4) years

**B. Number of Assistant Building Officials and Building Inspectors.** The First Selectperson and the Building Official shall determine from time to time the number of Assistant Building Officials and Building Inspectors necessary to carry out the duties of the Building Department and, subject to appropriation, shall increase or decrease the number accordingly.

### **C. Duties.**

(1) The Building Official and the Assistant Building Officials shall have the duties conferred by this Charter and on building officials generally by Chapter 541 of the General Statutes (C.G.S. § 29-250 et seq.).

(2) In particular, the Building Official and the Assistant Building Officials, under the supervision of the Building Official, shall:

(a) Inspect, supervise, regulate, and control the construction, reconstruction, altering, repairing, demolition, and removal of all structures within the Town;

(b) By diligent search and inspection, enforce all Laws, Ordinances, and Regulations governing the construction of buildings and other structures;

(c) Enforce the provisions of the Town building code;

(d) Cooperate and coordinate with the Fire Marshal in inspecting structures and enforcing provisions of the Town building code where fire safety may be a factor; and

(e) Keep complete public records of all applications made to them and of all permits and certificates of approval or occupancy issued by them

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<sup>274</sup> 2022 recodification and edit of previous Article IX, §9.8 (2006). Modification of Chapter X, §1 of the 1947 Act which established a Board of Building Commissioner (§§1-4); the position of Building Inspector (§5); and, Article IX, §9.8 ("Building Inspectors") of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

and any other records required under Chapter 541.

**D. Building Inspectors<sup>275</sup>.** Building Inspectors shall perform such duties as the Building Official shall assign within the scope permitted Law.

## **§7.8. Purchasing Agent<sup>276</sup>.**

**A. Appointment and qualifications.** The Purchasing Agent shall be appointed by the First Selectperson and shall have a background in business or purchasing and procurement.

**B. Duties.** The Purchasing Agent shall have the duties set forth in §4.3.G and such other duties as may be prescribed by the First Selectperson.

## **§7.9. Director of Human and Social Services<sup>277</sup>.**

**A. Appointment and qualifications.** The Director of Human and Social Services shall be appointed by the First Selectperson and shall be trained in social services.

**B. Duties.** The Director of Human and Social Services shall:

(1) Administer and supervise a Department of Human Services;

(2) Prescribe the duties of subordinates and employees;

(3) Coordinate the work of the Department of Human Services with that of other government agencies, private social service organizations, and other entities on social services matters as authorized by the General statutes, including matters which relate to the aging, people with disabilities, veterans, youth and underserved populations of the Town

(4) Perform other duties prescribed by the Human Services Commission and the First Selectperson; and

(5) Report to the First Selectperson in on matters of administration and operation and to the Human Services Commission on matters of policy.

## **§7.10. Director of Parks and Recreation<sup>278</sup>.**

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<sup>275</sup> 2022 recodification and edit of previous Article IX, §9.8.D (2006). Modification of Chapter X, §6 of the 1947 and 1956 Acts; and, Article IX, §9.8.D of the 1997 Charter.

<sup>276</sup> 2022 recodification and edit of previous Article IX, §9.9 (2006). Derived from Article IX, §9.9 of the 1997 Charter.

<sup>277</sup> 2022 recodification and modification (updating of responsibilities in sub-paragraph (3)) of previous Article IX, §9.10 (2006). Derived from Article IX, §9.10 of the 1997 Charter ("Director of Human Services").

<sup>278</sup> 2022 recodification and modification of previous Article IX, §9.11 (2006). Derived from Article IX, §9.11 of

# CHARTER OF THE TOWN OF FAIRFIELD

**A. Appointment and qualifications.** The Director of Parks and Recreation shall be appointed by the First Selectperson and shall have such qualifications as may be established by the Parks and Recreation Commission.

**B. Duties.** The Director of Parks and Recreation shall:

- (1) Administer and supervise the Parks and Recreation Department;
- (2) Recommend policy to the Parks and Recreation Commission;
- (3) Submit to the Parks and Recreation Commission plans for the development and maintenance of public cemeteries, parks, playgrounds, beaches, beach facilities, marina facilities, public gardens, and other recreational areas of the Town, except for areas and facilities under the control of the Board of Education, the Golf Commission, or the Harbor Management Commission;
- (4) Submit to the Golf Commission, the Board of Education, and the Harbor Management Commission plans for the development and maintenance of recreational areas under the control of the Golf Commission, Board of Education, or the Harbor Management Commission<sup>279</sup>;
- (5) Submit to the Parks and Recreation Commission plans for recreation programs in the Town, except programs run by the Board of Education or the Golf Commission;
- (6) Implement the plans approved by the Parks and Recreation Commission;
- (7) Coordinate the maintenance of parks and recreation facilities with the Department of Public Works;
- (8) Coordinate any recreational activities in Town open space areas with the Conservation Commission;
- (9) Perform such other duties as directed by the Parks and Recreation Commission or the First Selectperson; and
- (10) Report to the First Selectperson on matters of administration and operation and to the Parks and Recreation Commission on matters of policy.

If the Golf Commission or Harbor Management Commission ceases to exist, reference to that Commission in this section of this Charter shall be inoperative.

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the 1997 Charter.

<sup>279</sup> **Comment of the 2022 Charter Revision Commission:** Clarification of the scope of responsibilities requested by the Director of Parks and Recreation.



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## §7.11. Director of Community and Economic Development<sup>280</sup>.

**A. Appointment and supervision.** The Director of Community and Economic Development shall be appointed by the First Selectperson and shall report to the First Selectperson and may be removed by the First Selectperson without cause.

**B. Duties.** The Director of Community and Economic Development shall have such duties as determined by the First Selectperson so as to manage and supervise policies and programs relating to economic development and affordable housing and any federal or state programs associated with such issues.

**C. Liaison to Economic Development Commission and Affordable Housing Committee.** The Director of Community and Economic Development shall serve as a liaison to the Economic Development Commission and the Affordable Housing Committee.

## §7.12. Director of Human Resources<sup>281</sup>.

**A. Appointment and supervision.** The Director of Human Resources shall be appointed by the First Selectperson and shall report to the First Selectperson.

**B. Duties.** The Director of Human Resources shall have such duties as determined by the First Selectperson so as to manage and supervise policies and programs relating to all Town personnel practices, policies, and functions and all risk management functions associated with such issues.

### Officers Appointed by the Board of Selectpersons

## §7.13. Internal Auditor or Auditors<sup>282</sup>.

**A. Number.** The Board of Selectpersons shall appoint at least one (1) Internal Auditor and shall determine from time to time the number of Internal Auditors necessary to carry out the duties of the office and shall accordingly increase or decrease the number of Internal Auditors appointed.

**B. Duties.** The Internal Auditor or Auditors shall:

(1) Monitor the Departments, officers, employees, Boards and Commissions of the Town for fiscal policy compliance

(2) Report on a regular basis to the Fiscal Officer; and

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<sup>280</sup> 2022 recodification and edit of previous Article IX, §9.12 (2006).

<sup>281</sup> 2022 recodification and edit of previous Article IX, §9.13 (2006).

<sup>282</sup> 2022 recodification and edit of previous Article IX, §9.15 (2006). Derived from Article IX, §9.13 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

(3) Make reports to the Board of Selectpersons and the Board of Finance semi-annually and at any other times requested by either board.

## **§7.14. Assessor<sup>283</sup>.**

The Assessor shall be appointed by the Board of Selectpersons and shall have the powers and duties conferred on assessors generally by Chapter 203 of the General Statutes (C.G.S. § 12-40 et seq.), and, on request of the Board of Finance, shall report in writing concerning any matters pertaining to those duties. The Assessor shall have and maintain the certification required by § 12-40a of Chapter 203 of the General Statutes.

## **§7.15. Tax Collector<sup>284</sup>.**

**A. Appointment and supervision.** The Tax Collector shall be appointed by the Board of Selectpersons and shall act under the direction and control of the Fiscal Officer.

**B. Duties.** The Tax Collector shall have the powers and duties conferred in this Charter, by Ordinance, and on tax collectors generally by Chapter 204 of the General Statutes (C.G.S. § 12-122 et seq.).

**C. Delinquency list.** The Tax Collector shall present annually, and at any other time the Board of Finance requires, a list of all amounts remaining unpaid on the rate bill for nine (9) months after becoming due. The list shall contain the name and address of each delinquent taxpayer, the amount of the tax, and, as a separate item, the interest and other charges due.

**D. Special Exemption.** Subject to the continuing approval of the State Commissioner of Revenue Services, any provisions of the General Statutes or of any special act inconsistent with this §7.15 shall not be applicable to the Town or the Tax Collector.

## **§7.16. Tree Warden<sup>285</sup>.**

The Tree Warden shall be appointed by the Board of Selectpersons and shall have a term of two (2) years or as otherwise provided by the General Statutes. The Tree Warden shall

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<sup>283</sup> 2022 recodification and edit of previous Article IX, §9.16 (2006). Modification of Chapter XVII, §6 and §8 of the 1947 and 1956 Acts and Chapter XVII, §6 and §7 of the 1975 Charter; and, Derived from Article IX, §9.14 of the 1997 Charter.

<sup>284</sup> 2022 recodification and modification of previous Article IX, §9.17 (2006). Modification of Chapter XVII, §7 and §8 of the 1947 and 1956 Acts and Chapter XVII, §8 of the 1975 Charter; and, Article IX, §9.15 of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** Article IX, §9.17. D entitled "accounting method" was repealed since these issues are government by the General Statutes.

<sup>285</sup> 2022 recodification and modification of previous Article IX, §9.18 (2006). Derived from Article IX, §9.16 of the 1997 Charter. **Comment of the 2022 Charter Revision Commission.** At the time of the adoption of this Charter, C.G.S. §23-58 permits a "term of two years." The duties are set forth in C.G.S. §23-59 et seq.).

# CHARTER OF THE TOWN OF FAIRFIELD

have the powers and duties conferred by Ordinance and on tree wardens generally as set forth in the General Statutes.

## **§7.17. Constables<sup>286</sup>.**

**A. Appointment<sup>287</sup>.** There shall be four (4) Constables appointed by the Board of Selectpersons for staggered terms of four (4) years, subject to the transition provision. No more than two (2) shall be from the same political party.

**Transitional Provision.** On or about the first (1<sup>st</sup>) day of December, 2023, the Board of Selectpersons shall appoint two (2) members to a term of four (4) years and two (2) members to a term of two (2) years. On and after the first (1<sup>st</sup>) day of December 1, 2025, all Constables shall be appointed to a term of four (4) years.

**B. Powers and duties<sup>288</sup>.** Constables shall have the powers and duties prescribed by the General Statutes for their respective offices.

**C. Vacancies<sup>289</sup>.** Vacancies shall be addressed as set forth in §6.6.

### **Officers appointed by other bodies.**

## **§7.18. Director of Health<sup>290</sup>.**

**A. Appointment and term.** The Director of Health shall be appointed by the Board of Health with the approval of the First Selectperson and shall serve for a term of four (4) years.

**B. Qualifications.** The Director of Health shall be appointed in accordance with the requirements of the General Statutes and in accordance with the provisions of §6.2.B.

**C. Powers and duties.** The Director of Health shall have the powers and the duties conferred by this Charter, by Ordinance, by Regulation or the rules of the Board of

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<sup>286</sup> NEW (2022).

<sup>287</sup> 2022 recodification and substantial modification (elected to appointed status) of previous Article VII, §7.2.A and B (2006)(Establishment and Powers and Duties Clauses). Derived from of Chapter II, §1 of the 1947 and 1956 Acts and the 1975 Charter; and Article VII, §7.2.A of the 1997 Charter. Note: At all times since 1947 there have been 7 constables.

<sup>288</sup> 2022 recodification and edit of previous Article VII, §7.2.B (2006). Derived from Article VII, §7.2.B of the 1997 Charter.

<sup>289</sup> 2022 recodification and edit of previous Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter.

<sup>290</sup> 2022 recodification and modification of previous Article IX, §9.20 (2006). Derived from Chapter VIII, §3 of the 1947 and 1956 Acts and 1975 Charter; and, Derived from Article IX, §9.18 of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** The Charter repealed the “physician” reference and chooses to rely upon the General Statutes. At the time of adoption of this Charter the qualifications are set forth in Chapter 368e of the General Statutes (C.G.S. §19a-200 et seq.).

# CHARTER OF THE TOWN OF FAIRFIELD

Health, and on town directors of health generally by Chapter 368e of the General Statutes (C.G.S. §19a-200 et seq.) and state codes and regulations.

**D. Supervision.** The Director of Health shall report to the First Selectperson on matters of administration and operation and to the Board of Health on matters of policy.

## **§7.19. Chief of Police<sup>291</sup>.**

**A. Appointment.** The Chief of Police shall be appointed by the Police Commission, with the approval of the First Selectperson, from among the three (3) highest scoring candidates who have passed a competitive examination for Chief of Police.

**B. Powers and duties.** The Chief of Police shall:

- (1) Be the executive officer of the Police Department;
- (2) Have authority to direct and control the conduct of all members and other employees of the Police Department; and
- (3) Keep all records required by Law and by the Police Commission.

**C. Departmental discipline.** Subject to a contrary provision of a collective bargaining agreement, disobedience to the lawful orders of the Chief of Police shall be grounds for disciplinary action by the Police Commission. The Chief of Police shall have the power without consulting the Police Commission to impose fines of not more than two (2) Days' pay or suspension of not more than one (1) week for disobedience to the Chief's lawful orders or for violations of the Regulations and rules of the Police Department<sup>292</sup>. The Chief of Police may recommend to the Police Commission that it take more severe disciplinary action.

**D. Supervision.** The Chief of Police shall report to the First Selectperson on matters of administration and operation and to the Police Commission on matters of policy.

## **§7.20. Fire Chief<sup>293</sup>.**

**A. Appointment.** The Fire Chief shall be appointed by the Fire Commission, with the approval of the First Selectperson, from the three (3) highest scoring candidates who have passed a competitive examination for Fire Chief.

**B. Powers and duties.** The Fire Chief shall:

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<sup>291</sup> 2022 recodification and edit of previous Article IX, §9.21 (2006). Derived from Article IX, §9.19 of the 1997 Charter.

<sup>292</sup> Derived from §3 of the 1945 Act; amended by §24 of the 1951 Act.

<sup>293</sup> 2022 recodification and edit of previous Article IX, §9.22 (2006). Derived from Article IX, §9.20 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

- (1) Be the executive officer of the Fire Department;
- (2) Have authority to direct and control the conduct of all members of the Fire Department; and
- (3) Keep the records required by Law and by the Fire Commission.

**C. Departmental discipline.** Subject to a contrary provision of a collective bargaining agreement, disobedience to lawful orders of the Fire Chief shall be grounds for disciplinary action by the Fire Commission. The Fire Chief shall have power without consulting the Fire Commission to impose fines of not more than two (2) Days' pay or suspension for not more than one (1) week for disobedience to lawful orders or for violations of the Regulations and rules of the Fire Department. The Fire Chief may recommend to the Fire Commission that it take more severe disciplinary action.

**D. Supervision.** The Fire Chief shall report to the First Selectperson on matters of administration and operation and to the Fire Commission on matters of policy.

## **§7.21. Planning Director<sup>294</sup>.**

**A. Appointment.** The Planning Director shall be appointed by the Town Plan and Zoning Commission with the approval of the First Selectperson.

**B. Duties.** The Planning Director shall have the duties prescribed by the Town Plan and Zoning Commission and the First Selectperson.

**C. Supervision.** The Planning Director shall report to the First Selectperson on matters of administration and operation and to the Town Plan and Zoning Commission on matters of policy.

## **§7.22. Animal Control Officer<sup>295</sup>.**

**A. Appointment and supervision.** The Animal Control Officer shall be appointed by the Police Commission and shall report to the Chief of Police.

**B. Powers and duties.** The Animal Control Officer shall have the powers and duties prescribed by the Police Commission and conferred on animal control officers generally by Chapter 435 of the General Statutes.

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<sup>294</sup> 2022 recodification and edit of previous Article IX, §9.23 (2006). Derived from Article IX, §9.21 of the 1997 Charter.

<sup>295</sup> 2022 recodification of previous Article IX, §9.24 (2006). Derived from Article IX, §9.22 of the 1997 Charter.

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## §7.23. Conservation Director<sup>296</sup>.

**A. Appointment.** The Conservation Director shall be appointed by the Conservation Commission with the approval of the First Selectperson.

**B. Duties.** The Conservation Director shall have the duties prescribed by the Conservation Commission and the First Selectperson.

**C. Supervision.** The Conservation Director shall report to the Selectperson on matters of administration and operation and to the Conservation Commission on matters of policy.

## §7.24. Town Librarian<sup>297</sup>.

**A. Appointment and qualifications.** The Town Librarian shall be appointed by the Board of Library Trustees, with the approval of the First Selectperson, and shall have such qualifications as may be required by the Board of Library Trustees.

**B. Duties.** The Town Librarian shall:

(1) Report to and have such duties as are defined by the Board of Library Trustees on matters of policy, and by the First Selectperson on matters of administration.

(2) Manage and supervise policy, programs and personnel relating to all public town libraries.

(3) Have responsibilities as set forth by the Board of Library Trustees pursuant to §8.16.C.

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<sup>296</sup> 2022 recodification and edit of previous Article IX, §9.25 (2006). Derived from Article IX, §9.23 of the 1997 Charter.

<sup>297</sup> 2022 recodification of current Article IX, §9.26 (2006).

# **CHARTER OF THE TOWN OF FAIRFIELD**

# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE VIII - SPECIFIC APPOINTED BOARDS AND COMMISSIONS, AND DEPARTMENTS

### §8.1. Boards and Commissions<sup>298</sup>.

**A. Permanent Bodies Appointed by the First Selectperson<sup>299</sup>.** The First Selectperson shall appoint the members of the bodies listed in this sub-section and in §8.2 in the numbers and for the terms set forth therein:

Conservation Commission (§8.2)

**B. Permanent Bodies Appointed by the Board of Selectpersons<sup>300</sup>.** The Board of Selectpersons shall appoint the members of the bodies listed in this sub-section and in §8.3 through §8.13 in the numbers and for the terms set forth therein:

Police Commission (§8.3)

Fire Commission (§8.4)

Police and Fire Retirement Board (§8.5)

Department of Public Works (§8.6)<sup>301</sup>

Board of Health (§8.7)

Parks and Recreation Commission (§8.8)

Board of Building Appeals (§8.9)

Flood Prevention, Climate Resilience and

Erosion Control Board (§8.10)

Water Pollution Control Authority (§8.11)

Human Services Comm. and Dept. (§8.12)

Golf Commission (§8.13)

**C. Boards and Commissions Appointed by the Board of Selectpersons and Approved by RTM<sup>302</sup>.** The Board of Selectpersons shall appoint the members of the body listed in this sub-section and in §8.14 through §8.15 in the numbers and for the terms set forth therein:

Ethics Commission (§8.14)

Historic District Commission (§8.15)

**D. Self-Perpetuating Boards and Commissions approved by the Board of Selectpersons<sup>303</sup>.** The Board of Selectpersons shall approve the members of the body listed in this sub-section and in §8.16 in the numbers and for the terms set forth therein:

Board of Library Trustees (§8.16)

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<sup>298</sup> 2022 recodification of previous Article X, §10.1.A (2006). Derived from Article X, §10.1.A of the 1997 Charter.

<sup>299</sup> 2022 recodification of appointment authority set forth in previous Article X, §10.2 (2006). Derived from Article X, §10.2 of the 1997 Charter.

<sup>300</sup> 2022 recodification of appointment authority set forth in previous Article X, §10.4 (2006). Derived from Article X, §10.4 of the 1997 Charter.

<sup>301</sup> **Comment of the 2022 Charter Revision Commission:** The Department of Public Works is not a Board or Commission. Historically the department has been placed in this Article. Following some thought and consideration the Commission concluded that on the basis of the relationship of DPW to a variety of the Boards and Commissions, it should remain here. The same is true of the Department of Health.

<sup>302</sup> 2022 recodification of previous Article X, §10.4 (2006).

<sup>303</sup> NEW (2022).



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**E. Meetings<sup>304</sup>.** All appointed Boards and Commissions except the Ethics Commission and the Board of Building Appeals shall hold at least ten (10) regular stated meetings a year and shall give annual notice of such meetings as required by the General Statutes. The Ethics Commission and the Board of Building Appeals shall meet when they have business to transact. Officers of each Board and Commission shall be elected annually at an organization meeting so noticed by the Town Clerk held in the month of December, with the exception of the Ethics and Golf Commissions, shall be elected annually in the month of April. No person sitting on a Board or Commission at the designation of another Board or Commission may be elected an officer of the Board or Commission to which he or she has been designated.

**F. Vacancies<sup>305</sup>.** Vacancies shall be filled as set forth in §6.6.

## **Bodies appointed by the First Selectperson.**

### **§8.2. Conservation Commission<sup>306</sup>.**

**A. Members and terms.** The Conservation Commission shall consist of seven (7) members, not more than four (4) of whom shall be registered with the same political party, and three alternate members, not more than two (2) of whom shall be registered with the same political party. Both members and alternate members shall be appointed by the First Selectperson for a term of five (5) years. Members' terms shall be staggered so that no more than two (2) members' terms expire in one (1) year. Alternate members' terms need not be staggered.

#### **B. Powers and duties (Conservation Functions).**

**(1)** The Conservation Commission shall have all of the powers and duties conferred by this Charter, by Ordinance, and on conservation commissions generally by §7-131a of Chapter 97 of the General Statutes.

**(2)** In order to carry out its powers, the Conservation Commission shall:

**(a)** Conserve, develop, supervise, and regulate natural resources, including water resources and open space land in the Town;

**(b)** Conduct investigations into the use and possible use of land in

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<sup>304</sup> 2022 recodification and edit of previous Article X, §10.1.B (2006). Derived from Article X, §10.1.B of the 1997 Charter.

<sup>305</sup> 2022 recodification and edit of previous Article X, §10.1.C (2006). Derived from Article X, §10.1.C of the 1997 Charter.

<sup>306</sup> 2022 recodification and edit of previous Article X, §10.3 (2006). Derived from Article X, §10.3 of the 1997 Charter.

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the Town;

(c) Keep an index of all open areas, publicly or privately owned, for the purpose of obtaining information on the proper use of such areas;

(d) Have the ability to recommend to appropriate agencies plans and programs for the development and use of open areas;

(e) Have the ability, as approved by the RTM, to acquire land and easements in the name of the Town and promulgate Regulations and rules, including but not limited to the establishment of reasonable charges for the use of land and easements, for any of its purposes; and

(f) Have the ability to coordinate the activities of unofficial bodies organized for similar purposes.

**C. Powers and duties (Inland Wetland Functions).** The Conservation Commission shall have the powers and duties conferred by this Charter, by ordinance, and on inland wetlands and watercourses agencies generally by §§ 22a-42 to 22-44 of Chapter 440 of the General Statutes. In particular, the Commission shall:

(1) Provide for the protection, preservation, maintenance and use of inland wetlands and watercourses, for their conservation, economic, aesthetic, recreational, and other public and private uses and values in order to provide to the citizens of the Town an orderly process to balance the need for the economic growth of the Town and the use of its land with the need to protect the environment and its natural resources;

(2) Adopt, amend and promulgate such Regulations as are necessary to protect and define the inland wetlands and watercourses;

(3) Develop a comprehensive program in furtherance of its purposes;

(4) Advise, consult and cooperate with other agencies of the Town, State and Federal governments;

(5) Encourage and conduct studies and investigations and disseminate relevant information; and

(6) Inventory and evaluate the inland wetlands and watercourses in such form as it deems best suited to effect its purposes.

**D. Director and other employees or consultants.** The Commission shall appoint a Director with the approval of the First Selectperson. The Commission shall have the power to engage such employees or consultants as it requires to carry out its duties, including a wetlands administrator and assistants who, subject to the general supervision

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of the Director, shall enforce all Laws, Ordinances and Regulations relating to matters over which it has jurisdiction and who shall have such other duties as the Commission or the Director may prescribe.

## **Permanent bodies appointed by the Board of Selectpersons.**

### **§8.3. Police Commission and Department<sup>307</sup>.**

**A. Members and terms.** The Police Commission shall consist of seven (7) members appointed by the Board of Selectpersons, no more than four (4) of whom shall be registered with the same political party. Each member shall have a term of five (5) years with the terms staggered so that not more than two (2) terms expire in one (1) year.

**B. Powers and duties.** The Police Commission shall have the powers and duties conferred on police commissions generally by §7-276 of Chapter 104 of the General Statutes, except as those may be limited by this Charter. In particular, the Police Commission shall:

(1) Have general management supervision of the Police Department of the Town and of all property and equipment used by or in connection with the operation of the Department;

(2) Make Regulations and rules consistent with the General Statutes and this Charter for the governance of the Police Department and its personnel, and may prescribe penalties for violations of said Regulations and rules;

(3) Subject to the provisions in this Charter regarding appointment of the Chief of Police, have sole power to appoint and promote to all positions in the Police Department, which appointments and promotions shall be made on the basis of merit;

(4) Determine the qualifications for each rank and grade in the Police Department; and

(5) Within the appropriations made for that purpose determine the number of officers and other employees of the Police Department and of the several ranks and grades and their compensation.

**C. Appointment of Acting Chief.** During the absence or disability of the Chief of Police, the Police Commission may designate a member of the Department as Acting Chief of Police to perform the duties of the Chief of Police.

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<sup>307</sup> 2022 recodification and edit of previous Article X, §10.5 (2006). Derived from Chapter XIV of the 1947 Act, based upon §1 of Special Act No. 186 (1945); further amended by §23 of the 1951 Act and affirmed by Chapter XIV of the 1956 Act and the 1975 Charter; and, Article X, §10.5 of the 1997 Charter.

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**D. Appointment of special officers.** Special officers for the protection of specified private property and special traffic duty or for the preservation of peace may be appointed by the Commission under such rules and Regulations as the Commission shall from time to time establish. Such officers shall serve at the pleasure of the Commission and in any event for terms not to exceed one (1) year unless re-appointed.

## **§8.4. Fire Commission and Department<sup>308</sup>.**

**A. Members and terms.** The Fire Commission shall consist of seven (7) members appointed by the Board of Selectpersons, no more than four (4) of whom shall be members of the same political party. Each member shall have a term of five (5) years with the terms staggered so that no more than two (2) terms expire in one (1) year.

**B. Powers and duties.** The Fire Commission shall have all the powers and duties conferred on fire commissions generally by §7-301 of Chapter 104 of the General Statutes, except as those may be limited by this Charter. In particular, the Fire Commission shall:

(1) Have general management and supervision of the Fire Department of the Town and of all property and equipment used by or in connection with the operation of the Department, including the hydrants used for fire purposes;

(2) Make Regulations and rules consistent with the General Statutes and this Charter for the governance of the Fire Department and its personnel, and may prescribe penalties for violations of its Regulations and rules;

(3) Subject to the provisions in this Charter regarding appointment of the Fire Chief, have sole power to appoint and promote to all positions in the Department, and all appointments and promotions in the Fire Department shall be made on the basis of merit;

(4) Determine the qualifications for each rank and grade in the Fire Department; and

(5) Within the limits of the appropriations made for that purpose, determine the number of persons employed by the Department and of the several ranks and grades and their compensation.

**C. Appointment of Acting Fire Chief.** During the absence or disability of the Fire Chief, the Commission may designate a member of the Department as Acting Fire Chief to perform the duties of the Fire Chief.

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<sup>308</sup> 2022 recodification and edit of previous Article X, §10.6 (2006). Modification of Chapter XV of the 1947 and 1956 Acts and 1975 Charter. At the time the Commission membership was based upon the fire districts in town. Derived from Article X, §10.6 of the 1997 Charter.

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## §8.5. Police and Fire Retirement Board<sup>309</sup>.

**A. Members and terms.** The Police and Fire Retirement Board shall consist of seven (7) members: The First Selectperson (who shall be Chair), the Fiscal Officer, three (3) members appointed by the Board of Selectpersons for a term of three (3) years, and one (1) member to serve for a period of one (1) year, to be elected by the members of the Fire Department and members of the Police Department, respectively. No more than two (2) of three (3) members appointed by the Board of Selectpersons shall be registered with one (1) political party and their terms shall be staggered so that not more than two (2) terms expire in one (1) year.

**B. Powers and duties.** The Police and Fire Retirement Board shall be the trustees of the retirement fund created under the existing police and fire retirement system for regular firefighters and police officers employed by the Town and shall have full control and management of the fund, with the power to invest and reinvest the same in accordance with the General Statutes respecting the investment of trust funds. The Police and Fire Retirement Board shall be responsible for assuring that the administration of the Police and Retirement plan is in strict accordance with the plan documents.

**C. Annual report.** On or before the first (1<sup>st</sup>) day of January of each year, the Police and Fire Retirement Board shall file an annual report with the Board of Selectpersons showing the financial condition of the police and fire retirement system as of the end of the last- completed fiscal year, including an actuarial evaluation of assets and liabilities, and setting forth such other facts, recommendations and data as may be of value to the members of the police and fire retirement system of the Town.

**D. Changes in retirement system.** Before any change in the police and fire retirement system negotiated under the General Statutes is submitted for consideration to the Board of Finance, and for action to the RTM, the Selectperson shall secure a written actuarial evaluation and report of such change.

## §8.6. Department of Public Works<sup>310</sup>.

The Department of Public Works shall have all of the administrative powers and duties vested in the Town by this Charter or by the General Statutes with respect to the following functions of the Town:

**A.** The construction, reconstruction, care, maintenance, operation, altering, paving, repairing, draining, cleaning, snow clearance, lighting, and inspection of all Town, highways, bridges, sidewalks, curbs, street signs, guide posts, dams, incinerators, dumps, water supply, sewerage systems, and other public improvements of all buildings and

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<sup>309</sup> 2022 recodification and edit of previous Article X, §10.7 (2006). Derived from Chapter XXI of the 1975 Charter and Article X, §10.7 of the 1997 Charter.

<sup>310</sup> 2022 recodification and minor modification of previous Article X, §10.8 (2006). Derived from Article X, §8 of the 1997 Charter.

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equipment owned or used by the Town, except school buildings and equipment, police and fire equipment, and buildings and equipment under the control of the Board of Library Trustees;

**B.** The removal of encroachments and, together with the Tree Warden, the planting, preservation, care and removal of trees, shrubs and other vegetation within highways, or public places, or on Town property;

**C.** The maintenance, care and improvement of, and construction work required in connection with, public cemeteries, parks, playgrounds, beaches, marina facilities, and recreational areas of the Town, as requested by the Selectpersons, the Parks and Recreation Commission, the Conservation Commission, the Board of Education, or other bodies as may be designated by Ordinance.

**D.** The custody of all maps of the Town not otherwise entrusted to any other Department or Town Official; and

**E.** The maintenance of maps or other records showing highways, building or veranda lines, street profiles, and plans and profiles of storm and sanitary sewers.

## **§8.7. Board of Health and Public Health Department<sup>311</sup>.**

**A. Members and terms of the Board of Health<sup>312</sup>.** The Board of Health shall consist of seven (7) members, five (5) of them appointed by the Board of Selectpersons for four (4) year terms, one (1) designated by the Board of Education from its members, and one (1) designated by the Human Services Commission from its members. At least one (1) of the members so appointed shall be a physician. At least two (2) additional members shall be licensed health care professionals. Not more than three (3) of the members appointed by the Board of Selectpersons shall be registered with the same political party and their terms shall be staggered so that no more than two (2) terms expire in one (1) year. The members designated by the Board of Education and by the Human Services Commission shall not serve beyond their tenure on the appointing bodies.

**B. Organization.** The Board of Health shall be the general policy-making body for the Public Health Department and shall make all necessary Regulations and rules for its administration.

**C. Personnel<sup>313</sup>.** The Public Health Department shall consist of a Director of Health and such sanitarians, nurses, dental hygienists, secretaries, clerks and other personnel as may be necessary to operate the Department, including such physicians as may be temporarily engaged from time to time.

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<sup>311</sup> 2022 recodification and edit of previous Article X, §10.9 (2006). Derived from Article X, §10.9 of the 1997 Charter.

<sup>312</sup> Derived from Chapter VIII, §1 of the 1947 Act; as further amended by §10 of the 1951 Act and reaffirmed by Chapter VIII, §1 of the 1956 Act and the 1975 Charter.

<sup>313</sup> Derived from Chapter VIII, §2 of the 1947 Act and the 1956 Act.

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## **D. Powers and duties.**

(1) The Board of Health may make and amend such reasonable rules for the promotion and preservation of the public health, health services in public schools, and sanitation as required, provided the same shall not be inconsistent with the General Statutes, the state public health code, other state departmental regulations, or the Ordinances and public health code of the Town.

(2) The Board of Health shall advise the Director of Health in all matters relating to public health, and health services in the schools of the Town, and shall appoint the school and Well Child Clinic medical advisors.

## **§8.8. Parks and Recreation Commission<sup>314</sup>.**

### **A. Members and terms.**

(1) The Parks and Recreation Commission shall consist of nine (9) voting members, eight (8) of whom shall be appointed by the Board of Selectpersons and one (1) of whom shall be a member of the Board of Education designated by the Board of Education to serve on the Parks and Recreation Commission. Notwithstanding §6.3, no more than five (5) of the members appointed by the Board of Selectpersons shall belong to the same political party. The Director of Parks and Recreation and the Director of Public Works shall serve on the Parks and Recreation Commission ex officio without vote.

(2) The term of office of the members appointed by the Board of Selectpersons shall be five (5) years with terms staggered so that no more than two (2) members are appointed in any one (1) year.

**B. Powers and duties.** The Parks and Recreation Commission shall be the policy-making body for the Parks and Recreation Department, shall together with the First Selectperson supervise the Director of Parks and Recreation, and shall assist in establishing requirements and qualifications for personnel needed for the Department.

**C. Department.** The Parks and Recreation Department shall consist of a Director of Parks and Recreation and such other personnel as may be necessary to operate the Department.

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<sup>314</sup> 2022 recodification and edit of previous Article X, §10.10 (2006). Derived from Chapter XIII of the 1947 and 1956 Acts and the Charter of 1975. At the time the Commission consisted of five members; as further amended by §17 of the 1951 Act. A Board of Recreation existed under Chapter XVI of the 1947 Act and 1975 Charter; §1 was amended and §4 was repealed by §§18 and 19 of the 1951 Act. Chapter XVI, §2 remained in effect under the 1956 Act. Derived from Article X, §10.10 of the 1997 Charter.

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## §8.9. Board of Building Appeals<sup>315</sup>.

**A. Members and terms.** The Board of Building Appeals shall consist of five (5) members appointed by the Board of Selectpersons, no more than three (3) of whom shall be registered with the same political party. The members shall have terms of five (5) years, which shall be staggered so that no more than one (1) term expires in one (1) year.

**B. Qualifications.** The members shall have the qualifications set forth in the State Building Code.

**C. Powers and duties.** The Board of Building Appeals shall have the powers and duties conferred on boards of building appeals generally by § 29-266 of Chapter 541 of the General Statutes, including hearing appeals from the decisions of the Building Inspector.

## §8.10. Flood Prevention, Climate Resilience and Erosion Control Board <sup>316</sup>.

**A. Members and terms.** The Flood Prevention, Climate Resilience and Erosion Control Board shall consist of five (5) members appointed by the Board of Selectpersons, no more than three (3) of whom shall be registered with the same political party. The members shall have terms of five (5) years, which shall be staggered so that not more than one (1) term expires in one (1) year. The Director of Public Works, or a designee appointed by the Director, shall be a non-voting ex officio member of the Board.

**B. Powers and duties.** Said Board shall have the powers and duties conferred on flood and erosion control boards generally by §25-84 through 25-94 of Chapter 477 of the General Statutes, as amended.

**C. Alternate Members<sup>317</sup>.** There shall be three (3) alternate members of the Board, no more than two (2) of whom shall be registered with the same political party. Alternate members shall have terms of three (3) years, which shall be staggered so that not more than one (1) term expires in one year. Such alternate members shall, when seated as herein provided, have all the powers and duties set forth for such board and its members. If a regular member is absent or is disqualified, the chairman of the board shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting”

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<sup>315</sup> 2022 recodification and edit of previous Article X, §10.11 (2006). See, §2 of Chapter X of the 1947 Act (“Board of Building Commissioners”); further amended by §11 of the 1951 Act and reaffirmed by Chapter X of the 1956 Act and the 1975 Charter; and, Article X, §10.11 of the 1997 Charter.

<sup>316</sup> 2022 recodification and modification (Name of Board, DPW Director membership and creation of Alternate members) of previous Article X, §10.12 (2006). Derived from Article X, §10.12 of the 1997 Charter. Comment of the 2022 Charter Revision Commission: The change in title corresponds to the legislative changes made in P.A. 21-115.

<sup>317</sup> In lieu of previous Article 10.12.C entitled “Temporary Members.”



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**Transitional Provision.** On or about the fourth (4<sup>th</sup>) Monday of November 2022, the Board of Selectpersons shall appoint an alternate to a term of three (3) years; an alternate to a term of two (2) years; and, an alternate to a term of one (1) year. On and after the fourth (4<sup>th</sup>) Monday of November 2023, as their terms expire, alternates shall be appointed to a term of three (3) years.

## **§8.11. Water Pollution Control Authority<sup>318</sup>.**

**A. Members and terms.** The Water Pollution Control Authority shall consist of seven (7) members, one (1) of whom shall be a member of the Board of Selectpersons, and six (6) of whom shall be appointed by the Board of Selectpersons. No more than four (4) of the members appointed by the Board of Selectpersons shall be registered with the same political party. The members appointed by the Board of Selectpersons shall have terms of four (4) years, which shall be staggered so that not more than two (2) terms expire in one (1) year. The Fiscal Officer shall be a member ex officio, without vote.

**B. Organization and personnel.** For purposes of this Charter, the Water Pollution Control Authority shall be deemed a commission except where any provision of this Charter of general application to commissions conflicts with a provision of the General Statutes concerning water pollution control authorities. The Water Pollution Control Authority may establish rules and adopt bylaws for the transaction of its business. The clerk of the Water Pollution Control Authority shall keep a record of its proceedings and shall be custodian of all books, papers and other documents of the Water Pollution Control Authority. The Water Pollution Control Authority may employ such personnel as may be required for the performance of its duties and may fix their compensation.

**C. Powers and duties.** The Water Pollution Control Authority shall have the power to:

(1) Operate, maintain and manage, and through the Department of Public Works, plan, lay out, acquire, construct, reconstruct, equip, repair, maintain, supervise and manage and, through the Department of Public Works, operate a sewerage system

(2) Acquire, by purchase, condemnation or otherwise, any real property or interest in real property which it shall determine to be necessary for use in connection with such sewerage system;

(3) Apportion and assess the whole or any part of the cost of acquiring, constructing or reconstructing any sewerage system or portion thereof upon the lands and buildings in the Town which, in its judgment, shall be especially benefited by the system (whether they abut on such system or not), and upon the owners of

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<sup>318</sup> 2022 recodification and modification of previous Article X, §10.13 (2006). Derived from Article X, §10.13 of the 1997 Charter.

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such lands and buildings and fix the time when such assessments shall be due and payable and provide that they may be paid in such number of substantially equal annual installments, not exceeding thirty (30), as it shall determine;

(4) Establish and from time to time revise just and equitable charges or rates for connection with and use of the sewerage system;

(5) Order any owner or occupant of any real estate to which the sewerage system is available to connect the drainage and sewerage thereof with the system and to disconnect, fill up and destroy any cesspool, privy vault, drain or other arrangement on such real estate for the reception of such drainage or sewerage; and

(6) Generally, to have and possess all of the powers and duties conferred upon water pollution control authorities by the General Statutes.

## **§8.12. Human Services Commission and Department<sup>319</sup>.**

**A. Members and terms.** The Human Services Commission shall consist of nine (9) members appointed by the Board of Selectpersons, not more than five (5) members of whom shall be registered with the same political party. Members shall have terms of four (4) years which shall be staggered so that no more than four (4) terms expire in one (1) year. The Human Services Commission shall represent those social services matters in accordance with the authority set forth under the General Statutes or otherwise by Law, including matters which relate to the aging, people with disabilities, veterans, youth and underserved populations; unless other committee, task force or Board or Commission has been authorized to specifically address any particular social service matter. The Commission may form its own committees with additional persons to assist and advise the Human Services Commission in matters which concern the conditions and needs of aging and of people with disabilities.

**B. Powers and duties.** The Human Services Commission shall be the policy-making body for the Department of Human Services.

### **C. Department of Human Services.**

(1) **Powers and duties.** The Department of Human Services, together with the Board of Selectpersons, shall have all the powers and duties relating to social services granted to and imposed upon towns by the General Statutes. The Department of Human Services shall act on behalf of the Town in all social service matters in conjunction with State and Federal agencies. Social service matters involving community health issues shall be coordinated with the Public Health Department.

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<sup>319</sup> 2022 recodification and modification (updated member qualifications and description of commission mission) of previous Article X, §10.16 (2006). Derived from Article X, §10.16 of the 1997 Charter.

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**(2) Acceptance and use of private donations.** The Department of Human Services shall have the power to accept on behalf of the Town donations of any kind to be used generally or specifically for its purposes and to carry out any specific wishes of a donor. The power to accept donations shall not be construed to eliminate the authority any other Town Official or the RTM may have to review specific donations. All donated monies shall be delivered to the Town Treasurer to be maintained in a special account subject to the order of the Department of Human Services, in accordance with the terms of the gift in each instance.

## **§8.13. Golf Commission<sup>320</sup>.**

**A. Members and terms.** The Golf Commission shall consist of seven (7) members appointed by the Board of Selectpersons, no more than four (4) of whom shall be registered with same political party. Each member shall have a term of five (5) years, commencing on the first (1<sup>st</sup>) day of April in the year of appointment, with the terms staggered so that no more than two (2) terms expire in the same year. No member shall be eligible for reappointment to the Golf Commission for a period of five (5) years after the end of his or her term.

**B. Powers and duties.** The Golf Commission shall be the policy-making body for the Par 3 Golf Course and the H. Smith Richardson Golf Course. It shall have the following powers, subject to appropriation:

**(1)** To make, amend and repeal Regulations, bylaws and rules relative to play, hours of operation, fees, charges, and all other decisions necessary for the successful operation of those courses;

**(2)** To fix and revise from time to time and to charge and collect fees, rents and other charges for the use of any golf course facilities on behalf of the Town in an amount sufficient to maintain operating and maintenance expenses.

**Appointed by Board of Selectpersons and Approved by RTM**

## **§8.14. Ethics Commission<sup>321</sup>.**

**A. Members and terms.**

**(1)** The Ethics Commission shall consist of five (5) members, appointed by unanimous vote of the Board of Selectpersons and confirmed by a Majority Vote of the RTM. No more than three (3) members shall be registered with the same

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<sup>320</sup> 2022 recodification and edit of previous Article X, §10.18 (2006). Derived from Article X, §10.18 of the 1997 Charter.

<sup>321</sup> 2022 recodification and modification (change of date for commencement of term) of current Article X, §10.15 (2006). Derived from Article X, §10.15 of the 1997 Charter.

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political party.

(2) Notice of appointment shall be served by the Board of Selectpersons upon the Moderator of the RTM and the Town Clerk. A vote for approval or rejection of each person appointed shall be taken at an RTM meeting held more than ten (10) Days after service of the notice on the Town Clerk. Failure to vote within sixty (60) Days of the service on the Town Clerk shall be deemed to be approval and confirmation by the RTM. If any appointment is rejected by the RTM, the Board of Selectpersons shall within twenty-one (21) Days after the rejection notify the RTM Moderator and Town Clerk of further appointments to replace the rejected appointments. The RTM shall then vote on the new appointments. These too shall be deemed approved and confirmed if not voted upon within sixty (60) Days of the notice.

(3) The terms shall commence on the first (1<sup>st</sup>) day April in the year of appointment. Terms of members shall be two (2) years and shall be staggered so that no more than three (3) terms expire in one (1) year. No member may serve more than the shorter of two (2) terms or one (1) term plus a partial term created by filling a vacancy for an unexpired term.

**Transitional Provision.** On or about the first (1<sup>st</sup>) day of July, 2024, the Board of Selectpersons shall appoint two (2) members to a term ending on the thirtieth (30<sup>th</sup>) day of March, 2025; said vacancy shall be filled on the first (1<sup>st</sup>) day of April, 2025 for a term of two (2) years. On or about the first (1<sup>st</sup>) day of July, 2023, the Board of Selectpersons shall appoint three (3) members to a term ending on the thirtieth (30<sup>th</sup>) day of March, 2024; said vacancy shall be filled on the first (1<sup>st</sup>) day of April, 2024 for a term of two (2) years.

**B. Powers and duties.** The Ethics Commission shall:

(1) Receive complaints alleging violations of the Standards of Conduct or any ordinance establishing a Code of Ethics for Town Officials and employees;

(2) Upon sworn complaint or upon the vote of three (3) members, investigate the actions and conduct of Town Officials, members of the RTM, and employees of the Town to determine whether there is probable cause that a violation has occurred of the Standards of Conduct or Code of Ethics;

(3) On its own motion issue general opinions and interpretations of the Standards of Conduct or the Code of Ethics;

(4) Upon the request of a principal officer of a Department, or any member of a Town Board or Commission, or any member of the RTM render an advisory opinion with respect to any specific relevant situation under the Standards of Conduct or Code of Ethics;

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(5) Consider written requests for advisory opinions referred by a department head with respect to any problem submitted to the department head in writing by an employee in the Department (whose name need not be disclosed to the Ethics Commission) concerning that employee's duties in relationship to the Standards of Conduct or Code of Ethics where the department head elects not to decide the issue within the Department;

(6) Adopt such Regulations, as permitted by Law, and rules or procedures as it deems advisable to assure procedures for the orderly and prompt performance of the Commission's duties;

(7) Upon a finding of probable cause initiate hearings to determine whether there has been a violation of the Standards of Conduct or Code of Ethics;

(8) Have the power to retain its own counsel, administer oaths, issue subpoenas and subpoenas *duces tecum* (enforceable upon application to the Superior Court) to compel the attendance of persons at hearings and the production of books, documents, records, and papers; and

(9) Upon finding of a violation of the Standards of Conduct or Code of Ethics, at its discretion, recommend appropriate disciplinary action to the Board of Selectpersons or appropriate Appointed Town Officers, including department heads.

## C. Procedure.

### (1) On complaints.

(a) In any investigation to determine probable cause the Ethics Commission shall honor all requests for confidentiality, consistent with the requirements of State Law. Unless a finding of probable cause is made or the individual against whom a complaint is filed requests it, complaints alleging a violation of the Standards of Conduct or Code of Ethics shall not be disclosed by the Ethics Commission.

(b) Any person accused of a violation shall have the right to appear and be heard by the Ethics Commission and to offer any information which may tend to show there is no probable cause to believe the person has violated any provision of the Standards of Conduct or the Code of Ethics.

(c) The Ethics Commission shall, not later than ten (10) Days after the termination of its probable cause investigation, notify the complaining person and the person against whom the complaint was made that the investigation has been terminated and the results.

(d) At hearings after a finding of probable cause, the Ethics Commission shall afford the person accused the protection of due process

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consistent with that established for state agencies under the "Connecticut Uniform Administrative Procedures Act," including but not limited to the right to be represented by counsel, the right to call and examine witnesses, the right to the production of evidence by subpoena, the right to introduce exhibits, and the right to cross-examine opposing witnesses.

(e) In the absence of extraordinary circumstances, the hearing shall be held within ninety (90) Days of the initiation of the investigation. The Ethics Commission shall, not later than thirty (30) Days after the close of the hearing, publish its findings together with a memorandum of its reasons. Any recommendation for disciplinary action shall be contained in the findings.

(f) An individual directly involved or directly affected by the action taken as a result of the Ethics Commission's findings or recommendation may seek judicial review of such action and of the Ethics Commission's findings or recommendation unless the action taken was a referral of the matter to proper authorities for criminal prosecution.

(2) **On requests for advisory opinions.** Within forty-five (45) Days from the receipt of a request for an advisory opinion, the Ethics Commission shall either render the opinion or advise as to when the opinion shall be rendered.

**D. Quorum.** A quorum for the Ethics Commission shall be not less than four (4) members in attendance. All members who attended all hearings on the matter, and all members who certify that they have read or heard the entire transcript of the hearing they did not attend, shall be eligible to vote on the proposed Ethics Commission action. The Ethics Commission shall find no person in violation of any provision of the Standards of Conduct or Code of Ethics except upon the concurring vote of three-fourths (3/4<sup>ths</sup>) of those members voting.

## §8.15. Historic District Commission<sup>322</sup>.

**A. Members and terms.** The Historic District Commission shall consist of five (5) members, no more than three (3) of whom shall be registered with the same political party, and three (3) alternate members, no more than two (2) of whom shall be registered with the same political party. Both members and alternate members shall be appointed by the Board of Selectpersons, with the advice and consent of the RTM. Terms of membership shall be for five (5) years and shall be staggered so that no more than one (1) member's term and one (1) alternate member's term expires in each year.

**B. Powers and duties.** The Historic District Commission shall have the powers and duties conferred upon historic district commissions and historic properties commissions generally by Chapter 97a of the General Statutes (C.G.S. §7-147a et seq.).

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<sup>322</sup> 2022 recodification and edit of previous Article X, §10.14 (2006). Derived from Article X, §10.14 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

## Self-Perpetuating Board Approved by Board of Selectpersons

### §8.16. Board of Library Trustees<sup>323</sup>.

**A. Members and terms.** . Commencing on the first (1<sup>st</sup>) day of July, 2028, the Board of Library Trustees shall consist of the Chief Fiscal Officer, ex officio without vote, and six (6) trustees appointed by the Board of Library Trustees, with the approval of the Board of Selectpersons, to terms of three (3) years staggered as follows:

(1) Two (2) members to a term of three (3) years commencing on the first (1<sup>st</sup>) day of July 2026 through the thirtieth (30<sup>th</sup>) day of June, 2029; and, thereafter as the term may fall;

(2) Two (2) members to a term of three (3) years commencing on the first (1<sup>st</sup>) day of July 2027 through thirtieth (30<sup>th</sup>) day of June, 2030; and, thereafter as the term may fall; and

(3) Two (2) members<sup>324</sup> to a term of three (3) years commencing on the first (1<sup>st</sup>) day of July 2028 through thirtieth (30<sup>th</sup>) day of June, 2031; and, thereafter as the term may fall.

**Transitional Provision.** In the interim, the Board of Library Trustees shall appoint, subject to the approval of the Board of Selectpersons:

(1) On or about the first (1<sup>st</sup>) day of July, 2023<sup>325</sup>, one (1) member shall be appointed to a term of three (3) years, ending on the thirtieth (30<sup>th</sup>) day of June, 2026;

(2) On or about the first (1<sup>st</sup>) day of July, 2024<sup>326</sup>, one (1) member shall be appointed to a term of two (2) years, ending on the thirtieth (30<sup>th</sup>) day of June, 2026;

(3) On or about the first (1<sup>st</sup>) day of July, 2025<sup>327</sup>, one (1) member shall be appointed to a term of two (2) years, ending on the thirtieth (30<sup>th</sup>) day of June, 2027;

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<sup>323</sup> 2022 recodification and modification (change of term length and functions) of previous Article X, §10.17 (2006). Derived from §1 of the 1949 Act and, further amended by §22 of the 1951 Act; and; Chapter XXV of the 1956 Special Act; Chapter XXII of the 1975 Charter; and, Article X, §10.17 of the 1997 Charter.

<sup>324</sup> A member is currently serving a term of 7/1/22-6/30/28.

<sup>325</sup> A member is currently serving a term of 7/1/17-6/30/23.

<sup>326</sup> A member is currently serving a term of 7/1/18-6/30/24.

<sup>327</sup> A member is currently serving a term of 7/1/19-6/30/25.

# CHARTER OF THE TOWN OF FAIRFIELD

(4) On or about the first (1<sup>st</sup>) day of July, 2026<sup>328</sup>, one (1) member shall be appointed to a term of one (1) year, ending on the thirtieth (30<sup>th</sup>) day of June, 2027; and

(5) On or about the first (1<sup>st</sup>) day of July, 2027<sup>329</sup>, one (1) member shall be appointed to a term of one (1) ending on the thirtieth (30<sup>th</sup>) day of June, 2028.

**B. Vacancy and reappointment limitation.** Any vacancy in the Board of Library Trustees, from any cause other than the expiration of a term, shall be filled for the remainder of the term by appointment by the remaining trustees, with the approval of the Board of Selectpersons.

**C. Powers and duties.** The Board of Library Trustees shall:

(1) Manage, control, maintain, and operate all property of the Town devoted to library purposes, except such property as may be under the jurisdiction of the Board of Education;

(2) Identify and adopt written policies to govern the operation and programs of the Library;

(3) Seek adequate funds to carry out Library operations and monitor the use of those funds to provide Library services;

(4) Turn over money which may be collected from revenue generating services to the Town Treasurer;

(5) Subject to appropriation appoint a Town Librarian with the approval of the First Selectperson and a regular performance appraisal process; and,

(6) Ensure that the Library has a strategic plan with implementation and evaluation components.

**D. Acceptance and use of private donations.**

(1) **Acceptance and use.** Subject to the provisions contained in this Charter and in the General Statutes, the Board of Library Trustees may accept any gift of property of any character upon any terms and conditions which the donor may prescribe and which may be acceptable to the Board of Library Trustees, provided no gift which imposes upon the Town an obligation to incur any expense in order to keep, use or maintain the gift may be accepted by the Board of Library Trustees unless it is approved by the RTM. The Board of Library Trustees may establish one or more library funds with any of such property and shall have the exclusive control

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<sup>328</sup> A member is currently serving a term of 7/1/20-6/30/26.

<sup>329</sup> A member is currently serving a term of 7/1/21-6/30/27.



# CHARTER OF THE TOWN OF FAIRFIELD

and management of, may hold title to, and may manage and invest and reinvest the property in accordance with the laws of the State governing the investment of trust funds.

(2) **Management of Funds.** Subject to the terms and conditions upon which any of such property or funds shall be held, the Board of Library Trustees shall transfer the gross income at least quarterly to the Chief Fiscal Officer. Such transfers shall be placed in a separate, non-lapsing account to be expended on non-recurring capital improvement projects or for such special purposes as may be required to comply with the terms and conditions of any gift. Such projects shall be approved by the Board of Library Trustees, Board of Selectpersons, and by the Board of Finance. To the extent permitted by the terms and conditions upon which any of the property or funds may have been received, the Board of Library Trustees may transfer to the Chief Fiscal Officer the whole or any part of the principal of any library fund.

(3) **Defined Terms Applicable to this Provision.**

(a) “Non-recurring Capital Improvement Project” means a capital project or purchase that is designated as an extraordinary or one-time expense which the Board of Library Trustees does not expect to continue on a regular basis.

(b) “Gross Income” means realized income such as dividends and interest that is generated by bonds, money market accounts, savings accounts or other similar investment vehicles. Gross income does not include any appreciation in market value of invested assets.

# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE IX - BUDGET PROCEDURE AND RELATED MATTERS

### §9.1. The Budget Process<sup>330</sup>.

**A. Cooperation of Town Officials and Employees<sup>331</sup>.** The First Selectperson, Board of Selectpersons, Board of Finance, the Board of Education and RTM are required to work together, in good faith, throughout the year in order to develop and approve a Town budget. The budget shall include a delineation of all expected revenues and expenditures and, for the purposes of financial planning, detailed estimates of revenues and expenses all as required by this Charter and any Ordinances pertaining thereto. Each of these officials and employees of the Town are required to utilize best practices in the field of municipal and public finance, in order to comply with Law and with the generally accepted accounting principles (or such successor policies thereto) and shall embrace principles of accountability, transparency and outreach in order to expand public participation, engagement and trust in the budgetary process of the Town. These principles shall apply to the responsibilities of the First Selectperson to prepare capital projects and a five-year capital plan, as set forth in §4.3.B(4) and (5).

**B. Fiscal year<sup>332</sup>.** The fiscal year of the Town shall commence on first (1<sup>st</sup>) day of July and conclude on the thirtieth (30<sup>th</sup>) day of June unless otherwise set forth in the General Statutes.

**C. Budget a public record: Public Inspection<sup>333</sup>.** The general fund budget shall be a public record in the office of the Town Clerk and shall be open to public inspection at other designated public facilities including libraries and schools, as may be determined by the First Selectperson, Board of Selectpersons, Board of Education or the RTM. Moreover, the First Selectperson shall provide access on-line through social media, the Town web-site and dashboards and email chains to community organizations and members of the public who request such information.

**D. Public Engagement<sup>334</sup>.** The First Selectperson, Board of Selectpersons, Board of Finance, Board of Education and RTM shall develop procedures designed to encourage public participation in the budget process.

**E. Budget Calendar<sup>335</sup>.** Not later than the second (2<sup>nd</sup>) Meeting of the Board of Selectpersons, in January of each year, the Chief Fiscal Officer shall, in accordance with §9.1.A, following consultation with the First Selectperson, the Chair of the Board of Finance and Moderator of the RTM, cause to be published a budget calendar in order to inform the public of the significant requirements of the budget process, including but not limited to:

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<sup>330</sup> NEW (2022).

<sup>331</sup> NEW (2022).

<sup>332</sup> NEW (2022).

A<sup>333</sup> NEW (2022).

<sup>334</sup> NEW (2022).

<sup>335</sup> NEW (2022).

# CHARTER OF THE TOWN OF FAIRFIELD

- (1) Submission of Budget Estimates by Submitting Parties, as set forth in §9.3.A;
- (2) Date(s) of the Joint Review of the First Selectperson's Initial Recommendations by the Board of Selectperson, Board of Finance and RTM, as set forth in §9.3.B;
- (3) Recommendation of the Proposed Executive Budget to the Board of Finance, as set forth in §9.4.A;
- (4) Date of the Public Hearing of the Board of Finance as set forth in §9.5.B;
- (5) Date of Adoption of the Proposed Town Budget as set forth in §9.5.C;
- (6) Date of the Annual Budget Meeting and Final RTM Action on the Approved Annual Town Budget, as set forth in §§9.2 and 9.6.B of this Chapter;
- (7) Proposed date of Board of Finance, as shall be set by the Board of Finance, determination of property tax rate as set forth in §§9.5.E and 9.7.

## **§9.2. Date of annual budget meeting<sup>336</sup>.**

The RTM shall hold the annual budget meeting on the second (2<sup>nd</sup>) Monday in May of each year ("RTM Annual Budget Meeting").

## **§9.3. Annual Budget Estimates.**

**A. Submission of General Fund Budget Estimates to the First Selectperson<sup>337</sup>.** All Town Officials and Departments of the Town, including the Board of Education ("Submitting Parties"), shall submit to the First Selectperson:

- (1) such items and details of their respective general fund budgets for the next fiscal year<sup>338</sup>; and,
- (2) any additional information which they possess (including, but not limited to, records, books, accounts, Contracts, reports and other papers and documents as specified by the First Selectperson ("Budget Estimates") all of which,

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<sup>336</sup> 2022 recodification and edit of previous Article XII, §12.1 (2006). Derived from Article XII, §12.1 of the 1997 Charter; and, Chapter III, §6 (second sentence) and Chapter XVII, §4 of the 1947 and 1956 Acts and 1975 Charter.

<sup>337</sup> 2022 recodification and edit of previous Article XII, §12.2,A (2006)(First sentence). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>338</sup> 2022 recodification of previous Article XII, §12.2,A (2006)(First sentence) setting forth the definition of Budget Estimate". Derived from Article XII, §12.2 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

in the judgment of the First Selectperson, are necessary to discharge the duties imposed upon the First Selectperson by this Charter<sup>339</sup>.

Said Budget Estimates shall be submitted on or prior to a date designated by the First Selectperson, which date shall be early enough for the First Selectperson to review, revise, compile and transmit recommendations to the Board of Selectpersons, Board of Finance and RTM for purposes of Joint Budget Meetings with said Submitting Parties ("First Selectperson's Budget Recommendation" or "Budget Recommendation")<sup>340</sup>.

## **B. Presentation before Joint Meetings of the Board of Selectpersons, Board of Finance and RTM<sup>341</sup>.**

**(1) First Selectperson's Budget Recommendation.** Not later than the first (1<sup>st</sup>) Monday in March, the First Selectpersons' Budget Recommendation shall be submitted to the Board of Selectpersons for consideration and to the Board of Finance and RTM for initial review. At such time the First Selectperson shall address said Budget Recommendation before a joint meeting of the Board of Selectpersons, Board of Finance and RTM.

**(2) Multi-Board Budget Meetings.** Following submission and budget address, the First Selectperson shall convene an initial joint budget Meeting of the Board of Selectpersons and the Board of Finance for the purpose of receiving testimony and information from all Submitting Parties, including the Board of Education on the Budget Recommendation. Said testimony shall assist the bodies in their respective reviews of the said recommendations and the impact on the Departments and taxpayers.

**(a)** All subsequent Meetings shall be called to order by the First Selectperson and be presided over by the Chair of the Board of Finance and shall be conducted in accordance with rules of order to facilitate a comprehensive review to the benefit of the participating bodies and the public<sup>342</sup>.

**(b)** The rules may permit expansion of the Meeting to include the RTM in the event RTM committees (not to exceed ten (10) members) would participate as a rotating group of interlocutors to participate in the questioning of the Submitting Parties.

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<sup>339</sup> NEW (2022).

<sup>340</sup> 2022 recodification and modification (reference to Joint Budget Meetings and "First Selectperson's Budget recommendation") of previous Article XII, §12.2.A (2006)(Second sentence). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>341</sup> NEW (2022)

<sup>342</sup> **Comment of the 2022 Charter Revision Commission:** Both the Board of Finance and RTM will have additional opportunities to discuss the budget with the First Selectperson and Submitting Parties throughout the process. The objective of this first series of meetings is to eliminate redundancy and duplication of effort where possible. We recommend the RTM create a robust committee system and allow the members of committee to handle the questions for the Submitting Parties over which they have subject-matter jurisdiction.

# CHARTER OF THE TOWN OF FAIRFIELD

## **§9.4. Review and recommendation by Board of Selectpersons to the Board of Finance.**

**A. Proposed Executive Budget; Submission to Board of Finance<sup>343</sup>.** Following the joint meetings, as set forth in §9.3.B, and any other meetings it deems necessary to review the First Selectperson's Budget Recommendation, the Board of Selectpersons shall make recommendation of a Proposed Executive Budget to the Board of Finance, not later than the fourth (4<sup>th</sup>) Monday of March. The Proposed Executive Budget shall be in the form, and shall contain the details, required by the Board of Finance from time to time<sup>344</sup>.

**B. Variation of procedure<sup>345</sup>.** The Board of Selectpersons, with the approval of the Board of Finance, may modify and vary the budget submission process in the interest of efficiency or in the event of special circumstances.

## **§9.5. Review and recommendation by Board of Finance.**

**A. Further examination<sup>346</sup>.** The Board of Finance may hold meetings to review the Proposed Executive Budget as it determines necessary prior to the Public Hearing set forth in §9.5.B.

**B. Public hearing by Board of Finance<sup>347</sup>.** The Board of Finance shall hold a public hearing on the Proposed Executive Budget prior to the public meeting set forth in §9.5.C.

**C. Proposed Town Budget: Submission to RTM<sup>348</sup>.** After the public hearing as set forth in §9.5.B, the Board of Finance shall hold a public meeting not later than the fourth (4<sup>th</sup>) Monday in April at which time it shall act upon all matters relating to the Proposed Executive Budget. Thereafter, the Board of Finance's Proposed Town Budget shall be submitted to the RTM.

**D. Board of Finance Presentation of the Proposed Town Budget to RTM<sup>349</sup>.**

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<sup>343</sup> 2022 recodification and modification (Setting a deadline and introducing the term "Proposed Executive Budget") of previous Article XII, §12.2.B (2006). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>344</sup> 2022 Recodification of current Article XII, §12.3.A (2006). Derived from Article XII, §12.3 of the 1997 Charter.

<sup>345</sup> 2022 Recodification and edit of previous Article XII, §12.2.C (2006). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>346</sup> NEW (2022). **Comment of the 2022 Charter Revision Commission:** This further reaffirms that the discretion to conduct meetings and hearings remains entirely within the purview of the Board of Finance.

<sup>347</sup> 2022 recodification and edit of previous Article XII, §12.3.B (2006). Derived from Article XII, §12.3 of the 1997 Charter.

<sup>348</sup> 2022 recodification and modification (Defines "Proposed Town Budget" as the budget proposed by the Board of Finance) of previous Article XII, §12.3.C (2006). Derived from Article XII, §12.3 of the 1997 Charter.

<sup>349</sup> 2022 recodification and edit of previous Article XII, §12.3.D (2006). Derived from Article XII, §12.3 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

The Board of Finance shall present the Proposed Town Budget to the RTM for consideration at the RTM Annual Budget Meeting.

**E. Determination of property tax rate<sup>350</sup>.** After the RTM Annual Budget Meeting and receipt of the report on the grand list from the Board of Assessment Appeals, the Board of Finance shall determine the rate of property tax for the next fiscal year, taking into account the provisions of §9.7.

## **§9.6. Review and determination by the RTM: Approved Annual Town Budget.**

**A. RTM Deliberations and Further Examination<sup>351</sup>.** The RTM may hold meetings to review the budget, as it determines necessary before the Annual Budget Meeting.

**B. The Approved Annual Town Budget<sup>352</sup>.** At the Annual Meeting, the RTM shall act upon the Annual Town Budget for the next fiscal year:

## **§9.7. Effect of referendum on the budget<sup>353</sup>.**

Any item in the Approved Annual Town Budget referred to a referendum vote as provided in §3.6 and disapproved shall be amended to accord with such vote. In the event of a referendum affecting any item contained in the annual Town budget, the time within which the Board of Finance shall determine the Town tax for the year following such appropriation shall be extended to five (5) Days after the referendum vote.

## **§9.8. Appeals from the Board of Finance.**

**A. Appeals to RTM<sup>354</sup>.** Any Town Official (where a Board or Commission, by majority vote of its members) or Department of the Town may appeal to the RTM from a vote of the Board of Finance to recommend a reduction in the amount of any request by said Town Official or Department for an appropriation of Town funds as part of the annual budget process or at another time in the fiscal year, or for a budget transfer. The Town Official (where a Board or Commission, by a majority vote of its members) or Department may appeal to restore the entire amount originally requested or any part of such amount specified in the appeal.

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<sup>350</sup> 2022 recodification and edit of current Article XII, §12.3.E (2006). Derived from Article XII, §12.3 of the 1997 Charter.

<sup>351</sup> 2022 recodification and edit of previous Article XII, §12.4 (2006)(First sentence). Derived from Article XII, §12.4 of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** This is a restatement of the current standard of review. The discretion to conduct meetings and hearings remains entirely within the purview of the RTM.

<sup>352</sup> 2022 recodification and edit of current Article XII, §12.4 (2006)(Second sentence). Derived from Article XII, §12.4 of the 1997 Charter.

<sup>353</sup> 2022 recodification and edit of current Article XII, §12.5 (2006). Derived from Article XII, §12.5 of the 1997 Charter.

<sup>354</sup> 2022 recodification and modification (added the “majority vote” standard for appeals from the Board of Finance) of previous Article XII, §12.6.A (2006). Derived from Article XII, §12.6 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

**B. Method of appeal<sup>355</sup>.** The appeal shall be made in writing and shall be filed with the Town Clerk within ten (10) Days after written notice of the vote of the Board of Finance shall have been received by the Town.

**C. RTM hearing<sup>356</sup>.** Not later than the date of the RTM Annual Budget Meeting if the appeal is from a budget request, or the next regular meeting of the RTM after receiving an appeal from a vote of the Board of Finance in any other case, the RTM shall:

(1) Hold a hearing on such appeal, at which both the Board of Finance and the appellant shall be entitled to be heard;

(2) At the conclusion of the hearing, put the question of sustaining the appeal to a vote.

**D. Vote necessary to sustain appeal<sup>357</sup>.** If two-thirds (2/3<sup>rd</sup>s) or more of the total number of RTM members present and voting at such meeting shall vote to sustain the appeal, the requested appropriation or transfer shall be made without the recommendation of the Board of Finance, subject, with respect to the appropriation, to referendum as provided in this Charter.

## **§9.9. Expenditure in excess of appropriation forbidden<sup>358</sup>.**

No Town Official or Department shall expend any sum for any purpose in excess of the amount appropriated by the Town for such purpose unless such expenditure shall first be approved, and appropriate transfers in the budget made, by the Board of Finance.

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<sup>355</sup> Recodification and edit of previous Article XII, §12.6.B (2006). Derived from Article XII, §12.6 of the 1997 Charter.

<sup>356</sup> 2022 recodification and edit of previous Article XII, §12.6.C (2006). Derived from Article XII, §12.6 of the 1997 Charter.

<sup>357</sup> 2022 recodification of previous Article XII, §12.6.C (2006). Derived from Article XII, §12.6 of the 1997 Charter.

<sup>358</sup> 2022 recodification of previous Article XII, §12.7 (2006). Derived from Article XII, §12.7 of the 1997 Charter.  
**Comment of the 2022 Charter Revision Commission:** Previous Article XII, §12.8 and §12.9 were moved to Article IV, §4.3.G and Article V, §5.5.E.

# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE X - MISCELLANEOUS

### **§10.1. Official Seal<sup>359</sup>**

The Town shall adopt, by Ordinance, a Town Seal with such suitable inscription or design as it determines. Said seal shall be filed with the Office of the Secretary of the State by the Town Clerk. The Town Clerk shall have custody of the seal.

### **§10.2. Existing ordinances<sup>360</sup>**

All ordinances of the Town shall continue in full force and effect, except as they are inconsistent with the provisions of this Charter.

### **§10.3. Separate provisions<sup>361</sup>**

If any provision of this Charter is declared by a court of competent jurisdiction to be void or unconstitutional, such action shall not affect the validity of any other provision.

### **§10.4. Periodic Review of the Charter<sup>362</sup>**

No later than April of 2032, and no more than every ten (10) years thereafter, the Board of Selectpersons shall consider appointing a Charter Revision Commission, pursuant to the General Statutes. Upon completion of a charter revision process, the ten-year cycle shall be reset accordingly. Nothing in this section limits the right of the Board of Selectpersons to appoint one or more Charter Revision Commissions other than the Commission required by this section.

### **§10.5. Submission and effective date<sup>363</sup>**

This Charter shall be submitted to the Electors of the Town at the general election to be held Tuesday, November 8, 2022. Voting shall be in accordance with the Laws of the State of Connecticut and the proposed Charter may be submitted in the form of one (1) or several questions as determined by the Board of Selectpersons. The Charter or such portions thereof as may be approved by the Electors of the Town shall take effect on November 27, 2022, with the exception of provisions pertaining to the term of office, composition of the entity or functions of an elected official, which shall be adjusted as set forth herein.

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<sup>359</sup> 2022 recodification and edit of previous Article XIV, §14.1. Derived from Chapter XXIV, §4 of the 1947 and 1956 Acts; and Chapter XXVI, §4 of the 1975 Charter. See, C.G.S. §7-101.

<sup>360</sup> 2022 recodification of previous Article XIV, §14.2. Derived from Chapter XXIV, §5 of the 1947 and 1956 Acts; and Chapter XXVI, §5 of the 1975 Charter.

<sup>361</sup> 2022 recodification of previous Article XIV, §14.3. Derived from Chapter XXIV, §6 of the 1947 and 1956 Acts; and Chapter XXVI, §6 of the 1975 Charter.

<sup>362</sup> NEW (2022).

<sup>363</sup> 2022 recodification and modification of previous Article XIV, §14.4. Derived from Chapter XXIV, §7 of the 1947 and 1956 Acts; and, and Chapter XXVI, §9 of the 1975 Charter.



CHARTER REVISION COMMISSION REDLINE VERSION OF  
FINAL REPORT APPROVED ON AUGUST 1, 2022

# CHARTER

## OF THE

# TOWN OF FAIRFIELD

**Final Report of the Charter Revision Commission**  
**Approved: 1 August 2022<sup>1 2</sup>**

**Transmittal to Town Clerk and Board of**  
**Selectpersons: 5 August 2022**

**Bryan Cafferelli**  
Chair

**Christopher Brogan**  
Vice Chair

**Marlene Battista**  
Secretary

**Jay Gross**

**Hon. Pamela Iacono**

**Hon. John Mitola**

**John Wynne**

**James T. Baldwin**  
Town Attorney

**Steven G. Mednick**  
Counsel

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<sup>1</sup> **Please Note:** This document *remains a draft and will continue to undergo due diligence reviews throughout the entirety of this process.* We will continue to clarify and align provisions for the duration. This draft is based upon the 11 January 2022 Reorganizational Baseline. This document remains a work in progress and will be reviewed and refined as the CRC and Board of Selectpersons progresses through the process. Please excuse any errors or inaccuracies. Internal references will continue to be addressed and aligned at the final stage in this process.

<sup>2</sup> **Further Note re – July 4<sup>th</sup> Red-Line:** This document reflects the changes in the July 4<sup>th</sup> redline edition, which was prepared on an Article-by-Article basis and, where necessary, on a paragraph-by-paragraph basis. This is due to the fact that the proposed revised Charter has been consolidated and various provisions have been moved and consolidated. Please continue to review this document thoroughly and provide input on any errors or inconsistencies that remain.

CRC FINAL RERPORT TRANSMITTAL REDLINE - APPROVED 1 AUGUST 2022

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CRC FINAL RERPORT TRANSMITTAL REDLINE- APPROVED AUGUST 2022



# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE I - INCORPORATION, GENERAL POWERS, CONSTRUCTION, ORGANIZATION AND STANDARDS<sup>3</sup>

### §1.1. Title<sup>4</sup>.

The Charter of the Town of Fairfield (the “Town”) shall be the organic Law of the Town in the administration of its local affairs.

### §1.2. Incorporation and powers<sup>5</sup>.

All the inhabitants dwelling within the Town, as previously constituted, shall continue to be a body politic and corporate under the name of the Town and shall have all powers and privileges and immunities previously exercised by the Town and not inconsistent with this Charter, the additional powers and privileges conferred in this Charter, and all powers and privileges conferred upon towns under the General Statutes of the State of Connecticut as the same may be amended<sup>6</sup>.

### §1.3. Rights and obligations<sup>7</sup>.

All property, both real and personal, all rights of action and rights of every description and all securities and liens vested or inchoate in the Town as of the date when this

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<sup>3</sup> [HISTORY: Adopted by ballot of the Town of Fairfield 11-7-2006, effective 11-27- 2006 (“2006 Charter”)<sup>3</sup>. Amendments noted where applicable.] Editor’s Note: This enactment supersedes the former Charter adopted by the Representative Town Meeting 11-4-1997, effective 11-24-1997. **Comment from the 2022 Charter Revision Commission:** The annotations set forth herein are not definitive or comprehensive. The effort is a first step in the process of recreating the historical antecedents to the current provisions of the Charter as well as showing the continued impact, if any, of Special Act provision adopted prior to the adoption of the Home Rule Act and Article Tenth of the 1965 Constitution of the State of Connecticut.

**NOTE:** [When the term “edit” is used in these annotations it means a minor grammatical change or conformity revision. When the term “modification” is used, it means a more substantive change, which may be described in the footnote. Where not described, we recommend a careful review of the current and previous charter in order to ascertain the difference.](#)

<sup>4</sup> NEW (2022).

<sup>5</sup> 2022 recodification [and minor edits of currentprevious](#) Article I, §1.1. Derived from Chapter I, §1 of “An Act Concerning a Charter for the Town of Fairfield” (1947) (“1947 Act”). Chapter XXIII of the 1947 Act and 1956 Acts included a Town Court; which was amended by §3 of Special Act No. 382 of the Special Act of 1949: (“1949 Act”); further amended by §21 of “An Act Amending the Charter of the Town of Fairfield” (1951) (“1951 Act”); Chapter I, §1 of “An Act Concerning a Charter for the Town of Fairfield” (1956) (“1956 Act”); Chapter I, §1 of the Charter of Town of Fairfield (1975) (“1975 Charter”); and, Article I, §1.1 of the Charter of the Town of Fairfield (1997)(“1997 Charter”).

<sup>6</sup> Derived from Chapter I, §3 of the 1947 Special Act. Further amended by §§1 and 2 of the 1951 Act.

<sup>7</sup> 2022 recodification of [currentprevious](#) Article I, §1.2. Derived from Chapter I, §2 and 3 of the 1947 Act; reenacted by Chapter I, §2 and 3 of the 1956 Act; Chapter I, §2 and 3 of the 1975 Charter; and modified by Article I §1.2 of the 1997 Charter. Chapter I, §4 of the 1947 and 1956 Acts and 1975 Charter included contained a provision vesting the ‘legislative power of the Town’ in the Representative Town Meeting; said provision as well as the “corporate powers” provision in Chapter I, 3 of the 1947 and 1956 Acts and 1975 Charter were abandoned by the 1997 Charter.



# CHARTER OF THE TOWN OF FAIRFIELD

Charter shall take effect are continued in the Town, and the Town shall continue to be liable for all debts and obligations of every kind for which the Town shall be liable on the effective date, whether accrued or not. Nothing shall be construed to affect the right of the Town to collect any assessment, charge, debt, or lien for the construction, alteration, or repair of any public improvement.

## §1.4. Definitions.

**A. Definitions and Titles Generally<sup>8</sup>.** The definitions contained in the General Statutes of the State of Connecticut shall govern the interpretation of this Charter; unless otherwise defined herein. Articles and [Sections](#)[Section Titles](#) are for the purpose of ready reference and shall not be held to limit, extend or effect the interpretation and meaning of the text.

**B. Capitalized terms<sup>9</sup>.** The following rule has been used in determining which terms in this Charter are capitalized: All references to particular Town officials, as defined, below, and to particular Town Boards and Commissions are capitalized, while general references are not. For example: The Board of Education shall have the powers and duties conferred on boards of education by the General Statutes.

**C. Defined terms<sup>10</sup><sub>[S1]</sub>.** The following terms shall have the meanings set forth in this paragraph unless otherwise specified in this Charter:

(1) “Appointed Town Officer<sup>11</sup>” means an employee who heads any Department in the Town, whether established by Charter or the Town Code; has the authority and qualifications set forth in [§§§6.1](#) through [§6.2](#)~~of this Charter~~<sub>[S2]</sub>; and, is directly accountable to the First Selectperson, unless otherwise set forth in this Charter.

(2) “Board” or “Commission<sup>12</sup>”. For the purposes of this Charter and except as otherwise provided by Law, the terms “Board” and “Commission” mean all boards, agencies, commissions, authorities or like entities or bodies of the Town, whether elected or appointed. This term does not include advisory committees, tasks forces or other like entities created ~~by appointing authorities~~ for limited duration, purposes or scope ~~pursuant to §4.2.B(4)(c)~~<sub>[S3]</sub>.

(3) “Board of Selectpersons<sup>13</sup>” means the executive authority of the Town

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<sup>8</sup> NEW (2022)

<sup>9</sup> 2022 recodification [and minor edits](#) of [current](#)~~previous~~ Article I, §1.3.A. Derived from Article I, §1.3.A of the 1997 Charter.

<sup>10</sup> 2022 recodification of [current](#)~~previous~~ Article I, §1.3.B. Derived from Article I, §1.3.B of the 1997 Charter

<sup>11</sup> [NEW \(2022\). This is a definition is derived from common usage in the previous Charter, although not defined.](#) See [generally](#), Articles VI and VII.

<sup>12</sup> [NEW \(2022\).](#)

<sup>13</sup> NEW (2022)

# CHARTER OF THE TOWN OF FAIRFIELD

as defined in Article IV ~~of this Charter~~.

(4) "Charter<sup>14</sup>" means the Charter of the Town of Fairfield.

(5) "~~Contracts~~Contract<sup>15</sup>" means all contractual relations of the Town ~~(including the Board of Education)~~,<sup>1541</sup> including, without limitation, purchase contracts, lease contracts, and service contracts, including but not limited to, agreements, memoranda of understanding, memoranda or agreement, letters of understanding, side letters and other agreements<sup>46</sup>.

(6) "Day(s)<sup>17</sup>" means calendar days; unless, otherwise specifically set forth in this Charter. Moreover, where a Day set forth in this Charter falls on a weekend, holiday or day when the Town is closed for business, the deadline shall be extended through the close of the next Town business day; unless otherwise required by law

(7) "Department<sup>18</sup>" means any major functional or administrative division of the Town, including any offices, agencies, bureaus or other descriptions serving such purpose as may be set forth in the budget of the Town. When used within the section establishing or describing the duties of the particular department or its related Board or Commission, the term "Department" shall apply exclusively to the functional division referred to in that section.

(8) "Elected Town Officials<sup>19</sup>SS" means an individual who holds an elected municipal office as set forth in §2.3.A, and as further set forth in this Charter.

(9) "Elector<sup>20</sup>" shall have the meaning contained in the General Statutes.

<sup>14</sup> ~~NEW (2022)~~ NEW (2022). **Comment of the 2022 Charter Revision Commission:** All internal section or provision references herein are to sections or provisions of this Charter; unless otherwise specifically set forth.

<sup>15</sup> 2022 recodification and significant modification of the definition of "contracts that was in previous Article VI, §6.1.C(1) (2006)(third sentence).

<sup>46</sup> ~~2022 modification and recodification of current Article VI, §6.1.C(1) (2006)(third sentence).~~

<sup>17</sup> NEW (2022).

<sup>18</sup> NEW (2022).

<sup>19</sup> NEW (2022). **Comment of the 2022 Charter Revision Commission.** This is a definition derived from common usage in the previous Charter, although not defined. See, prior version of the Charter §2.1.B, §2.3.A, §2.3.D and §2.4.

<sup>20</sup> NEW (2022). A common term used throughout the previous Charter. **Comment of the 2022 Charter Revision Commission.** C.G.S. §9-1. Definitions. (e) "Elector" means any person possessing the qualifications prescribed by the Constitution and duly admitted to, and entitled to exercise, the privileges of an elector in a town". C.G.S. §9-12. Who may be admitted. (a) Each citizen of the United States who has attained the age of eighteen years, and who is a bona fide resident of the town to which the citizen applies for admission as an elector shall, on approval by the registrars of voters or town clerk of the town of residence of such citizen, as prescribed by law, be an elector, except as provided in subsection (b) of this section. For purposes of this section a person shall be deemed to have attained the age of eighteen years on the day of the person's eighteenth birthday and a person shall be deemed to be a bona fide resident of the town to which the citizen applies for admission as an elector if such person's dwelling unit is located within the geographic boundaries of such town. No mentally incompetent person shall be admitted as an elector. (b) Any citizen who will have attained the age of eighteen years on or before the day of a regular election may apply for admission as an

# CHARTER OF THE TOWN OF FAIRFIELD

When used in this Charter this term would be synonymous with the term “Elector of the Town[s].”\

(10) “First Selectperson<sup>21</sup>” means the chief executive officer of the municipality, as required by the General Statutes<sup>22</sup> and as set forth in this Charter.

(11) “General Statutes” or C.G.S.<sup>23</sup> means the official General Statutes of Connecticut under arrangement of the 1958 Revision as amended and updated, from time to time. Where chapter references are made, they are to chapter designations as of January 1, 2006. In the event a chapter designation is changed by the publishers of the General Statutes, the new chapter references shall be substituted for the chapter references contained in this Charter.

(12) “Law<sup>24</sup>” means, although is not limited to, decisions of courts and administrative bodies (or any agreements sanctioned by said bodies), federal or state legislative enactments, Ordinances and Regulations, including all applicable rules contained therein.

(13) “Majority Vote of the RTM<sup>25</sup>” means more than half of the votes have been cast by the members at a meeting of the RTM at which a quorum is present.

(14) “Meeting<sup>26</sup>” shall have the meaning set forth in C.G.S. §1-200(2), including meetings by means of electronic equipment, as may be amended from time to time.

(15) “Meeting (or Hearing) Notice<sup>27</sup>” means a notice posted by the Town Clerk<sup>[s7]</sup> as required by the General Statutes, including posting of regular meetings with the Office of the Secretary of the State (if required) and the Town Clerk, as well the requirement pertaining to special and emergency meetings as well as public hearings, in the same manner as set forth in §1.4.C(17) of the Charter, and as may

elector. If such citizen is found to be qualified the citizen shall become an elector on the day of the citizen's eighteenth birthday. The registrars shall add the name of any person applying under this subsection, if found qualified, to the registry list and, if applicable, to the enrollment list, together with the effective date of his registration. The registrars may place the name of each such person at the end of the registry and enrollment lists for the voting district.

<sup>21</sup> NEW (2022). A commonly used title in the previous Charter. A provision required by C.G.S. § 7-193(a)(2)(C).

<sup>22</sup> Required by C.G.S. § 7-193(a)(2)(C).

<sup>23</sup> 2022 modification and recodification and edit of current previous Article I, §1.3.B(4). (the fourth definition). Derived from Article I, §1.3.B of the 1997 Charter

<sup>24</sup> NEW (2022).

<sup>25</sup> NEW (2022).

<sup>26</sup> NEW (2022)

<sup>27</sup> NEW (2022). NEW (2022). Comment of the 2022 Charter Revision Commission: The 2022 Charter revision deletes previous Article IV, §4.3.D (2006). Modification of Chapter III, §2 (third sentence) and §4 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.3.D of the 1997 Charter. Comment of the 2022 Charter Revision Commission: The previous provision in Article IV referenced the Freedom of Information Act, while the new language references the General Statutes.

# CHARTER OF THE TOWN OF FAIRFIELD

be established by Ordinance or written rules of the RTM or any Board or Commission insofar as such notice requirements are in accordance with the General Statutes. In addition to the above-referenced postings, the Town [Clerk](#) may post notices on its web-site or notify Elected Town Officials, members of the RTM or members of Boards and Commissions through other electronic media and, if otherwise required by Law, said notice shall be published in a daily newspaper of general circulation distributed in the Town. A Meeting Notice (including public hearings) shall state the time and place thereof and shall be published at a minimum in compliance with the General Statutes or by a more stringent requirement as may be set forth in this Charter. Meeting or Hearing Notice may also be governed by regulatory practices and procedures set forth in the General Statutes<sup>28</sup>.

**(16)** “Ordinances” or “Ordinances of the Town” or “Town Code<sup>29</sup>” means the legislative powers of the Town 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.

**(17)** “Public Notice” or “Publication<sup>30</sup>” means a notice for matters other than public meetings or hearings, including the public inspection or availability of any documents or data, as may be required by this Charter. Said Public Notice shall be specifically set forth in this Charter or may be governed by the requirements of the General Statutes. Public Notice shall be posted [by the Town Clerk<sup>31</sup>](#) (1) in the Office of the Town Clerk and other public space or location in the Town Hall designated by the Town Clerk in order to assure sufficient disclosure to and access by the public or other public places as may be determined by the Town Clerk; (2) on the Town web-site or through other electronic media by the Town Clerk; and, (3) if otherwise required by Law, by publication in a daily newspaper of general circulation distributed in the Town. Unless otherwise required by Law, newspaper publication is in the discretion of the Town Clerk or the body providing the Public Notice.

**(18)** “Regulation<sup>31</sup>” means a statement of general applicability approved by a Department or Board or Commission, without regard to its designation, that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any such Department, Board or Commission or the Laws under which they operate.

**(19)** “Representative Town Meeting” or “RTM<sup>32</sup>” means the legislative body

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<sup>28</sup> ~~The 2022 Charter revision deletes current Article IV, §4.3.D (2006). Modification of Chapter III, §2 (third sentence) and §4 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.3.D of the 1997 Charter.~~

<sup>29</sup> [NEW \(2022\). A commonly used title in the previous Charter.](#)

<sup>30</sup> [NEW \(2022\)](#)

<sup>31</sup> [NEW \(2022\). Derived from C.G.S. §4-166\(16\).](#)

<sup>32</sup> [NEW \(2022\) Required\). A commonly used title from the previous Charter and required by C.G.S. §7-](#)

# CHARTER OF THE TOWN OF FAIRFIELD

of the Town, as required by the General Statutes and as specifically set forth in Article III ~~of this Charter~~.

(20) "Special Acts" or "Special Laws<sup>33</sup>" means the acts of the General Assembly pertinent to the Town.

(21) "State" or "Connecticut<sup>34</sup>" means the State of Connecticut.

(22) "State Constitution<sup>35</sup>" means the Constitution of the State of Connecticut.

(23) "Town<sup>36</sup>" means the Town of Fairfield.

(24) "Town Office<sup>37</sup>" means any position in Town government which is described by this Charter or the Town Code except membership on the Representative Town Meeting<sup>38</sup>.

(25) "Town Officer<sup>39</sup>" means an individual elected or appointed to a Town Office, including any Appointed Town Officer whether established by this Charter or the Town Code, other than as a member of a Board<sup>7</sup> or Commission<sup>40</sup>.

(26) "Town Official<sup>41</sup>" means any Town Officer and Board or Commission or the individual members thereof, including any Appointed Town Officer whether established by this Charter or the Town Code<sup>42</sup>.

(27) Where reference is made to the word "shall" the legislative intention is to make the function a mandatory or imperative obligation for the official or entity charged with an obligation under this Charter or under the Town Code. It is recommended that to avoid any doubt the word "must" should be used in order to impose clarity on the concept of obligation<sup>43</sup>.

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193(a)(1)(C).

<sup>33</sup> NEW (2022). A commonly used title from the previous Charter.

<sup>34</sup> NEW (2022). A commonly used title from the previous Charter.

<sup>35</sup> NEW (2022). A commonly used title from the previous Charter.

<sup>36</sup> NEW (2022). A commonly used title from the previous Charter.

<sup>37</sup> 2022 recodification of previous Article I, §1.3.B (first definition). Derived from Article I, §1.3.B of the 1997 Charter

<sup>38</sup> 2022 recodification of current Article I, §1.3.B(1). Derived from Article I, §1.3.B of the 1997 Charter

<sup>39</sup> 2022 recodification and edits of previous Article I, §1.3.B (second definition). Derived from Article I, §1.3.B of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** We included the term "Town Code" in the edits to make it clear that these definitions apply to the body of law of the Town.

<sup>40</sup> 2022 recodification of current Article I, §1.3.B(2). Derived from Article I, §1.3.B of the 1997 Charter

<sup>41</sup> 2022 recodification and modification of previous Article I, §1.3.B (third definition). Derived from Article I, §1.3.B of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** We included the term "Town Code" in the edits to make it clear that these definitions apply to the body of law of the Town.

<sup>42</sup> 2022 recodification of current Article I, §1.3.B(3). Derived from Article I, §1.3.B of the 1997 Charter

<sup>43</sup> NEW (2022)

# CHARTER OF THE TOWN OF FAIRFIELD

## §1.5. Standards of Conduct<sup>44</sup>.

**A. Declaration of Policy<sup>45</sup>.** Town Officials, RTM members and all employees of the Town shall demonstrate by their example the highest standards of ethical conduct, to the end that the public may justifiably have trust and confidence in the integrity of government. As agents of public purpose, they shall hold their offices or positions for the benefit of the public, shall recognize that the public interest is their primary concern, and shall faithfully discharge the duties of their offices regardless of personal considerations.

**B. Conflict of Interest<sup>46</sup>.** No Town Official, RTM member or any employee shall:

(1) Solicit or accept any gift, directly or indirectly, whether in the form of money, loan, gratuity, favor, service, thing or promise, or in any other form, under circumstances in which it can reasonably be inferred that the gift is intended to influence the Town Official, employee, or member in the performance of official duties; (Nothing in this paragraph shall preclude the solicitation or acceptance of lawful contributions for election campaigns).

(2) Disclose confidential information gained by reason of the office or position or use such information for the personal gain or benefit of anyone;

(3) Knowingly have or acquire any financial interest or any personal beneficial interest, direct or indirect, in any contract or purchase order for any supplies, materials, equipment or contractual services furnished to or used by the Town in connection with any project, matter or thing which comes within the Town Official's, employee's, or RTM member's jurisdiction or the jurisdiction of the Board, Commission or any other body of which the person is a member (unless such interest is acquired through being the lowest responsible bidder after public advertisement); or

(4) Engage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of the official duties or which may tend to impair the independence of judgment in the performance of the Town Official's, employee's, or RTM member's official duties<sup>47</sup>.

**C. Disclosure of Interest<sup>48</sup>.** Any Town Official, RTM member, or employee who

<sup>44</sup> 2022 recodification of [current/previous](#) Article XI entitled "Standards of Conduct.

<sup>45</sup> 2022 recodification [and edit](#) of [current/previous](#) Article XI, §11.1 (2006). Derived from Article XI, §11.1 of the 1997 Charter,

<sup>46</sup> 2022 recodification [and edit](#) of [current/previous](#) Article XI, §11.2 (2006). Derived from Chapter XXV of the 1975 Charter; and, Article XI, §11.2 of the 1997 Charter,

<sup>47</sup> Subsections C. and D. may be derived from Chapter II, §6 of the 1947 and 1956 Acts.

<sup>48</sup> 2022 recodification [and edit](#) of [current/previous](#) Article XI, §11.3 (2006). Derived from Article XI, §11.3 of the



# CHARTER OF THE TOWN OF FAIRFIELD

possesses or who acquires such private interest as might reasonably tend to create a conflict with the public interest shall make disclosure thereof to such Board, Commission or body and such person shall be disqualified from action on any matter involving the private interest.

**D. Fair and Equal Treatment<sup>49</sup>.** No Town Official, RTM member, or employee shall use an official position to secure or grant special consideration, treatment, advantage, privilege, or exemption to himself or herself or to any person beyond that which is available to every other person.<sup>50</sup> This provision is not intended to prevent an RTM member from properly representing the people of the member's district.

**E. Penalties and Disciplinary Action for Violations<sup>51</sup>.** The failure to comply with, or any violation of, the standards of conduct established by this Charter shall be grounds for the removal from office, discharge from employment of the offending Town Official, RTM member, or employee, and the Board of Selectpersons in its discretion may void any contract entered into or adopted in violation of this Charter. The Board of Selectpersons or the Ethics Commission may recommend disciplinary measures for RTM members who fail to comply with, or who violate, these standards, but the RTM retains the final authority to discipline its members.

## §1.6. Rules of Order and Civility<sup>52</sup>[S9].

Town Officials and employees shall treat members of the public with respect and expect the same in return in official in-person or virtual/electronic interactions. The Town is committed to maintaining orderly administrative processes and in keeping Town administrative offices free from disruption.

**A. The Workplace and Town Operations.** In the workplace and other official interactions this Charter promotes mutual respect, civility and orderly conduct among Town employees, Town Officials, Members of the RTM and the public. This section is not intended to deprive any person of his or her right to freedom of expression, but only to maintain, to the extent possible and reasonable, a safe, productive, and harassment-free workplace for Town staff and a safe and non-threatening environment for the public. The Town encourages all parties to engage in professional, respectful, and courteous communication and discourages hostile, intimidating, or otherwise disruptive actions.

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1997 Charter,

<sup>49</sup> 2022 recodification [and edit](#) of [current](#)~~previous~~ Article XI, §11.4 (2006). Derived from Article XI, §11.4 of the 1997 Charter.

<sup>50</sup> NEW (2022). **Comment of the 2022 Charter Revision Commission:** In the model ethics code of the State of Florida this provision usually includes the following presumption language: “If an official or employee believes his or her accusation to be true, and then learns that it was false, even in part, he or she should apologize in the same forum the accusations were made. A failure to so apologize within a reasonable period of time after learning of the falseness of the accusations will create the presumption that the conduct was fully intentional.”

<sup>51</sup> 2022 recodification [and edit](#) of [current](#)~~previous~~ Article XI, §11.5 (2006). Derived from Article XI, §11.5 of the 1997 Charter.

<sup>52</sup> NEW (2022).

# CHARTER OF THE TOWN OF FAIRFIELD

**B. Public Meeting Decorum.** The Town is committed to the democratic process, the rule of law, individual rights of expression, robust debate, and tolerance for disparate views and the building of better community relationships through increased empathy, greater awareness and decreased reactivity. The Town's elected and appointed Boards and Commissions<sup>[S10]</sup>, the RTM and other public bodies and various community groups, including, committees, task forces, or other like entities (created pursuant to §4.2.B(4)(c)) all convene public meetings to address, from time to time, controversial issues that may engender passionate and often conflicting opinions. An atmosphere of incivility and disrespect at these meetings can stifle participation and debate, threaten the quality of decisions and undermine the local democratic process.

**C. Rules of Order.** In order to effectuate these provisions of the Charter, the Town may adopt Ordinances generally governing the conduct of public meetings in accordance with this Charter.

**(1) Parliamentary Guidance: The General Rule<sup>53</sup>.** Robert's Rules of Order shall, as a general rule, regulate the conduct of all meetings of the RTM and all elected and appointed Boards and Commissions of the Town, unless the RTM or particular Board or Commission otherwise specifies.

**(2) Adoption of Rules.** Notwithstanding the foregoing, the RTM and each elected and appointed Board and Commission may adopt rules of order in order to conduct public meetings and government business in a civil and orderly environment. The rules shall be adopted by a vote of two-thirds (2/3<sup>rd</sup>) of the members of the Board or Commission, following review by the Town Attorney to ensure that the rules are based on best practices in parliamentary procedure and consistent with the open meeting requirements of the General Statutes and this Charter.

**D. The Role of the Presiding Officer.** The ~~Presiding Officer~~presiding officer of the RTM and each elected and appointed Board and Commission shall be responsible for maintaining the decorum at public meeting and for the uniform enforcement of rules of order.

**E. Compliance with Rules of Order and Decorum.** Likewise, all persons who attend a public meeting shall comply with any lawful order of the ~~Presiding Officer~~presiding officer to enforce rules of order and decorum. In all circumstance, members of the public and all public officials shall be expected to follow the rules of the body and shall not engage in disorderly conduct, uncivil language or actions as may be defined by Ordinance, Regulation or rules of order of the body.

**F. Breach of Rules.** In the event any person breaches the rules of order pertaining to civility in a manner that disturbs, disrupts, or otherwise impedes the orderly

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<sup>53</sup> Recodification and edit of ~~current~~previous Article VIII, §8.1.B(4)[Elected Boards and Commissions]; and, Article X, §10.1.B(4)[Appointed Boards and Commissions] (2006). Derived from Article VIII, §8.1.B and Article X, §10.1.B of the 1997 Charter.



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conduct of the Meeting, the ~~Presiding Officer~~[presiding officer](#) shall order that person to cease such conduct. The ~~Presiding Officer~~[presiding officer](#) has the authority to order a member of the public, public official or member of the body to leave the public meeting in the event of continued violations following an initial order from the presiding officer. If said initial order to cease the offending conduct is not obeyed and said conduct continues in spite of an escalation of additional orders from the ~~Presiding Officer~~[presiding officer](#), the party may be removed from the Meeting. Removal of a person at an in-person event may be facilitated by a Sergeant at Arms or law enforcement officer. At a virtual or hybrid meeting the presiding officer may block the person from participation. Members of appointed Boards or Commissions may be subject to removal in accordance with the provisions of §6.7.A ~~of this Charter~~.

## §1.7. Open Meetings and Public Records<sup>54</sup>[\[S11\]](#).

**A. Records<sup>55</sup>.** Each Elected and Appointed Board and ~~Commission~~[\[S12\]](#) ~~and committees, task forces, or other like entities (created pursuant to §4.2.B(4)(c))~~ shall keep a complete and accurate record of its official acts, votes, meetings, and proceedings and shall have custody of its correspondence, files and other records and shall designate one of its members or its clerk to keep such record. The minutes and recordings of Boards and Commissions shall be public records, in accordance with the General Statutes, and shall be open for public inspection (A) at the office of the Town Clerk, during regular business hours; and, (B) on the Town website in compliance with the requirements of Law.

**B. Open and Public Meetings<sup>56</sup>.** All Meetings of ~~the RTM~~[\[S13\]](#) ~~and all other~~ Elected and Appointed Boards and Commissions and all committees, task forces or other like entities, shall be open to the public except for executive sessions permitted by the General Statutes, and all appointed Boards and Commissions, and all committees, task forces or other like entities shall comply with state freedom of information laws unless otherwise provided by the General Statutes or Law.

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<sup>54</sup> NEW (2022).

<sup>55</sup> 2022 recodification and ~~modification~~[\[S14\]](#) ~~of current~~[previous](#) Article VIII, §8.1.B (2) and Article X, §10.1.B(2), derived from Chapter XXIV, §1 and §2 of the 1947 and 1956 Acts; and, Chapter XXVI, §2 of the 1975 Charter.

<sup>56</sup> 2022 recodification and ~~modification~~[\[S15\]](#) ~~of current~~[previous](#) Article VIII, §8.1.B(3) and Article X, §10.1.B(3), derived from Chapter II, §6 of the 1947 and 1956 Acts; and, Chapter II, §5 of the 1975 Charter.

<sup>57</sup> ~~2022 recodification of previous Article IV, §4.3.A (2006) (Second sentence). Modification of Chapter III, §4 of the 1947 and 1956 Act, which established a quorum as one-third of the members and 1975 Charter (which established a majority standard); and, Article IV, §4.3.A of the 1997 Charter.~~

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## §1.8. Diversity on Boards and Commissions<sup>58</sup> [S14].

The active, informed, inclusive, and equitable engagement of community members, both individually and collectively, is an essential element of healthy civic life and a thriving local democracy. All Appointing Authorities (as defined in §6.4.A) should take into consideration the knowledge, expertise, experience, and, to the fullest extent possible, the diversity of residents and the geographic areas of Town when considering the composition of Boards and Commissions. Diversity on Boards and Commissions should, in its broadest sense be considered to include, but shall not be limited to<sup>59</sup>, race, color, ethnicity, religious creed, age, sex, national origin, ancestry or culture, status as a veteran, socio-economic status, sexual orientation, gender identity or expression, familial and marital status, pregnancy, or physical and mental disability.

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<sup>58</sup> NEW (2022).

<sup>59</sup> **Comment of the 2022 Charter Revision Commission.** The listing in this Charter is not exclusive since it reflects the current state of protected classes under federal and state law. It is fully expected that as those classes are modified by Congress or the General Assembly, the new protected classes will be deemed covered as if they were specifically included in the enumeration.

# CHARTER OF THE TOWN OF FAIRFIELD

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## ARTICLE II - ELECTED OFFICIALS AND ELECTIONS

### §2.1. Application of General Statutes<sup>60</sup>.

Unless otherwise, specifically set forth in this Charter, the General Statutes, as amended from time to time, relating to elections, including, without limitation, residency requirements and nomination of candidates, shall be applicable to all elections held in accordance with the provisions of this Charter. The nomination and elections of all Federal, State and Town elected officials shall be conducted as prescribed by the General Statutes and as further set forth in this Charter.

### §2.2. Rules Pertaining to Electors.

**A. Eligibility to Vote<sup>61</sup>.** Each Elector of this State who shall reside within the limits of the Town upon the date of any election, and who shall be qualified to vote therein, shall be an Elector of the Town.

**B. Eligibility to serve as an Elected Town Official<sup>62</sup>.** No person shall be eligible for nomination or election to office as an Elected Town Official who is not an Elector of the Town, in accordance with the General Statutes<sup>63</sup>.

**C. Prepared Lists of Electors<sup>64</sup>.** The Registrars of Voters shall prepare lists of Electors qualified to vote therefore, in the manner prescribed by the State Constitution, the General Statutes and any Special Acts applicable to the Town.

**D. Effect of ceasing to be an Elector or Resident of a District: Vacancy; Exception.**

**(1) General Rule<sup>65</sup>.** If any Elected Town Official ceases to be an Elector of the Town, the office shall become vacant, including the position of district representative on the Representative Town Meeting<sup>66</sup>.

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<sup>60</sup> NEW (2022)

<sup>61</sup> NEW (2022).

<sup>62</sup> 2022 recodification [and edit](#) of [current](#)~~previous~~ Article II, §2.1.A (2006). Derived from Chapter II, §3 of the 1947 and 1951 Acts; Chapter II, §7 of the 1956 Act; Chapter II, §3 of the 1975 Charter; and, Article II, §2.1.A of the 1997 and 2006 Charters. [Comment of the 2022 Charter Revision Commission. At the time of adoption, the applicable statute is C.G.S. §9-186.](#)

<sup>63</sup> ~~Comment of the 2022 Charter Revision Commission. At the time of adoption, the applicable statute is C.G.S. §9-186.~~

<sup>64</sup> NEW (2022).

<sup>65</sup> 2022 ~~modification and~~ recodification [and edit](#) of [current](#)~~previous~~ Article II, §2.1.B (2006). Derived from Chapter II, §3 of the 1947 and 1951 Acts; Chapter II, §7 of the 1956 Act; Chapter II, §3 of the 1975 Charter; and, Article II, §2.1.B of the 1997 and 2006 Charters. [Comment of the 2022 Charter Revision Commission: The final clause is a recodification and consolidation of previous Article IV, §4.2.D \(2006\).](#)

<sup>66</sup> ~~2022 recodification and consolidation of current Article IV, §4.2.D (2006).~~

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(2) **Exception: Change of Residence**<sup>67</sup>. In the event a member of the Representative Town Meeting remains an Elector of the Town yet moves from the district from which the member was elected to serve, said member may continue to serve until the next election of RTM members.

## §2.3. Date of Elections and Terms of Office for Elected **Offices**<sup>[S15]</sup>.

A. **Elected Town Officials**<sup>68</sup>. The Elected Town Officials are:

~~(1) The First Selectperson;~~  
~~(2) Two (2) additional members of the Board of Selectpersons;~~  
~~(3) Town Clerk;~~  
~~— Nine (9) members of the Board of Finance;~~  
~~(4) Nine (9) members of the Board of Education;~~  
~~(4) Seven (7) members of the Town Plan and Zoning Commission;~~  
~~(4) Three (3) alternate members of the Town Plan and Zoning Commission;~~  
~~(4) Five (5) members of the Zoning Board of Appeals;~~  
~~(4) Three (3) alternate members of the Zoning Board of Appeals;~~  
~~(4) Five (5) members of the Board of Assessment Appeals; and,~~  
First Selectperson<sup>[S16]</sup> (Art. IV)      Board of Education (§5.4)  
Board of Selectpersons (Art. IV)      Board of Finance (§5.5)  
Town Clerk (§5.1)      Board of Assessment Appeals (§5.6)  
Registrars of Voters (§2.3.C(5))      Town Plan and Zoning Commission (§5.7)  
Justices of the Peace (§5.2)<sup>69</sup>      Zoning Board of Appeals (§5.8)

~~The Registrars of Voters are also considered to be Elected Officials. Justices of the Peace are also recognized by this Charter as Elected Officials<sup>70</sup>.~~

**E.B. Representative Town Meeting**<sup>71</sup>. There shall be ~~thirty (30)~~forty (40)

<sup>67</sup> 2022 recodification and consolidation of ~~current~~previous Article IV, §4.2.D (2006). Derived from Chapter II, §3 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.2.D of the 1997 Charter. In addition, this provision, consolidates and recodifies current Article II, §2.6.B(2) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

<sup>68</sup> ~~NEW (2022).~~ 2022 recodification and alteration of previous Article I, §1.4.A (2006). **Comment of the 2022 Charter Revision Commission:** The provision pertaining to elected Constables was repealed. Constables will be appointed by the Board of Selectpersons in accordance with Article VII, §7.17. The composition of the multi-members Elected Town Officials are as follows: (a) Three (3) members of the Board of Selectpersons, including the First Selectperson; (b) Nine (9) members of the Boards and Education and Finance, respectively; (c) Five (5) members of the Board of Assessment Appeals; (d) Seven (7) members of the Town Plan and Zoning Commission, plus three (3) alternate members; (e) Five (5) members of the Zoning Board of Appeals, plus three (3) alternate members;

<sup>69</sup> 2022 recodification of current Article VII, §7.2.A (2006)(Establishment Clause).

<sup>70</sup> ~~Recodification of current Article VII, §7.2.A (2006)(Establishment Clause).~~

<sup>71</sup> 2022 recodification and modification of current Article I, §1.4.A (2006). **Comment of the 2022 Charter**

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members of the Representative Town Meeting divided amongst ten (10) districts by the RTM as set forth in §3.2.A(1) ~~of this Charter~~<sup>[S17]</sup>. RTM members shall be eligible for reelection<sup>[S18]</sup><sup>72</sup>.

**F.C. Date of Town Elections and Term of Office**<sup>73</sup>. A meeting of the Electors of the Town for the election of Elected Town Officials and RTM members shall be held on the first (1<sup>st</sup>) Tuesday after the first (1<sup>st</sup>) Monday in November in each odd numbered year, as follows:

(1) In November 2023, and in the odd numbered years thereafter, as the term of office shall fall:

- ~~(a)~~ Three (3) members of the Board of Selectpersons, including the First Selectperson for a term of four (4) years<sup>74</sup>;
- ~~(b)(a)~~ Two (2) additional member of the Board of Selectpersons for a term of four (4) years<sup>75</sup><sup>[S19]</sup>;
- ~~(e)(b)~~ Thirty (30) members of the **Representative Town Meeting**, for a term of two (2) years, as further set forth in §3.2.A ~~of this Charter~~<sup>76</sup><sup>[S20]</sup>;
- ~~(d)(c)~~ **Town Clerk**, for a term of four (4) years<sup>78</sup>;
- ~~(e)(d)~~ Three (3) members of the **Board of Finance**, for a term of six (6) years, as further set forth in §5.3.A and §5.5 ~~of this Charter~~<sup>79</sup>;
- ~~(f)(e)~~ Five (5) members of the **Board of Education**, for a term of four (4) years, as further set forth in in §5.3.A and §5.4 ~~of this~~

**Revision Commission:** The Charter eliminates the shifting size of the RTM, determined by its members to a fixed number established by the Electors.

<sup>72</sup> 2022 recodification of previous Article II, §2.6.H (2006).

<sup>73</sup> 2022 recodification and structural modification of ~~current~~previous Article II, §2.3.A (2006). Derived from Chapter II, §4 of the 1947 Act, which included a Monday election day. The November election dated was established in §4 of the 1951 Act and reconfirmed in Chapter II, §4 of the 1956 Acts and 1975 Charter and Article II, 2.3 A of the 1997 and 2006 Charters. Comment of the 2022 Charter Revision Commission: This provision replaces the charter that was included in Article I, §1.4.A and Article II, §2.3.B and C

<sup>74</sup> 2022 recodification of ~~current~~previous §1.4.A. and §2.3.C (2006). Note: The four-year term commenced in 2007.

<sup>75</sup> ~~2022 recodification of current §1.4.A and §2.3.C (2006). Note: The four-year term commenced in 2007.~~

<sup>76</sup> ~~2022 recodification of current §1.4.A and §2.6.E (2006). Also, recodification of current Article II, §2.6.E (2006). Note: The term provisions were established in Chapter III, §3(c) of the 1947 and 1956 Acts and 1975 Charter. There was also a general provision for terms of office for elective officials in Chapter II, §5 of the 1947 and 1956 Acts and the Chapter.~~

<sup>77</sup> 2022 recodification of previous §1.4.A and §2.6.E (2006). Also, recodification of current Article II, §2.6.E (2006). Note: The term provisions were established in Chapter III, §3(c) of the 1947 and 1956 Acts and 1975 Charter. There was also a general provision for terms of office for elective officials in Chapter II, §5 of the 1947 and 1956 Acts and the Chapter.

<sup>78</sup> 2022 recodification of ~~current~~previous §1.4.A. and §2.3.C (2006). Note: The four-year term commenced in 2007.

<sup>79</sup> 2022 recodification ~~and clarification~~ of ~~current~~previous §1.4.A and §2.3.B (2006).

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- ~~(g)(f)~~ <sup>80</sup>Three (3) members of the **Town Plan and Zoning Commission** for a term of four (4) years, as further set forth in §5.3.A and §5.7 ~~of this Charter~~<sup>81</sup>;
- ~~(h)(g)~~ One (1) member of the **Town Plan and Zoning Commission** for a term of two (2) years, as further set forth in §5.3.A and §5.7 ~~of this Charter~~<sup>82</sup>;
- ~~(i)(h)~~ Three (3) members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.8 ~~of this Charter~~<sup>83</sup>;
- ~~(j)(i)~~ One (1) member of the **Zoning Board of Appeals**, for a term of two (2) years, as further set forth in §5.3.A and §5.8 ~~of this Charter~~<sup>84</sup>; and,
- ~~(k)(j)~~ Two (2) members of the **Board of Assessment Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.6 ~~of this Charter~~<sup>85</sup>.

(2) In November 2025, and in the odd numbered years thereafter, as the term of office shall fall:

- (a) Three (3) members of the **Board of Finance**, for a term of six (6) years, as further set forth in §5.3.A and §5.5 A ~~of this Charter~~<sup>86</sup>;
- (b) Four (4) members of the **Board of Education**, for a term of four (4) years, as further set forth in in §5.3.A and §5.4 ~~of this Charter~~<sup>87</sup>;
- (c) Three (3) members of the **Town Plan and Zoning Commission** for a term of four (4) years as further set forth in §5.3.A and §5.7 ~~of this Charter~~<sup>88</sup>;
- (d) Three (3) alternate members of the **Town Plan and Zoning Commission**, for a term of four (4) years, as further set forth in §5.3.A and §5.7 ~~of this Charter~~<sup>89</sup>;
- (e) Two (2) members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in §5.3.A and §5.8 ~~of this Charter~~<sup>90</sup>;

<sup>80</sup> 2022 recodification ~~and clarification~~ of ~~current~~<sup>previous</sup> §1.4.A and §2.3.C (2006).

<sup>81</sup> 2022 recodification of ~~current~~<sup>previous</sup> §1.4.A and §2.3.B (2006).

<sup>82</sup> 2022 recodification of ~~current~~<sup>previous</sup> §1.4.A and §2.3.B (2006).

<sup>83</sup> 2022 recodification of ~~current~~<sup>previous</sup> §1.4.A and §2.3.C (2006).

<sup>84</sup> 2022 recodification of ~~current~~<sup>previous</sup> §1.4.A and §2.3.C (2006).

<sup>85</sup> 2022 recodification of ~~current~~<sup>previous</sup> §1.4.A and §2.3.C (2006).

<sup>86</sup> 2022 recodification and ~~clarification~~<sup>edit</sup> of ~~current~~<sup>previous</sup> §1.4.A and §2.3.B (2006).

<sup>87</sup> 2022 recodification and ~~clarification~~<sup>edit</sup> of ~~current~~<sup>previous</sup> §1.4.A and §2.3.C (2006).

<sup>88</sup> 2022 recodification of ~~current~~<sup>previous</sup> §1.4.A and §2.3.B (2006).

<sup>89</sup> 2022 recodification of ~~current~~<sup>previous</sup> §1.4.A and §2.3.C (2006).

<sup>90</sup> 2022 recodification of ~~current~~<sup>previous</sup> §1.4.A and §2.3.C (2006).



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- (f) Three (3) alternate members of the **Zoning Board of Appeals**, for a term of four (4) years, as further set forth in §5.3.A and ~~§5.8 of this Charter~~<sup>91</sup>;
- (g) Three (3) members of the **Board of Assessment Appeals**, for a term of four (4) years, as further set forth in §5.3.A and ~~§5.8 of this Charter~~<sup>92</sup>; and,
- (h) All Elected Town Officials and members of the RTM, for a term of two (2) years, as further set forth in §3.2.C(1)(c), (h) and (j) ~~of this Charter~~<sup>93</sup>.

(3) In November 2027, and in the odd numbered years thereafter, as the term of office shall fall:

- (a) Three (3) members of the **Board of Finance**, for a term of six (6) years, as further set forth in ~~§65.3.A of this Charter and §5.5~~<sup>94</sup>; and,
- (b) All Elected Town Officials and members of the RTM as set forth in ~~§2.3.C(1) of this Charter,~~ who serve for a term of two (2) or four (4) years, as the case may be<sup>95</sup>.

(4) **Terms of Justices of the Peace**<sup>96</sup>. The forty-five (45) Justices of the Peace<sup>97</sup>, selected as provided in the General Statutes<sup>98</sup>, shall serve a four (4) year term. They shall have such powers as set forth in the General Statutes<sup>99</sup>.

(5) **State Election – Registrar of Voters**<sup>100</sup>. The Registrars of Voters shall be elected at state elections every four (4) years<sup>101</sup>, as provided in the General Statutes and shall have such powers duties as set forth in the General Statutes<sup>102</sup>.

<sup>91</sup> 2022 recodification of ~~current previous~~ §1.4.A and §2.3.C (2006).

<sup>92</sup> 2022 recodification of ~~current previous~~ §1.4.A and §2.3.C (2006).

<sup>93</sup> NEW (2022).

<sup>94</sup> 2022 recodification and ~~clarification edit~~ of ~~current previous~~ §1.4.A and §2.3.A.

<sup>95</sup> NEW (2022).

<sup>96</sup> 2022 recodification ~~and edits~~ of ~~current previous~~ Article II, §2.3.E (2006); see also current Article VII 7.2.A (2006)(Establishment Clause). Derived from Chapter II, §1 of the 1947 Act, included 14 justices of the peace. **Comment of the 2022 Charter Revision Commission. At the time of adoption of the Charter, the applicable statutes are C.G.S. §9-183a, b and c and §9-444.**

<sup>97</sup> Derived from Chapter II, §1 of the 1947 Act, included 14 justices of the peace.

<sup>98</sup> ~~**Comment of the 2022 Charter Revision Commission. At the time of adoption of the Charter, the applicable statutes are C.G.S. §9-183a, b and c and §9-444.**~~

<sup>99</sup> 2022 recodification ~~and edit~~ of ~~current previous~~ Article VII, 7.2.B (2006)((“Powers and Duties Clause”).

<sup>100</sup> 2022 modification and ~~recodification edit~~ of ~~current previous~~ Article II, §2.3.F (2006)(first clause).

<sup>101</sup> **Comment of the 2022 Charter Revision Commission;** The baseline commencement date was 2008.

<sup>102</sup> **Comment of the 2022 Charter Revision Commission:** At the time of adoption of the Charter the Registrars of Voters is governed by C.G.S. 9-190 and 9-190a (state election cycle). Within Chapter 146; see, C.G.S. §9-164 et seq.)



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**G.D. Commencement Date of Terms of Elected Town Officials and RTM<sup>[S21]</sup>.**  
Terms of office of all Elected Town Officials and RTM members declared elected and qualified hereunder shall commence:

(1) **Elected Town Officials, including and members of the RTM**<sup>[S22]</sup>:  
On the third (3<sup>rd</sup>) Monday in November and shall continue until their successors have been elected or otherwise chosen and qualified.

(2) **State Office - Terms of Justices of the Peace**<sup>104</sup>. 105. On the first (1<sup>st</sup>) Monday in January after their nomination.

(3) **Terms of Registrars of Voters**<sup>106</sup>. On the Wednesday after the first (1<sup>st</sup>) Monday in January after their election.

## **§2.4. Minority representation on elected Boards and Commissions.**

**A. Even number requirements**<sup>107</sup>. Except as provided below with respect to the Board of Education, when an even number of members of a Board or Commission is to be elected, no political party shall nominate, and no Elector shall vote for, more than one-half (1/2) the number of persons to be elected.

**B. Uneven number requirements**<sup>108</sup>. Except as provided below with respect to the Board of Education, when an uneven number of members of a Board or Commission is to be elected, no political party shall nominate, and no Elector shall vote for, more than a bare majority of the number of persons to be elected.

### **C. Board of Education**<sup>109</sup>.

(1) **As pertains to §2.3.BC(1)(fe).** In an election where five (5) candidates shall be elected to the Board of Education, the Electors shall vote for up to five (5) candidates for the Board of Education. Each major or minor party, as defined by the General Statutes and petitioning candidates (if permitted by the General Statutes) ("Political Party") may nominate up to three (3) candidates. At such time as candidates representing one Political Party have been declared elected to three (3) seats, two (2) candidates not of the same Political Party as the party securing said three (3) seats, shall be declared elected according to their vote count.

<sup>103</sup> 2022 recodification and edit of currentprevious Article II, §2.3.D (2006).

<sup>104</sup> 2022 recodification and modification of current Article II, §2.3.E (2006), in compliance with C.G.S. §9-183b.

<sup>105</sup> 2022 recodification and modification of current Article II, §2.3.E (2006), in compliance with C.G.S. §9-183b.

<sup>106</sup> 2022 recodification and edit of currentprevious Article II, §2.3.F (2006)(second clause).

<sup>107</sup> 2022 recodification and edit of currentprevious Article II, §2.2.A (2006). Derived from Article II, §2.2.A of the 1997 and 2006 Charters.

<sup>108</sup> 2022 recodification and edit of currentprevious Article II, §2.2.B (2006). Derived from Article II, §2.2.B of the 1997 and 2006 Charters.

<sup>109</sup> 2022 recodification and edit of currentprevious Article II, §2.2.C (2006). Derived from Article II, §2.2.C of the 2006 Charter.

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(2) As pertains to §2.3.BC(2)(b): In an election where four (4) candidates shall be elected to the Board of Education, the Electors shall vote for up to four (4) candidates for the Board of Education. Each major or minor party, as defined by the General Statutes and petitioning candidates (if permitted by the General Statutes) may nominate up to three (3) candidates. At such time as candidates representing one Political Party have been declared elected to three (3) seats, one (1) candidate not of the same Political Party as the party securing said three (3) seats, shall be declared elected according to his or her vote count.

## §2.5. Single office requirement for Elected Town Officials<sup>110</sup>.

No person shall be eligible to serve as an Elected Town Official, including membership on any elected Board or Commission, who is at the same time an RTM member, Town Official or an elected state official. For purposes of this paragraph, the term "Town office" does not include Justices of the Peace, but does include members of the Board of Education.

## §2.6. Vacancies in elected offices.

A. Generally<sup>111</sup>. Except as provided in §2.6.DE, with respect to the RTM and §42.6-of this Charter.D with respect to the First Selectperson and Board of Selectpersons, a vacancy in any elected Town Office<sup>112</sup>, including membership on elected Boards and Commissions, shall be filled by the Board of Selectpersons until the vacancy can be filled by election, as follows:

(1) The vacancy shall be filled at the next Town election if the vacancy occurs prior to the time in which nominations can be made under Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.). If the vacancy occurs after such time, it may be filled at the next municipal general election for which nominations can be timely made, or at a special election if convened by the Board of Selectpersons or upon application by Electors as provided in Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.).

(2) Vacancies shall be filled for a term ending at the same time the vacating member's term would have expired.

(3) If the person vacating the office was elected as a member of a political

<sup>110</sup> 2022 recodification and edit of currentprevious Article II, §2.1.C (2006). Derived from Article II, §2.1.C of the 1997 and 2006 Charters.

<sup>111</sup> 2022 modification-and-recodification and edit of currentprevious Article II, §2.5. Derived from Chapter II, §7 of the 1947 Act; further amended by §4 of the 1951 Act and Chapter II, §7 of the 1956 Act; Chapter II, §6 and Article II, 2.5 of the 1997 and 2006 Charters.

<sup>112</sup> 2022 recodification and edit of currentprevious Article VII, 7.1.H. (2006). Derived from Article VII, §7.1.H of the 1997 Charter

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party, the vacancy shall be filled during the period of appointment from the membership of the same political party.

**B. Vacancies in the Office of Justice of the Peace<sup>113</sup>.** Vacancies in the office of Justice of the Peace shall be filled in the manner prescribed in Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.).

**C. Long-term illness or disability of First Selectperson<sup>114</sup>.** In addition to the death or resignation of the First Selectperson, a vacancy shall exist in the office of First Selectperson, in the event the First Selectperson is unable to carry out the duties of office for a period of four (4) consecutive months, as certified at the end of that period by the remaining Selectpersons to the Town Clerk. The vacancy shall exist from the date of such certification.

## **D. Method of filling vacancies on the Board of Selectpersons<sup>115</sup>. [S23].**

**(1) Role of the Remaining Members.** At any time a vacancy occurs on the Board of Selectpersons, including First Selectperson, a replacement, who shall be registered with the same political party as the person vacating the office, shall be designated by the remaining Selectpersons. ~~If the Selectpersons designate one (4) of themselves to fill the vacancy, they shall designate another Elector to fill the vacancy of Selectperson so created. If the vacancy is not filled within thirty (30) Days, the vacancy shall be filled in accordance with the procedure set forth in Chapter 146 of the General Statutes for filling vacancies in the office of Selectperson.~~

**(2) Role of the Town Clerk, Other Elected Town Officials and RTM Members.** If such a vacancy in the office of First Selectperson or of Selectperson is not so filled within thirty (30) Days after the Day of its occurrence, the Town Clerk shall, within ten (10) Days thereafter, notify the Elected Town Officials and RTM Members enrolled in the same political party as the First Selectperson or Selectperson, as the case may be, who vacated the office, or all Elected Town Officials and RTM Members, if such First Selectperson or Selectperson who vacated the office was not enrolled with a political party, and it shall be filled by such Elected Town Officials and RTM Members within sixty (60) Days after its occurrence.

**(3) Term of the Replacement Member.** Any person appointed pursuant to this section shall serve until the next general municipal election provided the vacancy occurs prior to the time in which nominations can be made under Chapter

<sup>113</sup> 2022 recodification and modification of current previous Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter. Comment of the 2022 Charter Revision Commission: Constables were removed from this provision.

<sup>114</sup> 2022 recodification and edit of current previous Article VI, §6.3.A (2006). Derived from Article VI, §6.3.A of the 1997 Charter.

<sup>115</sup> 2022 recodification of current Article VI, §6.3.B (2006). Derived from Article VI, §6.3.B of the 1997 Charter. See also, **Cook-Littman v. Board of Selectmen of the Town of Fairfield**, 328 Conn. 758,778 (Conn. 2018) in which the Court held that this provision took precedence over the provisions of C.G.S. §9-222.

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146 of the General Statutes (C.G.S. § 9-164 et seq.). If the vacancy occurs after such time, it shall be filled at the next municipal general election for which nominations can be timely made.

## **D.E. Resignation and vacancies on the RTM<sup>116</sup>.**

(1) Any member may resign by filing a written notice of resignation with the Town Clerk and such resignation shall take effect upon the date specified in the notice or, if none is specified, upon the date of filing.

(2) Any vacancy in the office of RTM member from whatever cause arising shall be filled for the unexpired portion of the term at a special meeting of the members of the district in which the vacancy occurs, called for that purpose by the Town Clerk within thirty (30) Days after the vacancy occurs, in accordance with the requirements under this Charter pertaining to Meeting Notice.

(3) If the person previously occupying the office which is vacant was elected as a nominee of a political party, the vacancy shall be filled by a person registered with the same political party.

(4) The Town Clerk shall provide Meeting Notice, as defined in this Charter, to be delivered to each member not less than three (3) Days prior to the time set for the meeting.

(5) Such meeting shall elect its own chair and clerk and shall vote by ballot. The election of a member as chair or clerk shall not disqualify the member from voting.

(6) A majority of the remaining members from such district shall constitute a quorum, and a majority vote of those present shall elect.

(7) Each of the remaining members, including the chair and clerk of the meeting, shall have one (1) vote.

(8) If for any reason such vacancy is not filled within a thirty-day (30) period, the Town Clerk shall report such vacancy to the Moderator and the matter of filling such ~~Vacancy~~vacancy shall be placed on the call of the next regular RTM meeting.

(9) A Majority Vote of the RTM shall elect a successor on such ~~Vacancy~~vacancy.

(10) The successful candidate shall be deemed a duly qualified member for the remainder of the unexpired portion of the term upon filing with the Town Clerk a

<sup>116</sup> 2022 recodification and edit of ~~current~~previous Article II, §2.6.G (2006). Derived from Chapter III, §7 of the 1947 and 1956 Acts and the 1975 Charter; and, Article II, §2.6.G of the 1997 Charter.

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certificate of his\* election signed by the chair of such special meeting of the district or by the Moderator of the RTM.

**E.F. Resigning from elected office<sup>117</sup>.** Any elected Town official, except the Town Clerk, may resign by submitting a written notice of resignation to the Town Clerk. The Town Clerk may resign by submitting a written notice of resignation to the Board of Selectpersons. The resignation shall become effective on the date specified in the notice of resignation or, if no date is specified, on the date the notice of resignation is received by the Town Clerk or the Board of Selectpersons, as the case may be.

## **§2.7. Composition and Election of the Board of Selectpersons and First Selectperson<sup>118</sup>.**

**A.** There shall be a Board of Selectpersons which shall consist of the First Selectperson and two (2) other Selectpersons, no more than two (2) of whom shall be registered with the same political party<sup>119</sup>.

**B.** Each major or minor political party, as defined by the General Statutes, and petitioning candidates (if permitted by the General Statutes) may nominate not more than one (1) candidate for First Selectperson and not more than one (1) candidate for Selectperson. Candidates shall be listed separately on the ballot<sup>120</sup>.

**C.** Each Elector may vote for one (1) candidate for First Selectperson and no more than one (1) candidate for Selectperson<sup>121</sup>.

**D.** The candidate for First Selectperson receiving the highest number of votes shall be elected First Selectperson. The next two (2) candidates, whether for First Selectperson or Selectperson, receiving the highest number of votes shall be elected to the two (2) remaining Selectperson positions<sup>122</sup>.

**E.** If the candidate receiving the second or third most votes does not take office, then the next highest ranking candidate shall be deemed elected to the office taking into consideration the provisions of §2.7.A ~~of this Charter~~ pertaining to minority party

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<sup>117</sup> 2022 recodification [and edit](#) of [current](#)~~previous~~ Article II, §2.4 (2006).

<sup>118</sup> 2022 recodification [and edit](#) of [current](#)~~previous~~ Article VI, §6.1.A (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>119</sup> 2022 recodification [and edit](#) of [current](#)~~previous~~ Article VI, §6.1.A(1) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>120</sup> 2022 recodification [and edit](#) of [current](#)~~previous~~ Article VI, §6.1.A(2) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>121</sup> 2022 recodification [and edit](#) of [current](#)~~previous~~ Article VI, §6.1.A(3) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>122</sup> 2022 recodification [and edit](#) of [current](#)~~previous~~ Article VI, §6.1.A(4) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

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representation<sup>123</sup>.

## §2.8. Procedures for RTM elections<sup>124</sup>.

### A. Nomination<sup>125</sup>.

(1) **By a political party.** The nomination of candidates as members of the RTM shall be in the same manner as provided for the nomination of Elected Town Officials in Chapter 153 of the General Statutes (C.G.S. § 9-372 et seq.). No political party shall nominate more candidates for each district than the total number of members to which a district is entitled.

### (2) By petition.

(a) Nomination of a candidate for the RTM may also be made by petition signed in ink on forms approved and provided by the Town Clerk. The petition shall be signed by not less than one (1%) percent of the Electors in the district in which the candidate resides and filed with the Town Clerk not less than fifty-five (55) Days prior to the election.

(b) No petition shall be valid in respect to any candidate whose written acceptance is not noted on or attached to the petition when filed.

(c) No signature on a petition shall be valid or counted if the signer thereof shall have signed other petitions on file with the Town Clerk for more than the number of candidates which a political party may nominate under this Charter for the district in which such signer resides.

(d) A petition may contain more than one (1) name but not more names than the number of candidates to which the district is entitled.

(3) The Town Clerk, within the time prescribed by Chapter 153 of the General Statutes (C.G.S. § 9-372 et seq.), shall certify and transmit the names of candidates duly nominated to the Secretary of the State.

### B. Election<sup>126</sup>.

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<sup>123</sup> 2022 recodification [and edit](#) of [current](#)~~previous~~ Article VI, §6.1.A(5) (2006). Derived from Article VI, §6.1.A of the 1997 Charter.

<sup>124</sup> Derived from Chapter II, §1 and §4 of the 1947 and 1956 Acts and 1975 Charter. Note: At the time elective officers were nominated and elected as in the special act or, if silent, on the basis of the General Statutes.

<sup>125</sup> 2022 recodification [and edit](#) of [current](#)~~previous~~ Article II, §2.6.C (2006). Petition provision set forth in Chapter III, §5 of the 1947 and 1956 Acts and the 1975 Charter; and, Article II, §2.6.C of the 1997 Charter.

<sup>126</sup> 2022 recodification [and edit](#) of [current](#)~~previous~~ Article II, §2.6.D (2006). Modification of Chapter III, §2 (fourth sentence) of the 1947 and 1956 Acts and Chapter III, §5 of the 1975 Charter: "The provisions of the general statutes relating to voting at elections, so far as the same are not inconsistent with this act, shall apply



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(1) At each biennial election for the election of RTM members voting shall be governed by the provisions of the General Statutes as to voting by ballots and voting machines, except as modified by this Charter.

(2) ~~Electors~~No Elector shall vote for more than the total number of RTM ~~members~~ to be elected in the district in which the Elector resides<sup>127</sup>[S24].

~~(2)(3) The number of candidates in accordance with each district equal to the provisions number of RTM members for the Ordinance establishing districts<sup>128</sup> district who have polled the highest number of votes shall be declared elected~~[S25].

~~(3)(4)~~ The chief election moderator shall forthwith after a biennial election of RTM members, file in the Town Clerk's office a list of members elected, by districts, together with their respective addresses. The Town Clerk shall, upon receipt of such list, forthwith notify all members, in accordance with the notice requirements of this Charter.

## C. Procedures for tied elections<sup>129</sup>.

(1) In case of a tie vote affecting the election of RTM members, the other newly elected and reelected members from the district in which the tie vote occurs shall by ballot determine which of the tied candidates shall serve as RTM member or members.

(2) The chief election moderator shall immediately after an election notify the Town Clerk of any and all tie votes, giving the names and addresses of the candidates affected.

(3) The Town Clerk shall forthwith call a meeting of the other newly elected and reelected members from the district or districts in which a tie vote occurs by causing a notice, in accordance with the notice requirements of this Charter, specifying the object, time and place thereof to each such member not less than three (3) Days before the time set for the meeting.

(4) At such meeting a majority of the members from the particular district shall constitute a quorum, and they shall elect from among their number a chair and a clerk whose right to vote at such meeting shall not be affected by their election to their respective offices.

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to all elections in the town under this act". The fifth sentence of §2 of the 1947 and 1956 Acts pertaining to certification of voters prior to an election is not in the current charter. There are also elaborate provisions §3 that do not appear in the current charter. Derived from Article II, §2.6.D of the 1997 Charter.

<sup>127</sup> 2022 recodification and modification of previous Chapter II, 2.6.D(2) derive from §1 of the 1947 Act.

<sup>128</sup> 2022 modification and recodification of Chapter II, §1 of the 1947 Act.

<sup>129</sup> 2022 recodification of current Article II, §2.6.F (2006). Note: Tie vote procedures established in Chapter III, §3(d) of the 1947 and 1956 Acts and the 1975 Charter; and, Article II, §2.6.F of the 1997 Charter.

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(5) The chair and clerk shall count the ballots and the person or persons receiving the highest number of votes shall be declared elected. The chair and clerk shall forthwith make a certificate of the choice and file the same with the Town Clerk.

(6) The member or members so chosen shall thereupon be deemed elected and qualified as an RTM member or members, subject to the right of the RTM to judge the election and qualification of members as set forth in §4.2.B ~~of this Charter~~.

(7) If a tie vote occurs at such meeting the chair and clerk shall forthwith certify same to the Town Clerk, and the matter of breaking such tie vote shall be placed on the call and voted upon by the RTM at its organizational meeting.



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## ARTICLE III – REPRESENTATIVE TOWN MEETING

### §3.1. Legislative Body<sup>130</sup>.

The legislative power of the Town, including the power to enact Ordinances, shall be vested in the RTM, subject to referendum as provided by the terms of this Charter. The RTM shall constitute a continuing body. The RTM may delegate the power to implement or carry into effect any of the powers set forth in this Charter to any Town Official.

### §3.2. Membership.

#### A. Districts and Basis of Representation<sup>131</sup>.

##### (1) Districts.

(a) The members of the RTM shall be elected by districts<sup>132</sup>.

(b) There shall be ten (10) voting districts of the Town, which shall be reapportioned as set forth in §3.2.B.A(2), for the election of RTM members and shall be as established by Ordinance adopted by the RTM<sup>133</sup>.

(c) The RTM shall consist of ~~thirty (30)~~ forty (40) members<sup>134</sup> [S26].

(d) A district representative on the ~~Representative Town Meeting~~ RTM, upon election, shall be an Elector of the Town and a resident of the district from which elected, ~~subject to the provisions of~~ except as set forth in §3.2.A(1)(de)<sup>135</sup> [S27],

(e) In the event a member of the ~~Representative Town Meeting~~ RTM

<sup>130</sup> 2022 recodification and edit of ~~current~~ previous Article IV, §4.1.A (2006). Derived from Chapter III, §1 of the 1947 and 1956 Acts and the 1975 Charter; and, Article IV, §4.1.A of the 1997 Charter.

<sup>131</sup> NEW (2022). In lieu of current Article II, §2.6.A(1) (first sentence) of the 1947 Act and the 1956 Acts, which reads as follows: "The voting districts of the Town, including the number of districts, for the election of RTM members shall be as established by ordinance adopted by the RTM." Further in lieu of current Article II, §2.6.A(3) (third sentence) of the 1947 Act and the 1956 Acts, which reads as follows: "The RTM shall consist of not more than 56 members."

<sup>132</sup> 2022 recodification of ~~current~~ previous Article II, §2.6.B(1) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

<sup>133</sup> 2022 ~~modification and~~ recodification and modification of ~~previous~~ Article II, §2 ~~(first sentence)~~ 6.A(1). Comment of the 1947 Act **2022 Charter Revision Commission:** This provision reaffirms the ten district structure that was advocated by many at the public hearing and the 1956 Acts comment session during the revision process. The RTM has full discretion on the issue of redistricting.

<sup>134</sup> 2022 ~~modification and recodification~~ repeal of Article II, §2.6.A(3) ~~which permits "not more than 56 members."~~

<sup>135</sup> 2022 ~~modification and~~ recodification of current Article II, §2.6.B(2) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

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remains an Elector of the Town yet moves from the district from which the member was elected to serve, said member may continue to serve until the next election of RTM members<sup>136</sup>[s28].

(f) No Elected Town Official, Appointed Town Officer ~~or~~ Board or Commission member (excluding, however, members of advisory committees, task forces or like entities, as referred to in §1.4.C(2) ~~of this Charter~~)) shall be eligible to serve as a voting member of the RTM, and no voting member of the RTM shall hold any other elected or appointed Town Office<sup>137</sup>.

(2) **Reapportionment of Voting Districts**<sup>138</sup>. After completion of the census of the United States and after any reapportionment of the State General Assembly Districts affecting the Town, voting districts of the Town shall be established by an Ordinance proposed by a committee of the RTM composed of an equal number of members from each party such that the population deviation from the largest to the smallest voting district shall not exceed ten (10%) percent. The redistricting Ordinance adopted by the RTM shall provide for an equal number of members from each district, and, to the extent practicable within the constraints of this Charter and State General Assembly redistricting, shall provide for districts that are located in only one State General Assembly District.

**B. Ex-officio non-voting members of the RTM**<sup>139</sup>. The RTM shall consist of the elected RTM members. In addition, the ~~First Selectperson,~~ Selectpersons[s29] the Town Clerk, the Town Attorney, any Assistant Town Attorneys (in the event they are Electors), the chair of the Board of Education, and the members of the Board of Finance shall be ex officio members of the RTM without vote.

**C. Right to vote**<sup>140</sup>. The right to vote at RTM meetings shall be limited to RTM members elected as provided in §2.3.B ~~of this Charter~~.

<sup>136</sup> 2022 recodification and consolidation edit of current previous Article IV, §4.2.D (2006). Derived from Chapter II, §3 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.2.D of the 1997 Charter. In addition, this provision, consolidates and recodifies current Article II, §2.6.B(2) (2006). Derived from Article II, §2.6.B of the 1997 Charter.

<sup>137</sup> 2022 recodification and modification edit of current previous Article II, §2.6.B(3) and Article IV, §4.2.C(2006). Derived from Article II, §2.6.B of the 1997 Charter. and Article IV, §4.2.C (2006). Derived from Article IV, §4.2.C of the 1997 Charter. Consolidates and replaces Article II, §2.6.B(3) (2006), which is derived from Article II, §2.6.B of the 1997 Charter, which reads as follows: "Each RTM member shall fulfill the eligibility requirements of §4.2.D at the time of election."

<sup>138</sup> 2022 recodification and edit of previous Article II, §2.6.A(2) (second sentence) of the 1947 Act and the 1956 Acts.

<sup>139</sup> 2022 recodification and edit of current previous Article IV, §4.2.A (2006) entitled "Composition." Ex officio status of was established in Chapter III, §4 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.2.A of the 1997 Charter for the following: the three Selectmen; the Town Clerk; the Town Counsel; Chair of the Board of Education and the entire Board of Finance.

<sup>140</sup> 2022 recodification of current previous Article IV, §4.1.B (2006). Derived from Chapter III, §1 of the 1947 and 1956 Acts and the 1975 Charter; and, Article IV, §4.1.B of the 1997 Charter.

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**D. Judge of qualification**<sup>141</sup>. The RTM shall be the judge of the election and qualifications of its members.

**E. Compensation**<sup>142</sup>. The RTM members as such shall receive no compensation.

## **§3.3. Annual meetings**<sup>143</sup>, organization, and elections.

**A. Date of organization meeting**<sup>144</sup>. An organization meeting of the RTM members shall be held on the fourth (4<sup>th</sup>) Monday in November in each year.

**B. Election of Moderator: Duties**<sup>145</sup>. Each organization meeting shall elect from among its voting members<sup>[S30]</sup>, by a vote of the Majority of the RTM, a Moderator. The Moderator shall preside at all RTM meetings and shall hold office for a term of one (1) year and until a successor is elected and has qualified. The Moderator of the RTM shall:

(1) Preside over all meetings of the RTM and perform such others duties consistent with the office as may be imposed by the RTM, but such Moderator shall not vote more than once on any question; and,-

~~(2) — Perform such duties consistent with the office or as may be imposed by a Majority Vote of the RTM.~~

(2) Have all the powers and duties of a moderator of an open town meeting, including those set forth in C.G.S. 7-7 and 7-8 of Chapter 90 of the General Statutes<sup>[S31]</sup>.

**C. Deputy Moderator**<sup>146</sup>. Each organization meeting shall elect, by a Majority Vote of the RTM, from among its voting members a Deputy Moderator who shall hold office

<sup>141</sup> 2022 recodification of currentprevious Article IV, §4.2.B (2006). Derived from Chapter III, §4 of the 1947 and 1956 Acts and 1975 Charter; and, and, Article IV, §4.2.B of the 1997 Charter.

<sup>142</sup> 2022 recodification of currentprevious Article IV, §4.2.E (2006). Derived from Chapter II, §4 of the 1947 and 1956 Acts and 1975 Charter; and, and, Article IV, §4.2.E of the 1997 Charter.

<sup>143</sup> Note: There was an annual town meeting and budget meeting in Chapter III, §6 of the 1947 Act; further amended by §6 of the 1951 Special Act, as reaffirmed by Chapter II, §6 of the 1956 Act.

<sup>144</sup> 2022 recodification and edit of currentprevious Article IV, §4.4.A (2006). Derived from Chapter III, §6 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.4.A of the 1997 Charter.

<sup>145</sup> 2022 recodification and modification of currentprevious Article IV, §4.4.B (2006). Note: Chapter III, §3 and §4 of the 1947 and 1956 Acts and 1975 Charter refer to “presiding officer” and “moderator”. The election of the moderator was introduced to the charter in 1975. Derived from Article IV, §4.4.B of the 1997 Charter.

**Comment of the 2022 Charter Revision Commission:** This section was modified when the Commission advanced the proposal to reduce the size and shift from the Town Meeting/RTM model to a town council-like legislative body. The “open town meeting” provision was restored as it was removed during this process and left out inadvertently.

<sup>146</sup> 2022 recodification and edit of currentprevious Article IV, §4.4.C (2006). Derived from Article IV, §4.4.C of the 1997 Charter.

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for a term of one [\(1\)](#) year and until a successor is elected and has qualified. In the event of inability of the Moderator to act, the Deputy shall have all the powers and duties of the Moderator.

**D. Clerk<sup>147</sup>.** The Town Clerk or, in the event of the Town Clerk's absence, an Assistant Town Clerk, shall act as clerk of all RTM meetings.

**E. Moderator Pro-tempore and Clerk Pro-tempore<sup>148</sup>.** In the absence of the Moderator and the Deputy Moderator, a Moderator Pro-Tempore may be elected, by a Majority Vote of the RTM. In the absence of the Town Clerk and an Assistant Town Clerk, a clerk pro-tempore for the meeting may be elected, by a Majority Vote of the RTM, at the meeting.

**F. Rules and Committees of the RTM<sup>149</sup>.** The RTM shall have the authority to adopt standing rules for the conduct of RTM meetings and the power to appoint such committees as it shall [determine](#)<sup>[S32]</sup>.

~~**G. Parliamentary<sup>150</sup>.** The Moderator may appoint a parliamentary.~~

## §3.4. Meetings of the RTM.

**A. Quorum<sup>151</sup>.** A majority of the entire membership of the RTM shall constitute a quorum for doing business, provided that a smaller number may organize temporarily and may adjourn from time to time. No RTM meeting shall adjourn past the date of an election of RTM members.

~~**B. Open Meetings<sup>152</sup>.** All RTM meetings shall be public.~~

**C.B. Regular meetings<sup>153</sup>.** Regular RTM meetings shall be held at least once a

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<sup>147</sup> 2022 recodification of [currentprevious](#) Article IV, §4.4.D (2006). Derived from Article IV, §4.4.D of the 1997 Charter.

<sup>148</sup> 2022 recodification [and edit](#) of [currentprevious](#) Article IV, §4.4.E (2006). Derived from Article IV, §4.4.E of the 1997 Charter.

<sup>149</sup> 2022 recodification [and edit](#) of [currentprevious](#) Article IV, §4.4.F (2006) (First clause). Derived from Article IV, §4.4.F of the 1997 Charter.

<sup>150</sup> ~~NEW (2022)~~

<sup>151</sup> 2022 recodification [and modification](#) of [currentprevious](#) Article IV, §4.3.A (2006) (First sentence). Modification of Chapter III, §4 of the 1947 and 1956 Act, which established a quorum as one-third of the members and 1975 Charter (which established a majority standard); and, Article IV, §4.3.A of the 1997 Charter.

<sup>152</sup> ~~2022 recodification of current Article IV, §4.3.A (2006) (Second sentence). Modification of Chapter III, §4 of the 1947 and 1956 Act, which established a quorum as one-third of the members and 1975 Charter (which established a majority standard); and, Article IV, §4.3.A of the 1997 Charter.~~

<sup>153</sup> 2022 ~~minor modification and~~ recodification [and edit](#) of [currentprevious](#) Article IV, §4.3.B (2006). Regular meeting provision established in Chapter III, §4 of the 1947 and 1956 Acts. Further amended by §5 of the 1951 Special Act ("no business" provision) and Chapter III, §4 of the 1975 Charter; and, Article IV, §4.3.B of the 1997 Charter.

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month on a regular meeting day decided upon by a Majority Vote of the RTM. However, if there is no business to be acted upon at a regular RTM meeting, the meeting may be dispensed with upon the direction of the Moderator to the Town Clerk who shall notify the RTM members and the public.

**D.C. Special and Emergency Meetings**<sup>154</sup>~~[S33]~~. Special meetings may be held whenever the First Selectperson, Chair of the Board of Finance, or the Moderator shall deem them necessary. In addition, a special meeting shall be held within ten (10) ~~days~~Days after the submission to the Town Clerk of a written petition for a meeting signed by one (1%) percent of the electors of the Town or upon written petition signed by ten (10) RTM members.

**E.D. Public Hearings. Notice**<sup>155</sup>. At least one (1) public hearing shall be held by the RTM or any committee thereof before any Ordinance shall be passed. Meeting Notice of such public hearing shall be given, in accordance with the requirements of the General Statutes; or this Charter or rules adopted hereunder, if the standard is stricter.

**F.E. Meeting Notice**<sup>156</sup>. The Town Clerk shall notify all RTM members of the time and place at which each regular or special RTM meeting is to be held, in accordance with the notice requirements of ~~this Charter~~the General Statutes and this Charter, or rules adopted hereunder, if the standard is stricter~~[S34]~~.

## **§3.5. Ordinances, Resolutions, Orders or Motions:**

**A. Public Notice of Final Action**<sup>157</sup>. The Town Clerk shall cause any action of the RTM adopting, amending, or repealing an Ordinance to be published in summary form within one (1) week after the adjournment of the meeting at which such action was taken, in accordance with §1.4.C(17) ~~of this Charter.~~. The effective date of the adoption or repeal of the Ordinance shall be fourteen (14) Days after the adjournment of the meeting at which it was passed or such later date as may have been set by the RTM at such meeting, unless a petition for referendum concerning an Ordinance is filed as provided in §3.6 of this Article.

**B. Publication and Posting of Adopted Legislation**<sup>158</sup>. All legislation, after final passage, shall be given a serial number by the Clerk of the RTM and be recorded by the Town Clerk and shall be properly indexed. Within five (5) Days after final passage, as

<sup>154</sup> 2022 –recodification and edit of ~~current~~previous Article IV, §4.3.C (2006). Special meeting provision contained in Chapter III, §4 of the 1947 and 1956 Acts, and 1975 Charter; and, Article IV, §4.3.C of the 1997 Charter.

<sup>155</sup> NEW (2022)

<sup>156</sup> 2022 recodification and modification of ~~current~~previous Article IV, §4.3.D (2006). Modification of Chapter III, §2 (third sentence) and §4 of the 1947 and 1956 Acts and 1975 Charter; and, Article IV, §4.3.D of the 1997 Charter.

<sup>157</sup> 2022 recodification and edit of ~~current~~previous Article IV, §4.5 (2006). Modification of Chapter III, §8 of the 1947 and 1956 Acts and 1975 Charter and Article IV, §4.5 of the 1997 Charter.

<sup>158</sup> NEW (2022)



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provided in §3.5.A ~~of this Charter~~, the Town Clerk shall transmit for publication on the Town website and notice that such legislation is on file in the Office of the Town Clerk and is available for examination in accordance with §1.4.C(17) ~~of this Charter~~.

## §3.6 Petition for Overture (Referendum)<sup>159</sup>.

### A. Petition and time for filing<sup>160</sup>.

(1) **Effective date of certain RTM votes.** Any vote of the RTM: (1) authorizing the expenditure for any specific purpose of \$500,000 or more<sup>161</sup>; or (2) for the issue of any bonds by the Town<sup>162</sup>; or (3) the adoption, amendment, or repeal of an Ordinance<sup>163</sup>; shall not be effective until the date for filing a referendum petition has passed. If within that time a petition for referendum is filed with the Town Clerk, the vote shall not be effective unless and until it has been approved by referendum.

(2) **Petition forms.** Upon the request of any Elector, the Town Clerk shall promptly prepare petition forms, which shall be available to any Elector at the office of the Town Clerk, setting forth the questions sought to be presented on a referendum ballot.

(3) **Required number of signatures on petitions.** To be effective, a petition for referendum must be signed by not less than five (5%) percent of the Electors of the Town according to the most recent voter enrollment list available at the time of the action or vote on which a referendum is sought, and must contain the names and addresses of the signatories.

(4) **Time and place of filing petitions.** A petition requesting that a referendum be held must be filed at the office of the Town Clerk not later than the close of business on the fourteenth (14<sup>th</sup>) ~~day~~Day after the adjournment of the meeting at which the vote was taken. If the fourteenth (14<sup>th</sup>) ~~day~~Day is a ~~day~~Day on which the Town Clerk's office is closed, the petition must be filed by the close of business on the next ~~day~~Day that the Town Clerk's office is open.

(5) **Special requirements for petitions on appropriations and bond issues.** All petitions for referendum on any action of the RTM with respect to any

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<sup>159</sup> Current Article XII.

<sup>160</sup> 2022 recodification of ~~current~~previous Article XIII, §13.1 (2006).

<sup>161</sup> 2022 recodification ~~and modification (raising the baseline in the referendum process from \$150,000 to \$500,000)~~ of ~~current~~previous Article XIII, §13.1.A(1) (2006). Derived from Chapter III, §9 of the 1947 and 1956 Acts (\$25,000.00) and the 1975 Charter (\$50,000.00); and Article XIII, §13.1.A(i) of the 1997 Charter (\$150,000.00).

<sup>162</sup> 2022 recodification ~~and edit~~ of ~~current~~previous Article XIII, §13.1.A(2) (2006). Derived from Chapter III, §9 of the 1947 and 1956 Acts and the 1975 Charter; and, Article XIII, §13.1.A(ii) of the 1997 Charter.

<sup>163</sup> 2022 recodification ~~and edit~~ of ~~current~~previous Article XIII, §13.1.A(3) (2006). Derived from Chapter III, §10 of the 1947 and 1957 Act and 1975 Charter; further amended by §10 of the 1951 Act; and Article XIII, §13.1.A(iii) of the 1997 Charter.

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bond issue or any appropriation in the amount required for a referendum shall set forth each item as to which a vote is desired, with the amount of the item as approved by the RTM, and the amount to which the petitioners desire it to be decreased or increased. However, no increase shall be proposed in excess of the amount approved for the item in question by the Board of Finance or by the RTM on appeal from the Board of Finance.

## **B. Manner of holding referendum<sup>164</sup>.**

**(1) Certification of Town Clerk.** Upon the filing of a petition fulfilling the requirements of §3.6 ~~of this Charter~~, the Town Clerk shall certify that fact promptly to the Board of Selectpersons.

**(2) Date of referendum.** The Board of Selectpersons shall call a special election for all Electors of the Town to be held not less than twenty-one (21) Days nor more than twenty-eight (28) Days after the date of certification by the Town Clerk for the sole purpose of voting approval or disapproval of the question or questions presented in the referendum petition.

**(3) Voting hours and method<sup>[S35]</sup>.** For any referendum, the polls shall be opened at ~~twelve~~<sup>six</sup> o'clock (~~126:00 P.A.M.~~<sup>noon</sup>) and shall be closed at eight o'clock (8:00 PM) ~~in the evening~~, but the hours for voting may be increased at the discretion of the Board of Selectpersons. Voting shall be by voting machine or printed ballot, at the discretion of the Board of Selectpersons.

**(4) Ballots for referendum on Ordinance.** The ballot labels or ballots used in referenda concerning Ordinances shall state the matter to be voted on in substantially the following form: "Shall the following action of the Representative Town Meeting held on (date of the meeting) be approved?" followed by a statement of the action questioned in substantially the same language and form set forth in the records of the RTM. The voting machine or printed ballot shall provide means of voting "yes" or "no" on each question sopresented.

**(5) Ballots for referendum on appropriation and bond issue.** Ballot labels or ballots used for referenda brought on appropriations and bond issues shall present separately each appropriation so referred in substantially one (1) of the following forms:

- (a) "Shall a special appropriation, etc. be approved?"; or
- (b) "Shall a special appropriation, etc. be (increased) (decreased) to the sum of \$\_\_\_\_\_?"; or
- (c) "Shall the following items contained in the annual town budget be approved?; or

<sup>164</sup> 2022 recodification [and edit](#) of [currentprevious](#) Article XIII, §13.2 (2006). Derived from Chapter III, §10 of the 1947 and 1956 Acts and 1975 Charter; further amended by §7 of the 1951 Act and; Article XIII, §13.2 of the 1997 Charter.



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(d) "Shall the following items contained in the annual town budget be (increased) (decreased) to the sum of \$\_\_\_\_\_?"

**(6) Vote necessary to pass referenda<sup>165</sup>.** In order to reverse or modify the action taken by the RTM, the vote in favor of reversing or modifying the action must both:

(a) Exceed twenty-five (25%) percent of the total number of Electors of the Town eligible to vote as of the close of business on the ~~day~~ Day before the election; and 1

~~(a)~~

(b) Constitute a majority of votes cast on the question.

## **§3.7. Appeals from the Board of Finance<sup>166</sup>.**

The RTM shall have the power to hear and determine appeals from decisions of the Board of Finance as provided in §9.8 ~~of this Charter~~.

## **§3.8. Vacancies in the RTM<sup>167</sup>.**

Any vacancy in the RTM shall be filled as set forth in §2.6 ~~A of this Charter~~ E.

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<sup>165</sup> 2022 recodification ~~and edit~~ of ~~current~~ previous Article XIII, §13.2.F. Derived from Chapter III, §11 of the 1947 and 1956 Acts; Chapter III, 11 of the 1975 Charter; and Article XIII, §13.2.F of the 1997 Charter.

<sup>166</sup> 2022 recodification ~~and edit~~ of ~~current~~ previous Article IV, §4.6 (2006). Modification of Chapter III, §13 of the 1947 and 1956 Acts and Chapter III, §12 of the 1975; see also, Modification of Chapter XVII, §5 of the 1947 and 1956 Acts and 1975 Charter; and Article IV, §4.6 of the 1997 Charter.

<sup>167</sup> NEW (2022).

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## ARTICLE IV - BOARD OF SELECTPERSONS AND THE FIRST SELECTPERSON

### §4.1. Executive Authority.

**A. The Executive Branch**<sup>168</sup>. The executive branch of the Town government shall consist of the ~~First Selectperson and the~~ Board of Selectpersons and the elected and appointed Boards and Commissions, Elected Town Officials or Appointed Town Officers, and employees set forth in this Charter.

**B. The First Selectperson**<sup>169</sup>. The First Selectperson shall be the chief executive officer of the Town as well as the town agent<sup>170</sup> and shall have the powers and duties vested in the office by this Charter and the General Statutes. The First Selectperson shall devote full time to the duties of the office<sup>171</sup>.

**C. Election and Qualifications.**~~The First Selectperson and~~<sup>172</sup>. There shall be three (3) members of the Board of Selectpersons, including the First Selectperson, who shall be chosen by the Electors of the Town, as set forth in §2.3.C(1)(a) ~~and~~, §2.3.C(3)(b) and (3)(b) and §2.7 ~~of this Charter~~<sup>173</sup>.

### §4.2. The Board of Selectpersons.

**A. Meetings**<sup>174</sup>. The Selectpersons shall hold their first meeting not later than the fourth (4<sup>th</sup>) Monday of November ~~after their election.~~. The First Selectperson shall be chair of the Board of Selectpersons and shall preside over all of its meetings<sup>175</sup>. The Selectpersons shall meet at least twice each month, unless there is no business to be conducted<sup>176</sup> [S36].

**B. General powers and duties**<sup>177</sup>. The executive authority of the Town shall be

<sup>168</sup> 2022 recodification and edit of currentprevious Article V, §5.1 (2006). Derived from Article V, §5.1 of the 1997 Charter

<sup>169</sup> 2022 recodification of currentprevious Article VI, §6.2.A (2006). Derived from Article VI, §6.2A of the 1997 Charter.

<sup>170</sup> 2022 recodification of currentprevious Article VI, §6.2.A(2) which is derived from Chapter IV, §3(d) of the 1947 and 1956 Acts; Chapter IV, §4 of the 1975 Charter; and, Article VI, §6.2A(1) and (2) of the 1997 Charter.

<sup>171</sup> 2022 recodification of currentprevious Article VI, §6.2.A(1) which is derived from Chapter IV, §3(d) of the 1947 and 1956 Acts; Chapter IV, §4 of the 1975 Charter; and, Article VI, §6.2A(1) and (2) of the 1997 Charter.

<sup>172</sup> NEW (2022)

<sup>173</sup> NEW (2022)

<sup>174</sup> 2022 recodification and modification ("unless there is no business to be conducted" clause) of currentprevious Article VI, §6.1.B (2006). Derived from Chapter IV, §2 of the 1947 and 1956 Acts and 1975 Charter; and, Article VI, §6.1.B of the 1997 Charter.

<sup>175</sup> Derived from Chapter IV, §1 of the 1947 Act; further amended by §8 of the 1951 Act and affirmed by Chapter IV, §1 of the 1956 Act and the 1975 Charter; and, Article VI, §6.1.B of the 1997 Charter.

<sup>176</sup> Derived from Chapter IV, §2 of the 1947 Act and 1956 Act.

<sup>177</sup> 2022 recodification and edit of currentprevious Article VI, §6.1.C (2006). Derived from Chapter IV, §3(a)

# CHARTER OF THE TOWN OF FAIRFIELD

vested in the Board of Selectpersons, except to the extent such authority is expressly granted to the First Selectperson in this Charter. The Board of Selectpersons shall have the powers and duties vested in them by the General Statutes, except those expressly vested in the First Selectperson by this Charter or by Ordinance. In particular:

## (1) Contracts<sup>178</sup>.

~~(a)~~—All Contracts in excess of ~~One Hundred Fifty~~ Thousand (\$~~100~~50,000.00) Dollars, which are exempted from the competitive procurement and solicitation requirements of this Charter and any Ordinances or Regulations adopted hereunder<sup>179</sup> to which the Town (~~including with the exception of contracts authorized to be made on or on behalf of~~ the Board of Education) shall be a party shall be subject to approval of the majority vote of the Board of Selectpersons<sup>180</sup>. This provision shall not apply to emergency transactions, permitted by the General Statutes, this Charter or Ordinance<sup>181</sup>.

~~(e)(a)~~ The Selectpersons shall have the power to delegate their authority to other Town Officers, employees, and bodies where the contract would be for a duration of less than three (3) months and would involve an expenditure by or income to the Town of less than Twenty-five Thousand (\$25,000) Dollars and is in the line item under the jurisdiction of such Town Officer or employee<sup>182</sup>.~~[S37]~~.

~~(d)(b)~~ The approval requirement by the Board of Selectpersons, set forth in this sub-paragraph, shall not be construed to eliminate review by other persons or bodies where required by this Charter, by Ordinance, the General Statutes or, otherwise provided by Law<sup>183</sup>.

## (2) Oversight of Appointees: Subpoena Authority<sup>184</sup>. All Town Officials

and (c) of the 1947 Act and 1956 Act. Note: Subsection 3(b) of both Acts confers the authority of the Board of Sewer Commissioners upon the Board of Selectmen and the Department of Public Works as set forth under Special Act No. 222 (1929); see also, Chapter XXVI of the 1956 Special Act; Chapter IV, §3 and Chapter XXIV of the 1975 Charter; and, Article VI, §6.1.C of the 1997 Charter.

<sup>178</sup> 2022 recodification and edit of previous Article VI, §6.1.C(1) (2006)(fourth sentence).

<sup>179</sup> NEW (2022).

<sup>180</sup> 2022 ~~modification and~~ recodification and modification of ~~current~~previous Article VI, §6.1.C(1) (2006)(first sentence).

<sup>181</sup> ~~NEW (2022).~~ NEW (2022). Previous Article VI, §6.1.C(1) (2006)(second sentence is repealed. The Commission had considered the following modification: raising the contract threshold for delegation of authority for duration (less than three months instead of one month) and amount (\$25,000 instead of \$10,000).

<sup>182</sup> ~~2022 modification and recodification of current Article VI, §6.1.C(1) (2006)(second sentence).~~

<sup>183</sup> 2022 recodification and modification (The term “contract was moved to Article I) of ~~current~~previous Article VI, §6.1.C(1) (2006)(fourth sentence).

<sup>184</sup> 2022 recodification and edit of ~~current~~previous Article VI, §6.1.C(2) (2006)(First sentence). Modification of Chapter IV, §4 of the 1947, 1956 Acts and 1975 Charter; see also, Article VI, §6.1C.ii of the 1997 Charter; and, Article VI, §6.1.C(2) of the 2006 Charter-. Please note the Special Act authority to issue subpoenas.

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and employees of the Town appointed by the Board of Selectpersons shall be responsible to them for the faithful performance of their respective duties and shall render a report to the Selectpersons whenever requested to do so. The Selectpersons shall have the power to investigate any and all Town offices and Departments of the Town and for such purpose shall have the power to issue subpoenas.

**(3) Budget Review and Recommendation<sup>185</sup>.** The Board of Selectpersons shall review the budgets of all Elected Town Officials, Appointed Town Officers, Boards, Commissions, and Departments of the Town and make such recommendations in connection with such budgets to the Board of Finance as they deem necessary.

**(4) Appointment powers.** The Board of Selectpersons shall appoint:

**(a) Required by Charter<sup>186</sup>:** The Town Officials and employees set forth in this Charter, any others required by the General Statutes or by Ordinance<sup>187</sup> to be appointed by the Board of Selectpersons and any other for which no other appointment provision is made in the General Statutes, this Charter or the Ordinances.

**(b) Required by General Statutes or Ordinance<sup>188</sup>:** The members of any other Board or Commission which is required by an Ordinance or the General Statutes.

**(c) Advisory committees, task forces or other similar entities<sup>189</sup>.** Such advisory committees, task forces or other similar entities, as they deem necessary or useful from time to time to study and advise on any ~~Town~~ matters which are the concern of the ~~Board~~<sup>[§38]</sup> ~~Town~~.

**(5) Membership on Boards, Commissions, and committees<sup>190</sup>.** Except as otherwise expressly provided in §8.11 ~~of this Charter~~, each member of the Board of Selectpersons shall be an ex officio member, without vote, on all Town Boards, Commissions, and committees.

<sup>185</sup> 2022 recodification [and edit](#) of [currentprevious](#) Article VI, §6.1.C(3) (2006).

<sup>186</sup> 2022 recodification [and edit](#) of [currentprevious](#) Article VI, §6.1.D (2006) (first sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

<sup>187</sup> 2022 recodification and [modificationedit](#) of [currentprevious](#) Article VI, §6.1.D (2006) (second sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

<sup>188</sup> 2022 recodification [and edit](#) of [currentprevious](#) Article VI, §6.1.D (2006) (second sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

<sup>189</sup> 2022 recodification [and edit](#) of [currentprevious](#) Article VI, §6.1.E (2006). Modification of Chapter XXIV, §3 of the 1947 and 1956 Act; Chapter XXVI, 1 of the 1975 Charter; and, Article VI, §6.1.E of the 1997 Charter.

<sup>190</sup> 2022 recodification [and edit](#) of [currentprevious](#) Article VI, §6.1.F (2006). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.F of the 1997 Charter.

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## (6) Reorganization of Departments<sup>191</sup>.

(a) Notwithstanding any provisions of this Charter, the Board of Selectpersons may propose to the RTM a Resolution which may alter the method of appointment to or organization of any Town office, Department, Board or Commission of the Town, including combining or separating the duties of such individuals or bodies. The Resolution will effect the change when enacted by the RTM in the form of an Ordinance.

(b) The ability to make such changes by Ordinance shall not apply to the Police Department, the Fire Department, the Board of Library Trustees, any Elected Town Official, Elected Board or Commission, and any other office or body where such change by Ordinance is specifically prohibited by statute.

(c) If the duties of two (2) or more bodies or Town offices are combined or separated by Ordinance, the existence, the method of appointment, the organization, powers, and duties of the prior Town offices or bodies shall cease as defined in this Charter and shall be as defined in the Ordinance.

(d) The method of election to any Town office, Board, Commission, or agency of the Town may be changed by Ordinance, as set forth in §4.2.B(6)(a) ~~of this Charter,~~ if the method of election set forth in this Charter is or becomes improper, invalid, or ineffective because of a change in the law or an ambiguity in, or erroneous provision of, this Charter.

## §4.3. Powers and Duties of the First Selectperson.

**A. Executive Powers<sup>192</sup>.** The day-to-day executive and management authority of the Town shall be vested in the First Selectperson. The First Selectperson shall have the powers and duties vested by Law.

**B. Duties.** The First Selectperson shall:

(1) Direct and supervise<sup>193</sup> the administration of all Departments and officers<sup>194</sup> and shall be responsible for the administration of all the affairs of the Town

<sup>191</sup> 2022 recodification [and edit](#) of [currentprevious](#) Article VI, §6.1.G (2006). Derived from Chapter II, 11 of the 1975 Charter and Article VI, §6.1.G of the 1997 Charter.

<sup>192</sup> 2022 recodification [and minor modification](#) of [currentprevious](#) Article VI, §6.1.C (2006). Derived from Chapter IV, §3(a) and (c) of the 1947 Act and 1956 Act. Note: Subsection 3(b) of both Acts confers the authority of the Board of Sewer Commissioners upon the Board of Selectmen and the Department of Public Works as set forth under Special Act No. 222 (1929); see also, Chapter XXVI of the 1956 Special Act; Chapter IV, §3 and Chapter XXIV of the 1975 Charter; and, Article VI, §6.1.C of the 1997 Charter.

<sup>193</sup> NEW (2022)

<sup>194</sup> 2022 recodification [and edit](#) of [currentprevious](#) Article VI, §6.2.A(3).

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in respect to such Departments<sup>195</sup>;

(2) Be responsible for the faithful execution of all laws, provisions of the Charter and Ordinances governing the Town<sup>196</sup>;

(3) Make periodic reports to the RTM and may convene Special ~~and Emergency~~ RTM Meetings, as set forth in §3.4.D, attend and participate in RTM meetings, but shall have no vote<sup>[S39]</sup><sup>197</sup>;—

(4) Present, from time-to-time, to the Board of Selectpersons for disposition to the Board of Finance and RTM proposed capital project(s)<sup>198</sup>.

~~(4)—Prepare and maintain a Submittive (5) year capital plan, and submit annually to the Board of Finance a proposed budget, including a capital budget (including the an update of the five-year capital plan set forth, below) for the next fiscal year in accordance with the provisions of Article IX of this Charter<sup>199</sup>.~~

such

~~(5) Prepare and maintain a long-term financial and capital planning that takes into account the next five years. The annual plan and update of the five-year capital plan shall be submitted to the Board of Finance, which shall take the Plan into account during budget deliberations as set forth in Article IX of this Charter<sup>200</sup>.<sup>201</sup>[S40];~~

(6) Keep the RTM and Board of Finance fully informed on the financial condition of the Town by issuance of quarterly reports of income and expense as to budget items, including grants, receipts, expenditures and changes to said budgeted amounts<sup>202</sup>;

(7) Select, appoint and hire Appointed Town Officers, including department heads, except as otherwise provided for in this Charter or by the General Statutes<sup>203</sup>;

(8) Investigate the availability of state and federal funds and grants on behalf of the Town and advise any of the Town's Departments and Boards and Commissions with respect to obtaining said funds and grants, ~~and periodically report~~

<sup>195</sup> NEW (2022).

<sup>196</sup> 2022 recodification and minor modification of ~~current~~previous Article VI, §6.2.A(4).

<sup>197</sup> ~~2022 modification and recognition of NEW (2022); although it included a reference to authority currently set forth in~~ current Article IV, §4.2.A (2006) entitled "Composition" which permits the First Selectperson to participate in RTM meetings.

<sup>198</sup> NEW (2022).

<sup>199</sup> ~~NEW (2022).~~

<sup>200</sup> ~~NEW (2022)~~

<sup>201</sup> NEW (2022)

<sup>202</sup> NEW (2022)

<sup>203</sup> NEW (2022—recognition of current). Comment of the 2022 Charter Revision Commission: This provision simply recognizes Article IX requirements of the First Selectperson.



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~~to the RTM and Board of Finance~~<sup>204</sup>~~205~~<sup>[S41]</sup>;

(9) Act, or designate another, as the bargaining agent for the Town, with the exception of the Board of Education, in all labor and employment matters, including authority to retain the services of labor consultants and attorneys to assist in such matters<sup>206</sup>;

(10) After the election of any Town official of whom an oath is required by law, cause the Town official to be sworn to the faithful discharge of the duties of office<sup>207</sup>;

(11) Upon the request of any Selectperson, inform the Board of Selectpersons of the First Selectperson's actions<sup>208</sup>;

(12) Have the ability to delegate such authority as may be necessary to the Selectpersons or to administrative assistants whose appointment may be authorized by the RTM<sup>209</sup><sup>[S42]</sup>; and

(13) Have the ability to convene the members of any or all Departments, Boards and Commissions to review and coordinate activities and to plan operations of the Town government<sup>210</sup>.

The First Selectperson shall have such additional powers and shall perform such other duties as may from time to time be required by Ordinance, provided that the same are not inconsistent with this Charter or the provisions of the Connecticut General Statutes<sup>211</sup>.

## C. Appointment powers<sup>212</sup>.

(1) The First Selectperson shall appoint the Appointed Town Officers, Boards and Commission members, and employees set forth in Articles VII and VIII ~~of the Charter~~, any others required by the General Statutes or by Ordinance<sup>213</sup> to be appointed by the First Selectperson and any other for which no other appointment

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<sup>204</sup> ~~NEW (2022).~~

<sup>205</sup> ~~NEW (2022).~~

<sup>206</sup> NEW (2022). ~~Pursuant~~<sup>Note: this is pursuant</sup> to the Municipal Employee Relations Act under the General Statutes.

<sup>207</sup> 2022 recodification of ~~current~~<sup>previous</sup> Article VI, §6.2.A(5).

<sup>208</sup> 2022 recodification ~~and edit~~ of ~~current~~<sup>previous</sup> Article VI, §6.2.A(6).

<sup>209</sup> 2022 recodification and ~~modification~~<sup>edit</sup> of current Article VI, §6.2.A(7).

<sup>210</sup> 2022 recodification ~~and edit~~ of ~~current~~<sup>previous</sup> Article VI, §6.2.A(8).

<sup>211</sup> ~~NEW (2022).~~

<sup>212</sup> 2022 recodification of current Article VI, §6.2.B (2006). Derived from Article VI, §6.2B of the 1997 Charter. 2022 recodification and modification of current Article VI, §6.1.D (2006) (first sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

<sup>213</sup> 2022 recodification and modification of ~~current~~<sup>previous</sup> Article VI, §6.1.D (2006) (second sentence). Derived from Chapter IV, §6 of the 1975 Charter; and, Article VI, §6.1.D of the 1997 Charter.

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provision is made in this Charter<sup>214</sup>.

(2) All Appointed Town Officers, Board and Commission members and employees of the Town appointed solely by the First Selectperson shall be responsible to the First Selectperson for the faithful performance of their respective duties and shall report to the First Selectperson<sup>215</sup>[S43].

~~(3) — Mediation and Resolution of Differences<sup>216</sup>. The First Selectperson shall be responsible for the mediation and resolution of differences between Boards, Commissions, Departments and other public bodies within the Town government relating to an interpretation and/or coordination of Town policies and procedures.~~

D. **Designation of Acting First Selectperson<sup>217</sup>.** Immediately upon taking office, the First Selectperson shall designate, in writing, to the Town Clerk the member of the Board of Selectpersons authorized to act as First Selectperson during the unavailability or temporary disability of the First Selectperson and during the period from the date a vacancy occurs until a successor First Selectperson takes office under the provisions of §§§2.6.C and D ~~of this Charter~~. Such designation may be changed in writing from time to time.

E. **Staff<sup>218</sup>.** The First Selectperson is entitled to appoint a chief of staff and administrative assistant, or equivalent positions. All assistants and staff appointed by the First Selectperson shall serve at the pleasure of the First Selectperson.

F. ~~Town Administrator<sup>219</sup>~~ Chief Administrative Officer<sup>220</sup> [S44].

(1) **Appointment and Duties.** The First Selectperson shall appoint a ~~Town Administrator~~ Chief Administrative Officer, who shall be ~~the principal~~ an advisor to the First Selectperson. Under the supervision of the First Selectperson, the Chief Administrative Officer (a) shall be responsible for the management of Town administrative functions relative to the daily operation of Departments, and shall perform such duties as; (b) may be assigned as liaison between the First Selectperson and other Town Officials, Offices and Boards and Commissions; Boards; and (c) may be tasked by the First Selectperson with specific projects and duties. From time to time, or upon request from the Board of Selectpersons, the Chief Administrative Officer shall provide updates on town matters or special projects as assigned by the First Selectperson to the Board of Selectpersons.

<sup>214</sup> 2022 recodification of ~~current~~ previous Article VI, 6.2.B(1)(2006). Derived from Chapter IV, §3(d) of the 1947 and 1956 Acts.

<sup>215</sup> 2022 recodification and edit of previous Article VI, 6.2.B(2)(2006). Derived from Chapter IV, §3(d) of the 1947 and 1956 Acts.

<sup>216</sup> ~~NEW (2022).~~

<sup>217</sup> 2022 recodification and edit of ~~current~~ previous Article VI, §6.2.C (2006). Derived from Article VI, §6.2.C of the 1997 Charter.

<sup>218</sup> NEW (2022).

<sup>219</sup> ~~NEW (2022).~~

<sup>220</sup> NEW (2022).



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**(2) Term.** The administrator shall be an unclassified employee of the town and serve at the pleasure of the First Selectperson.

**(3) Experience.** Said administrator shall be appointed on the basis of substantial executive and administrative experience, education, competencies, and credentials, in management and administration, in accordance with the best practices recommended for local government management by reputable national organizations with subject matter expertise in the management of local government and public administration<sup>221</sup>.

**(4) Qualifications.** Said qualifications shall be prepared by the Director of Human Resources, who shall also prequalify candidates for the position prior to interview by the First Selectperson.

**G. Purchasing ~~authority~~Authority<sup>222</sup>.** The First Selectperson and the Purchasing Agent, acting in conjunction, shall be the general purchasing authority of the Town. All supplies, materials, equipment, other commodities, Contracts for public works or services, other than professional services, required by any department, office, agency, board, authority, or commission of the Town, including the Board of Education, shall be purchased by the purchasing authority on a requisition, in such form as the Selectpersons may prescribe, signed by the head of the Department, office, agency, or chair of the Board or Commission or other like entities. No purchase order shall be issued without the signature of the Purchasing Agent or, in the Purchasing Agent's absence, of the First Selectperson.

## **§4.4. Compensation of executive branch members<sup>223</sup>.**

The members of all Boards and Commissions except the Board of Selectperson shall serve without compensation unless the RTM shall otherwise direct. Except as provided in this Charter or otherwise by Law, the compensation of all Town Officials shall be fixed by the Board of Selectpersons subject to the adoption of the Town Budget as provided in Article IX ~~of this Charter~~<sup>224</sup>.

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<sup>221</sup> **Comment of the 2022 Charter Revision Commission.** The following organizations meet the criteria set forth in the Charter at the time of deliberations and approval: such as the Government Finance Officers Association, the International City/County Management Association, National League of Cities, National Academy of Public Administrators, the IBM Center for the Business of Government, International Public Management Association for Human resources and other equivalent or successor organizations

<sup>222</sup> Recodification ~~and edit of current~~previous Article XII, §12.8 (2006). Derived from Chapter XXI of the 1947 Act; and further amended by §20 of the 1951 Act and affirmed by Chapter XXI of the 1956 Act and Chapter XVIII of the 1975 Charter. Derived from Article XII, §12.8 of the 1997 Charter.

<sup>223</sup> 2022 Recodification ~~and edit of current~~previous Article V, §5.2 (2006). Derived from Modification of Chapter II, §8 and Chapter IV, §5 of the 1947 Act and 1956 Act; Chapter II, §7 of the 1975 Charter and Article V, §5.2 of the 1997 Charter.

<sup>224</sup> 2022 repeal of ~~current~~previous Article V, §5.3 (2006) ("Official Bonds"). Derived from Modification of Chapter II, §9 of the 1947 Act and 1956 Act; Chapter II, §9 of the 1975 Charter and Article V, §5.3 of the 1997

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## §4.5. Regulations<sup>225</sup>.

Any Town Official [or Board or Commission](#) empowered to [enact](#)<sup>[§45]</sup> Regulations under the provisions of the General Statutes or of this Charter shall hold at least one (1) public hearing before the enactment of such Regulations. Except as otherwise provided by statute, the time and place of such hearing together with a copy of the proposed Regulations shall be published at least once not more than ten (10) nor less than five (5) Days before the date set for such hearing.

Except as otherwise provided by statute, any such Regulation shall be superseded by an Ordinance adopted by the RTM affecting the same subject matter.

## §4.6. Absence, Disability, Vacancy in the Office of First Selectperson<sup>226</sup>.

Any vacancy in the Office of the First Selectperson shall be addressed as set forth in §2.6.D [of this Charter](#).

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Charter.

<sup>225</sup> 2022 Recodification [and edit of current](#)~~previous~~ Article V, §5.4 (2006). Chapter XXVI, §8 of the 1975 Charter; and, Article V, §5.4 of the 1997 Charter.

<sup>226</sup> [NEW \(2022\). Simply refers the reader to the correct section.](#)

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## ARTICLE V – OTHER ELECTED OFFICERS, BOARDS AND COMMISSIONS

### § 5.1. Town Clerk<sup>227</sup>.

**A. Establishment and election<sup>228</sup>.** There shall be a Town Clerk elected at the times and for the term set forth in §2.3.A(3) and §2.3.C(1)(d) ~~of this Charter.~~

**B. Powers and duties<sup>229</sup>.** The Town Clerk shall have the powers and duties prescribed by this Charter, by Ordinance, and by the General Statutes. In particular, the Town Clerk shall:

(1) Devote full time to the duties of the office;

(2) Collect the fees or compensation provided by the General Statutes to be paid to the Town Clerk;

(3) Deposit all money required to be collected by the Town Clerk with the Chief Fiscal Officer, with whom the Town Clerk shall file a full statement of receipts at the time of each deposit; and

(4) Provide, as may be requested, a receipt for all money received to the person from whom it was received.

**C. Staffing<sup>230</sup>.** All expenses of the Town Clerk's office, including necessary clerical assistance and Assistant Town Clerks, shall be paid by the Town within the limit of the appropriation therefor.

**D. Assistant Town Clerks<sup>231</sup>.** The Town Clerk may appoint Assistant Town Clerks who shall be under the supervision of the Town Clerk and shall perform such duties as the Town Clerk specifies.

**E. Compensation<sup>232</sup>.** In lieu of all fees and other compensation, the Town Clerk shall receive a salary fixed by the Board of Finance.

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<sup>227</sup> Derived from Chapter VII of the 1947 and 1956 Acts and 1975 Charter.

<sup>228</sup> 2022 recodification [and edit](#) of [currentprevious](#) Article VII, §7.1.A (2006). Derived from Article VII, §7.1.A of the 1997 Charter.

<sup>229</sup> 2022 recodification [and edit](#) of [currentprevious](#) Article VII, §7.1.B (2006). Derived from Article VII, §7.1.B of the 1997 Charter.

<sup>230</sup> 2022 recodification of [currentprevious](#) Article VII, §7.1.C (2006). Derived from Article VII, §7.1.C of the 1997 Charter.

<sup>231</sup> 2022 recodification [and edit](#) of [currentprevious](#) Article VII, §7.1.D (2006). Derived from Article VII, §7.1.D of the 1997 Charter.

<sup>232</sup> 2022 recodification of [currentprevious](#) Article VII, §7.1.E (2006). Derived from Article VII, §7.1.E of the 1997 Charter.

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**F. Ordinances and votes**<sup>233</sup>. The Town Clerk shall publish notice of action concerning Ordinances in accordance with this Charter. All Ordinances and RTM votes shall be recorded by the Town Clerk in records kept for the purpose.

**G. Reports to Assessor and Tax Collector**<sup>234</sup>. The Town Clerk shall promptly file with the Assessor and Tax Collector a complete abstract of all deeds and conveyances of land or of personal property, or of certificates of intention to transfer personal property, placed in the custody of the Town Clerk for record.

**H. Vacancy**<sup>235</sup>. A ~~Vacancy~~[vacancy](#) in the Office of the Town Clerk shall be filled as set forth in §2.6.A ~~of this Charter~~.

## §5.2. Justices of the Peace.

**A. Establishment and election**<sup>236</sup>. There shall be forty-five (45) Justices of the Peace<sup>237</sup> elected or nominated in the manner and for the terms prescribed in §2.3.A and C ~~of this Charter~~.

**B. Powers and duties**<sup>238</sup>. Justices of the Peace shall have the powers and duties prescribed by the General Statutes for their respective offices.

**C. Vacancies**<sup>239</sup>. Vacancies shall be filled as set forth in §2.6.B. ~~of this Charter~~.

## §5.3. Elected Boards and Commissions: In General.

**A. Establishment and election**<sup>240</sup>. There shall be a Board of Education, Board of Finance, Board of Assessment Appeals, Town Plan and Zoning Commission, and Zoning Board of Appeals. The members of each Board and Commission shall be

<sup>233</sup> 2022 recodification [and edit](#) of ~~current~~[previous](#) Article VII, §7.1.F (2006). Derived from Article VII, §7.1.F of the 1997 Charter.

<sup>234</sup> 2022 recodification of ~~current~~[previous](#) Article VII, §7.1.G (2006). Derived from Article VII, §7.1.G of the 1997 Charter.

<sup>235</sup> 2022 recodification and ~~modification~~[edit](#) of ~~current~~[previous](#) Article VII, §7.1.H (2006). Derived from Article VII, §7.1.H of the 1997 Charter.

<sup>236</sup> 2022 ~~modification and~~ recodification [and edit](#) of ~~current~~[previous](#) Article VII, §7.2.A (2006). Derived from Article VII, §7.2.A of the 1997 Charter.

<sup>237</sup> Chapter II, §1 of the 1947 Act, included 14 justices of the peace; the number was raised to 18 in Chapter II, §1 of the 1956 Act; and then to 30 in Chapter II, §1 of the 1975 Charter; and them, 45 in Article VII, §7.2.A of the 1997 Charter. [Note: Constables will no longer be elected officials.](#)

<sup>238</sup> 2022 ~~modification and~~ recodification [and edit \(reflecting the repeal of](#) ~~current~~[elected Constables\)](#) ~~of previous~~[Article VII, §7.2.B \(2006\)](#). Derived from Article VII, §7.2.B of the 1997 Charter.

<sup>239</sup> 2022 recodification and modification [\(repeal of](#) ~~current~~[elected Constables\)](#) ~~of previous~~[Article VII, §7.2.C \(2006\)](#). Derived from Article VII, §7.2.C of the 1997 Charter.

<sup>240</sup> 2022 recodification [and edit](#) of ~~current~~[previous](#) Article VIII, §8.1.A (2006). Derived from Article VIII, §8.1.A of the 1997 Charter.

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elected at the times and for the terms set forth in §2.3.A and C ~~of this Charter~~.

## B. Meetings

(1) All elected Boards and Commissions, except the Board of Assessment Appeals, shall hold at least ten (10) Regular Meetings a year and shall give annual notice of such meetings as required by the General Statutes. Officers of each Board and Commission, except the RTM, shall be elected annually at an organization meeting so noticed with the Town Clerk held in the month of December<sup>241</sup>..

(2) All elected Boards and Commissions shall comply with the provisions of §1.5 and §1.6 ~~of this Charter~~<sup>242</sup>.

C. ~~Vacancies. A~~Vacancies<sup>243</sup>. Except as provided in §2.6.D with respect to the Board of Selectpersons, vacancy in the membership of any elected Board or Commission shall be filled in the manner prescribed in §2.6 ~~of this Charter~~. A

## §5.4. Board of Education<sup>244</sup>.

A. **Composition**<sup>245</sup>. The Board of Education shall consist of nine (9) members, for staggered terms, as set forth in §2.3.A(5) and §2.3.C(1)(f) and C(2)(b) ~~of this Charter~~, no more than six (6) of whom shall be registered with the same political party.

B. **Powers and duties**<sup>246</sup>. The Board of Education shall have all the powers and duties conferred on boards of education generally by Chapter 170 of the General Statutes.

## §5.5. Board of Finance.

A. **Composition**<sup>247</sup>. The Board of Finance shall consist of nine (9) voting members, for staggered terms, as set forth in §2.3.A(4), §2.3.C(1)(e) and §2.3.C(2)(a) ~~of this Charter~~, no more than six (6) of whom shall be registered with the same political party,

<sup>241</sup> 2022 recodification and edit of currentprevious Article VIII, §8.1.B (2006). Derived from Article VIII, §8.1.B of the 1997 Charter.

<sup>242</sup> NEW (2022).

<sup>243</sup> 2022 recodification and edit of previous Article VIII, §8.1.B (2006). Derived from Article VIII, §8.1.B of the 1997 Charter

<sup>244</sup> Derived from Chapter XIX of the 1947 and 1956 Acts; and Chapter XX of the 1975 Charter.

<sup>245</sup> 2022 recodification and minor modification edits of currentprevious Article VIII, §8.2.A (2006). Derived from Article VIII, §8.2.A of the 1997 Charter.

<sup>246</sup> 2022 recodification of currentprevious Article VIII, §8.2.B (2006). Derived from Article VIII, §8.2.B of the 1997 Charter.

<sup>247</sup> 2022 recodification and minor modification edit of currentprevious Article VIII, §8.3.A (2006). Derived from Chapter XVII, §1 of the 1947 and 1956 Acts and the 1975 Charter; and, Article VIII, §8.3.A of the 1997 Charter. See also, Chapter II, §4(c) of the 1947 and 1956 Acts.

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and the Board of Selectpersons and the Fiscal Officer, ex officio, without vote.

**B. Powers and duties<sup>248</sup>.** The Board of Finance shall appoint the outside auditors and shall have all of the powers and duties conferred by this Charter, by Ordinance, and upon boards of finance generally by Chapter 106 of the General Statutes.

**C. Clerk of the Board of Finance<sup>249</sup>.** The Board of Finance shall appoint a clerk and fix the clerk's salary. The clerk shall hold office at the pleasure of the Board of Finance. The clerk may be part time. The clerk shall:

(1) Keep minutes of Board meetings and be the custodian of its records, papers, and data relating to the conduct of its business;

(2) Be a certified or a licensed public accountant or otherwise have credentials, licenses and or certification and experience in the financial field; and

(3) Have the right to call upon all Town Departments, Boards and Commissions and officers for such information as the clerk may reasonably require in connection with the duties of the clerk and responsibilities of the Board of Finance<sup>250</sup>..

**D. Approval of budgets<sup>251</sup>.** The Board of Finance shall approve the Town budget in the manner set forth in Article IX ~~of this Charter~~.

**E. Bidding, requisition, and payment procedures<sup>252</sup>.** The Board of Finance shall establish and may amend from time to time procedures and guidelines for bidding on purchases and Contracts by the Town as well as procedures for departmental requisition and for payments.

## §5.6. Board of Assessment Appeals.

**A. Composition<sup>253</sup>.** The Board of Assessment Appeals shall consist of five (5)

<sup>248</sup> 2022 recodification of ~~current~~[previous](#) Article VIII, §8.3.B (2006). Derived from Article VIII, §8.3.B of the 1997 Charter.

<sup>249</sup> 2022 recodification ~~and edit~~ of ~~current~~[previous](#) Article VIII, §8.3.C (2006). Modification of Chapter XVII, §3 of the 1947 and 1956 Acts and the 1975 Charter; and Article VIII, §8.3.C of the 1997 Charter.

<sup>250</sup> 2022 recodification and ~~modification~~[edit](#) of ~~current~~[previous](#) Article VIII, §8.3.D (2006). Modification of Chapter XXII of the 1947 and 1956 Acts and Chapter XXIII of the 1975 Charter, which ratified Special Act No. 511 (1935); Special Act No. 270 (1939); and, Special Act No. 367 (1941); and, Article VIII, §8.3.D of the 1997 Charter.

<sup>251</sup> 2022 recodification of ~~current~~[previous](#) Article VIII, §8.3.E (2006). Modification of Chapter XVII, §4 of the 1947 and 1956 Acts and the 1975 Charter; and, Derived from Article VIII, §8.3.E of the 1997 Charter. [2022 Charter Revision Commission Comment: Article VII, 8.3.D was repealed as the matter is addressed by the General Statutes.](#)

<sup>252</sup> ~~Recodification of current~~ 2022 recodification and edit of ~~previous~~ Article XII, §12.9 (2006). Derived from Chapter XVIII, §4 and §5 of the 1975 Charter and Article XII, §12.9 of the 1997 Charter.

<sup>253</sup> 2022 recodification and ~~minor modification~~[edit](#) of ~~current~~[previous](#) Article VIII, §8.4.A (2006). Derived from



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members, for staggered terms as set forth in §2.3.A(10), §2.3.C(1)(k) and §2.3.C(2)(g) ~~of this Charter,~~ and to be elected in accordance with Chapter 146 of the General Statutes (C.G.S. § 9-164 et seq.).

**B. Powers and duties<sup>254</sup>.** The Board of Assessment Appeals shall have all the powers and duties conferred on boards of assessment appeals generally by §§12-110 to 12-117 of Chapter 203 of the General Statutes.

## §5.7. Town Plan and Zoning Commission.

**A. Composition<sup>255</sup>.** The Town Plan and Zoning Commission shall consist of seven (7) voting members, for staggered terms as set forth in §2.3.A(6) and §2.3.C(1)(g) and (h); and, §2.3.C(2)(c) and (d) ~~of this Charter,~~ no more than five (5) of whom shall be registered with the same political party. There shall be three (3) alternate members of the Town Plan and Zoning Commission, as set forth in §2.3.A(7) ~~of this Charter,~~ no more than two (2) of whom shall be registered with the same political party.

**B. Powers and duties<sup>256</sup>.** The Town Plan and Zoning Commission shall have all the powers and duties conferred by this Charter, by Ordinance, and on zoning commissions and planning commissions generally by Chapter 124 and Chapter 126 of the General Statutes (C.G.S. §8-1 et seq. and §8-18 et seq.). In particular, the Town Plan and Zoning Commission shall:

- (1) Prepare, adopt, and amend the plan of conservation and development of the Town, ~~or amend any master plan previously adopted~~ <sup>257</sup><sup>258</sup> <sup>S46</sup>;
- (2) Have control over the subdivision of land<sup>259</sup>;
- (3) Make studies and recommendations on matters affecting health,

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Article VIII, §8.4.A of the 1997 Charter.

<sup>254</sup> 2022 ~~Recodification~~ recodification of ~~current~~ previous Article VIII, §8.4.B (2006). Derived from Article VIII, §8.4.B of the 1997 Charter.

<sup>255</sup> 2022 recodification and ~~minor modification~~ edit of ~~current~~ previous Article VIII, §8.5.A (2006). Derived from Chapter XI, §1 of the 1947 Act, which established five members. The Board was expanded to seven members under the 1956 Act. The October election date was retained in §12 of the 1951 Act and reaffirmed by Chapter XI, §1 of the 1956 Act and the 1975 Charter; and, Article VIII, §8.5.A of the 1997 Charter.

<sup>256</sup> 2022 recodification and edit of ~~current~~ previous Article VIII, §8.5.B (2006). Modification of Chapter XI, §2 of the 1947 Act. There was also an appeal to the court of common pleas in Chapter XI, §8 of the 1947 Act; further amended by §13 of the 1951 Act. The appeal to the court of common pleas was repealed by §14 of the 1951 Act. Reaffirmed by Chapter XI, §2 of the 1956 Act and the 1975 Charter; and, Article VIII, §8.5.B of the 1997 Charter.

<sup>257</sup> ~~Replacement of Chapter XI, §3 of the 1947 Act and 1956 Act.~~

<sup>258</sup> 2022 recodification and minor modification of current Article VIII, §8.5.B(1). Replacement of Chapter XI, §3 of the 1947 Act and 1956 Act.

<sup>259</sup> Replacement of Chapter XI, §5 of the 1947 Act. At the time a definition of “subdivision” was included in Chapter XI, §7 of the 1947 Act, which was repealed by §14 of the 1951 Act, along with §5; as reaffirmed by Chapter XI of the 1956 Act.



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recreation, traffic, and other needs of the Town dependent on, or related to, the ~~master plan~~[plan of conservation and development](#);

(4) Consider and report upon the design, location, and relation to the ~~master plan~~[plan of conservation and development](#) of all new public ways, buildings, bridges, and other public places and structures<sup>260</sup>;

(5) Consider and report upon the layout of new developments in the Town<sup>261</sup>;

(6) Make detailed plans for the improvement, reconditioning, or development of areas which in its judgment contain special problems or show a trend toward lower land values; and

(7) Make such other studies, recommendations, and inclusions in the ~~master plan~~[plan of conservation and development](#) as will in its judgment be beneficial to the Town<sup>262</sup>.

**C. Appointment of Planning Director<sup>263</sup>.** The Town Plan and Zoning Commission shall appoint a Planning Director who has been approved by the First Selectperson.

**D. Other employees and consultants<sup>264</sup>.** The Town Plan and Zoning Commission may engage such employees and consultants as it requires to carry out its duties, including a zoning enforcement officer and assistants who, subject to the general supervision of the Planning Director, shall enforce all Laws, Ordinances, and Regulations relating to zoning and planning, and shall have such other duties as the Town Plan and Zoning Commission or the Planning Director may prescribe.

## **§5.8. Zoning Board of Appeals<sup>265</sup>.**

**A. Composition<sup>266</sup>.** The Zoning Board of Appeals shall consist of five (5) regular members, for staggered terms as set forth in §2.3.A(9), §2.3.C(1)(i) and (j); and, §2.3.C(2)(e) ~~of this Charter,~~[\],](#) no more than four (4) of whom shall be registered with the

<sup>260</sup> Replacement of Chapter XI, §6 of the 1947 Act; Chapter XI, §5 of the 1956 Act; and Chapter XI, §4 of the 1975 Charter.

<sup>261</sup> Replacement of Chapter XI, §4 of the 1947 and 1956 Acts and Chapter XI, §5 of the 1975 Charter.

<sup>262</sup> Replacement of Chapter XI, §3 of the 1947 Act. §2 and 3 of the 1947 Act were repealed by §15 and 16 of the 1951 Act.

<sup>263</sup> 2022 recodification [and edit](#) of ~~current~~[previous](#) Article VIII, §8.5.C (2006). Derived from Article VIII, §8.5.C of the 1997 Charter.

<sup>264</sup> 2022 recodification [and edit](#) of ~~current~~[previous](#) Article VIII, §8.5.D (2006). Derived from Article VIII, §8.5.D of the 1997 Charter.

<sup>265</sup> Modification of Chapter XII of the 1947 and 1956 Acts and 1975 Charter.

<sup>266</sup> 2022 recodification and ~~minor modification~~[edit](#) of ~~current~~[previous](#) Article VIII, §8.6.A (2006). Derived from Article VIII, §8.6.A of the 1997 Charter. The

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same political party<sup>267</sup>, and three (3) alternates, as set forth in §2.3.C(2)(f) ~~of this Charter,~~<sup>1</sup> no more than two (2) of whom shall be registered with the same political party.

**B. Powers and duties<sup>268</sup>.** The Zoning Board of Appeals shall have the powers and duties conferred on zoning boards of appeals generally by §§ 8-5 to 8-7e of Chapter 124 of the General Statutes.

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<sup>267</sup> The current “minority party” standard was not included in Chapter XII §2 of the 1947 and 1956 Acts: “Not more than three members of said board shall be members of the same political party.” The standard was increased to “four” in Article IX, §8.6.A of the 1997 Charter and has continued thereafter.

<sup>268</sup> 2022 Recodification of ~~current~~<sup>previous</sup> Article VIII, §8.6.B (2006). Derived from Article VIII, §8.6.B of the 1997 Charter.

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## ARTICLE VI - APPOINTED OFFICERS AND BOARDS AND COMMISSIONS IN GENERAL

### §6.1. Eligibility for appointed Town Office<sup>269</sup>.

**A. Elector requirements for Certain Appointed Town Officers and Members of Boards and Commissions; Exception<sup>270</sup>.** No person not at the time an Elector of the Town shall be eligible for appointment to any appointed Board or Commission or to the office of Town Treasurer, ~~or Constable or Town Attorney~~<sup>[S47]</sup>. Persons serving as Chief of Police or Fire Chief must be or become a resident of the State of Connecticut, in accordance with the requirements of the respective ~~appointing authorities~~. Appointing Authorities (as defined in §6.2.B).

**B. Effect of ceasing to be an Elector<sup>271</sup>.** If any Appointed Town Officer required to be an Elector of the Town or any member of an appointed Board or Commission ceases to be an Elector of the Town, the office shall then become vacant.

**C. Single office requirement for appointed office<sup>272</sup>.** Except as otherwise provided in ~~§§§8.5, §8.7, §8.8, and §8.11 of this Charter~~, no person shall be eligible to hold any appointed Town Office, including appointed members of any Board or Commission, who is at the same time an elected RTM member, Town Officer, an elected state official, or a member of an elected ~~or appointed~~<sup>[S48]</sup> Board or Commission ~~or permanent appointed Board or Commission~~. For purposes of this paragraph, the term "Town ~~officer~~Office" does not include Justices of the Peace or Constables ~~or committees, task forces, or other like entities created pursuant to §4.2.B(4)(c)~~<sup>[S49]</sup>.

**D. Eligibility for reappointment<sup>273</sup>.** No person shall be appointed to more than two (2) successive full terms on the same appointed Board or Commission, but such person shall be eligible for reappointment after an interval of not less than one (1) year except as otherwise provided in ~~§§§8.14 and §8.15 of this Charter~~, with respect to the Ethics Commission and Golf Commission, respectively, or by Ordinance.

<sup>269</sup> Derived from Chapter II, §3 of the 1947 and 1956 Acts and 1975 Charter.

<sup>270</sup> 2022 ~~modification and recodification~~ and modification of ~~current~~previous Article III, §3.1.A (2006). Derived from Article III, §3.1.A of the 1997 Charter. Comment of the 2022 Charter Revision Commission: The residency requirements for Assistant Town Attorney was eliminated and the residency requirement for Chief of Police and Fire Chief was modified. In addition, the residency for the appointed Constables was affirmed.

<sup>271</sup> 2022 recodification and edit of ~~current~~previous Article III, §3.1.B (2006). Derived from Article III, §3.1.B of the 1997 Charter.

<sup>272</sup> 2022 recodification and modification of ~~current~~previous Article III, §3.1.C (2006). Derived from Article III, §3.1.C of the 1997 Charter. Comment of the 2022 Charter Revision Commission: Board of Education was removed from the exclusion at the end of the paragraph.

<sup>273</sup> 2022 recodification of current Article III, §3.1.D (2006). Modification of Article III, §3.1.D of the 1997 Charter. Comment of the 2022 Charter Revision Commission: The Board of Library Board of Trustees was removed from this provision due to the change of the term of office from six to three years, at the request of the Board.

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## §6.2. Authority and Qualification of Appointed Town Officers<sup>274</sup>.

**A. Authority of Appointed Town Officers, including department heads<sup>275</sup>.** Once appointed as described in this Charter, Appointed Town Officers, including department heads shall, unless otherwise set forth in this Charter or Law, appoint, hire, discipline and remove all deputies, assistants and other employees of the Department and subject to (1) the supervisory authority of the First Selectperson or other ~~appointing or supervisory authority~~Appointing Authority<sup>[§50]</sup>, as defined in §6.4.A; (2) any specific provisions of this Charter or Law pertaining to the authority of a Appointed Town Officer, including department heads and the relationship with a governing Board or Commission; and, (3) any applicable collective bargaining agreements.

**B. Qualifications of Appointed Town Officers, including department heads<sup>276</sup>.** The job qualifications of all Appointed Town Officers, including department heads, in addition to those enumerated in this Charter, by the General Statutes or Special Act shall be prepared by the Director of Human Resources. Said job qualifications shall be prepared in accordance with nationally accepted professional standards and best practices in the applicable field and shall be reviewed and updated, if necessary, every four (4) years and whenever a ~~Vacancy~~vacancy occurs in the position.

## §6.3. Minority representation on Boards and Commissions<sup>277</sup>.

Unless other expressly set forth in this Charter, no more than a bare majority of the members of a Board or Commission shall be members of the same political party. This shall not apply to persons required to serve on a particular Board or Commission by virtue of holding another position or office in the Town.

## §6.4. Terms of office<sup>278</sup>.

**A. General Rule: Appointed Town Officers and Board and Commission Members<sup>[§51]</sup>.** Unless otherwise provided by the General Statutes, this Charter or by Ordinance the terms of office of all Appointed Town Officers and appointed members of Boards and Commissions shall commence on the fourth (4<sup>th</sup>) Monday in November, and shall continue for the terms set forth in Articles VII and VIII ~~of this Charter.~~ Notwithstanding the foregoing, in the event that there is a vacancy and the Town Official ~~which~~who possesses the authority to make an appointment ("Appointing Authority") does not appoint

<sup>274</sup> NEW (2022).

<sup>275</sup> NEW (2022).

<sup>276</sup> NEW (2022).

<sup>277</sup> 2022 recodification and modification (the opening clause) of ~~current~~previous Article III, §3.2 (2006). Derived from Article III, §3.2 of the 1997 Charter.

<sup>278</sup> 2022 ~~modification and~~ recodification and modification of current Article III, §3.3 (2006). Derived from Article III, §3.3 of the 1997 Charter. Comment of the 2022 Charter Revision Commission: The provision was broken into two sub-sections. The ethics Commission term was shifted to April 1 and the Board of Library Trustees was shifted to July 1.

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a new Appointed Town Officer or Board or Commission member by the fourth (4<sup>th</sup>) Monday in November after the biennial municipal general election, the commencement of the Appointing Authority term of office as set forth in Law or this Charter; or, within sixty-five (65) Days following a vacancy in office, the incumbent shall serve as a continuing Appointed Town Officer or Board or Commission member until either the Appointing Authority fills the vacancy or until the sixty-fifth (65<sup>th</sup>) day after the fourth (4<sup>th</sup>) Monday in November or the date of the vacancy, whichever occurs first.

**B. Exception: Golf Commission, Ethics Commission and Board of Library Trustees.** The members of the Ethics Commission and the Golf Commission shall commence their terms on the first (1<sup>st</sup>) day of April-4 in the year of their appointment for the duration of their term and shall only remain on said Commission if reappointed. Likewise, the Board of Library Trustees shall commence their terms on the first (1<sup>st</sup>) day of July-4 of their year of appointment for the duration of their term as set forth in §8.16 of this Charter.

## **§6.5. Resigning from appointed office<sup>279</sup>.**

Any Appointed Town officerOfficer or appointed Board or Commission member may resign by submitting a written notice of resignation to the Town Clerk. The resignation shall become effective on the date specified in the notice of resignation or, if no date is specified, on the date the notice of resignation is submitted.

## **§6.6. Vacancies in appointed office<sup>280</sup>.**

Unless otherwise set forth in the General Statutes or otherwise in this Charter, Vacanciesvacancies in appointedAppointed Town officesOffices and membership on all Appointed Town Offices and Boards and Commissions shall be filled by the Appointing Authority<sup>[§52]</sup>. Persons so appointed shall serve for the remainder of the term of the position vacated.

## **§6.7. Removal from appointed office for cause.**

**A. Board or Commission<sup>281</sup>.** Any Appointed Town Officer or member of any appointed Board or Commission may, except as otherwise provided in the General Statutes or this Charter, be removed for cause by the Appointing Authority (including instances where Boards and Commissions have appointment authority), unless other set forth by Law provided, notice shall first be given in writing of the specific grounds for removal and the individual shall be given an opportunity to be heard in defense, alone or with counsel of the

<sup>279</sup> 2022 recodification and edit of currentprevious Article III, §3.4 (2006). Derived from Article III, §3.4 of the 1997 Charter.

<sup>280</sup> 2022 recodification and modification (opening clause) of currentprevious Article III, §3.5 (2006). Derived from Article III, §3.5 of the 1997 Charter.

<sup>281</sup> 2022 recodification and modification of currentprevious Article III, §3.6.A (2006). Derived from Modification of Chapter II, §6 of the 1947 and 1956 Acts; Chapter II, §12 of the 1975 Charter; and, Article III, §3.6.A of the 1997 Charter.

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individual's choice, at a hearing before the Appointing Authority, held not more than ten (10) and not less than five (5) Days after transmittal of such notice in accordance with §1.4.C(15). The hearing shall be held in accordance with the Freedom of Information Act (Chapter 14 of the General Statutes, C.G.S. §1-200 et seq.). Appeals may be taken where provided by statute.

**B. Department Head or Director<sup>282</sup>.** Unless this Charter provides that a particular department head or director may be removed without cause, the Board of Selectpersons by unanimous vote of all of its members shall have the power to remove for cause any Department Head, or any director or employee appointed by a Board or Commission, provided notice and opportunity for a hearing before the Board of Selectpersons following the same protocols as set forth in this §6.7.A ~~of this Charter~~, and such hearing is held in accordance with the Freedom of Information Act. ~~—~~

## **§6.8. Required Cooperation<sup>283</sup>.**

Each Town Officer, RTM ~~members~~member and employee of any Department of the Town shall assist the Boards and Commissions and the pertinent Departments in carrying out the provisions of this ~~section~~Charter. Furthermore, in the event a Board or Commission is attached to a Department, the Department Head shall cooperate with said Board or Commission in formulating and carrying out the operational, management and personnel policies of the Department.

## **§6.9. Compliance<sup>284</sup>.**

All appointed Boards and Commissions shall comply with the provisions of ~~§§§~~§§ 1.5 through ~~§1.7 of this Charter~~8.

## **§6.10. Creation of Boards and Commissions<sup>285</sup>.**

In addition to those appointed Boards and Commissions established by this Charter, the RTM may, on its own initiative; or at the recommendation of the First Selectperson ~~or Board of Selectpersons~~[§53], by Ordinance, establish any additional Boards and Commissions of the Town.

<sup>282</sup> 2022 recodification and edit of ~~current~~previous Article III, §3.6.B (2006). Derived from Article III, §3.6.B of the 1997 Charter.

<sup>283</sup> NEW (2022)

<sup>284</sup> NEW (2022)

<sup>285</sup> NEW (2022)



# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE VII - APPOINTED TOWN OFFICERS

### §7.1. Appointed Town Officers<sup>286</sup>.

There shall be the following Appointed Town Officers as necessary:

**A. Officers Appointed by the First Selectperson<sup>287</sup>~~[S54]~~.** The First Selectperson shall appoint the Appointed Town Officers listed in ~~§§§ 7.2 through §7.12 of this Charter and §§§4.3.E and F of this Charter.~~

Town Attorney <del>(§7.2)</del>	<del>Assistant Town Attorney</del> <u>Purchasing Agent</u> <del>(§7.8)</del>
<del>Fiscal Officer</del> <u>Assistant Town Attorneys</u> <del>(§7.3)</del> <del>[S55]</del>	<del>Controller</del> <u>Director of Human and Social Services</u> <del>(§7.9)</del>
<del>Town Treasurer</del>	<del>Director of Community</del> <u>Parks and Economic Development</u> <del>Recreation</del> <del>(§7.10)</del>
<del>Director of Public Works</del> <u>Fiscal Officer</u> <del>(§7.4.A and B)</del>	<del>Building Official</del> <u>Director of Community and Economic Development</u> <del>(§7.11)</del>
<del>Director of Human and Social Services</del> <u>Controller</u> <del>(§7.4.C)</del>	<del>Purchasing Agent</del> <u>Director of Human Resources</u> <del>(§7.12)</del>
<del>Director of Parks and Recreation</del> <u>Town Treasurer</u> <del>(§7.5)</del>	<del>Director</del> <u>Chief of Human Resources</u> <del>Staff</del> <del>(§4.3.E)</del>
<del>Town Administrator</del> <u>Director of Public Works</u> <del>(§7.6)</del>	<del>Chief Administrative Officer</del> <del>(§4.3.F)</del>
<del>Chief of Staff</del> <u>Building Official</u> <del>(§7.7)</del>	

**B. Officers appointed by the Board of Selectpersons<sup>288</sup>.** The Board of Selectpersons shall appoint the Appointed Town Officers listed in ~~§§§7.13 through §7.17 of this Charter.~~

<del>Internal Auditors</del> <u>(§7.13)</u>	<del>Assessor</del> <u>Tree Warden</u> <del>(§7.16)</del>
<del>Tax Collector</del> <u>Assessor</u> <del>(§7.14)</del>	<del>Tree Warden</del> <u>Constables</u> <del>(§7.17)</del>
<del>Constables</del> <u>Tax Collector</u> <del>(§7.15)</del>	

**C. Officers appointed by other bodies<sup>289</sup>.** The Appointed Town Officers

<sup>286</sup> 2022 recodification of ~~current~~previous Article IX, §9.1 (2006). Derived from Article IX, §9.1 of the 1997 Charter.

<sup>287</sup> 2022 ~~modification and~~ recodification and modification of ~~current~~appointment authority set forth in previous Article IX, §9.2 (2006). Derived from Article IX, §9.2 of the 1997 Charter. **Comment of the 2022 Charter Revision Commission: The Chief Administrative Officer and Chief of Staff were added to this provision; although their appointments are set forth in Article IV.**

<sup>288</sup> 2022 recodification of ~~current~~appointment authority set forth in previous Article IX, §9.14 (2006). Derived from Article IX, §9.12 of the 1997 Charter.

<sup>289</sup> 2022 recodification of ~~current~~appointment authority set forth in previous Article IX, §9.19 (2006). Derived from Article IX, §9.17 of the 1997 Charter.



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hereunder shall be appointed by the bodies specified in §§§7.18 through §7.24 ~~of this Charter.~~

Director of Health (§7.18)

~~Chief of Police~~ Planning Director  
(§7.21)

~~Fire~~ Chief of Police (§7.19)

~~Planning Director~~ Animal Control  
Officer (§7.22)

Animal Control Officer ~~Fire~~  
Chief (§7.20)

Conservation Director (§7.23)

~~Town Librarian~~

Town Librarian (§7.24)

## Officers Appointed by the First Selectperson

### §7.2. Town Attorney<sup>290</sup>.

**A. Appointment and qualifications.** The Town Attorney shall be appointed by the First Selectperson and shall be an attorney admitted to practice in the State who has practiced in the State for at least five (5) years. The Town Attorney may be removed by the First Selectperson without cause.

**B. Compensation.** The Town Attorney shall receive the compensation approved by the Board of Selectpersons within the appropriations made for the Town Attorney.

**C. Duties.** The Town Attorney shall:

(1) Be the legal advisor of, and counsel and attorney for, the Town and all Town Departments, Town Officials and the RTM, providing all necessary legal services in matters relating to the Town's interests or the official powers and duties of the Town officers and employees;

(2) Prepare or review all Contracts and other instruments to which the Town is a party or in which it has an interest;

(3) Upon the request of the Board of Selectpersons, or of any other Town Officer, Board or Commission, give a written opinion on any question of law relating to the powers and duties of the officer or body making the request;

(4) Upon the direction of the Board of Selectpersons, appear for the Town

<sup>290</sup> 2022 recodification and modification (adding the RTM; although historically, the legislative body has been represented by the Town Attorney) of ~~current~~ previous Article IX, §9.3 (2006). Modification of Chapter VI of the 1947 Act; further amended by §9 of the 1951 Special Act and reaffirmed by Chapter VI of the 1956 Act and 1975 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

or any Town Officers, Boards and Commissions, or Departments in any litigation or any other action brought by or against the Town or any Town Officials; and

(5) Prosecute or defend, appeal from or defend appeals from, and make settlements of, litigation and claims, as the Board of Selectpersons direct.

## §7.3. Assistant Town Attorneys<sup>291</sup>.

**A. Number of positions and appointment.** The Board of Selectpersons, with the consent of the RTM, shall determine from time to time the number of Assistant Town Attorneys necessary to effectively carry out the legal business of the Town and shall increase or reduce the number of Assistant Town Attorney positions to the number determined to be necessary. The First Selectperson may then appoint the Assistant Town Attorneys and may remove Assistant Town Attorneys without cause.

**B. Qualifications.** Each Assistant Town Attorney shall be an attorney admitted to practice in the State.

**C. Duties.** The Assistant Town Attorneys shall have the duties assigned to them by, and shall be under the supervision of, the Town Attorney.

## §7.4. Fiscal Officer and Controller<sup>292</sup>.

**A. Appointment and qualifications.** The Fiscal Officer shall be appointed by the First Selectperson and shall be a certified or a licensed public accountant or otherwise have experience in the financial field, in accordance with the provisions of §6.2.B ~~of this Charter~~.

**B. Duties of the Fiscal Officer.** The Fiscal Officer shall:

(1) Establish and supervise a central accounting and internal auditing system;

(2) Be responsible for, and conduct a continuously current accounting of, the financial activities of the Town, including the Board of ~~education~~Education;

(3) Audit, before payment, all payrolls, bills, invoices and claims drawn against the Town, including the Board of Education; and

(4) Countersign and approve each requisition to be paid by the Town.

**C. Duties of the Controller.** The Controller shall have the same qualifications

<sup>291</sup> 2022 recodification ~~and edit~~ of ~~current~~previous Article IX, §9.4 (2006). Derived from Article IX, §9.4 of the 1997 Charter.

<sup>292</sup> 2022 ~~modification and~~ recodification ~~and edit~~ of ~~current~~previous Article IX, §9.5 (2006). Derived from Article IX, §9.5 of the 1997 Charter.

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as the Fiscal Officer and shall have the duties assigned by, and be under the supervision of, the Fiscal Officer. The Controller may countersign requisitions in the absence of the Fiscal Officer.

## §7.5. Town Treasurer<sup>293</sup>.

**A. Appointment and eligibility.** The Town Treasurer shall be appointed by the First Selectperson and may be removed by the First Selectperson without cause. The Fiscal Officer may also serve as Town Treasurer. No person employed by or in the Purchasing Department may at the same time be Town Treasurer.

**B. Duties.** The Town Treasurer shall have the duties conferred on town treasurers by Chapter 94 of the General Statutes (C.G.S. § 7-79 et seq.) ~~and shall serve as an ex officio member of the Board of Library Trustees.~~ The Town Treasurer may be part-time.

## §7.6. Director of Public Works<sup>294</sup>.

**A. Appointment and qualifications.** The Director of Public Works shall be appointed by the First Selectperson in accordance with any requirements set forth in the General Statutes and in accordance with the provisions of §6.2.B ~~of this Charter.~~

**B. Duties.** The Director of Public Works shall:

(1) Administer and supervise the Department of Public Works;

(2) Have charge and control of all buildings, materials, apparatus, equipment, and documents of the Department of Public Works;

(3) Follow Town Human Resources policies and procedures to assign a Town Engineer who shall be chief technical advisor of the Town and all Departments, except the Board of Education, in all matters concerning the physical development of the Town and the design, construction, and maintenance of its physical plant<sup>295</sup>;

(4) Be an ex officio member without vote of the Town Plan and Zoning

<sup>293</sup> 2022 recodification ~~and edit~~ of ~~current~~previous Article IX, §9.6 (2006). Derived from Article IX, §9.6 of the 1997 Charter.

<sup>294</sup> 2022 ~~modification and~~ recodification ~~and modification~~ (Elimination of ~~current~~the requirement of the professional engineering registration requirement) of previous Article IX, §9.7 (2006). Modification of Chapter IX of the 1947 Act and 1956 Act. Section 1 of the Act established the powers and duties of a Town Engineer as the director of the Department. Section 3 established the position of the Superintendent of Highways and Bridges. Section 4 addressed engineering issues; see, also Chapter IX of the 1975 Charter; and, Article IX, §9.7 of the 1997 Charter.

<sup>295</sup> Comment of the 2022 Charter Revision Commission: In lieu of the engineering requirement the Commission approved a provision that requires in-house engineering capabilities under the supervision of the Director of Public Works.

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Commission with respect to planning, the Parks and Recreation Commission and the Flood Prevention, Climate Resilience and Erosion Control Board or, in the alternative, may appoint a designee on said Board;<sup>296</sup>.

(5) Have the ability to make and enforce reasonable [Regulations and rules and regulations](#) not inconsistent with this Charter or the General Statutes necessary to efficiently exercise all powers and duties imposed on the Director of Public Works and the Department of Public Works;

(6) At the request of the Selectpersons, furnish technical advice reasonably required for the physical functioning of the Town or its government; and

(7) Perform other reasonable and related duties as directed by the Selectpersons.

**C. Assistants.** The Director of Public Works may request that the First Selectperson engage superintendents and assistants to the Director of Public Works.

## §7.7. Building Official<sup>297</sup>.

**A. Appointment and term.** The Building Official shall be appointed by the First ~~Selectpersons~~[Selectperson](#) and shall serve for a term of four (4) years.

**B. Number of Assistant Building Officials and Building Inspectors.** The First Selectperson and the Building Official shall determine from time to time the number of Assistant Building Officials and Building Inspectors necessary to carry out the duties of the Building Department and, subject to appropriation, shall increase or decrease the number accordingly.

### **C. Duties.**

(1) The Building Official and the Assistant Building Officials shall have the duties conferred by this Charter and on building officials generally by Chapter 541 of the General Statutes (C.G.S. § 29-250 et seq.).

(2) In particular, the Building Official and the Assistant Building Officials, under the supervision of the Building Official, shall:

(a) Inspect, supervise, regulate, and control the construction, reconstruction, altering, repairing, demolition, and removal of all structures

<sup>296</sup> [Comment of the 2022 Charter Revision Commission: Participation of the Director or a designee is required on the Flood Prevention, Climate Resilience, and Erosion Control Board.](#)

<sup>297</sup> 2022 recodification [and edit](#) of ~~current~~[previous](#) Article IX, §9.8 (2006). Modification of Chapter X, §1 of the 1947 Act which established a Board of Building Commissioner (§§1-4); the position of Building Inspector (§5); and, Article IX, §9.8 ("Building Inspectors") of the 1997 Charter.

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within the Town;

(b) By diligent search and inspection, enforce all Laws, Ordinances, and Regulations governing the construction of buildings and other structures;

(c) Enforce the provisions of the Town building code;

(d) Cooperate and coordinate with the Fire Marshal in inspecting structures and enforcing provisions of the Town building code where fire safety may be a factor; and

(e) Keep complete public records of all applications made to them and of all permits and certificates of approval or occupancy issued by them and any other records required under Chapter 541.

**D. Building Inspectors<sup>298</sup>.** Building Inspectors shall perform such duties as the Building Official shall assign within the scope permitted ~~by~~ Law.

## **§7.8. Purchasing Agent<sup>299</sup>.**

**A. Appointment and qualifications.** The Purchasing Agent shall be appointed by the First Selectperson and shall have a background in business or purchasing and procurement.

**B. Duties.** The Purchasing Agent shall have the duties set forth in §4.3.G ~~of this Charter~~ and such other duties as may be prescribed by the First Selectperson.

## **§7.9. Director of Human and Social Services<sup>300</sup>.**

**A. Appointment and qualifications.** The Director of Human and Social Services shall be appointed by the First Selectperson and shall be trained in social services.

**B. Duties.** The Director of Human and Social Services shall:

- (1) Administer and supervise a Department of Human Services;
- (2) Prescribe the duties of subordinates and employees;
- (3) Coordinate the work of the Department of Human Services with that of

<sup>298</sup> 2022 recodification ~~and edit~~ of ~~current~~previous Article IX, §9.8.D (2006). Modification of Chapter X, §6 of the 1947 and 1956 Acts; and, Article IX, §9.8.D of the 1997 Charter.

<sup>299</sup> 2022 recodification ~~and edit~~ of ~~current~~previous Article IX, §9.9 (2006). Derived from Article IX, §9.9 of the 1997 Charter.

<sup>300</sup> 2022 recodification ~~and modification (updating~~ of ~~current~~responsibilities in sub-paragraph (3)) of previous Article IX, §9.10 (2006). Derived from Article IX, §9.10 of the 1997 Charter ("Director of Human Services").

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other government agencies, private social service organizations, and other entities on social services matters as authorized by the General statutes, including matters which relate to the aging, people with disabilities, veterans, youth and underserved populations of the Town;

(4) Perform other duties prescribed by the Human Services Commission and the First Selectperson; and

(5) Report to the First Selectperson [in](#) on matters of administration and operation and to the Human Services Commission on matters of policy.

## §7.10. Director of Parks and Recreation<sup>301</sup>.

**A. Appointment and qualifications.** The Director of Parks and Recreation shall be appointed by the First Selectperson and shall have such qualifications as may be established by the Parks and Recreation Commission.

**B. Duties.** The Director of Parks and Recreation shall:

(1) Administer and supervise the Parks and Recreation Department;

(2) Recommend policy to the Parks and Recreation Commission;

(3) Submit to the Parks and Recreation Commission plans for the development and maintenance of public cemeteries, parks, playgrounds, beaches, beach facilities, marina facilities, public gardens, and other recreational areas of the Town, except for areas and facilities under the control of the Board of Education, the Golf Commission, or the Harbor Management Commission;

(4) Submit to the Golf Commission, the Board of Education, and the Harbor Management Commission plans for the development and maintenance of recreational areas under the control of the Golf Commission, Board of Education, or the Harbor Management Commission;<sup>302</sup> [§561](#);

(5) Submit to the Parks and Recreation Commission plans for recreation programs in the Town, except programs run by the Board of Education or the Golf Commission;

(6) Implement the plans approved by the Parks and Recreation Commission;

<sup>301</sup> 2022 recodification [and modification](#) of ~~current~~[previous](#) Article IX, §9.11 (2006). Derived from Article IX, §9.11 of the 1997 Charter.

<sup>302</sup> [Comment of the 2022 Charter Revision Commission: Clarification of the scope of responsibilities requested by the Director of Parks and Recreation.](#)

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(7) Coordinate the maintenance of parks and recreation facilities with the Department of Public Works;

(8) Coordinate any recreational activities in Town open space areas with the Conservation Commission;

(9) Perform such other duties as directed by the Parks and Recreation Commission or the First Selectperson; and

(10) Report to the First Selectperson on matters of administration and operation and to the Parks and Recreation Commission on matters of policy.

If the Golf Commission or Harbor Management Commission ceases to exist, reference to that Commission in this section of this Charter shall be inoperative.

## §7.11. Director of Community and Economic Development<sup>303</sup>.

**A. Appointment and supervision.** The Director of Community and Economic Development shall be appointed by the First Selectperson and shall report to the First Selectperson and may be removed by the First Selectperson without cause.

**B. Duties.** The Director of Community and Economic Development shall have such duties as determined by the First Selectperson so as to manage and supervise policies and programs relating to economic development and affordable housing and any federal or state programs associated with such issues.

**C. Liaison to Economic Development Commission and Affordable Housing Committee.** The Director of Community and Economic Development shall serve as a liaison to the Economic Development Commission and the ~~First Selectperson's~~ Affordable Housing Committee.

## §7.12. Director of Human Resources<sup>304</sup>.

**A. Appointment and supervision.** The Director of Human Resources shall be appointed by the First Selectperson and shall report to the First Selectperson.

**B. Duties.** The Director of Human Resources shall have such duties as determined by the First Selectperson so as to manage and supervise policies and programs relating to all Town personnel practices, policies, and functions and all risk management functions associated with such issues.

<sup>303</sup> 2022 recodification [and edit](#) of [current](#)~~previous~~ Article IX, §9.12 (2006).

<sup>304</sup> 2022 recodification [and edit](#) of [current](#)~~previous~~ Article IX, §9.13 (2006).



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## Officers Appointed by the Board of Selectpersons

### §7.13. Internal Auditor or Auditors<sup>305</sup>.

**A. Number.** The Board of Selectpersons shall appoint at least one (1) Internal Auditor and shall determine from time to time the number of Internal Auditors necessary to carry out the duties of the office and shall accordingly increase or decrease the number of Internal Auditors appointed.

**B. Duties.** The Internal Auditor or Auditors shall:

(1) Monitor the Departments, officers, employees, Boards and Commissions of the Town for fiscal policy compliance;

(2) Report on a regular basis to the Fiscal Officer; and

(3) Make reports to the Board of Selectpersons and the Board of Finance semi-annually and at any other times requested by either board.

### §7.14. Assessor<sup>306</sup>.

The Assessor shall be appointed by the Board of Selectpersons and shall have the powers and duties conferred on assessors generally by Chapter 203 of the General Statutes (C.G.S. § 12-40 et seq.), and, on request of the Board of Finance, shall report in writing concerning any matters pertaining to those duties. The Assessor shall have and maintain the certification required by § 12-40a of Chapter 203 of the General Statutes.

### §7.15. Tax Collector<sup>307</sup>.

**A. Appointment and supervision.** The Tax Collector shall be appointed by the Board of Selectpersons and shall act under the direction and control of the Fiscal Officer.

**B. Duties.** The Tax Collector shall have the powers and duties conferred in this Charter, by Ordinance, and on tax collectors generally by Chapter 204 of the General Statutes (C.G.S. § 12-122 et seq.).

<sup>305</sup> 2022 recodification [and edit](#) of [currentprevious](#) Article IX, §9.15 (2006). Derived from Article IX, §9.13 of the 1997 Charter.

<sup>306</sup> 2022 recodification [and edit](#) of [currentprevious](#) Article IX, §9.16 (2006). Modification of Chapter XVII, §6 and §8 of the 1947 and 1956 Acts and Chapter XVII, §6 and §7 of the 1975 Charter; and, Derived from Article IX, §9.14 of the 1997 Charter.

<sup>307</sup> 2022 recodification [and modification](#) of [currentprevious](#) Article IX, §9.17 (2006). Modification of Chapter XVII, §7 and §8 of the 1947 and 1956 Acts and Chapter XVII, §8 of the 1975 Charter; and, Article IX, §9.15 of the 1997 Charter. [Comment of the 2022 Charter Revision Commission: Article IX, §9.17. D entitled "accounting method" was repealed since these issues are government by the General Statutes.](#)



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**C. Delinquency list.** The Tax Collector shall present annually, and at any other time the Board of Finance requires, a list of all amounts remaining unpaid on the rate bill for nine (9) months after becoming due. The list shall contain the name and address of each delinquent taxpayer, the amount of the tax, and, as a separate item, the interest and other charges due.

**D. Special Exemption<sup>[S57]</sup>.** Subject to the continuing approval of the State Commissioner of Revenue Services, any provisions of the General Statutes or of any special act inconsistent with this §7.15 shall not be applicable to the Town or the Tax Collector.

## **§7.16. Tree Warden<sup>308</sup>.**

The Tree Warden shall be appointed by the Board of Selectpersons and shall have a term of two (2) years or as otherwise provided by the General Statutes. The Tree Warden shall have the powers and duties conferred by Ordinance and on tree wardens generally as set forth in the General Statutes<sup>309</sup>.

## **§7.17. Constables<sup>310</sup>.**

**A. Appointment<sup>311</sup>.** There shall be four (4) Constables appointed by the Board of Selectpersons for staggered terms of four (4) years, subject to the transition provision. No more than two (2) shall be from the same political party.

**Transitional Provision.** On or about the first (1<sup>st</sup>) day of December ~~4~~, 2023, the Board of Selectpersons shall appoint two (2) members to a term of four (4) years and two (2) members to a term of two (2) years. On and after December 1~~the first (1<sup>st</sup>) day of December~~, 2025, all Constables shall be appointed to a term of four (4) years.

**B. Powers and duties<sup>312</sup>.** Constables shall have the powers and duties prescribed by the General Statutes for their respective offices.

<sup>308</sup> 2022 ~~modification and~~ recodification and modification of ~~current~~previous Article IX, §9.18 (2006). Derived from Article IX, §9.16 of the 1997 Charter. Comment of the 2022 Charter Revision Commission. At the time of the adoption of this Charter, C.G.S. §23-58 permits a "term of two years." The duties are set forth in C.G.S. §23-59 et seq.).

<sup>309</sup> ~~Comment of the 2022 Charter Revision Commission. At the time of the adoption of this Charter, C.G.S. §23-58 permits a "term of two years." The duties are set forth in C.G.S. §23-59 et seq.).~~

<sup>310</sup> ~~2022 modification and recodification of current Article IX, §9.13 (2006).~~ NEW (2022).

<sup>311</sup> 2022 ~~modification and~~ recodification and substantial modification (elected to appointed status) of ~~current~~previous Article VII, §7.2.A and B (2006)(Establishment and Powers and Duties Clauses). Derived from of Chapter II, §1 of the 1947 and 1956 Acts and the 1975 Charter; and Article VII, §7.2.A of the 1997 Charter. Note: At all times since 1947 there have been 7 constables.

<sup>312</sup> 2022 ~~modification and~~ recodification and edit of ~~current~~previous Article VII, §7.2.B (2006). Derived from Article VII, §7.2.B of the 1997 Charter.

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**C. Vacancies**<sup>313</sup>. Vacancies shall be addressed as set forth in §6.6 ~~of this Charter.~~

## Officers appointed by other bodies.

### §7.18. Director of Health<sup>314</sup>.

**A. Appointment and term.** The Director of Health shall be appointed by the Board of Health with the approval of the First Selectperson and shall serve for a term of four (4) years.

**B. Qualifications**<sup>315</sup>. The Director of Health shall be appointed in accordance with the requirements of the General Statutes and in accordance with the provisions of §6.2.B ~~of this Charter.~~

**C. Powers and duties.** The Director of Health shall have the powers and the duties conferred by this Charter, by Ordinance, ~~and by Regulation or the rules and Regulations~~ of the Board of Health, and on town directors of health generally by Chapter 368e of the General Statutes (C.G.S. §19a-200 et seq.) and state codes and ~~Regulations~~regulations.

**D. Supervision.** The Director of Health shall report to the First Selectperson on matters of administration and operation and to the Board of Health on matters of policy.

### §7.19. Chief of Police<sup>316</sup>.

**A. Appointment.** The Chief of Police shall be appointed by the Police Commission, with the approval of the First Selectperson, from among the three (3) highest scoring candidates who have passed a competitive examination for Chief of Police.

**B. Powers and duties.** The Chief of Police shall:

(1) Be the executive officer of the Police Department;

<sup>313</sup> 2022 recodification and modification~~edit~~ of current~~previous~~ Article VII, §7.2.C (2006). Derived from Article VII, §7.2.C of the 1997 Charter.

<sup>314</sup> 2022 ~~modification and~~ recodification and modification of current~~previous~~ Article IX, §9.20 (2006). Derived from Chapter VIII, §3 of the 1947 and 1956 Acts and 1975 Charter; and, Derived from Article IX, §9.18 of the 1997 Charter. Comment of the 2022 Charter Revision Commission: The Charter repealed the "physician" reference and chooses to rely upon the General Statutes. At the time of adoption of this Charter the qualifications are set forth in Chapter 368e of the General Statutes (C.G.S. §19a-200 et seq.).

<sup>315</sup> ~~Comment of the 2022 Charter Revision Commission: At the time of adoption of this Charter the qualifications are set forth in Chapter 368e of the General Statutes (C.G.S. §19a-200 et seq.).~~

<sup>316</sup> 2022 recodification and edit of current~~previous~~ Article IX, §9.21 (2006). Derived from Article IX, §9.19 of the 1997 Charter.

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(2) Have authority to direct and control the conduct of all members and other employees of the Police Department; and

(3) Keep all records required by Law and by the Police Commission.

**C. Departmental discipline.** Subject to a contrary provision of a collective bargaining agreement, disobedience to the lawful orders of the Chief of Police shall be grounds for disciplinary action by the Police Commission. The Chief of Police shall have the power without consulting the Police Commission to impose fines of not more than two (2) Days' pay or suspension of not more than one (1) week for disobedience to the Chief's lawful orders or for violations of the ~~rules and~~ Regulations and rules of the Police Department<sup>317</sup>. The Chief of Police may recommend to the Police Commission that it take more severe disciplinary action.

**D. Supervision.** The Chief of Police shall report to the First Selectperson on matters of administration and operation and to the Police Commission on matters of policy.

## §7.20. Fire Chief<sup>318</sup>.

**A. Appointment.** The Fire Chief shall be appointed by the Fire Commission, with the approval of the First Selectperson, from the three (3) highest scoring candidates who have passed a competitive examination for Fire Chief.

**B. Powers and duties.** The Fire Chief shall:

(1) Be the executive officer of the Fire Department;

(2) Have authority to direct and control the conduct of all members of the Fire Department; and

(3) Keep the records required by Law and by the Fire Commission.

**C. Departmental discipline.** Subject to a contrary provision of a collective bargaining agreement, disobedience to lawful orders of the Fire Chief shall be grounds for disciplinary action by the Fire Commission. The Fire Chief shall have power without consulting the Fire Commission to impose fines of not more than two (2) Days' pay or suspension for not more than one (1) week for disobedience to lawful orders or for violations of the ~~rules and~~ Regulations and rules of the Fire Department. The Fire Chief may recommend to the Fire Commission that it take more severe disciplinary action.

**D. Supervision.** The Fire Chief shall report to the First Selectperson on matters

<sup>317</sup> Derived from §3 of the 1945 Act; amended by §24 of the 1951 Act.

<sup>318</sup> 2022 recodification and edit of ~~current~~previous Article IX, §9.22 (2006). Derived from Article IX, §9.20 of the 1997 Charter.

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of administration and operation and to the Fire Commission on matters of policy.

## **§7.21. Planning Director<sup>319</sup>.**

**A. Appointment.** The Planning Director shall be appointed by the Town Plan and Zoning Commission with the approval of the First Selectperson.

**B. Duties.** The Planning Director shall have the duties prescribed by the Town Plan and Zoning Commission and the First Selectperson.

**C. Supervision.** The Planning Director shall report to the First Selectperson on matters of administration and operation and to the Town Plan and Zoning Commission on matters of policy.

## **§7.22. Animal Control Officer<sup>320</sup>.**

**A. Appointment and supervision.** The Animal Control Officer shall be appointed by the Police Commission and shall report to the Chief of Police.

**B. Powers and duties.** The Animal Control Officer shall have the powers and duties prescribed by the Police Commission and conferred on animal control officers generally by Chapter 435 of the General Statutes.

## **§7.23. Conservation Director<sup>321</sup>.**

**A. Appointment.** The Conservation Director shall be appointed by the Conservation Commission with the approval of the First Selectperson.

**B. Duties.** The Conservation Director shall have the duties prescribed by the Conservation Commission and the First Selectperson.

**C. Supervision.** The Conservation Director shall report to the ~~First~~ Selectperson on matters of administration and operation and to the Conservation Commission on matters of policy.

## **§7.24. Town Librarian<sup>322</sup>.**

**A. Appointment and qualifications.** The Town Librarian shall be appointed by

<sup>319</sup> 2022 recodification [and edit](#) of [currentprevious](#) Article IX, §9.23 (2006). Derived from Article IX, §9.21 of the 1997 Charter.

<sup>320</sup> 2022 recodification of [currentprevious](#) Article IX, §9.24 (2006). Derived from Article IX, §9.22 of the 1997 Charter.

<sup>321</sup> 2022 recodification [and edit](#) of [currentprevious](#) Article IX, §9.25 (2006). Derived from Article IX, §9.23 of the 1997 Charter.

<sup>322</sup> 2022 recodification of current Article IX, §9.26 (2006).

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the Board of Library Trustees, with the approval of the First Selectperson, and shall have such qualifications as may be required by the Board of Library Trustees.

**B. Duties.** The Town Librarian shall:

(1) Report to and have such duties as are defined by the Board of Library Trustees on matters of policy, and by the First Selectperson on matters of administration.

(2) Manage and supervise policy, programs and personnel relating to all public town libraries.

(3) Have responsibilities as set forth by the Board of Library Trustees pursuant to [Sections §8.1716.C](#).

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## ARTICLE VIII - SPECIFIC APPOINTED BOARDS AND COMMISSIONS, AND DEPARTMENTS

### §8.1. Boards and Commissions<sup>323</sup>.

A. **Permanent Bodies Appointed by the First Selectperson<sup>324</sup>.** The First Selectperson shall appoint the members of the bodies listed in this sub-section and in ~~Section 8.2 of this Charter~~[§8.2](#) in the numbers and for the terms set forth therein: ~~Conservation Commission.~~

#### [Conservation Commission \(§8.2\)](#)

B. **Permanent Bodies Appointed by the Board of Selectpersons<sup>325</sup>~~[§58]~~.** The Board of Selectpersons shall appoint the members of the bodies listed in this sub-section and in ~~Sections §8.3 through §8.14 of this Charter~~[§13](#) in the numbers and for the terms set forth therein:

Police Commission ~~and Dept.~~ [\(§8.3\)](#)

[Fire Commission \(§8.4\)](#)

Police and Fire Retirement Board  [\(§8.5\)](#)

~~Board~~[Department](#) of ~~Health~~/Public ~~Health~~  
~~Dept.~~

~~Board of Building Appeals~~[Works](#)  [\(§8.6\)](#)<sup>326</sup>

~~Water Pollution Control Authority~~[Board of Health](#)  [\(§8.7\)](#)

~~Human Services~~[Parks and Recreation](#)  
Commission ~~and Dept.~~ [\(§8.8\)](#)

~~Fire Commission and Department~~[Board of Building Appeals](#)  [\(§8.9\)](#)

~~Flood Prevention, Climate Resilience~~

~~and Parks and Recreation Commission~~

~~Erosion Control Board~~  [\(§8.10\)](#)

~~Water Pollution, Flood Prevention, Climate Resilience and Erosion Control~~

~~Board~~[Authority](#)  [\(§8.11\)](#)

~~Historic District Commission~~[Human Services](#)  
~~Comm. and Dept.~~  [\(§8.12\)](#)

Golf Commission  [\(§8.13\)](#)

C. **Boards and Commissions Appointed by the Board of Selectpersons and Approved by RTM<sup>327</sup>~~[§59]~~.** The Board of Selectpersons shall appoint the members of the body listed in this sub-section and in ~~Sections §8.14 through §8.15 of this Charter~~ in the numbers and for the terms set forth therein: ~~Ethics Commission.~~

<sup>323</sup> 2022 recodification of ~~current~~[previous](#) Article X, §10.1.A (2006). Derived from Article X, §10.1.A of the 1997 Charter.

<sup>324</sup> 2022 recodification of ~~current~~[appointment authority set forth in previous](#) Article X, §10.2 (2006). Derived from Article X, §10.2 of the 1997 Charter.

<sup>325</sup> 2022 recodification of ~~current~~[appointment authority set forth in previous](#) Article X, §10.4 (2006). Derived from Article X, §10.4 of the 1997 Charter.

<sup>326</sup> **Comment of the 2022 Charter Revision Commission:** [The Department of Public Works is not a Board or Commission. Historically the department has been placed in this Article. Following some thought and consideration the Commission concluded that on the basis of the relationship of DPW to a variety of the Boards and Commissions, it should remain here. The same is true of the Department of Health.](#)

<sup>327</sup> ~~NEW (2022).~~ [2022 recodification of previous Article X, §10.4 \(2006\).](#)

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[Ethics Commission \(§8.14\)](#)

[Historic District Commission](#) <sup>[S60]</sup>  
(§8.15)

**D. Self-Perpetuating Boards and Commissions approved by the Board of Selectpersons**<sup>328</sup> <sup>[S61]</sup>. The Board of Selectpersons shall approve the members of the body listed in this sub-section and in [Sections §8.16 of this Charter](#) in the numbers and for the terms set forth therein: [Board of Library Trustees](#).

[Board of Library Trustees \(§8.16\)](#)

**E. Meetings**<sup>329</sup>.

**(2)E.** All appointed Boards and Commissions except the Ethics Commission and the Board of Building Appeals shall hold at least ten (10) regular stated meetings a year and shall give annual notice of such meetings as required by the General Statutes. The Ethics Commission and the Board of Building Appeals shall meet when they have business to transact. Officers of each Board and Commission shall be elected annually at an organization meeting so noticed by the Town Clerk held in the month of December, with the exception of the Ethics and Golf Commissions, shall be elected annually in the month of April. No person sitting on a Board or Commission at the designation of another Board or Commission may be elected an officer of the Board or Commission to which he or she has been designated.

**F. Vacancies**<sup>330</sup>. Vacancies shall be filled as set forth in [§6.6 of this Charter](#).

**Bodies appointed by the First Selectperson.**

**§8.2. Conservation Commission**<sup>331</sup>.

**A. Members and terms.** The Conservation Commission shall consist of seven (7) members, not more than four (4) of whom shall be registered with the same political party, and three alternate members, not more than two (2) of whom shall be registered with the same political party. Both members and alternate members shall be appointed by the First Selectperson for a term of five (5) years. Members' terms shall be staggered so that no more than two (2) members' terms expire in one (1) year. Alternate members' terms need not be staggered.

**B. Powers and duties (Conservation Functions).**

<sup>328</sup> NEW (2022).

<sup>329</sup> 2022 recodification [and edit](#) of [currentprevious](#) Article X, §10.1.B (2006). Derived from Article X, §10.1.B of the 1997 Charter.

<sup>330</sup> 2022 [revision and](#) recodification [and edit](#) of [currentprevious](#) Article X, §10.1.C (2006). Derived from Article X, §10.1.C of the 1997 Charter.

<sup>331</sup> 2022 recodification [and edit](#) of [currentprevious](#) Article X, §10.3 (2006). Derived from Article X, §10.3 of the 1997 Charter.



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(1) The Conservation Commission shall have all of the powers and duties conferred by this Charter, by Ordinance, and on conservation commissions generally by §7-131a of Chapter 97 of the General Statutes.

(2) In order to carry out its powers, the Conservation Commission shall:

(a) Conserve, develop, supervise, and regulate natural resources, including water resources and open space land in the Town;

(b) Conduct investigations into the use and possible use of land in the Town;

(c) Keep an index of all open areas, publicly or privately owned, for the purpose of obtaining information on the proper use of such areas;

(d) Have the ability to recommend to appropriate agencies plans and programs for the development and use of open areas;

(e) Have the ability, as approved by the RTM, to acquire land and easements in the name of the Town and promulgate [Regulations and rules and regulations](#), including but not limited to the establishment of reasonable charges for the use of land and easements, for any of its purposes; and

(f) Have the ability to coordinate the activities of unofficial bodies organized for similar purposes.

**C. Powers and duties (Inland Wetland Functions).** The Conservation Commission shall have the powers and duties conferred by this Charter, by ordinance, and on inland wetlands and watercourses agencies generally by §§ 22a-42 to 22-44 of Chapter 440 of the General Statutes. In particular, the Commission shall:

(1) Provide for the protection, preservation, maintenance and use of inland wetlands and watercourses, for their conservation, economic, aesthetic, recreational, and other public and private uses and values in order to provide to the citizens of the Town an orderly process to balance the need for the economic growth of the Town and the use of its land with the need to protect the environment and its natural resources;

(2) Adopt, amend and promulgate such Regulations as are necessary to protect and define the inland wetlands and watercourses;

(3) Develop a comprehensive program in furtherance of its purposes;

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(4) Advise, consult and cooperate with other agencies of the Town, State and Federal governments;

(5) Encourage and conduct studies and investigations and disseminate relevant information; and

(6) Inventory and evaluate the inland wetlands and watercourses in such form as it deems best suited to effect its purposes.

**D. Director and other employees or consultants.** The Commission shall appoint a Director with the approval of the First Selectperson. The Commission shall have the power to engage such employees or consultants as it requires to carry out its duties, including a wetlands administrator and assistants who, subject to the general supervision of the Director, shall enforce all Laws, ~~ordinances~~[Ordinances](#) and Regulations relating to matters over which it has jurisdiction and who shall have such other duties as the Commission or the Director may prescribe.

## Permanent bodies appointed by the Board of Selectpersons.

### §8.3. Police Commission and Department<sup>332</sup>.

**A. Members and terms.** The Police Commission shall consist of seven (7) members appointed by the Board of Selectpersons, no more than four (4) of whom shall be registered with the same political party. Each member shall have a term of five (5) years with the terms staggered so that not more than two (2) terms expire in one (1) year.

**B. Powers and duties.** The Police Commission shall have the powers and duties conferred on police ~~commissions~~<sup>[S62]</sup> generally by §7-276 of Chapter 104 of the General Statutes, except as those may be limited by this Charter. In particular, the Police Commission shall:

(1) Have general management supervision of the Police Department of the Town and of all property and equipment used by or in connection with the operation of the Department;

(2) Make ~~rules and~~ Regulations [and rules](#) consistent with the General Statutes and this Charter for the governance of the Police Department and its personnel, and may prescribe penalties for violations of ~~its rules and said~~ Regulations [and rules](#);

(3) Subject to the provisions in this Charter regarding appointment of the Chief of Police, have sole power to appoint and promote to all positions in the Police

<sup>332</sup> 2022 recodification [and edit](#) of ~~current~~[previous](#) Article X, §10.5 (2006). Derived from Chapter XIV of the 1947 Act, based upon §1 of Special Act No. 186 (1945); further amended by §23 of the 1951 Act and affirmed by Chapter XIV of the 1956 Act and the 1975 Charter; and, Article X, §10.5 of the 1997 Charter.

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Department, which appointments and promotions shall be made on the basis of merit;

(4) Determine the qualifications for each rank and grade in the Police Department; and

(5) Within the appropriations made for that purpose determine the number of officers and other employees of the Police Department and of the several ranks and grades and their compensation.

**C. Appointment of Acting Chief.** During the absence or disability of the Chief of Police, the Police Commission may designate a member of the Department as Acting Chief of Police to perform the duties of the Chief of Police.

**D. Appointment of special officers.** Special officers for the protection of specified private property and special traffic duty or for the preservation of peace may be appointed by the Commission under such rules and Regulations as the Commission shall from time to time establish. Such officers shall serve at the pleasure of the Commission and in any event for terms not to exceed one (1) year unless re-appointed.

## §8.4. Fire Commission and Department<sup>333</sup>.

**A. Members and terms.** The Fire Commission shall consist of seven (7) members appointed by the Board of Selectpersons, no more than four (4) of whom shall be members of the same political party. Each member shall have a term of five (5) years with the terms staggered so that no more than two [\(2\)](#) terms expire in one (1) year.

**B. Powers and duties.** The Fire Commission shall have all the powers and duties conferred on fire commissions generally by §7-301 of Chapter 104 of the General Statutes, except as those may be limited by this Charter. In particular, the Fire Commission shall:

(1) Have general management and supervision of the Fire Department of the Town and of all property and equipment used by or in connection with the operation of the Department, including the hydrants used for fire purposes;

(2) Make ~~rules and~~ Regulations [and rules](#) consistent with the General Statutes and this Charter for the governance of the Fire Department and its personnel, and may prescribe penalties for violations of its ~~rules and~~ Regulations [and rules](#);

(3) Subject to the provisions in this Charter regarding appointment of the Fire Chief, have sole power to appoint and promote to all positions in the

<sup>333</sup> 2022 recodification [and edit](#) of ~~current~~[previous](#) Article X, §10.6 (2006). Modification of Chapter XV of the 1947 and 1956 Acts and 1975 Charter. At the time the Commission membership was based upon the fire districts in town. Derived from Article X, §10.6 of the 1997 Charter.

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Department, and all appointments and promotions in the Fire Department shall be made on the basis of merit;

(4) Determine the qualifications for each rank and grade in the Fire Department; and

(5) Within the limits of the appropriations made for that purpose, determine the number of persons employed by the Department and of the several ranks and grades and their compensation.

**C. Appointment of Acting Fire Chief.** During the absence or disability of the Fire Chief, the Commission may designate a member of the Department as Acting Fire Chief to perform the duties of the Fire Chief.

## §8.5. Police and Fire Retirement Board<sup>334</sup>.

**A. Members and terms.** The Police and Fire Retirement Board shall consist of seven (7) members: The First Selectperson (who shall be Chair), the Fiscal Officer, three (3) members appointed by the Board of Selectpersons for a term of three (3) years, and one (1) member to serve for a period of one (1) year, to be elected by the members of the Fire Department and members of the Police Department, respectively. No more than two (2) of three (3) members appointed by the Board of Selectpersons shall be registered with one (1) political party and their terms shall be staggered so that not more than two (2) terms expire in one (1) year.

**B. Powers and duties.** The Police and Fire Retirement Board shall be the trustees of the retirement fund created under the existing police and fire retirement system for regular firefighters and police officers employed by the Town and shall have full control and management of the fund, with the power to invest and reinvest the same in accordance with the General Statutes respecting the investment of trust funds. The Police and Fire Retirement Board shall be responsible for assuring that the administration of the Police and Retirement plan is in strict accordance with the plan documents.

**C. Annual report.** On or before the first (1<sup>st</sup>) day of January ~~4~~ of each year, the Police and Fire Retirement Board shall file an annual report with the Board of Selectpersons showing the financial condition of the police and fire retirement system as of the end of the last- completed fiscal year, including an actuarial evaluation of assets and liabilities, and setting forth such other facts, recommendations and data as may be of value to the members of the police and fire retirement system of the Town.

**D. Changes in retirement system.** Before any change in the police and fire retirement system negotiated under the General Statutes is submitted for consideration to the Board of Finance, and for action to the RTM, the ~~First~~ Selectperson shall secure a

<sup>334</sup> 2022 recodification and edit of ~~current~~previous Article X, §10.7 (2006). Derived from Chapter XXI of the 1975 Charter and Article X, §10.7 of the 1997 Charter.

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written actuarial evaluation and report of such change.

## **§8.6. Department of Public Works<sup>335</sup>.**

The Department of Public Works shall have all of the administrative powers and duties vested in the Town by this Charter or by the General Statutes with respect to the following functions of the Town:

**A.** The construction, reconstruction, care, maintenance, operation, altering, paving, repairing, draining, cleaning, snow clearance, lighting, and inspection of all Town ~~streets~~, highways, bridges, sidewalks, curbs, street signs, guide posts, dams, incinerators, dumps, water supply, sewerage systems, and other public improvements of all buildings and equipment owned or used by the Town, except school buildings and equipment, police and fire equipment, and buildings and equipment under the control of the Board of Library Trustees;

**B.** The removal of encroachments and, together with the Tree Warden, the planting, preservation, care and removal of trees, shrubs and other vegetation within highways, or public places, or on Town property;

**C.** The maintenance, care and improvement of, and construction work required in connection with, public cemeteries, parks, playgrounds, beaches, marina facilities, and recreational areas of the Town, as requested by the Selectpersons, the Parks and Recreation Commission, the Conservation Commission, the Board of Education, or other bodies as may be designated by Ordinance.

**D.** The custody of all maps of the Town not otherwise entrusted to any other Department or Town Official; and

**E.** The maintenance of maps or other records showing highways, building or veranda lines, street profiles, and plans and profiles of storm and sanitary sewers.

## **§8.7. Board of Health and Public Health Department<sup>336</sup>.**

**A. Members and terms of the Board of Health<sup>337</sup>.** The Board of Health shall consist of seven (7) members, five (5) of them appointed by the Board of Selectpersons for four (4) year terms, one (1) designated by the Board of Education from its members, and one (1) designated by the Human Services Commission from its members. At least one (1) of the members so appointed shall be a physician. At least two (2) additional members shall be licensed health care professionals. Not more than three (3) of the members appointed

<sup>335</sup> 2022 recodification [and minor modification](#) of ~~current~~[previous](#) Article X, §10.8 (2006). Derived from Article X, §8 of the 1997 Charter.

<sup>336</sup> 2022 recodification [and edit](#) of ~~current~~[previous](#) Article X, §10.9 (2006). Derived from Article X, §10.9 of the 1997 Charter.

<sup>337</sup> Derived from Chapter VIII, §1 of the 1947 Act; as further amended by §10 of the 1951 Act and reaffirmed by Chapter VIII, §1 of the 1956 Act and the 1975 Charter.

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by the Board of Selectpersons shall be registered with the same political party and their terms shall be staggered so that no more than two (2) terms expire in one (1) year. The members designated by the Board of Education and by the Human Services Commission shall not serve beyond their tenure on the appointing bodies.

**B. Organization.** The Board of Health shall be the general policy-making body for the Public Health Department and shall make all necessary [Regulations and rules](#) ~~and regulations~~ for its administration.

**C. Personnel**<sup>338</sup>. The Public Health Department shall consist of a Director of Health and such sanitarians, nurses, dental hygienists, secretaries, clerks and other personnel as may be necessary to operate the Department, including such physicians as may be temporarily engaged from time to time.

**D. Powers and duties.**

(1) The Board of Health may make and amend such reasonable rules for the promotion and preservation of the public health, health services in public schools, and sanitation as required, provided the same shall not be inconsistent with the General Statutes, the state public health code, other state departmental regulations, or the [ordinances](#) ~~Ordinances~~ and public health code of the Town.

(2) The Board of Health shall advise the Director of Health in all matters relating to public health, and health services in the schools of the Town, and shall appoint the school and Well Child Clinic medical advisors.

## §8.8. Parks and Recreation Commission<sup>339</sup>.

**A. Members and terms.**

(1) The Parks and Recreation Commission shall consist of nine (9) voting members, eight (8) of whom shall be appointed by the Board of Selectpersons and one (1) of whom shall be a member of the Board of Education designated by the Board of Education to serve on the Parks and Recreation Commission. Notwithstanding §6.3 ~~of this Charter~~, no more than five (5) of the members appointed by the Board of Selectpersons shall belong to the same political party. The Director of Parks and Recreation and the Director of Public Works shall serve on the Parks and Recreation Commission ex officio without vote.

(2) The term of office of the members appointed by the Board of

<sup>338</sup> Derived from Chapter VIII, §2 of the 1947 Act and the 1956 Act.

<sup>339</sup> 2022 recodification [and edit](#) of [current](#) ~~previous~~ Article X, §10.10 (2006). Derived from Chapter XIII of the 1947 and 1956 Acts and the Charter of 1975. At the time the Commission consisted of five members; as further amended by §17 of the 1951 Act. A Board of Recreation existed under Chapter XVI of the 1947 Act and 1975 Charter; §1 was amended and §4 was repealed by §§18 and 19 of the 1951 Act. Chapter XVI, §2 remained in effect under the 1956 Act. Derived from Article X, §10.10 of the 1997 Charter.



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Selectpersons shall be five (5) years with terms staggered so that no more than two (2) members are appointed in any one [\(1\)](#) year.

**B. Powers and duties.** The Parks and Recreation Commission shall be the policy-making body for the Parks and Recreation Department, shall together with the First Selectperson supervise the Director of Parks and Recreation, and shall assist in establishing requirements and qualifications for personnel needed for the Department.

**C. Department.** The Parks and Recreation Department shall consist of a Director of Parks and Recreation and such other personnel as may be necessary to operate the Department.

## §8.9. Board of Building Appeals<sup>340</sup>.

**A. Members and terms.** The Board of Building Appeals shall consist of five (5) members appointed by the Board of Selectpersons, no more than three (3) of whom shall be registered with the same political party. The members shall have terms of five (5) years, which shall be staggered so that no more than one (1) term expires in one (1) year.

**B. Qualifications.** The members shall have the qualifications set forth in the State Building Code.

**C. Powers and duties.** The Board of Building Appeals shall have the powers and duties conferred on boards of building appeals generally by § 29-266 of Chapter 541 of the General Statutes, including hearing appeals from the decisions of the Building Inspector.

## §8.10. Flood Prevention, Climate Resilience and Erosion Control Board<sup>341</sup>.

**A. Members and terms.** The Flood Prevention, Climate Resilience and Erosion Control Board shall consist of five (5) members appointed by the Board of Selectpersons, no more than three (3) of whom shall be registered with the same political party. The members shall have terms of five (5) years, which shall be staggered so that not more than one (1) term expires in one (1) year. The Director of Public Works, or a designee appointed by the Director, shall be a non-voting ex officio member of the Board.

**B. Powers and duties.** Said Board shall have the powers and duties conferred on flood and erosion control boards generally by §25-84 through 25-94 of Chapter 477 of

<sup>340</sup> 2022 recodification [and edit](#) of ~~current~~[previous](#) Article X, §10.11 (2006). See, §2 of Chapter X of the 1947 Act ("Board of Building Commissioners"); further amended by §11 of the 1951 Act and reaffirmed by Chapter X of the 1956 Act and the 1975 Charter; and, Article X, §10.11 of the 1997 Charter.

<sup>341</sup> 2022 ~~modification and~~ recodification [and modification \(Name of ~~current~~Board, DPW Director membership and creation of Alternate members\) of previous](#) Article X, §10.12 (2006). Derived from Article X, §10.12 of the 1997 Charter. Comment of the 2022 Charter Revision Commission: The change in title corresponds to the legislative changes made in P.A. 21-115.

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the General Statutes, as amended.

**C. Alternate Members<sup>342</sup>.** There shall be three (3) alternate members of the Board, no more than two (2) of whom shall be registered with the same political party. Alternate members shall have terms of three (3) years, which shall be staggered so that not more than one (1) term expires in one year. Such alternate members shall, when seated as herein provided, have all the powers and duties set forth for such board and its members. If a regular member is absent or is disqualified, the chairman of the board shall designate an alternate to so act, choosing alternates in rotation so that they shall act as nearly equal a number of times as possible. If any alternate is not available in accordance with such rotation, such fact shall be recorded in the minutes of the meeting”

**Transitional Provision.** On or about the fourth (4<sup>th</sup>) Monday of November 2022, the Board of Selectpersons shall appoint an alternate to a term of three (3) years; an alternate to a term of two (2) years; and, an alternate to a term of one (1) year. On and after the fourth (4<sup>th</sup>) Monday of November 2023, as their terms expire, alternates shall be appointed to a term of three (3) years.

## §8.11. Water Pollution Control Authority<sup>343</sup>.

**A. Members and terms.** The Water Pollution Control Authority shall consist of seven (7) members, one (1) of whom shall be a member of the Board of Selectpersons, and six (6) of whom shall be appointed by the Board of Selectpersons. No more than four (4) of the members appointed by the Board of Selectpersons shall be registered with the same political party. The members appointed by the Board of Selectpersons shall have terms of four (4) years, which shall be staggered so that not more than two (2) terms expire in one (1) year. The Fiscal Officer shall be a member ex officio, without vote.

**B. Organization and personnel.** For purposes of this Charter, the Water Pollution Control Authority shall be deemed a commission except where any provision of this Charter of general application to commissions conflicts with a provision of the General Statutes concerning water pollution control authorities. The Water Pollution Control Authority may establish rules and adopt bylaws for the transaction of its business. The clerk of the Water Pollution Control Authority shall keep a record of its proceedings and shall be custodian of all books, papers and other documents of the Water Pollution Control Authority. The Water Pollution Control Authority may employ such personnel as may be required for the performance of its duties and may fix their compensation.

**C. Powers and duties.** The Water Pollution Control Authority shall have the power to:

- (1) Operate, maintain and manage, and through the Department of Public Works, plan, lay out, acquire, construct, reconstruct, equip, repair, maintain,

<sup>342</sup> In lieu of previous Article 10.12.C entitled “Temporary Members.”

<sup>343</sup> 2022 ~~modification and~~ recodification ~~and modification~~ of ~~current~~previous Article X, §10.13 (2006). Derived from Article X, §10.13 of the 1997 Charter.



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supervise and manage and, through the Department of Public Works, operate a sewerage system;

(2) Acquire, by purchase, condemnation or otherwise, any real property or interest in real property which it shall determine to be necessary for use in connection with such sewerage system;

(3) Apportion and assess the whole or any part of the cost of acquiring, constructing or reconstructing any sewerage system or portion thereof upon the lands and buildings in the Town which, in its judgment, shall be especially benefited by the system (whether they abut on such system or not), and upon the owners of such lands and buildings and fix the time when such assessments shall be due and payable and provide that they may be paid in such number of substantially equal annual installments, not exceeding thirty (30), as it shall determine;

(4) Establish and from time to time revise just and equitable charges or rates for connection with and use of the sewerage system;

(5) Order any owner or occupant of any real estate to which the sewerage system is available to connect the drainage and sewerage thereof with the system and to disconnect, fill up and destroy any cesspool, privy vault, drain or other arrangement on such real estate for the reception of such drainage or sewerage; and

(6) Generally, to have and possess all of the powers and duties conferred upon water pollution control authorities by the General Statutes.

## §8.12. ~~Historic District Commission~~<sup>344</sup>.

~~A. **Membors and terms.** The Historic District Commission shall consist of five (5) members, no more than three (3) of whom shall be registered with the same political party, and three (3) alternate members, no more than two (2) of whom shall be registered with the same political party. Both members and alternate members shall be appointed by the Board of Selectpersons, with the advice and consent of the RTM. Terms of membership shall be for five (5) years and shall be staggered so that no more than one (1) member's term and one (1) alternate member's term expires in each year.~~

~~A. **Powers and duties.** The Historic District Commission shall have the powers and duties conferred upon historic district commissions and historic properties commissions generally by Chapter 97a of the General Statutes (C.G.S. §7-147a et seq.).~~

<sup>344</sup> 2022 recodification of current Article X, §10.14 (2006). Derived from Article X, §10.14 of the 1997 Charter.

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## **§8.13. Human Services Commission and Department<sup>345</sup>.**

**A. Members and terms.** The Human Services Commission shall consist of nine (9) members appointed by the Board of Selectpersons, not more than five (5) members of whom shall be registered with the same political party. Members shall have terms of four (4) years which shall be staggered so that no more than four (4) terms expire in one (1) year. The Human Services Commission shall represent those social services matters in accordance with the authority set forth under the General Statutes or otherwise by Law, including matters which relate to the aging, people with disabilities, veterans, youth and underserved populations; unless other committee, task force or Board or Commission has been authorized to specifically address any particular social service matter. The Commission may form its own committees with additional persons to assist and advise the Human Services Commission in matters which concern the conditions and needs of aging and of people with disabilities.

**B. Powers and duties.** The Human Services Commission shall be the policy-making body for the Department of Human Services.

### **C. Department of Human Services.**

**(1) Powers and duties.** The Department of Human Services, together with the Board of Selectpersons, shall have all the powers and duties relating to social services granted to and imposed upon towns by the General Statutes. The Department of Human Services shall act on behalf of the Town in all social service matters in conjunction with State and Federal agencies. Social service matters involving community health issues shall be coordinated with the Public Health Department.

**(2) Acceptance and use of private donations.** The Department of Human Services shall have the power to accept on behalf of the Town donations of any kind to be used generally or specifically for its purposes and to carry out any specific wishes of a donor. The power to accept donations shall not be construed to eliminate the authority any other Town Official or the RTM may have to review specific donations. All donated monies shall be delivered to the Town Treasurer to be maintained in a special account subject to the order of the Department of Human Services, in accordance with the terms of the gift in each instance.

## **§8.1413. Golf Commission<sup>346</sup>.**

**A. Members and terms.** The Golf Commission shall consist of seven (7) members appointed by the Board of Selectpersons, no more than four (4) of whom shall

<sup>345</sup> 2022 recodification [and modification \(updated member qualifications and description of ~~current~~commission mission\) of previous](#) Article X, §10.16 (2006). Derived from Article X, §10.16 of the 1997 Charter.

<sup>346</sup> 2022 recodification [and edit](#) of [currentprevious](#) Article X, §10.18 (2006). Derived from Article X, §10.18 of the 1997 Charter.

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be registered with same political party. Each member shall have a term of five (5) years, commencing April 4 on the first (1<sup>st</sup>) day of April in the year of appointment, with the terms staggered so that no more than two (2) terms expire in the same year. No member shall be eligible for reappointment to the Golf Commission for a period of five (5) years after the end of his or her term.

**B. Powers and duties.** The Golf Commission shall be the policy-making body for the Par 3 Golf Course and the H. Smith Richardson Golf Course. It shall have the following powers, subject to appropriation:

(1) To make, amend and repeal Regulations, bylaws, and rules ~~and regulations~~ relative to play, hours of operation, fees, charges, and all other decisions necessary for the successful operation of those courses;

(2) To fix and revise from time to time and to charge and collect fees, rents and other charges for the use of any golf course facilities on behalf of the Town in an amount sufficient to maintain operating and maintenance expenses.

## Appointed by Board of Selectpersons and Approved by RTM

### ~~§8.15~~§14. Ethics Commission<sup>347</sup>.

#### **A. Members and terms.**

(1) The Ethics Commission shall consist of five (5) members, appointed by unanimous vote of the Board of Selectpersons and confirmed by a Majority Vote of the RTM. No more than three (3) members shall be registered with the same political party.

(2) Notice of appointment shall be served by the Board of Selectpersons upon the Moderator of the RTM and the Town Clerk. A vote for approval or rejection of each person appointed shall be taken at an RTM meeting held more than ten (10) Days after service of the notice on the Town Clerk. Failure to vote within sixty (60) Days of the service on the Town Clerk shall be deemed to be approval and confirmation by the RTM. If any appointment is rejected by the RTM, the Board of Selectpersons shall within twenty-one (21) Days after the rejection notify the RTM Moderator and Town Clerk of further appointments to replace the rejected appointments. The RTM shall then vote on the new appointments. These too shall be deemed approved and confirmed if not voted upon within sixty (60) Days of the notice.

(3) The terms shall commence on the first (1<sup>st</sup>) day April 4 in the year of appointment. Terms of members shall be two (2) years and shall be staggered so

<sup>347</sup> 2022 recodification and modification (change of date for commencement of term) of current Article X, §10.15 (2006). Derived from Article X, §10.15 of the 1997 Charter.

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that no more than three (3) terms expire in one (1) year. No member may serve more than the shorter of two (2) terms or one (1) term plus a partial term created by filling a vacancy for an unexpired term.

**Transitional Provision.** On or about the first (1<sup>st</sup>) day of July-4, 2024, the Board of Selectpersons shall appoint two (2) members to a term ending on the thirtieth (30<sup>th</sup>) day of March-30, 2025; said vacancy shall be filled on the first (1<sup>st</sup>) day of April-4, 2025 for a term of two (2) years. On or about the first (1<sup>st</sup>) day of July-4, 2023, the Board of Selectpersons shall appoint three (3) members to a term ending on the thirtieth (30<sup>th</sup>) day of March-30, 2024; said vacancy shall be filled on the first (1<sup>st</sup>) day of April-4, 2024 for a term of two (2) years.

## **B. Powers and duties.** The Ethics Commission shall:

(1) Receive complaints alleging violations of the Standards of Conduct or any ordinance establishing a Code of Ethics for Town Officials and employees;

(2) Upon sworn complaint or upon the vote of three (3) members, investigate the actions and conduct of Town Officials, members of the RTM, and employees of the Town to determine whether there is probable cause that a violation has occurred of the Standards of Conduct or Code of Ethics;

(3) On its own motion issue general opinions and interpretations of the Standards of Conduct or the Code of Ethics;

(4) Upon the request of a principal officer of a Department, or any member of a Town Board or Commission, or any member of the RTM render an advisory opinion with respect to any specific relevant situation under the Standards of Conduct or Code of Ethics;

(5) Consider written requests for advisory opinions referred by a department head with respect to any problem submitted to the department head in writing by an employee in the Department (whose name need not be disclosed to the Ethics Commission) concerning that employee's duties in relationship to the Standards of Conduct or Code of Ethics where the department head elects not to decide the issue within the Department;

(6) Adopt such regulationsRegulations, as permitted by Law, and rules or procedures as it deems advisable to assure procedures for the orderly and prompt performance of the Commission's duties;

(7) Upon a finding of probable cause initiate hearings to determine whether there has been a violation of the Standards of Conduct or Code of Ethics;

(8) Have the power to retain its own counsel, administer oaths, issue

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subpoenas and subpoenas *duces tecum* (enforceable upon application to the Superior Court) to compel the attendance of persons at hearings and the production of books, documents, records, and papers; and

(9) Upon finding of a violation of the Standards of Conduct or Code of Ethics, at its discretion, recommend appropriate disciplinary action to the Board of Selectpersons or appropriate Appointed Town Officers, including department heads.

## C. Procedure.

### (1) On complaints.

(a) In any investigation to determine probable cause the Ethics Commission shall honor all requests for confidentiality, consistent with the requirements of State Law. Unless a finding of probable cause is made or the individual against whom a complaint is filed requests it, complaints alleging a violation of the Standards of Conduct or Code of Ethics shall not be disclosed by the Ethics Commission.

(b) Any person accused of a violation shall have the right to appear and be heard by the Ethics Commission and to offer any information which may tend to show there is no probable cause to believe the person has violated any provision of the Standards of Conduct or the Code of Ethics.

(c) The Ethics Commission shall, not later than ten (10) Days after the termination of its probable cause investigation, notify the complaining person and the person against whom the complaint was made that the investigation has been terminated and the results.

(d) At hearings after a finding of probable cause, the Ethics Commission shall afford the person accused the protection of due process consistent with that established for state agencies under the "Connecticut Uniform Administrative Procedures Act," including but not limited to the right to be represented by counsel, the right to call and examine witnesses, the right to the production of evidence by subpoena, the right to introduce exhibits, and the right to cross-examine opposing witnesses.

(e) In the absence of extraordinary circumstances, the hearing shall be held within ninety (90) Days of the initiation of the investigation. The Ethics Commission shall, not later than thirty (30) Days after the close of the hearing, publish its findings together with a memorandum of its reasons. Any recommendation for disciplinary action shall be contained in the findings.

(f) An individual directly involved or directly affected by the action taken as a result of the Ethics Commission's findings or recommendation may seek judicial review of such action and of the Ethics Commission's findings

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or recommendation unless the action taken was a referral of the matter to proper authorities for criminal prosecution.

(2) **On requests for advisory opinions.** Within forty-five (45) Days from the receipt of a request for an advisory opinion, the Ethics Commission shall either render the opinion or advise as to when the opinion shall be rendered.

**D. Quorum.** A quorum for the Ethics Commission shall be not less than four (4) members in attendance. All members who attended all hearings on the matter, and all members who certify that they have read or heard the entire transcript of the hearing they did not attend, shall be eligible to vote on the proposed Ethics Commission action. The Ethics Commission shall find no person in violation of any provision of the Standards of Conduct or Code of Ethics except upon the concurring vote of three-fourths (3/4<sup>ths</sup>) of those members voting.

## §8.15. Historic District Commission<sup>348</sup>~~[S63]~~.

**A. Members and terms.** The Historic District Commission shall consist of five (5) members, no more than three (3) of whom shall be registered with the same political party, and three (3) alternate members, no more than two (2) of whom shall be registered with the same political party. Both members and alternate members shall be appointed by the Board of Selectpersons, with the advice and consent of the RTM. Terms of membership shall be for five (5) years and shall be staggered so that no more than one (1) member's term and one (1) alternate member's term expires in each year.

**B. Powers and duties.** The Historic District Commission shall have the powers and duties conferred upon historic district commissions and historic properties commissions generally by Chapter 97a of the General Statutes (C.G.S. §7-147a et seq.).

## Self-Perpetuating Board Approved by Board of Selectpersons

## §8.16. Board of Library Trustees<sup>349</sup>.

**A. Members and terms.** ~~[S64]~~. Commencing on the first (1<sup>st</sup>) day of July~~4~~, 2028, the Board of Library Trustees shall consist of the Chief Fiscal Officer, ex officio without vote, and six (6) trustees appointed by the Board of Library Trustees, with the approval of the Board of Selectpersons, to terms of three (3) years staggered as follows:

(1) Two (2) members to a term of three (3) years commencing on the first (1<sup>st</sup>) day of July 2026 through the thirtieth (30<sup>th</sup>) day of June~~30~~, 2029; and, thereafter

<sup>348</sup> 2022 recodification and edit of previous Article X, §10.14 (2006). Derived from Article X, §10.14 of the 1997 Charter.

<sup>349</sup> 2022 recodification and modification (change of current term length and functions) of previous Article X, §10.17 (2006). Derived from §1 of the 1949 Act and, further amended by §22 of the 1951 Act; and; Chapter XXV of the 1956 Special Act; Chapter XXII of the 1975 Charter; and, Article X, §10.17 of the 1997 Charter.



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as the term may fall;

(2) Two (2) members to a term of three (3) years commencing on the first (1<sup>st</sup>) day of July 2027 through thirtieth (30<sup>th</sup>) day of June-30, 2030; and, thereafter as the term may fall; and

(3) Two (2) members<sup>350</sup> to a term of three (3) years commencing on the first (1<sup>st</sup>) day of July 2028 through thirtieth (30<sup>th</sup>) day of June-30, 2031; and, thereafter as the term may fall.

**Transitional Provision.** In the interim, the Board of Library Trustees shall appoint, subject to the approval of the Board of Selectpersons:

(1) On or about the first (1<sup>st</sup>) day of July-4, 2023<sup>351</sup>, one (1) member shall be appointed to a term of three (3) years, ending on the thirtieth (30<sup>th</sup>) day of June-30, 2026;

(2) On or about the first (1<sup>st</sup>) day of July-4, 2024<sup>352</sup>, one (1) member shall be appointed to a term of two (2) years, ending on the thirtieth (30<sup>th</sup>) day of June-30, 2026;

(3) On or about the first (1<sup>st</sup>) day of July-4, 2025<sup>353</sup>, one (1) member shall be appointed to a term of two (2) years, ending on the thirtieth (30<sup>th</sup>) day of June-30, 2027;

(4) On or about the first (1<sup>st</sup>) day of July-4, 2026<sup>354</sup>, one (1) member shall be appointed to a term of one (1) year, ending on the thirtieth (30<sup>th</sup>) day of June-30, 2027; and

(5) On or about the first (1<sup>st</sup>) day of July-4, 2027<sup>355</sup>, one (1) member shall be appointed to a term of one (1) ending on the thirtieth (30<sup>th</sup>) day of June-30, 2028.

**B. Vacancy and reappointment limitation.** Any vacancy in the Board of Library Trustees, from any cause other than the expiration of a term, shall be filled for the remainder of the term by appointment by the remaining trustees, with the approval of the Board of Selectpersons<sup>[S65]</sup>.

**C. Powers and duties.** The Board of Library Trustees shall:

<sup>350</sup> A member is currently serving a term of 7/1/22-6/30/28.

<sup>351</sup> A member is currently serving a term of 7/1/17-6/30/23.

<sup>352</sup> A member is currently serving a term of 7/1/18-6/30/24.

<sup>353</sup> A member is currently serving a term of 7/1/19-6/30/25.

<sup>354</sup> A member is currently serving a term of 7/1/20-6/30/26.

<sup>355</sup> A member is currently serving a term of 7/1/21-6/30/27.

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- (1) Manage, control, maintain, and operate all property of the Town devoted to library purposes, except such property as may be under the jurisdiction of the Board of Education;
- (2) Identify and adopt written policies to govern the operation and programs of the Library;
- (3) Seek adequate funds to carry out Library operations and monitor the use of those funds to provide Library services;
- (4) Turn over money which may be collected from revenue generating services to the Town Treasurer;
- (5) Subject to appropriation appoint a Town Librarian with the approval of the First Selectperson and ~~maintain~~ a regular performance appraisal process; and,
- (6) Ensure that the Library has a strategic plan with implementation and evaluation components.

## D. Acceptance and use of private donations.

(1) **Acceptance and use.** Subject to the provisions contained in this Charter and in the General Statutes, the Board of Library Trustees may accept any gift of property of any character upon any terms and conditions which the donor may prescribe and which may be acceptable to the Board of Library Trustees, provided no gift which imposes upon the Town an obligation to incur any expense in order to keep, use or maintain the gift may be accepted by the Board of Library Trustees unless it is approved by the RTM. The Board of Library Trustees may establish one ~~(1)~~ or more library funds with any of such property and shall have the exclusive control and management of, may hold title to, and may manage and invest and reinvest, the property in accordance with the ~~Laws~~laws of the State governing the investment of trust funds.

(2) **Management of funds**Funds. Subject to the terms and conditions upon which any of such property or funds shall be held, the Board of Library Trustees ~~is permitted to use~~shall transfer the gross income ~~for capital improvements at least quarterly~~ to the ~~library~~Chief Fiscal Officer. Such transfers shall be placed in a separate, non-lapsing account to be expended on non-recurring capital improvement projects or for such special purposes as may be required to comply with the terms and conditions of any gift ~~or by state standards. The principal within the funds is not to be used for operational budgeting purposes and is governed and managed solely. Such projects shall be approved by the Board of Trustees. The use of any principal within the funds is to be used only for capital investment improvements (outside of annual operating budgets) and thus voted on by the Library Trustees, Board of Trustees. Subject to appropriation~~Selectpersons, and by



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the Board of Finance. To the extent permitted by the terms and conditions upon which any of the property or funds may have been received, the Board of Library Trustees may ~~employ such agents, experts, and~~ transfer to the Chief Fiscal Officer the whole or any part of the principal of any library fund.

## (3) Defined Terms Applicable to this Provision.

(a) “Non-recurring Capital Improvement Project” means a capital project or purchase that is designated as an extraordinary or one-time expense which the Board of Library Trustees does not expect to continue on a regular basis.

~~(2)~~(b) “Gross Income” means realized income such as dividends and interest that is generated by bonds, money market accounts, savings accounts or other personnel as it may deem advisable in connection with the administration and management of any of such property or funds similar investment vehicles. Gross income does not include any appreciation in market value of invested assets.

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## ARTICLE IX - BUDGET PROCEDURE AND RELATED MATTERS

### §9.1. The Budget Process<sup>356</sup>.

**A. Cooperation of Town Officials and Employees<sup>357</sup><sub>[S66]</sub>.** The First Selectperson, Board of Selectpersons, Board of Finance, the Board of Education and RTM are required to work together, in good faith, throughout the year in order to develop and approve a Town budget. The budget shall include a delineation of all expected revenues and expenditures and, for the purposes of ~~short- and long-term~~ financial planning, detailed estimates of revenues, ~~capital expenses~~ and ~~operating~~ expenses all as required by this Charter and any Ordinances pertaining thereto. Each of these officials and employees of the Town are required to utilize best practices in the field of municipal and public finance, in order to comply with Law and with the generally accepted accounting principles (or such successor policies thereto) and shall embrace principles of accountability, transparency and outreach in order to expand public participation, engagement and trust in the budgetary process of the Town. These principles shall apply to the responsibilities of the First Selectperson to prepare capital projects and a five-year capital plan, as set forth in §4.3.B(4) and (5)<sub>[S67]</sub>.

**B. Fiscal year<sup>358</sup>.** The fiscal year of the Town shall commence on first (1<sup>st</sup>) day of July 4 and conclude on the thirtieth (30<sup>th</sup>) day of June ~~30~~ unless otherwise set forth in the General Statutes.

**C. Budget a public record: Public Inspection<sup>359</sup>.** The ~~entire budget, comprised of the~~ general fund budget ~~and capital budget~~, shall be a public record in the office of the Town Clerk and shall be open to public inspection at other designated public facilities including libraries and schools, as may be determined by the First Selectperson, Board of Selectpersons, Board of Education or the RTM. Moreover, the First Selectperson shall provide access on-line through social media, the Town web-site and dashboards and email chains to community organizations and members of the public who request such information.

**D. Public Engagement<sup>360</sup>.** The First Selectperson, Board of Selectpersons, Board of Finance, Board of Education and RTM shall develop procedures designed to encourage public participation in the budget process.

**E. Budget Calendar<sup>361</sup><sub>[S68]</sub>.** Not later than the second (2<sup>nd</sup>) Meeting of the Board of Selectpersons, in January of each year, the Chief Fiscal Officer shall, in accordance with §9.1.A ~~of this Charter~~, following consultation with the First Selectperson, the Chair of the Board of Finance and Moderator of the RTM, cause to be published a

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<sup>356</sup> NEW (2022).

<sup>357</sup> NEW (2022).

<sup>358</sup> NEW (2022).

<sup>359</sup> NEW (2022).

<sup>360</sup> NEW (2022).

<sup>361</sup> NEW (2022).

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budget calendar in order to inform the public of the significant requirements of the budget process, including but not limited to:

- (1) Submission of Budget Estimates by Submitting Parties, as set forth in §9.3.A ~~of this Charter~~;
- (2) Date(s) of the Joint Review of the First Selectperson's Initial Recommendations by the Board of Selectperson, Board of Finance and RTM, as set forth in §9.3.B ~~of this Charter~~;
- (3) Recommendation of the Proposed Executive Budget to the Board of Finance, as set forth in §9.4.A ~~of this Charter~~;
- (4) Date of the Public Hearing of the Board of Finance as set forth in §9.5.B ~~of this Charter~~;
- (5) Date of Adoption of the Proposed Town Budget as set forth in §9.5.C ~~of this Charter~~;
- (6) Date of the Annual Budget Meeting and Final RTM Action on the Approved Annual Town Budget, as set forth in §§9.2 and 9.6.B of this Chapter;
- (7) Proposed date of Board of Finance, as shall be set by the Board of Finance, determination of property tax rate as set forth in §§9.5.E and 9.7 ~~of this Charter.~~

## §9.2. Date of annual budget meeting<sup>362</sup>.

The RTM shall hold the annual budget meeting on the second (2<sup>nd</sup>) Monday in May of each year ("RTM Annual Budget Meeting").

## §9.3. Annual Budget Estimates.

**A. Submission of General Fund ~~and Capital~~ Budget Estimates to the First Selectperson<sup>363</sup><sub>[S69]</sub>.** All Town Officials and Departments of the Town, including the Board of Education ("Submitting Parties"), shall submit to the First Selectperson<sup>364</sup>:

- (1) such items and details of their respective general fund ~~and capital~~

<sup>362</sup> 2022 ~~modification and~~ recodification ~~and edit~~ of ~~current~~previous Article XII, §12.1 (2006). Derived from Article XII, §12.1 of the 1997 Charter; and, Chapter III, §6 (second sentence) and Chapter XVII, §4 of the 1947 and 1956 Acts and 1975 Charter.

<sup>363</sup> 2022 ~~modification and~~ recodification ~~and edit~~ of ~~current~~previous Article XII, §12.2,A (2006)(First sentence). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>364</sup> ~~2022 modification and recodification of current Article XII, §12.2,A (2006)(First sentence). Derived from Article XII, §12.2 of the 1997 Charter.~~

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budgets for the next fiscal year<sup>365</sup>; and,

(2) any additional information which they possess (including, but not limited to, records, books, accounts, Contracts, reports and other papers and documents as specified by the First Selectperson ("Budget Estimates") all of which, in the judgment of the First Selectperson, are necessary to discharge the duties imposed upon the First Selectperson by this Charter<sup>366</sup>[S701].

Said Budget Estimates shall be submitted on or prior to a date designated by the First Selectperson, which date shall be early enough for the First Selectperson to review, revise, compile and transmit recommendations to the Board of Selectpersons, Board of Finance and RTM for purposes of Joint Budget Meetings with said Submitting Parties ("First Selectperson's Budget Recommendation" or "Budget Recommendation")<sup>367</sup>.

## **B. Presentation before Joint Meetings of the Board of Selectpersons, Board of Finance and RTM<sup>368</sup>.**

(1) **First Selectperson's Budget Recommendation.** Not later than ~~second~~ ~~(2<sup>nd</sup>~~ the first (1<sup>st</sup>) Monday in March, the First Selectpersons' Budget Recommendation shall be submitted to the Board of Selectpersons for consideration and to the Board of Finance and RTM for initial review. At such time the First Selectperson shall address said Budget Recommendation before a joint meeting of the Board of Selectpersons, Board of Finance and RTM.

(2) **Multi-Board Budget Meetings**<sup>[S711]</sup>. Following submission and budget address, the First Selectperson shall convene an initial joint budget Meeting of the Board of Selectpersons and the Board of Finance for the purpose of receiving testimony and information from all Submitting Parties, including the Board of Education on the Budget Recommendation. Said testimony shall assist the bodies in their respective reviews of the said recommendations and the impact on the Departments and taxpayers.

(a) All subsequent Meetings shall be called to order by the First Selectperson and be ~~facilitated~~ presided over by the Chair of the Board of Finance and shall be conducted in accordance with rules of order to facilitate a comprehensive review to the benefit of the participating bodies and the public<sup>369</sup>.

<sup>365</sup> 2022 ~~modification and~~ recodification of ~~current~~ previous Article XII, §12.2,A (2006)(First sentence) setting forth the definition of Budget Estimate". Derived from Article XII, §12.2 of the 1997 Charter.

<sup>366</sup> NEW (2022).

<sup>367</sup> 2022 ~~modification and~~ recodification and modification (reference to Joint Budget Meetings and "First Selectperson's Budget recommendation") of ~~current~~ previous Article XII, §12.2.A (2006)(Second sentence). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>368</sup> NEW (2022)

<sup>369</sup> **Comment of the 2022 Charter Revision Commission:** Both the Board of Finance and RTM will have additional opportunities to discuss the budget with the First Selectperson and Submitting Parties throughout

# CHARTER OF THE TOWN OF FAIRFIELD

(b) The rules may permit expansion of the Meeting to include the RTM in the event RTM committees (not to exceed ten (10) members) would participate as a rotating group of interlocutors to participate in the questioning of the Submitting Parties.

## **§9.4. Review and recommendation by Board of Selectpersons to the Board of Finance.**

**A. Proposed Executive Budget; Submission to Board of Finance<sup>370</sup>.** Following the joint meetings, as set forth in §9.3.B, and any other meetings it deems necessary to review the First Selectperson's Budget Recommendation, the Board of Selectpersons shall make recommendation of a Proposed Executive Budget to the Board of Finance, not later than the fourth (4<sup>th</sup>) Monday of March. The Proposed Executive Budget shall be in the form, and shall contain the details, required by the Board of Finance from time to time<sup>371</sup>.

**B. Variation of procedure<sup>372</sup>.** The Board of Selectpersons, with the approval of the Board of Finance, may modify and vary the budget submission process in the interest of efficiency or in the event of special circumstances.

## **§9.5. Review and recommendation by Board of Finance.**

**A. Further examination<sup>373</sup>.** The Board of Finance may hold meetings to review the Proposed Executive Budget as it determines necessary prior to the Public Hearing set forth in §9.5.B ~~of this Charter~~.

**B. Public hearing by Board of Finance<sup>374</sup>.** The Board of Finance shall hold a public hearing on the Proposed Executive Budget prior to the public meeting set forth in §9.5.C ~~of this Charter~~.

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the process. The objective of this first series of meetings is to eliminate redundancy and duplication of effort where possible. We recommend the RTM create a robust committee system and allow the members of committee to handle the questions for the Submitting Parties over which they have subject-matter jurisdiction.

<sup>370</sup> 2022 ~~modification and~~-recodification and modification (Setting a deadline and introducing the term "Proposed Executive Budget") of ~~current~~previous Article XII, §12.2.B (2006). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>371</sup> 2022 Recodification of current Article XII, §12.3.A (2006). Derived from Article XII, §12.3 of the 1997 Charter.

<sup>372</sup> 2022 Recodification and edit of ~~current~~previous Article XII, §12.2.C (2006). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>373</sup> ~~NEW (2022).~~ NEW (2022). Comment of the 2022 Charter Revision Commission: This further reaffirms that the discretion to conduct meetings and hearings remains entirely within the purview of the Board of Finance.

<sup>374</sup> 2022 ~~modification and~~-recodification and edit of ~~current~~previous Article XII, §12.3.B (2006). Derived from Article XII, §12.3 of the 1997 Charter.

# CHARTER OF THE TOWN OF FAIRFIELD

**C. Proposed Town Budget: Submission to RTM<sup>375</sup>.** After the public hearing as set forth in §9.5.B ~~of this Charter~~, the Board of Finance shall hold a public meeting not later than the fourth (4<sup>th</sup>) Monday in April at which time it shall act upon all matters relating to the Proposed Executive Budget. Thereafter, the Board of Finance's Proposed Town Budget shall be submitted to the RTM.

**D. Board of Finance Presentation of the Proposed Town Budget to RTM<sup>376</sup>.**  
~~D.~~ The Board of Finance shall present the Proposed Town Budget to the RTM for consideration at the RTM Annual Budget Meeting.

**E. Determination of property tax rate<sup>377</sup>.** After the RTM Annual Budget Meeting and receipt of the report on the grand list from the Board of Assessment Appeals, the Board of Finance shall determine the rate of property tax for the next fiscal year, taking into account the provisions of §9.7.

## §9.6. Review and determination by the RTM: Approved Annual Town Budget.

**A. RTM Deliberations and Further Examination<sup>378</sup>.** The RTM may hold meetings ~~to review the budget~~<sup>[s72]</sup>, as it determines necessary before the Annual Budget Meeting.

**B. The Approved Annual Town Budget<sup>379</sup>.** At the Annual Meeting, the RTM shall act upon the Annual Town Budget for the next fiscal year:

## §9.7. Effect of referendum on the budget<sup>380</sup>.

Any item in the Approved Annual Town Budget referred to a referendum vote as provided in §3.6 ~~of this Charter~~ and disapproved shall be amended to accord with such vote. In the event of a referendum affecting any item contained in the annual Town budget, the time within which the Board of Finance shall determine the Town tax for the year following such appropriation shall be extended to five (5) Days after the referendum vote.

<sup>375</sup> 2022 ~~modification and~~ recodification ~~and modification~~ (Defines "Proposed Town Budget" as the budget proposed by the Board of ~~current~~ Finance) of previous Article XII, §12.3.C (2006). Derived from Article XII, §12.3 of the 1997 Charter.

<sup>376</sup> 2022 ~~modification and~~ recodification ~~and edit~~ of ~~current~~ previous Article XII, §12.3.D (2006). Derived from Article XII, §12.3 of the 1997 Charter.

<sup>377</sup> 2022 ~~modification and~~ recodification ~~and edit~~ of current Article XII, §12.3.E (2006). Derived from Article XII, §12.3 of the 1997 Charter.

<sup>378</sup> 2022 ~~modification and~~ recodification ~~and edit~~ of ~~current~~ previous Article XII, §12.4 (2006)(First sentence). Derived from Article XII, §12.4 of the 1997 Charter. **Comment of the 2022 Charter Revision Commission:** This is a restatement of the current standard of review. The discretion to conduct meetings and hearings remains entirely within the purview of the RTM.

<sup>379</sup> 2022 ~~modification and~~ recodification ~~and edit~~ of current Article XII, §12.4 (2006)(Second sentence). Derived from Article XII, §12.4 of the 1997 Charter.

<sup>380</sup> 2022 ~~modification and~~ recodification ~~and edit~~ of current Article XII, §12.5 (2006). Derived from Article XII, §12.5 of the 1997 Charter.



# CHARTER OF THE TOWN OF FAIRFIELD

## §9.8. Appeals from the Board of Finance.

**A. Appeals to RTM**<sup>381</sup>. Any Town Official (where a Board or Commission, by majority vote of its members) or Department of the Town may appeal to the RTM from a vote of the Board of Finance to recommend a reduction in the amount of any request by said Town Official or Department for an appropriation of Town funds as part of the annual budget process or at another time in the fiscal year, or for a budget transfer. The Town Official (where a Board or Commission, by a majority vote of its members) or Department may appeal to restore the entire amount originally requested or any part of such amount specified in the appeal.

**B. Method of appeal**<sup>382</sup>. The appeal shall be made in writing and shall be filed with the Town Clerk within ten (10) Days after written notice of the vote of the Board of Finance shall have been received by the Town ~~Official or Department making the appeal~~.

**C. RTM hearing**<sup>383</sup>. Not later than the date of the RTM Annual Budget Meeting if the appeal is from a budget request, or the next regular meeting of the RTM after receiving an appeal from a vote of the Board of Finance in any other case, the RTM shall:

(1) Hold a hearing on such appeal, at which both the Board of Finance and the appellant shall be entitled to be heard;

(2) At the conclusion of the hearing, put the question of sustaining the appeal to a vote.

**D. Vote necessary to sustain appeal**<sup>384</sup>. If two-thirds (2/3<sup>rds</sup>) or more of the total number of RTM members present and voting at such meeting shall vote to sustain the appeal, the requested appropriation or transfer shall be made without the recommendation of the Board of Finance, subject, with respect to the appropriation, to referendum as provided in this Charter.

## §9.9. Expenditure in excess of appropriation forbidden<sup>385</sup>.

No Town Official or Department shall expend any sum for any purpose in excess of the amount appropriated by the Town for such purpose unless such expenditure shall first be

<sup>381</sup> 2022 ~~modification and~~ recodification and modification (added the "majority vote" standard for appeals from the Board of current Finance) of previous Article XII, §12.6.A (2006). Derived from Article XII, §12.6 of the 1997 Charter.

<sup>382</sup> Recodification and edit of ~~current~~previous Article XII, §12.6.B (2006). Derived from Article XII, §12.6 of the 1997 Charter.

<sup>383</sup> 2022 ~~modification and~~ recodification and edit of ~~current~~previous Article XII, §12.6.C (2006). Derived from Article XII, §12.6 of the 1997 Charter.

<sup>384</sup> 2022 ~~modification and~~ recodification of ~~current~~previous Article XII, §12.6.C (2006). Derived from Article XII, §12.6 of the 1997 Charter.

<sup>385</sup> ~~Recodification~~2022 recodification of ~~current~~previous Article XII, §12.7 (2006). Derived from Article XII, §12.7 of the 1997 Charter. Comment of the 2022 Charter Revision Commission: Previous Article XII, §12.8 and §12.9 were moved to Article IV, §4.3.G and Article V, §5.5.E.



# CHARTER OF THE TOWN OF FAIRFIELD

approved, and appropriate transfers in the budget made, by the Board of Finance.

# CHARTER OF THE TOWN OF FAIRFIELD

## ARTICLE X - MISCELLANEOUS

### §10.1. Official Seal<sup>386</sup>

The Town shall adopt, by Ordinance, a Town Seal with such suitable inscription or design as it determines. Said seal shall be filed with the Office of the Secretary of the State by the Town Clerk. The Town Clerk shall have custody of the seal.

### §10.2. Existing ordinances<sup>387</sup>.

All ordinances of the Town shall continue in full force and effect, except as they are inconsistent with the provisions of this Charter.

### §10.3. Separate provisions<sup>388</sup>.

If any provision of this Charter is declared by a court of competent jurisdiction to be void or unconstitutional, such action shall not affect the validity of any other provision.

### §10.4. Periodic Review of the Charter<sup>389</sup> [S73].

No later than April of 2032, and no more than every ten (10) years thereafter, the Board of Selectpersons shall consider appointing a Charter Revision Commission, pursuant to the General Statutes. Upon completion of a charter revision process, the ten-year cycle shall be reset accordingly. Nothing in this section limits the right of the Board of Selectpersons to appoint one or more Charter Revision Commissions other than the Commission required by this section, ~~but no such Commission shall be appointed if its appointment would preclude the Board of Selectpersons from appointing a Commission as required by this section.~~

### §10.5. Submission and effective date<sup>390</sup> [S74].

This Charter shall be submitted to the Electors of the Town at the general election to be held Tuesday, November 8, 2022. Voting shall be in accordance with the Laws of the State of Connecticut and the proposed Charter may be submitted in the form of one (1) or several questions as determined by the Board of Selectpersons. The Charter or such portions thereof as may be approved by the Electors of the Town shall take effect on November 27, 2022, with the exception of provisions pertaining to the term of office, composition of the entity or functions of an elected official, which shall be adjusted as set forth herein.

<sup>386</sup> 2022 ~~modification and~~ recodification and edit of ~~current~~previous Article XIV, §14.1. Derived from Chapter XXIV, §4 of the 1947 and 1956 Acts; and Chapter XXVI, §4 of the 1975 Charter. See, C.G.S. §7-101.

<sup>387</sup> 2022 recodification of ~~current~~previous Article XIV, §14.2. Derived from Chapter XXIV, §5 of the 1947 and 1956 Acts; and Chapter XXVI, §5 of the 1975 Charter.

<sup>388</sup> 2022 recodification of ~~current~~previous Article XIV, §14.3. Derived from Chapter XXIV, §6 of the 1947 and 1956 Acts; and Chapter XXVI, §6 of the 1975 Charter.

<sup>389</sup> NEW (2022).

<sup>390</sup> 2022 recodification and modification of ~~current~~previous Article XIV, §14.4. Derived from Chapter XXIV, §7 of the 1947 and 1956 Acts; and, and Chapter XXVI, §9 of the 1975 Charter.

EMAILS SENT TO THE  
BOARD OF SELECTMEN

June 21, 2022 to August 8, 2022

\*Please note that due to some emails being sent to both the CRC and BOS there will be some duplicate emails in this section.

**Emails to Board of Selectmen Re: Charter Revision Sent June 21, 2022 – August 8, 2022**

-----Original Message-----

From: suzannemiska (null) <suzannemiska@aol.com>  
Sent: Tuesday, June 21, 2022 11:16 AM  
To: Board of Selectmen <BOS@fairfieldct.org>  
Subject: CRC public comment special meeting

Dear Members of the Board of Selectman:

I received the notice of the special meetings by your board in regards to the Charter Review, please do not have these meetings via WebEx, virtual only, but have them in person. Why would you hold these meetings virtual? Why is there such unwillingness to open the public into this discussion in person? This should be a Town Hall meeting so the public gets to take the podium and share either their concerns of support.

Disappointed this is the direction you have decided to go in and I hope you reconsider.

Thank you for your time,  
Suzanne Miska

Suzanne Miska  
Sent from my iPhone

-----Original Message-----

From: Dorothea Brennan <dorbrennan1246@gmail.com>  
Sent: Tuesday, June 21, 2022 11:41 AM  
To: Carpenter, Jennifer <JCarpenter@fairfieldct.org>  
Cc: Olzacki Joe <jolzacki@joeo.us>; McCarthy, Denis <DMcCarthy@fairfieldct.org>; dorbrennan1246 <dorbrennan1246@gmail.com>  
Subject: Charter Revision

Jen, for the Board of Selectmen. I am unlikely to make this review meeting.

The Fire Commission requested that the reference to the placing of fire hydrants being done by the Commission be removed from the Fire Commission section.

The Chief and department staff make all decisions regarding hydrants. The Fire Commission has nothing to do with fire hydrants. This is better left to the experts.

The easiest and probably best fix is to just remove the language and not add any new language.

This was requested and not acted on by the Charter Revision Commission.

The other request by the Fire Commission was to change the language that says the Fire Commission is responsible for the day to day management of the Dept. We are not. That is in the purview of the Chief supervised by the first select person.

The Charter Revision Chair assured me that this language is not troublesome because of the prevailing statutes. I am still troubled by the language.

Thank you for considering these recommendations.

Dorothea E Brennan, CMF  
Cell 203-556-1774

Sent from my iPhone

**From:** Bud Morten <budmorten@aol.com>

**Sent:** Tuesday, June 21, 2022 1:25 PM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>; BOF <BOF@fairfieldct.org>; RTM <RTM@fairfieldct.org>; TPZ Commission <TPZCOMMISSION@fairfieldct.org>; boemembers@fairfieldschools.org

**Subject:** BECAUSE YOU SAY SO . . . REALLY?

**BECAUSE YOU SAY SO . . . REALLY?**

In case you haven't been paying close attention, here is my personal summary of what Fairfield's Charter Revision Commission (CRC) seems to be saying to the public after nine months of work.

---

Listen up people!

We are the Charter Revision Commission, chosen by the First Selectwoman and approved by the Board of Selectpersons (BOS).

Here's what you need to know:

We worked really hard.

We held lots of meetings.

We talked with governance experts.

We talked with current and past local and regional public officials.

We talked with our Completely Impartial legal counselor.

We talked with the Town Attorney.

We talked with one another.

We read lots of emails.

We listened to lots of public comments.

We were Completely Open and Transparent . . . uh, even though you may not understand how we were sometimes able to completely change our minds from one meeting to the next with no further public discussion, and even though one of our seven commissioners completely vanished without explanation.

Here's what we decided:

1. You only need 30, not 40, representatives on the Representative Town Meeting (RTM). We are so sure of this that we refused at our final meeting to even discuss the possibility of leaving it at 40. Thirty is actually way more than you need. If we could, we would cut it further or, better yet, replace both the RTM and the BOS with a Town Council and a Mayor and/or Manager. Also, you really shouldn't get to elect all your RTM reps — some reps should get a seat simply because they represent a different political “party” than the others in your districts — but we had to drop that idea after certain acrimonious people unfairly distorted and politicized it at our last public hearing.
2. In the future, a Town Administrator (TA) should run the Town's operations and s/he should be appointed by and report to the First Selectperson (FS).
3. The BOS and the Board of Finance (BOF) should be required to hold some joint budget hearings.
4. There are also a bunch of less important changes about things like Constables and the Tree Warden.

That's it.

We six experts have unanimously agreed on all this, so you don't need any analysis or explanation of the expected benefits, costs, risks and tradeoffs associated with any of our major changes.

After the BOS approves our decisions, you should vote in favor of them in November.

Trust us. Everything will be better, modernized, streamlined, more efficient, more transparent, more accountable, more accessible. Nothing will go wrong. There will be no unintended consequences. We know best. Because we say so.

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**The most important flaw in the CRC's proceedings has been their presumption that if the six of them agree and if they think they can get public approval, there is no need for any analysis of all the expected benefits, costs, risks and tradeoffs associated with their recommendations.**

**However, the purpose of the CRC was not to get these six people to agree on what should be changed; the purpose was to have them analyze whether any changes in our governance system would be beneficial and if so, to explain clearly to us the rationale for any recommendations.**

Here are some examples of important issues the CRC failed to analyze and explain to the public.

**Size of RTM:** Why will a smaller RTM be better for Fairfield; why and how will it be “more accountable” rather than less accountable, and “better able” to address the Town's many issues? What exactly are the problems being solved and how significant are they? Are any of these problems more likely attributable to a lack of adequate staff and legal support for the RTM? How should we evaluate

the performance of the RTM? What bad things have happened or will happen to Fairfield because its RTM is too big, even though some highly successful towns like Greenwich and Darien have much larger RTMs? What benefits do we obtain from a larger RTM that will be lost? For example, would a smaller RTM adversely affect the Civic Culture of our community? How should we weigh the relative importance of all these and other benefits, costs and risks? Subject to learning more, I personally believe the RTM should remain at 40 members.

**Town Administrator:** The objective of this change is to provide more professional operating management for our Town and allow the FS to focus more on strategic matters. The question is whether the TA should be appointed by and report to the FS, which is how things work today with the Town's Chief Administrative Officer and Chief Fiscal Officer. The FS is our Town's CEO, and both private- and public-sector CEOs (e.g., Governors and Presidents) are almost always allowed to appoint their own executive teams and cabinets. And, over time, different FS will bring different skill sets, experience, personalities and strategic priorities to the job, so they should presumably have the flexibility to choose a TA that will best complement and support their agenda rather than, in the worst case, obstruct it. On the other hand, maybe the TA should be appointed by and report to the BOS? Indeed, in other towns, the Town Manager usually reports to a Town Council rather than to the Mayor or FS. And our Superintendent of Schools is appointed by and reports to the BOE, which seems to work pretty well. Reporting to the FS definitely makes the TA role more political and would limit the candidate pool to those willing to accept what could be only a four-year term. Frequent TA turnover would also mean that we never get the full benefit of long-term professional management based on long-term institutional knowledge and relationships. I personally can't decide yet which is best and want to learn more.

**Budget Process:** Why should we mandate that the BOS and the BOF must hold some joint budget hearings? Why not simply encourage them to continue to adopt by mutual agreement whatever budget hearing process they feel is most constructive? Subject to learning more, I personally believe the Charter should not dictate what the BOS and BOF must do with regard to their budget hearings.

In conclusion, the CRC's recommendations will soon be voted on by the BOS, and I urge you to tell them what you think, whether you agree with me or not: [bos@fairfieldct.org](mailto:bos@fairfieldct.org). This is your 383-year-old town.

Bud Morten

June 21, 2022

-----Original Message-----

From: Janine Alianiello <janine.alianiello5@icloud.com>

Sent: Wednesday, June 22, 2022 7:19 AM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: RTM/charter

Dear Board of Selectmen-

I believe you will be voting on the new charter and think the RTM should remain at 40 or somehow reflect the language to base the # on the growing population of the town. It's one of the only places that a new comer can find a place to be involved in town government.

Maybe the process could

work more effectively if there were co -moderators (representing both parties) to manage the meetings and keep issues grounded towards a central point of view and relevant to the everyday resident.

Thank you,  
Janine Alianiello

Sent from my iPhone

**From:** kgriffi1@optonline.net <kgriffi1@optonline.net>

**Sent:** Wednesday, June 22, 2022 11:46 AM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>

**Cc:** O'Brien, Pru <PO'Brien@fairfieldct.org>

**Subject:** Ten Background Documents

Dear CRC Members –

Pages 2 and 3 of your Transmittal Letter to the Board of Selectmen includes a chart of ten Background Documents. Are these documents posted on the Town website and if so where are they located? If not, could you please post them on your Files and Documents page so they are easily accessed?

This Commission relied on our own due diligence, assisted by Counsel and a wide array of speakers and practitioners who are experts in the municipal field. The following chart shows the Background Documents that were prepared by Counsel and reviewed by CRC during this process.

Number	Background Document
1.	Town Seal Provisions Connecticut Charters
2.	Budget Procedures and Related Matters
3.	Forms of government in Connecticut, including comparative data on elected boards and commissions in Greenwich, Branford, Westport, Darien, West Hartford, Hamden, Meriden, and Bristol.
4.	Governance Issues: (1) Composition, Organization and Terms of Office; (2) Legislative Body Models; (3) Chief Executive Models (New Britain, Hamden, Bristol, Manchester, and Newtown)
5.	Comparative Capital Budget Provisions in RTM Municipalities
6.	Governance Framework: Current and Proposed Powers
7.	Draft Chief Operating Officer (a/k/a Town Administrator)
8.	Minority Party Representation
9.	Comparative Municipal Reapportionment Provisions in Connecticut

Transmittal Letter - 2

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CHARTER REVISION COMMISSION  
TOWN OF FAIRFIELD

10.	Alternate Approaches to CAO (Stamford, Stratford, Darien, New Haven, Hartford, Bridgeport, Bristol, New Britain, Danbury, West Haven, Milford and East Hartford)
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Thank you,

Kathleen Griffin



15 Stonybrook Road

**From:** L <gaylordvp@aol.com>  
**Sent:** Wednesday, June 22, 2022 3:32 PM  
**To:** Board of Selectmen <BOS@fairfieldct.org>  
**Subject:** CHARTER REVISION

TO: BOS

PLEASE SEE ATTACHED

Respectfully,

Gaylord Meyer

Dear BOS-

Having served 2 Terms on the RTM District 1

I strongly disagree !

To use the Town Charter to slash the RTM cap from 56 to 30 representatives would

effectively, disempower our legislative branch from managing its own size and restrict its ability to be truly representative.

NOT Scheduling a Public Hearing and assume people will somehow hear about it and, if they do, will have time, on very short notice, to study the extensive changes you are proposing in a dense, 100-page document; is short sighted & needs to be explained the Specific problem & WHY the change as well as Objective ?

CRC & BOS must explain clearly to the public why any major revisions it recommends in our Charter would, on balance, be in the best interests of our unique, successful town based on thoughtful analyses of all the related benefits, costs and risks — direct and indirect, tangible and intangible. I hope the BOS will take this into consideration.

Respectfully,

Gaylord Meyer

From: Kathryn Braun <klbesq@aol.com>  
Sent: Thursday, June 23, 2022 4:43 PM  
To: Board of Selectmen <BOS@fairfieldct.org>  
Subject: Braun's letter to BOS 6-23-22 re Charter Revision Process

To Fairfield Board of Selectmen

Please see my attached letter re: Charter Revision process.

Kathryn L. Braun  
Fairfield Resident

June 23, 2022

To: Board of Selectmen (BOS)

Re: Charter Revision- Need Adequate Notice and Opportunity for Public to be Heard

Dear First Selectwoman Kupchick, and Selectpersons Flynn and Lefkowitz:

I am a town resident and former 3-term RTM member and current commissioner on Fairfield's TPZ.

I urge you to provide adequate notice and a full opportunity for the public to be heard on the potentially government-changing decisions you will propose to our Town Charter. The process of governmental action on changing our Charter, is as important as the substantive changes being proposed.

We are now barely 2 business days away from a BOS special meeting on Charter Revision, on Monday June 27, yet I can find nothing on the Town website to inform the public. Other Town meetings appear through June but there is no Agenda or Town Meeting item for the BOS special meetings on Charter Revision. I was informed after inquiry via email from the Town, that there will be only 2 virtual BOS meetings, on Monday June 27 and Wednesday June 29, at which the BOS will vote on Charter Revision.

This goes against the clear expectation expressed by the Charter Revision Commission (CRC) itself. On June 20, the CRC transmitted its final recommendation in a 115-page packet to the BOS from the CRC's June 13 final meeting. This included a suggested schedule for the BOS for 3 dates- June 27 (CRC presentation), June 29 (Q&A and public hearing), and July 5 (final meeting and BOS vote).

The CRC emphasizes *accountability, transparency, outreach, expanded public participation, engagement, and trust* in its document. The CRC states: "*The Proposed Revised Charter is driven by the desire to achieve both a great level of accountability and, at the same time, maintain the flexibility to address public needs as they arise. We believe that public officials should be answerable to the people and that the government should be flexible enough to react, in real time, by budget or ordinance to meet the needs of the people.*"

The inadequate public notice, lack of outreach, and truncated hearing schedule thwart the mission of the CRC and if not corrected may well taint the public perception of the entire process.

To protect the process and the perception of fairness to our 60,000+ Town of Fairfield residents, and to support the CRC's mission, I respectfully suggest that the BOS publish notice of special hearings on Charter Revision at least 1 week in advance, hold more than just 2-3 hearings and have in-person hybrid hearings as other boards and commissions are doing. The importance of this undertaking requires nothing less.

Respectfully,  
Kathryn L. Braun, Fairfield Resident

**From:** Ellen Jacob <dancingusa@optonline.net>

**Sent:** Friday, June 24, 2022 12:33 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>; Kupchick, Brenda <BKupchick@fairfieldct.org>; Flynn, Thomas <TFlynn@fairfieldct.org>; Lefkowitz, Nancy <NLefkowitz@fairfieldct.org>

**Subject:** 6/27 Public Comment on Town Charter Revision Recommendations by CRC

June 24, 2022

To:

Fairfield Board of Selectmen

Fairfield, CT

RE: PUBLIC COMMENT ON TOWN CHARTER REVISION RECOMMENDATIONS BY CRC

Dear First Selectwoman Kupchick, Selectman Flynn and Selectwoman Lefkowitz

This is not a time to race through dangerous changes to the Town Charter in order to make the November ballot deadline. These revisions are not sufficiently vetted for a vote.

Yes, I said dangerous revisions to the Town Charter.

When power over 60,000 citizens is concentrated in the hands of a few so called experts in the name of efficiency, cost saving, modernization — or any other name -- it is not government by or of the people. When the voice of the public served is diminished by decree or intimidation, it is not government for the people.

### **Reduction of RTM Representation**

1. As a former 2-term Republican RTM member, I've learned we need a strong and active RTM who know and reflect their neighbors' issues, and in turn get the public informed and involved in their own government. To reduce neighborhood representation to 3 per district diminishes the ONLY direct voice Fairfield residents have. As an increasingly diverse community, if anything, we should be bringing more voices to the kitchen table of town government.

### **Rules of Order and Civility**

2. I am extremely disturbed by the addition of Section 1.6 Rules of Order and Civility. The stated intention to support rule of law and robust debate directly contradicts the vague language of the law itself: It never clearly defines open-ended offenses such as "disturbs, disrupts, and impedes," yet authorizes the use of law enforcement for implementation. The lack of clear definition of what constitutes a breach leaves the door ajar for suppression of open debate. We have Roberts Rules. In my 30 plus years here I have never seen evidence of Fairfield's need for such measures. Nor did the CRC present solid documentary evidence in support. They merely noted Connecticut cities and towns adopted similar measures.

## **Budget Hearing Consolidation**

3. We must Keep the current Budget Hearing system of separate hearings, run by separate moderators. Each town board looks at the budget differently and each successive hearing benefits from light shed by the previous one, as does the public. It may be possible to streamline the hearings themselves, but should be up to each Board.

## **Public Works**

4. After all the recent problems involving Public Works, and considering its vital role in town services, how can we possibly drop the requirement of a state engineering license for the Head of the Public Works Department?

As July 4, 2022 approaches, please hear what so many of your constituents are saying, and what, unfortunately the CRC did not yet hear.

Thank you,

Ellen Jacob

Cedar Rd, Fairfield

-----Original Message-----

From: Carol Waxman <cawaxman40@gmail.com>

Sent: Friday, June 24, 2022 4:14 PM

To: CRC <CRC@fairfieldct.org>

Subject: Reduction of RTM membership

Having listened or watched almost all of the CRC meetings, I strongly disagree that the legislative body should be reduced in membership. Somewhere along the way I found Fairfield compared to Branford which seems ridiculous to me. Branford is approximately 23,000+ residents and Fairfield is approximately 63,000+ residents.

I support more not less representatives and I think that the discussions with the public should be held in person in order for the public is voice their opinions based on the findings of the CRC.

Furthermore after reading the CT Post article and having served on a non-partisan RTM in Westport, I think this town is begging for a less political RTM and going non-partisan is the right approach.

Perhaps the summer is not the time to bring this to the Board of Selectmen requesting input from the public. Maybe it should be held in the fall if it is necessary to bring it forth at all!!

Carol Waxman

Fairfield resident

**From:** Joy Shaw <jtsffld@gmail.com>

**Sent:** Sunday, June 26, 2022 3:36 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Joy Shaw letter to BOS on Charter Revision

To: Fairfield Board of Selectmen

Re: Charter Revision

Dear First Selectperson Kupchick and Selectpersons Flynn and Lefkowitz:

I am writing to oppose any changes to our Town Charter that would reduce the membership, power or authority of the Representative Town meeting, or change the balance of power between the Selectmen and the RTM, or that would reduce the professional expertise currently required of our public officials.

I have resided in Fairfield for 66 years and am the founder of the Mill River Wetland Committee and author/illustrator and developer of the River-Lab Program, which has been part of the Fairfield Public and Parochial schools' curriculums since the early 1970s.

I have a special appreciation of the diversity of this town and wish for its system of representative government to remain as explicitly provided in our Town Charter.

The Charter Revision Commission thankfully eliminated the possibility of requiring minority party representation in the RTM, which would have been blatantly undemocratic. But unfortunately the CRC still recommends cutting the maximum size of the RTM from 56 in the current charter, to only 30.

I urge the Commission to drop the proposed takeover of the RTM's power to manage its own size. This vital legislative branch of our town government manages its size according to its obligation to meet the needs of its citizens in all 10 districts of the Fairfield community. Using the charter revision process to cut the current membership from 40 to a 30 member cap would seriously reduce the representative capacity of this vital arm of our government. Representatives in nearby towns of Greenwich, Darien, and Westport average responsibility for 3-400 residents, compared to the current average for Fairfield RTM members of 1,500/rep. To cut the RTM membership limit from 40 to 30 would remove this body's ability to effectively manage its size in proportion to its ability to meet the needs of its citizens.

Being able to adjust size to meet citizen need is especially important now because of continuing state mandating of increased residential development, which increases the number of citizens to be represented.

Also, joint Budget meetings of the BOF, BOS, and RTM would not only be cumbersome and unworkable, but unnecessary as each of those independently elected bodies, with their own missions and roles, will still continue to hold their own meetings.

And, finally, we must maintain the current Charter's requirement that our Director of the Department of Public Works be a state-licensed engineer, to ensure the expertise needed to plan our infrastructure for the long term with the ability to oversee and integrate multiple town departments and outside contractors with full authority and accountability. This level of complex town-wide integrated planning cannot be done by the engineering department as that is not its function.

In short, we need more representation, not less, and more expertise, not less, as our town grows and moves forward into an increasingly complex and challenging future.

Respectfully submitted,

Jocelyn T. (Joy) Shaw

476 Old Mill Road

Fairfield, CT. 06824

Sent from my iPad

-----Original Message-----

From: Carol Ponti <carol.ponti@aol.com>

Sent: Monday, June 27, 2022 8:07 AM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: No cap RTM to 30

To BOS

Do not reduce the size of the RTM.

Thank you

Carol Pontrelli

287 Partridge Ln

Fairfield

Sent from my iPhone

**From:** Jill Vergara <jillvergara@gmail.com>

**Sent:** Monday, June 27, 2022 11:25 AM

**To:** Board of Selectmen <BOS@fairfieldct.org>; Nancy Lefkowitz <nancylefkowitz@gmail.com>; Kupchick, Brenda <BKupchick@fairfieldct.org>; Flynn, Thomas <TFlynn@fairfieldct.org>; Flynn, Thomas <tom.flynn@tomflynn.org>

**Subject:** Charter Review Recommendations

To the Honorable Members of Fairfield's Board of Selectmen:

You are tasked with the incredibly important job of reviewing the Charter Revision Commission's (CRC) work and determining what changes to our Town Charter should be recommended to the public for approval in a referendum. Our Town Charter is our constitution, and the roles and structures it authorizes and delineates directly impact who we are as a town. This review process has been an opportunity to identify problems and fix those problems with structural improvements; and possibly change who we are as a town.

I am asking that you reject some of the proposals that the CRC has failed to justify; and I am also asking that due to the CRC's failure to clearly identify all of its recommended changes, that you remand the document to the CRC until it provides a table delineating all revisions made so that you—and the public—are fully informed when you vote.

## EXECUTIVE SUMMARY

I. THE CRC FAILED TO PROVIDE A CLEAR BLUEPRINT OF ITS PROPOSED REVISIONS, AND ITS RECOMMENDATIONS SHOULD BE REMANDED TO THEM UNTIL THEY PROVIDE JUSTIFICATIONS FOR EVERY CHANGE MADE TO THE CHARTER.

- a. The Town Attorney and Mr. Mednick should no longer be “tweaking” the Charter. The CRC has voted and work must STOP.
- b. The CRC has not been welcoming of public input and has not heeded the public input that it has received.

II. FAIRFIELD'S RTM IS ALREADY THE SMALLEST IN THE STATE AND SHOULD NOT BE REDUCED.

- a. Reducing the number of RTM seats increases the likelihood that the parties will exercise more control over the candidates and candidate selection, which will ultimately reduce the diversity of ideas represented and independence on the Body.
- b. To fulfill its role as a check and balance to executive authority, the RTM needs more resources, not less people.

III. THE BOARD OF SELECTMEN IS THE EXECUTIVE OF THE TOWN, AND YET IT HAS BEEN SHOWN TO BE NEUTERED. CHANGES MADE SHOULD EMPOWER THE BOARD OF SELECTMEN, NOT THE FIRST SELECTPERSON, WHO ALREADY HAS EXCESSIVE POWER.

- a. Unexplained, and presumably inadvertent, changes shift power to the First Selectperson rather than the Board of Selectmen. These changes should be reversed not only because they are unexplained, undebated and not clearly voted on, but also because they create a stronger unitary executive without counterbalance with another Body, which is inconsistent with the BOS/BOF/RTM model.
- b. The Board of Selectmen should hire the Town Administrator, and that Administrator should report to the full Board of Selectmen.

IV. THE BUDGET PROCESS WORKS AND SHOULD NOT BE CHANGED. THE BOARD OF FINANCE SHOULD MAINTAIN CONTROL OVER ITS SCHEDULE AND ALL RTM MEMBERS SHOULD PARTICIPATE.

## DISCUSSION

I. THE CRC FAILED TO PROVIDE A CLEAR BLUEPRINT OF ITS PROPOSED REVISIONS, AND ITS RECOMMENDATIONS SHOULD BE

## REMANDED TO THEM UNTIL THEY PROVIDE JUSTIFICATIONS FOR EVERY CHANGE MADE TO THE CHARTER.

As mentioned earlier, the Town Charter is a foundational document that is similar to a constitution. Our town's regulations must be written in a way that is consistent with the Town Charter, as the Town Charter is primary. When changes are made to our town's ordinances, every change—no matter how small—must be explicitly identified and discussed. Track changes are a required submission for statutory changes; and a memorandum is required explaining and justifying every word change or addition. Despite the Town Charter being an even more important document than the Town Code, the CRC failed to provide a document explicitly and clearly documenting each change they are proposing. The CRC did not have a formal discussion and vote on each proposed change. This failure is a huge problem as it disables the public from knowing or understanding the proposed changes; there is a complete lack of clarity as to what is being proposed and how it differs from what currently exists. In addition, the Town Attorney and Mr. Mednick continued work on the revisions *after the vote* (and there is ambiguity as to whether these “tweaks” continue after the document has been transmitted to the Board of Selectmen). This post-vote tweaking seems highly inappropriate and concerning, and I ask that only what our appointed Commission of residents worked on, voted on and discussed be sent to referendum.

Track changes were only posted as of Friday, June 24th, 2022, and those changes were not accompanied by a ledger accounting for all suggested revisions and whether or not the full commission voted to approve. The revisions being offered by the CRC are the most far reaching and numerous revisions that have ever been offered by a Charter Revision Commission in Fairfield. For reference, here is the report that New Canaan's Charter Revision Commission produced to summarize its suggested revisions: <http://cms3.revize.com/revize/newcanaanct/Commissions/Charter%20Revision/Final%20Report%20of%20the%20Charter%20Revision%20Commission.pdf>. As you can see, there is a table entitled, "Major considerations, Revisions and Additions." Without such a tool provided, no body--neither the Board of Selectmen nor the people--can make informed decisions about the suggested revisions.

Also note that in the New Canaan Charter Revision Commission report, opportunities for public comment were provided at each and every New Canaan CRC meeting. Fairfield CRC's failure to provide public comment at each of their meetings, as well as its decision to meet exclusively by Web Ex, undermined public involvement in their deliberations. Their recommendations were supposed to be driven by public input. They were not. And so, some of the most substantive and important issues—like those raised by the Flood and Erosion Board—fell to the wayside. Indeed, many of the most controversial recommendations, such as reducing the RTM and increasing executive powers, were not advocated or supported by the public.

## II. FAIRFIELD'S RTM IS ALREADY THE SMALLEST IN THE STATE AND SHOULD NOT BE REDUCED FROM POTENTIALLY 56 MEMBERS DOWN TO 30.



Fairfield is one of six towns in the state whose form of government is a Representative Town Meeting. RTMs are iterations of Town Meeting forms of government, in which all electors of a town vote on significant town actions. The large majority of towns in Connecticut (**110 towns**, or **65%**) are Town Meeting/Selectmen/RTM forms of government. These forms are unique to New England and prize decentralization and power sharing; and these structures are intimately intertwined with our region's patriotic history and revolt against an abusive centralized power. After examining other forms of government, the CRC decided not to recommend any change in Fairfield's basic governance structure the same--maintaining our traditional Board of Selectmen, Board of Finance and RTM model.

FAIRFIELD CURRENTLY HAS THE SMALLEST LEGISLATIVE BODY OF ALL RTMS IN THE STATE, proportionate to its population.

**Fairfield--40 RTM members for a population of 62,000**

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Branford--30 RTM members for a population of 28,000

Darien--100 RTM members for a population of 22,000

**Greenwich--230 RTM members for a population of 64,000**

Groton--41 RTM members for a population of 38,000

Westport--36 RTM members for a population of 27,000

Waterford--25 RTM members for a population of 20,000

In 2015, the Fairfield RTM was reduced down from 50 RTM members to 40. This change occurred only 7 years ago, and we do not know or understand how this change may have negatively affected the RTM. Several people have noted the increased partisanship in town throughout the revision process. Partisanship is an identified problem. I supported making RTM elections non-partisan to address this problem, but we are unfortunately disabled from doing so by State law. I worry that reducing the RTM further may actually increase partisanship, because reducing the number of seats raises the stakes for each of those positions and consequently increases the likelihood that the parties will exercise more control over the candidates and candidate selection. I ended up on the RTM by chance. I was the fourth candidate added to the slate only 5 weeks before the 2015 election. I was not a member of the DTC. No one "vetted" me. I didn't have to jump through ideological hoops to be nominated. If the districts were limited to three candidates each, I would not have gotten involved in town governance. I worry that lowering the number of RTM members will eliminate the everyday Joe's on the body; and will also make it easier for parties to control. Larger bodies are unwieldy, but are also less prone to the single-handed orchestrations of party leadership. A larger RTM is more likely to embody more diverse ideas and experiences and is also more likely to engender independence.

Comparing Fairfield to other towns in Connecticut with smaller legislative bodies is a **false comparison**, as these other towns (which are all mostly cities) are categorized as very different forms of government than the Town Meeting/RTM model. Mr. Mednick has noted that he has never before worked with an RTM/town meeting town. His experience is with the other forms of government in the state, and he hails from Hamden, a large suburb of New Haven, which has a Mayor/Council model. Other notable Mayor/Council cities include Ansonia, Bridgeport, Stratford, Hartford, New Britain and Waterbury. The legislative bodies of cities such as these do have fewer members than Fairfield's RTM, but these cities' structures are very different, as are the cities themselves, from Fairfield. (29 cities in Connecticut, or 17%, are categorized as a Mayor/Council form of government.) These cities also empower their legislative bodies in stronger ways than what Fairfield's system incorporates. Nothing in the current revisions offers any correlating checks and balances to the executive and legislative branches. Notably, one problem identified that received consensus and support by the CRC—the lack of legal resources to Fairfield's legislative body—did not make its way into the proposed revisions. To fulfill its role as a check and balance to executive authority, the RTM needs more resources, not less people.

**So, why make the RTM smaller?** I'm not sure that the CRC has directly answered this question. The public's input suggests that the people do not want less representation. Some of the CRC's comments suggest that they think the RTM is ineffective. But again, the very real issue of a lack of resources (in comparison to other area towns) for Fairfield's RTM was identified and left unaddressed. It is also important to note that many of these criticisms of the RTM have been made in reference to meetings or by members who have served exclusively during the pandemic. For the first time in the RTM's history, meetings have been conducted virtually since March 2020. While other towns have figured out ways for their RTMs to meet in person, Fairfield has been quite slow to do so (in Massachusetts, where their legislative bodies often consist of 200+ people, they began meeting in person as early as June 2020). This decision was not in the RTM's hands. The RTM had to rely on the Executive to provide the means to meet in person. RTM Moderators were asked to mediate far too many elements of Web Ex meetings, including at one point, the public calling in. It was an impossible task to both mediate deliberations and enforce rules while also administering the technology. The failure to provide more help and to usher hybrid and/or in person meetings in a more timely way is yet another example of the lack of resources at the RTM's disposal. Meeting virtually has necessarily limited debate and limited the ways members can get to know each other and has stunted the RTM's work. None of this has anything to do with the RTM's size.

III. THE BOARD OF SELECTMEN IS THE EXECUTIVE OF THE TOWN, AND YET IT HAS BEEN SHOWN TO BE NEUTERED. CHANGES MADE SHOULD EMPOWER THE BOARD OF SELECTMEN, NOT THE FIRST SELECTPERSON, WHO ALREADY HAS EXCESSIVE POWER.

A clear problem discussed by current and former Board of Selectmen members was BOS members' inability to assert their power. This issue was raised in reference to appointments as well as the Board of Selectmen's power under the Charter to investigate any and all town offices, departments and agencies (Town Charter, Article VI, Section 6.1C(2)). So for instance, when Selectman Bateson

wanted to call Administrators before him and ask them questions about the fill pile in 2019, he could not do so.

In a Town Meeting/RTM model, executive power vests in the full Board of Selectmen. The diffusion of power amongst a Board of several people (some towns have Board of Selectmen bodies of 5) is an integral element of the Town Meeting/RTM model, which is based in concepts of power sharing. At one point during its deliberations, the CRC contemplated changing the town's governance structure to a Mayor/Council model. At that point, Mr. Mednick drafted a version of the Charter that eliminated the Board of Selectmen and vested all of its executive powers in the First Selectperson. Several of these changes have remained in the document, despite the CRC's decision to maintain Fairfield's traditional governance structure of a Board of Selectmen, Board of Finance and RTM. These changes that shift more power in the First Selectperson risk disempowering the BOS even further, leaving little to no check on the First Selectperson. To allow such a structural change to stand in the face of the fill pile and Penfield Pavilion—both stemming from excessive and unchecked executive power—flies in the face of our history and sets our town up for more costly problems.

Adding a Town Administrator position in our Town Charter is an opportunity to add professional administration to our town governance and to add a central nervous system to our system so that the many Boards and Commissions (the hands) can be connected to the brain (the Executive) and to each other. The Town Administrator can correct the “byzantine” aspects of having so many different boards and commissions in town doing important, but disparate and sometimes disconnected, work. Our town's executive is the Board of Selectmen, and so, the Board of Selectmen should be the appointing Body for this important position; and the Town Administrator should report to the full Board of Selectmen, not just to the First Selectperson. Other Fairfield County RTM towns, like Greenwich and Darien, have Town Administrators whom are appointed by their Boards of Selectmen. Like those RTM towns, Fairfield should empower its full Board of Selectmen to make this important appointment.<sup>[1]</sup>

#### **IV. THE BUDGET PROCESS WORKS AND SHOULD NOT BE CHANGED. THE BOARD OF FINANCE SHOULD MAINTAIN CONTROL OVER ITS SCHEDULE AND ALL RTM MEMBERS SHOULD PARTICIPATE.**

The proposed budget process risks creating more inefficiencies than it purports to correct. Each body plays an essential role in vetting the annual budget—it is the most important duty that we all have. Combining the review process for all bodies will disempower us and will alter the balance of powers. The people's interests are best served when our annual budgets are thoroughly vetted by each and every town Body, and the Board of Selectmen, Board of Finance and RTM should all have their own dedicated time and schedule to review the budget.

#### **CONCLUSION**

In conclusion, the CRC has not provided a sufficient explanation for its many suggested revisions, and as it relates to one of its most radical changes—the shrinking of the Representative Town Meeting—the CRC has failed to demonstrate how this change will in any way address whatever problems they believe they have identified. They have also failed to explain why Fairfield's RTM

should be so much smaller than all other RTMs in the state; and they have failed to analyze how this change could potentially negatively impact our town. We are a uniquely charming and close-knit town. Despite our size, we feel like a small town, and an incredibly high percentage of our electorate have participated in some way in town governance. How will these intrinsic qualities be changed by reducing our RTM to a size that is no longer consistent with being an RTM but is more akin to a Council? The CRC has not answered this important question.

The resounding majority of the town does NOT want to have Fairfield become a city. The people have spoken in a variety of forums and consistently advocate for maintaining our historic downtown, our historic buildings, our historic neighborhoods. I do not believe our historic governance structures are any different. If we change them in a way that moves us in the direction towards a large city, we move in a direction that runs counter to what the people want.

RESPECTFULLY SUBMITTED,

Representative Jill Vergara

Fairfield RTM, District 7

Member since 2015

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<sup>[1]</sup> Also note that we currently have a Chief Administrative Officer appointed exclusively by the First Selectwoman, who has failed to bridge the gap between our many boards and commissions and our executive body. For this position to be effective, we need someone who is accountable to the numerous boards and commissions, not just to the First Selectperson.

**From:** Matthew Hallock <matthew.hallock@coro.net>

**Sent:** Monday, June 27, 2022 2:23 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>; CRC <CRC@fairfieldct.org>

**Subject:** Charter changes

**Without going back and watching the videos and reading the transcripts, here is my question. Were these changes brought forward and deliberated during the multiple meetings, or are these changes a ‘surprise’ that they are now in the final proposal. If the charter revision commission members, who graciously volunteered their time on this project, were unaware that these recommendations would be in the report until the end, than either the moderator (Steven) was inexperienced – which he’s not, as he’s done this with other towns – or he did not act in good faith and was influenced outside the meetings. If these issues were vetted and he’s reflecting the wishes and input of the commission, then a vote on the revised charter is legit. If they weren’t, then instead of a vote there should be a questioning of the process.**

Thanks,

Matthew Hallock, Fairfield (203) 394-7238

## SUMMARY OF CONCERNS

*Thanks to overwhelming public outcry, the CRC backed down regarding proposed revisions such as RTM minimum minority representation. However, they proceeded with other troubling changes including:*

- **Slashing the max size of the RTM from 56 to 30:** The RTM already has the authority to “right size” itself and has previously reduced its own body from 50 members down to the current 40. With the population of Fairfield growing, the RTM should maintain the power to decrease OR increase its own size if necessary.
- **Appointing a Town Administrator who serves "at the pleasure of the First Selectperson:"** This position should be a professional hire who serves the entire Town, not a political appointee who reports only to the FP alone. This politicizes the role and ensures frequent turnover with each administration rather than long-term professional management with the benefit of institutional knowledge to inform decision making.
- **Limiting the Board of Finance's oversight of the budget process:** The Charter will now mandate that the BOS and the BOF hold joint budget hearings overseen by the FS, thus restricting BOF control of the most important job they are elected to do.
- **Giving the First Selectperson the power to both mediate AND resolve disagreements** among boards, commissions, departments, etc. What does this even mean? What qualifies as a “disagreement?” If the RTM rejects one of the FS's requests, is that a “disagreement” that the FS can “resolve” to their liking?

**From:** Richard Jacobs <delaracom@aol.com>

**Sent:** Monday, June 27, 2022 3:24 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Charter revision

Board of selectmen,

The following are some of my concerns with regards to changes to the charter.

1) Any time there is reduction in representation there is also reduction in democracy. By limiting the number of voices in the RTM, board of selectmen or any other board or commission, you will limit the number of ideas that will be heard, some of which might be wonderful ideas that never see the light of day. Consolidating power is always a bad idea. Look around the world and you can see what happens when powers consolidated. There is an old saying " power corrupts and absolute power corrupts absolutely"

2) TPZ : The TPZ commission should be broken into two commissions one would be planning and the other would be zoning. TPZ should be able to hiring their own attorney to defend their cases in

court. Presently the attorney that defends the zoning cases is the town attorney who works for the first Selectmen. This situation gives the first Selectman a de facto veto effect over zoning. If the first Selectman does not like a zoning ruling and it is challenged in court, that first selectmen can tell the attorney not to rigorously defend the TPZ ruling.

3) There is no need for the town administrator. If the first Selectman is not up to the job they shouldn't run.

Our town has function very well under our charter. This charter revision exercise seems to be an answer looking for a problem.

Richard Jacobs

203 255-7900 office

203 257-7631 cell

[Delaracom@aol.com](mailto:Delaracom@aol.com)

[www.delara.com](http://www.delara.com)

**From:** kgriffi1@optonline.net <kgriffi1@optonline.net>

**Sent:** Monday, June 27, 2022 3:37 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Resolution Specifying Submission Timing of Draft Report from CRC

Dear Board of Selectmen Members –

On August 30, 2021 the BOS passed a resolution establishing a Charter Revision Commission and defining the actions the BOS needed to take within thirty days of passing the resolution. On September 20, 2021 the Board appointed its members. However, per C.G.S. §7-190, the BOS is required to pass a resolution specifying when the Commission shall submit its draft report.

Did you pass that resolution? And if so what is that date/timeframe? I couldn't find such a resolution in the BOS minutes (for either draft or final).

State Statute and BOS establishment resolution are below.

Thank you,

Kathleen Griffin

15 Stonybrook Road

## **State Statute**

### ***Sec. 7-190. Commission: Appointment, membership, duties, report, termination.***

*(a) Within thirty days after such action has been initiated by vote of the appointing authority or by certification of a petition, the appointing authority shall by resolution appoint a commission consisting of not fewer than five nor more than fifteen electors, not more than one-third of whom may hold any other public office in the municipality and not more than a bare majority of whom shall be members of any one political party, which commission shall proceed forthwith to draft a charter, or amendments to the existing charter, or amendments to the home rule ordinance, as the case may be.*

*(b) The appointing authority shall direct the commission to consider those recommendations included in the petition and may make other recommendations to the commission. The commission may also consider other items for inclusion in the proposed charter, other changes to the charter or home rule ordinance and such other items as it deems desirable or necessary. The commission shall in its reports comment on each recommendation which it has been directed to consider, if any, and on such other changes or items. ***The appointing authority shall specify by resolution when the commission shall submit its draft report, which shall be not later than sixteen months from the date of its appointment.****

*(c) The commission shall terminate upon acceptance or rejection of its final report by the appointing authority.*

## **08-30-21 BOS Resolution creating the CRC**

*RESOLVED, pursuant to C.G.S. §7-190, that within thirty (30) days following initiation of the charter revision process, the Board of Selectmen ***shall, by resolution***, (1) appoint a commission consisting of seven (7) electors, not more than two (2) of whom may hold public office in the Town and not more than a bare majority of whom shall be members of any one political party, which Commission shall designate a Chair, Vice-Chair and Secretary and proceed forthwith to draft any such charter amendments; and (2) ***establish the timeframe for submission of a final report by said Commission.****

**From:** Kevin Flynn <kevhannah1@yahoo.com>

**Sent:** Tuesday, June 28, 2022 10:21 AM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Appointed Constables

Members of the Board,

As a Constable that has been elected four times, I believe there is no need to reduce the number of Constables and to have them appointed by the Board.

The population of the town is rising meaning we have more services to deliver from the Probate Court. We cannot have hearings being delayed because

we have less Constables. Seven out of Eight Candidates are elected. The present system works very well. We do not need to change it.

Thank You

Kevin Flynn

67 Sachem Rd  
Fairfield, CT 06825

**From:** kgriffi1@optonline.net <kgriffi1@optonline.net>  
**Sent:** Tuesday, June 28, 2022 11:30 AM  
**To:** Board of Selectmen <BOS@fairfieldct.org>  
**Cc:** Mednick, Steve <smednick01@snet.net>  
**Subject:** Conflicting Charter Language on Appointment Powers

Dear Members of the Board of Selectmen –

It appears that the proposed Charter has conflicting information on who is responsible for appointing ‘**any other for which no other appointment provision is made in this Charter**’.

Section 4.2 B. (4) (a) appears to give this authority to the Board of Selectpersons:

*(4) Appointment powers. The Board of Selectpersons shall appoint:*

*(a) Required by Charter: **The Town Officials and employees set forth in this Charter**, any others required by the General Statutes or by Ordinance to be appointed by the Board of Selectpersons **and any other for which no other appointment provision is made in the General Statutes, this Charter or the Ordinances.***

*(b) Required by General Statutes or Ordinance: The **members of any other Board or Commission** which is required by an Ordinance or the General Statutes.*

Section 4.3 C. (1) appears to give this authority to the First Selectperson:

*C. Appointment powers.*

*(1) The First Selectperson shall appoint the **Appointed Town Officers, Boards and Commission members, and employees set forth in Articles VII and VIII of the Charter**, any others required by the General Statutes or by Ordinance to be appointed by the First Selectperson **and any other for which no other appointment provision is made in this Charter***

In reconciling the language, you may want to clarify who is meant by ‘**any other**’ as well as give consideration to what terminology you use. The definition of **Town Officials** appears to encompass both **Appointed Town Officers** and **Board and Commission members** for both the Charter and the Town Code. But the appointee term used (town officer, board or commission member, town official), appears to differ depending on where the required position is named (Charter, Ordinance, or Statutes) and who is doing the appointing. And 4.2.B (a) appears to say that the BOS appoints “**the Town Officials and employees set forth in this Charter**” while 4.3.C. (1) says those “**in Articles VII and VIII**”.



## Definitions

- (1) "Appointed Town Officer" means an employee who heads any Department in the Town, whether established by Charter or the Town Code; has the authority and qualifications set forth in §§6.1 through 6.2 of this Charter; and, is directly accountable to the First Selectperson, unless otherwise set forth in this Charter.
- (2) "Board" or "Commission". For the purposes of this Charter and except as otherwise provided by Law, the terms "Board" and "Commission" mean all boards, agencies, commissions, authorities or like entities or bodies of the Town, whether elected or appointed. This term does not include advisory committees, tasks forces or other like entities created by appointing authorities for limited duration, purposes or scope
- (24) "Town Office" means any position in Town government which is described by this Charter or the Town Code except membership on the Representative Town Meeting.
- (25) "Town Officer" means an individual elected or appointed to a Town Office, including any Appointed Town Officer whether established by this Charter or the Town Code, other than as a member of a Board, or Commission.
- (26) "Town Official" means any Town Officer and Board or Commission or the individual members thereof, including any Appointed Town Officer whether established by this Charter or the Town Code.

Clearer language on who has what appointment powers, and over what appointees, would be helpful to understand the intent and minimize confusion. Thank you.

Sincerely,

Kathleen Griffin

15 Stonybrook Road

**From:** Richard Jacobs <delaracom@aol.com>

**Sent:** Tuesday, June 28, 2022 2:56 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Re: Charter revision

This is what democracy looks like:

[https://www.stonington-ct.gov/home/news/special-town-meeting-june-27-2022-7pm?fbclid=IwAR2fjWf5zWMDt-tu9Gt6q\\_OEMH8b4OC2JwnbzToBYU-d7bfzIF6s1SbMMXE](https://www.stonington-ct.gov/home/news/special-town-meeting-june-27-2022-7pm?fbclid=IwAR2fjWf5zWMDt-tu9Gt6q_OEMH8b4OC2JwnbzToBYU-d7bfzIF6s1SbMMXE)

Richard Jacobs

203 255-7900 office

203 257-7631 cell

[Delaracom@aol.com](mailto:Delaracom@aol.com)

[www.delara.com](http://www.delara.com)

1. [Home](#)

***Special Town Meeting - June 27, 2022 - 7PM***

POSTED ON: JUNE 9, 2022 - 2:45PM

**NOTICE OF SPECIAL TOWN MEETING  
TOWN OF STONINGTON**

The Special Town Meeting of the electors and citizens qualified to vote in Town Meetings of the Town of Stonington, Connecticut, will be held at Stonington High School, 176 S Broad St., Pawcatuck, CT 06379 on **Monday, June 27, 2022 at 7:00 p.m.**

To consider, discuss, and vote upon the following:

FIRST: A resolution to revise and modify an Ordinance of the Town of Stonington, Connecticut, providing for the threshold amounts of real property and personal property tax bills to be due and payable in one installment. A copy of the complete text of the proposed revisions is on file in the Town Clerk's office during normal business hours and online at [www.stonington-ct.gov](http://www.stonington-ct.gov).

SECOND: A resolution to adopt an Ordinance of the Town of Stonington, Connecticut, amending the Town of Stonington Retirement Plan to provide for an ad hoc COLA as outlined in Amendment 2022-1 to the Stonington Retirement Plan. A copy of the complete text of the proposed Ordinance and Amendment 2022-1 is on file in the Town Clerk's office during normal business hours and online at [www.stonington-ct.gov](http://www.stonington-ct.gov).

THIRD: A resolution to adopt an Ordinance of the Town of Stonington, Connecticut, to provide notice of an application for a demolition permit and provide for the delay of the demolition of historical structures. A copy of the complete text of the proposed Ordinance is on file in the Town Clerk's office during normal business hours and online at [www.stonington-ct.gov](http://www.stonington-ct.gov).

FOURTH: A resolution to adopt an Ordinance of the Town of Stonington, Connecticut, to provide for smoke free community recreation areas. A copy of the complete text of the proposed Ordinance is on file in the Town Clerk's office during normal business hours and online at [www.stonington-ct.gov](http://www.stonington-ct.gov).

FIFTH: A resolution to adopt an Ordinance of the Town of Stonington, Connecticut, to provide hours of operation for community recreation areas. A copy of the complete text of the proposed Ordinance is on file in the Town Clerk's office during normal business hours and online at [www.stonington-ct.gov](http://www.stonington-ct.gov).

At this hearing electors and residents may appear and be heard.

All ordinances and amendments thereto shall become effective following approval by Town Meeting and fifteen (15) days after publication in a newspaper having a substantial circulation within the Town of Stonington.

Dated at Stonington, Connecticut this 14<sup>th</sup> day of June, 2022.

/s/ **Danielle Chesebrough, First Selectman**

/s/ **June Strunk, Selectwoman**

/s/ **Debbie Motycka Downie, Selectwoman**

## Attachment

 [Special Town Meeting Notice - June 27, 2022](#)

 [FIRST - Tax Ordinance](#)

 [SECOND - Amendment of Retirement Plan Ordinance/Amendment 2022-1/Resolution from Board of Selectmen](#)

 [THIRD - Demolition Delay Ordinance](#)

 [FOURTH - Smoke Free Community Recreation Areas Ordinance](#)

 [FIFTH - Hours of Operation for Community Recreation Areas Ordinance](#)

**From:** kgriffi1@optonline.net <kgriffi1@optonline.net>

**Sent:** Tuesday, June 28, 2022 3:46 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Cc:** Mednick, Steve <smednick01@snet.net>

**Subject:** RE: Conflicting Charter Language on Appointment Powers

Also, you may want to review the newly added language in 4.3.B. (7) at the same time, as it may be in conflict with the appointment powers currently assigned to the Board of Selectpersons with regard to Appointed Town Officers in the Town Code:

*§4.3. Powers and Duties of the First Selectperson.*

*B. Duties. The First Selectperson shall:*

*(7) Select, appoint and hire Appointed Town Officers, including department heads, except as otherwise provided for in this Charter or by the General Statutes177;*

Thank you,

Kathleen Griffin

15 Stonybrook Road

**From:** [kgriffi1@optonline.net](mailto:kgriffi1@optonline.net) <[kgriffi1@optonline.net](mailto:kgriffi1@optonline.net)>

**Sent:** Tuesday, June 28, 2022 11:30 AM

**To:** 'bos@fairfieldct.org' <[bos@fairfieldct.org](mailto:bos@fairfieldct.org)>

**Cc:** 'Steve Mednick' <[SMednick01@snet.net](mailto:SMednick01@snet.net)>

**Subject:** Conflicting Charter Language on Appointment Powers

Dear Members of the Board of Selectmen –

It appears that the proposed Charter has conflicting information on who is responsible for appointing ‘any other for which no other appointment provision is made in this Charter’.

Section 4.2 B. (4) (a) appears to give this authority to the Board of Selectpersons:

*(4) Appointment powers. The Board of Selectpersons shall appoint:*

*(a) Required by Charter: The Town Officials and employees set forth in this Charter, any others required by the General Statutes or by Ordinance to be appointed by the Board of Selectpersons and any other for which no other appointment provision is made in the General Statutes, this Charter or the Ordinances.*

*(b) Required by General Statutes or Ordinance: The members of any other Board or Commission which is required by an Ordinance or the General Statutes.*

Section 4.3 C. (1) appears to give this authority to the First Selectperson:

*C. Appointment powers.*

*(1) The First Selectperson shall appoint the Appointed Town Officers, Boards and Commission members, and employees set forth in Articles VII and VIII of the Charter, any others required by the General Statutes or by Ordinance to be appointed by the First Selectperson and any other for which no other appointment provision is made in this Charter*

In reconciling the language, you may want to clarify who is meant by ‘any other’ as well as give consideration to what terminology you use. The definition of Town Officials appears to encompass both Appointed Town Officers and Board and Commission members for both the Charter and the Town Code. But the appointee term used (town officer, board or commission member, town official), appears to differ depending on where the required position is named (Charter, Ordinance, or Statutes) and who is doing the appointing. And 4.2.B (a) appears to say that the BOS appoints “the Town Officials and employees set forth in this Charter” while 4.3.C. (1) says those “in Articles VII and VIII”.

Definitions

- (2) "Appointed Town Officer" means an employee who heads any Department in the Town, whether established by Charter or the Town Code; has the authority and qualifications set forth in §§6.1 through 6.2 of this Charter; and, is directly accountable to the First Selectperson, unless otherwise set forth in this Charter.
- (2) "Board" or "Commission". For the purposes of this Charter and except as otherwise provided by Law, the terms "Board" and "Commission" mean all boards, agencies, commissions, authorities or like entities or bodies of the Town, whether elected or appointed. This term does not include advisory committees, tasks forces or other like entities created by appointing authorities for limited duration, purposes or scope
- (24) "Town Office" means any position in Town government which is described by this Charter or the Town Code except membership on the Representative Town Meeting.
- (25) "Town Officer" means an individual elected or appointed to a Town Office, including any Appointed Town Officer whether established by this Charter or the Town Code, other than as a member of a Board, or Commission.
- (26) "Town Official" means any Town Officer and Board or Commission or the individual members thereof, including any Appointed Town Officer whether established by this Charter or the Town Code.

Clearer language on who has what appointment powers, and over what appointees, would be helpful to understand the intent and minimize confusion. Thank you.

Sincerely,

Kathleen Griffin

15 Stonybrook Road

**From:** N Halpert <nahalpert@gmail.com>

**Sent:** Tuesday, June 28, 2022 4:30 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Charter Revision

To the Board of Selectmen:

I am uncomfortable with the proposed changes to the Charter:

The BOF should not be limited in its oversight of the budget hearings. They are elected by town residents to do their job and should not be required to hold joint hearings with the BOS, much less under the leadership of the First Selectman. It would limit their responsibilities and would be a conflict of interest.

Please clarify what it means for the First Selectman to mediate and resolve disagreements with various town departments and committees. In what regard?

The Town Administrator would best serve the town and First Selectperson if they were a neutral, professional, hire, not a political appointee. Plus, they could remain in the position when a new First Selectman assumes office.

The RTM will benefit the residents of Fairfield if it remains at 56 representatives. Downsizing does little to support a town with Fairfield's increasing population. It's my understanding that the RTM has the ability to increase or decrease in size according to population changes, and has done so in the past. It is essential that we continue to have an RTM that truly represents our diverse community. Smaller is not always better. In addition, in speaking with many current representatives, both Democrats and Republicans, this will help in spreading responsibility for attending countless committee meetings. As one representative explained to me, meetings are constantly scheduled and often overlap, such that a representative has to choose and limit where they focus their time, energy, and commitment. This would be more difficult with fewer representatives.

Thanks for your consideration.

Sincerely,

Nancy and Marc Halpert

344 Autumn Ridge Rd.

**From:** Liam Burke <liam06824@yahoo.com>

**Sent:** Tuesday, June 28, 2022 5:26 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Charter "Reform"

The major problem with the current Charter is that when the term of the Board of Selectman was increased from 2 to 4 years, no provision was made to clarify that any replacement would only serve until the next feasible general municipal election. In fact, during the very first 4 year term, none of the 3 selectmen elected served the entire four-year term. Given that all 3 members could leave within the first year in a 4 year term, it only makes sense to let the voters have their say if there is time for the parties to nominate candidates before the next general election.

This document then goes on to further reduce the RTM. We reduced it last time and it has been fine. Candidates have run. Elections contested. Control has gone back and forth between the parties and was actually tied after one election.

Finally, when the number of residents is increasing, the proposed Charter reduces the number of process-servers (Constables) by almost half, and takes the power of choosing them from the people and gives it to the selectman. Why??

Wm Burke

-----Original Message-----

From: suzannemiska (null) <suzannemiska@aol.com>

Sent: Wednesday, June 29, 2022 10:25 AM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: Comments on CRC items

Dear Members of the BOS:

As I will be unable to attend tonight's public comment I am submitting my comments via email. To understand that this endeavor of sitting a committee/commission to open the Charter was the outcome of surveys from the SPC of 2,000 responses is absurd. To have less than 3% of the Town driving this with the possible ramifications makes no sense. I would love the public to receive copies of these surveys and the data points that drove this response.

While I appreciate that many people wanted the Charter to reflect the clarification to the Board of Selectman section on who selects a replacement to a seat, as the taxpayers paid millions in legal fees because of a court case based on a Town Attorney and First Selectman who chose not to follow the charter or claimed ambiguity. Additionally, we have watched as our current Selectwoman had chosen that same line of interpretation with her Town Attorney with their moves on the Conservation committee role outlined in the current Charter. So clarification is definitely needed to avoid these interpretations but nothing more.

As Fairfield grows and is being taken over with over development of apartment buildings and the destruction of our neighborhoods we don't need less government but rather more so that we have greater representation.

The issue is not to change how many seats but rather term limits and increasing the ability for more people to be involved. This is not being driven by the Charter but rather the RTC and DTC that have a stranglehold on who gets to run for what positions and the strategy to only run candidates for the open slots limiting the challenge and taking away the ability of the public to have options when they vote. Term limits need to be created, no one should sit on the BOE, BOF, RTM for years. How can these parties put one person up for multiple seats on the ballot? The RTC and DTC need to open their doors and process and let the many people who want to participate get that opportunity for all board seats. The political parties in this Town need to find a way to be more inclusionary and make the process more about what is best for our Town versus political party. They need to support all their candidates under their party not just their chosen few.

I would love to know what data this commission reviewed that is driving the narrative that decreasing public involvement in government makes for a more successful one? Where is the data from these other Towns that shows smaller government is more efficient and saves the taxpayers in the long run in taxes? How is concentrated government with less representation more economic and not just a way to be less transparent and accountable? I would argue that our current government has shown what too little representation which allows for less oversight has done to create the big issues we are still paying for.

As we have no local newspaper our government is basically running free of public involvement, gone are the days where we had press attending meetings and informing the public of what's going on in a weekly newspaper. Now it takes weeks for information to find the internet if at all.

These changes to the Charter are wrong, they are not what Fairfield needs especially at a time when we are facing many challenges in running our Town. Public involvement is key to the success and these changes are contrary to that.

Accountability and transparency are what we should have been adding to the Charter not limited government involvement. We need to stop trying to emulate other Towns and focus instead of doing what is best for Fairfield and it's residents and these revisions are not it.

Thank you for your time,

Suzanne Miska

Suzanne Miska

Sent from my iPhone

**From:** Judith Ewing <jeewing8@outlook.com>

**Sent:** Wednesday, June 29, 2022 1:01 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Public Comment, June 29, 2022 (BOS Meeting)

To The Board of Selectmen:

The Charter Revision Commission is to be commended for taking on the very difficult task of making some important decisions while totally reorganizing our current document. Among the most positive contributions were the decisions to hire a professional Town Administrator to guide our Town into the future, to provide the opportunity for the RTM to hire its own attorney, to clarify certain confusing language, to provide cross-referencing, and to try to resolve the issue of the automatic election when four Board of Education seats are on the ballot.

#### HOW TO MAKE THE DOCUMENT MORE USER-FRIENDLY:

I was hoping that this Charter would be more user-friendly. I am absolutely appalled that the CRC thinks that a fifty-three page Charter which has ballooned to a document that has doubled in size is helpful or more user-friendly. There is a great deal of repetitiveness that could have been avoided by simply providing a Subject Index. In addition, there are far too many footnote which makes the Charter much too "wonky." Cross-references to the General Statutes and other sections are very helpful, but other information is not.

There are certain subjects which deserve to be listed in an alphabetized index which would make them a great deal easier to find. For example, the word "contract" cannot be found without reading several pages of texts and then remembering where you found it. Similarly, if you want to find "Town Administrator" you can't. On what page is "Reapportionment of Voting Districts" found? And if you want to read about "Board of Education elections" you need to look for Board of Education in Section 6 where it sends you to Section 2. Therefore, I highly recommend a helpful Subject Index.

#### OTHER COMMENTS ABOUT VARIOUS DECISIONS MADE BY THE CRC:

There are several points I would like to stress about some of the decisions made.

- 1) **TOWN ADMINISTRATOR:** After hearing about various forms of government, the decision to hire a Town Administrator was the right one - but I was surprised to learn that this would be someone that only the First Selectperson can hire and fire. This idea was not presented as "just another political position" like a Chief of Staff, but as a professional that serves the entire



Town. Therefore, the hiring of the person for that position needs to AT LEAST be able to be hired and fired by the Board of Selectmen. (4.3. F.) YOU can change that. In fact, the BOS should want to be in on this decision.

- 2) REDUCTION OF SIZE OF RTM: I strongly disagree with the reduction of RTM members from forty to thirty members. No one gave a compelling reason to do this. See 3.2. A. (1) (c) The number forty provides adequate representation for a town with a population of over 60,000 and 40,000 registered voters. In addition, Fairfield boasts of its very eager and capable group of volunteers. The decision has diminished the opportunity for those who wish to participate in the political process. Why did anyone think this was a good idea? Did anyone survey the current RTM members about their interests and concerns about reducing the membership? Where was the due diligence? Public sentiment seems to be to stay with 40 members. (Minutes of CRC Public Hearing, June 2, 2022; numerous email comments to the CRC.)

The fact is that it makes perfect sense to have 40 members if you compare Fairfield to other towns that have both an RTM and a BOS:

Branford	28,273	30
Darien	21,499	100
Fairfield	61,512	40
Greenwich	63,578	230
Watertown	19,571	25
Westport	27,141	36

NOTE: The reasons given by the CRC for having 30 RTM members were never substantiated and are highly speculative. More efficient? More effective? More accountable? We just don't know.

- REASONS FOR MAINTAINING 40 REPRESENTATIVES INCLUDE:

\*Because the 10 districts are very large, the odds of knowing one of your four reps from your PTA, your place of worship, or your neighborhood are greatly increased.

\*The odds of having a quorum present at committee meetings are even greater.

\*The opportunities to create new committees are a real possibility.

\*The opportunities for more discussion and more representation for our citizens are greatly increased.

\*The opportunities for political and civic participation are greatly increased.

One would have to conclude that an appropriate number of representatives would be 40 for a large Town of 60,000+ citizens.

- 3) AN RTM ATTORNEY: Where is the section that allows that the RTM, by majority vote, can request to hire its own attorney under certain circumstances. This important decision is nowhere to be found in ARTICLE III - RTM. This was discussed in detail on 4/4/2022. This information needs to be in writing somewhere in the Charter so that it can be codified and evaluated over time. Otherwise, it will never be officially recognized.

FINALLY, I do hope that you will consider recommending changes to this draft report and returning it to the CRC after hearing from the public.

Judy Ewing

98 Sasco Hill Terrace

Fairfield, CT 06824

**From:** Christine Vitale <cvitale@optonline.net>

**Sent:** Wednesday, June 29, 2022 2:28 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Charter Review

Dear Members of the Board of Selectman,

I tuned into Monday's Board of Selectman meeting and was surprised to hear it stated that Boards of Education are agents of the town. I refer to Title 10, Chapter 180 of the General Statutes often and that chapter opens with this line: "Local boards of education are not agents of the towns but creatures of the state. 25 CS 305." I think there is definitely some gray area here and I urge you to proceed with care as you approve changes to our town charter.

I am concerned that some current and proposed charter language attempts to usurp the statutory authority of the Board of Education, something a charter, in my opinion, should not do. The Charter should respect the statutory roles and responsibilities of all boards of commissions.

Per state statute, "the money appropriated by any municipality for the maintenance of public schools shall be expended by and in the discretion of the board of education." Current and proposed charter language shifts some of the BoE's discretionary power to the First Selectperson's office and the Board of Selectman. In surveying other districts in Fairfield County, the Town does not serve as the purchasing authority for their Board of Education for the majority. Rather, the town can provide polices and assistance at the Board of Education's request. Our current charter is already an outlier in that the town serves as the purchasing authority for the Board of Education.

If one of the goals of the charter revision was to increase the efficiency of town government, I would suggest that Fairfield follow the lead of towns like New Canaan, Wilton, Ridgefield, and Darien and recognize the Board of Education as its own purchasing authority. This change would decrease redundancy, save money, and leave the decision-making about our schools in the hands of the education professionals where it belongs.

The proposed charter further pushes against the state statute by requiring all BoE contracts over \$100,000, which are exempt from competitive bid process, to be approved by the Board of Selectman. This change also challenges the Board of Education's discretion over its budget and potentially impacts the ability to provide federal and state mandated services to students in a timely

fashion. I ask the you reject this change as it could compromise student privacy, the ability of the school district to deliver goods and services, and presents a number of logistical challenges. Have you discussed the impact these charter changes would have with the Superintendent of Schools or the district's Chief Financial Officer to determine the impact? How many contracts would need to be approved, is it 5? 50? 500? Are employment contracts excluded? Are contracts associated with fulfilling students' IEP's excluded? What impact would a rejection of a contract by the BoS have on the operation of the school district? What will the procedure be if a contract can't wait until the next BOS meeting to be signed? Is the BOS prepared to meet more often, if need be, in order to approve these contracts? How much of FPS staff time will be redirected to attending BOS meetings and what impact?

I respectfully request that you reject this version of the charter and send it back to the commission for further review and clarification.

Thank you for your consideration.

Best regards,

Christine Vitale

254 Verna Hill Road

**From:** Judith Ewing <jeewing8@outlook.com>

**Sent:** Thursday, June 30, 2022 10:57 AM

**To:** CRC <CRC@fairfieldct.org>

**Subject:** Public Comment, June 29, 2022 (BOS Meeting)

I emailed my comments to the BOS prior to the meeting on 6/29/22. I thought you might be interested because I didn't read it outloud, and only summarized my points. Judy Ewing

---

To The Board of Selectmen:

The Charter Revision Commission is to be commended for taking on the very difficult task of making some important decisions while totally reorganizing our current document. Among the most positive contributions were the decisions to hire a professional Town Administrator to guide our Town into the future, to provide the opportunity for the RTM to hire its own attorney, to clarify certain confusing language, to provide cross-referencing, and to try to resolve the issue of the automatic election when four Board of Education seats are on the ballot.

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much too “wonky.” Cross-references to the General Statutes and other sections are very helpful, but other information is not.

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FINALLY, I do hope that you will consider recommending changes to this draft report and returning it to the CRC after hearing from the public.

Judy Ewing

98 Sasco Hill Terrace

Fairfield, CT 06824

**From:** Christine Vitale <cvitale@optonline.net>

**Sent:** Friday, July 1, 2022 10:09 AM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Guidance from Shipman

Good morning Brenda, Tom and Nancy,

I wanted to forward the guidance we received from Shipman and Goodwin. I know Attorney Maher forwarded to Attorney Mednick so you probably have already seen it, but since I referenced it in my public comment I wanted to make sure you all had the full document (it was too long too read into the

record.) I apologize for not thinking to do it Wednesday. Mr. Mednick and our attorney have been in contact so hopefully some of this contract language can be further clarified. Thanks again for your consideration.

Wishing you all a fun-filled and safe 4th of July!

Best,

Christine

# SHIPMAN

TO: Courtney LeBorious, Executive Director of Finance and Business Services, Fairfield Board of Education

FROM: Peter Maher

RE: Preliminary Review of Selected Proposed Charter Revisions

DATE: June 29, 2022

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Yesterday you conveyed on behalf of the Fairfield Board of Education a request for advice with respect to certain proposed revisions to the Town Charter for the Town of Fairfield drafted by the Charter Revision Commission. Specifically, the concerns as we understand them relate to proposed revisions that would subject Board of Education contracts in excess of \$100,000 to approval by the Board of Selectpersons. The concerns of the Board of Education about these proposed revisions are legitimate. Our analysis based on our preliminary review is set forth below.

Based on the information we received, two of the proposed Charter revisions would provide as follows:

**(5) “Contracts” means all contractual relations of the Town (including the Board of Education), including, without limitation, purchase contracts, lease contracts, and service contracts, including but not limited to, agreements, memoranda of understanding, memoranda or agreement, letters of understanding, side letters and other agreements. (Proposed Article I, § 1.4.C(5))**

. . . .

**(a) All Contracts in excess of One Hundred Thousand (\$100,000.00) Dollars, which are exempted from the competitive procurement and solicitation requirements of this Charter and any Ordinances or Regulations adopted hereunder to which the Town (including the Board of Education) shall be a party shall be subject to approval of the majority vote of the Board of Selectpersons. This provision shall not apply to emergency transactions, permitted by the General Statutes, this Charter or Ordinance. (Proposed Article IV, § 4.2.C(1)(a)).**

These proposed revisions are problematic. Requiring Town approval of Board of Education contracts over \$100,000 could interfere with the ability of the Board of Education to operate efficiently. Moreover, it appears that the proposed Charter provision are contrary to law and, as such, would be invalid and unenforceable. Accordingly, adoption of these Charter provisions could invite wasteful litigation.

A review of A Practical Guide to Connecticut School Law, which my partner Tom Mooney wrote and updates, shows why the proposed Charter provisions are likely invalid. First, the Connecticut Supreme Court has ruled that charter provisions are enforceable against boards of education unless they are inconsistent with state law and/or inimical to the efficient operation of the school district:

*The statutes give the “board of education” extensive authority independent of the town.* The powers of the school board are separately set out in the statutes. Conn. Gen. Stat. § 10-220, for example, describes the basic charge of the board of education “to maintain good public elementary and secondary schools, implement the educational interests of the state as defined in Conn. Gen. Stat. § 10-4a and provide such other educational activities as in its judgment will best serve the interests of the school district . . . .”

From these provisions, we see the dual role of board of education members. On the one hand, school board members are municipal officials serving their communities. On the other hand, they act as state agents with responsibility for implementing the educational interests of the state. This divided responsibility has led to some confusion and litigation. *The Connecticut Supreme Court has ruled that charter provisions can be binding upon local boards of education when “the local charter provisions are not inconsistent with or inimical to the efficient and proper operation of the educational system otherwise entrusted by state law to the local boards.”* *Local #1186, AFSCME v. New Britain Board of Education*, 182 Conn. 93 (1980). It can be difficult, however, to apply this rule to specific situations.

Guide (9<sup>th</sup> Ed. 2018), at 18-19 (emphasis added).

When we consider the proposed charter provision described above, they seem clearly inconsistent with state law. The proposed Charter provision would give the Town authority to exercise oversight over Board of Education expenditures by empowering it to approve (and conversely to reject) proposed contracts the Board of Education would wish to enter into to fulfill its statutory (and constitutional) duty to implement the educational interests of the State.



Such oversight directly contradicts the independent authority of boards of education to expend their appropriation as they see fit. As the Guide further provides,

Once an appropriation [from the town] is made, the board of education has autonomy over how it expends those funds. Conn. Gen. Stat. § 10-222 expressly provides:

*The money appropriated by any municipality for the maintenance of public schools shall be expended by and in the discretion of the board of education. Except as provided in this subsection, any such board may transfer any unexpended or uncontracted-for portion of any appropriation for school purposes to any other item of such itemized estimate.*

As the fiscal year progresses, a board of education may reorder its priorities, and transfer funds from one line item to another, provided that total expenditures do not exceed the amount appropriated.

Guide (9<sup>th</sup> Ed. 2018), at 101-02 (emphasis added). In short, the proposed Charter provisions described above would intrude directly into the independent authority of the Board of Education to expend funds appropriated to it as it sees fit to fulfill its statutory responsibility to educate children residing in Fairfield.

Moreover, the mechanics of any such Town approval process invites a challenge on a second basis. In the *Local #1186, AFSCME* case quoted above, a charter provision will not be binding on a board of education if it is “inimical to the efficient and proper operation of the educational system . . . .” *Local #1186, AFSCME*, 182 Conn. at 101. Subjecting contracts properly approved by the Board of Education to an additional step requiring Town approval, which could be delayed or denied, could directly disrupt the proper functioning of the Board of Education.

We hope that these preliminary comments are helpful to the Board of Education. We believe that the proposed Charter provisions would infringe on the statutory authority of the Board of Education, and the Board of Education may wish therefore to advocate for their rejection or modification. Adoption of these revisions as written would be inconsistent with state law and could invite costly and divisive litigation.

Please let us know if you have any questions or if we can be of any further assistance.

cc: Christine Vitale, Chair, Fairfield Board of Education  
Nicholas Aysseh, Vice Chair, Fairfield Board of Education  
Jennifer Jacobsen, Fairfield Board of Education  
Thomas Mooney, Shipman & Goodwin LLP

-----Original Message-----

From: Carol Waxman <cawaxman40@gmail.com>

Sent: Friday, July 1, 2022 1:57 PM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: CRC

I have watched or listened to the CRC meetings and I thank the members for their efforts. While I understand the desire to "streamline" the meetings and the workload, I believe tampering with the budget review process of the education and the town budget will not be a plus for the residents.

My main concern is the present membership of the RTM and the proposed change. I think consideration should have been given to possible 56 members within 10 districts. The population of Fairfield makes it a city, not a town! We need to at least maintain 40 members and even discuss 56! Do not reduce the number to 30 members. This is our community's legislative body.

I realize it is difficult to get candidates for the RTM and other town bodies but if the general population knew more about the running of Fairfield, we might get more volunteers. There needs to be a civics class taught in our middle or high schools, perhaps by the League of Women Voters. The LWV of Westport has been invited into the public schools for years and it does not cost the town any money. Education makes for a good voter!

All the best,

Carol Waxman

Fairfield

Sent from my iPhone

**From:** William Gerber <gerber\_william@yahoo.com>

**Sent:** Friday, July 1, 2022 5:41 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** The BOS should be very concerned about whether items have been added, removed, or changed

Dear First Selectwoman Kupchick, Selectman Flynn and Selectwoman Lefkowitz,

The Board of Selectmen should be very concerned about whether items have been added, removed, or changed from the proposed charter without documentation or discussion by the Charter Revision Commission (CRC), or the Board of Selectmen (BOS). These concerns were voiced by the public at your hearing on Wednesday, June 29. If control over the editing process was lost at any point, then how and to whom? An explanation is warranted. These don't appear to be in the "errata" category that the CRC's advisor, Attorney Mednick, has referred to.

Assume it was just sloppy administration- I doubt that will make the public breathe a sigh of relief. Lawyers and business people who have worked on long, complicated documents know just how serious (what a breach of trust) it can be when those with supposed "control" over editing make additions, deletions or changes without appropriate documentation, and/or without agreement between relevant parties.

A thorough assessment of deleted, changed or added language from the current charter to the CRC's proposed one would be far too difficult for the average person to make. Why? Because most of the document was redlined – a virtual “sea of red”- early in the process just from moving paragraphs around for reorganization purposes. Redlined, substantive changes may not be distinguishable within a paragraph that was already completely redlined. “Average people” (i.e. not the CRC or the BOS) were the ones who found several instances- material things - that were added or deleted, and brought these to the attention of the BOS. On what basis would anyone trust that there are not more?

The public should not be relied upon as the last line of defense against a “runaway document”, especially a town Constitution. Now that the public has uncovered serious problems by happenstance / determination, it would be inconceivable to me that the BOS would push our town's edited Constitution forward without an accessible, soup-to-nuts, line-by-line, word-by-word document check, that EXCLUDES reorganization-related red ink that (like an invasive species) took over the CRC's draft early on. I am asking you to invest in bringing the redlined, annotated version up to a standard befitting of a town Constitution, especially one of a town like Fairfield. References should be real, useful, related to law or actual discussions/votes - not just "New (2022)" or "2022 recodification of current", like so many are. Only then can we feel confident we know about, and understand, the changes.

In her closing remarks on Wednesday, First Selectwoman Brenda Kupchick responded to concerns about document control and legibility deficiencies: “I heard some comments tonight about it being confusing. I personally did not find it confusing”... “I think the redline version was a little hard, but I looked at the footnotes, I looked at the changes, and I understand the reorganization”.... “I understand there are some issues that maybe, possibly didn't clerically go through and we have updated those.”

First Selectwoman Kupchick, I am happy to give you a pass for saying these things above that do not at all compute for me, simply because I can empathize with how much you must be looking forward to putting this time-consuming charter revision exercise behind you. I will assume you were at least NOT aware of changes in language - insertions & deletions - that (a) bestows new powers over the Board of Education to the First Selectperson/ BOS; (b) was not appropriately documented; (c) was not discussed/agreed by the CRC; (d) was not submitted to the Board of Education, Superintendent or BOE counsel for review; and (e) are contrary to law in the opinion of the BOE's outside counsel. I'm hopeful that, had you seen and understood those changes, you would have objected and not waited for the public to find them.

However, now that you know issues have been found, it is your and the BOS's obligation to get the work done to ensure there are no others, before you take action on it.

Sincerely,

Bill Gerber

RTM District 2

**From:** Kathryn Braun <klbesq@aol.com>

**Sent:** Saturday, July 2, 2022 6:25 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Braun letter to BOS on Charter Revision

July 2, 2022

To: Fairfield Board of Selectpersons

Re: Charter Revision

Dear First Selectwoman Kupchick, Selectman Flynn and Selectwoman Lefkowitz:

This Independence Day weekend we celebrate our rejection of strong centralized government run at the whim of the executive. We celebrate the power of every citizen to have a voice in our democracy. Yet Fairfield's Charter Revision process appears to be inhibiting the voice and will of our Town residents and enhancing the power of political insiders.

Many changes that have been suggested, both those included in the Charter Revision Commission's (CRC's) report and others that were dropped due to feared lack of public support, have tended to shift and concentrate power from the Legislative to the Executive branch, and from the people to political insiders.

The charter review process was unnecessarily shortened by 7 months, which per members of the CRC, did not allow sufficient time to fully explore all items. And yet, we have a proposal pending now before the Board of Selectmen (BOS), that disempowers the RTM by reducing both its size and its ability to self-regulate its size, and another change which gives the First Selectperson the power to mediate and resolve disputes among all town bodies- including those that carry out State laws, and including the RTM itself, which is a separate branch of government, not "under" the First Selectperson. (The BOS discussed this item and the 'resolve' may drop the 'resolve' component, but the "mediate" component is still troubling). Further, the First Selectperson would have sole authority over the Chief Administrative Officer.

Now it appears that the BOS will be completing its analysis on July 5, a full 30 days short of what the law allows, at a time when there are many competing demands on the public's attention, including graduations, vacations and the July 4<sup>th</sup> holiday. Many of the substantive changes being put forth to the BOS were not fully discussed or voted on by the CRC. Also not discussed is why it is necessary to compress the entire process into a shortened time period to get any changes on the 2022 November ballot. Why not take the time allowed and let any changes go on the November 2023 or on special referendum? There is no urgency or public pressure to change our Charter this year.

The RTM is truly the voice of the people. Having between 4-5 representatives in each geographic district enhances contact between representatives and residents, encourages public engagement and supports a diversity of candidates running for office. The 2-year election cycle ensures accountability at the ballot box. Cutting the RTM's maximum size by 46% from 56 to 30 makes no sense, especially considering the RTM has used its own authority to reduce its current size to 40. On a per-capita basis our RTM is already only about 1/5 the size of Greenwich, Westport and Darien's, on average. We should not disempower the RTM from regulating its size as the population, residents' desires, and complexity may require. As one CRC member pointed out, the arguments offered by the CRC are purely subjective, and not based on any compelling reasons or objective data.

The recommendation to appoint the First Selectperson as the mediator and arbiter of disputes between all town bodies, is similarly unwarranted, unneeded and actually dangerous, and I ask that the BOS reject it in its entirety. Our public bodies carry out State law or have missions that should not be interfered with by any one person, and of course the RTM is a different branch of government entirely. The Court system is the venue to interpret and decide disputes between public bodies. This would shift more power to the First Selectperson and is not supported by any public desire or objective evidence.

In another oddly unwarranted move not supported by any public desire, the CRC has recommended at this point in our Town's history, that we 'dumb down' the important Director of Public Works position by deleting the long-standing requirement that the director be a professional engineer licensed by the State. Again, there is no objective evidence or public desire to reduce the professional expertise of the person who we want accountable to lead our infrastructure into our coastal-climate-changing future. One claim is that it's hard to find one- but have we tried? It doesn't appear that we have retained a recruiting firm as is the norm to find a qualified, credentialed director since the interim (unqualified per our Charter) DPW head was hired almost 2 years ago. Our director should not have to rely on underlings for professional expertise. Proper recruitment is the answer, not charter revision to reduce qualifications.

The Town Charter is our Town's Constitution, and there is no compelling reason at this time to shift power from one branch to another, or to inhibit speech and debate or discourage public engagement. It should not be changed in ways that will lead to our Town being run by a clubby group of insiders from the 2 major political parties, especially when 42% of our voters are registered in neither party.

In our democracy we encourage vigorous debate, diversity of opinion and free speech over the desire to streamline and make government decisions fast and tidy. The Town Charter could use some clarification and organization improvements, but substantive changes are not needed, not justified and not asked for by the people the BOS represents. The time and effort of the CRC in this regard is commendable, but it has not adequately justified the need for its most significant proposed changes.

Please keep the will of the people at the forefront of your deliberations and reject those changes that would shift the balance of power, broaden the executive's power, or reduce the qualifications of those officials we rely on to run our town.

Thank you for your work on this important task.

Sincerely,

Kathryn L. Braun

Fairfield Resident

**From:** Gaylord gaylordmeyer <gaylordmeyer@gmail.com>

**Sent:** Monday, July 4, 2022 12:11 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** CHARTER REVISION

DEAR BOS-

I Appreciate your consideration.

1. BUT cutting the maximum size of RTM from 56 to 30- would not give FULL representation to Constituents in their District approximately 20,500 per Rep. ABSOLUTELY NOT

2. allowing the First Selectperson to mediate and resolve disputes among all town bodies ? YES ! BUT WHEN NECESSARY SEEK NON-

PARTISAN COUNSEL

3. granting sole authority over the Chief Administrative Officer to the First Selectperson ? NOT SURE THAT WOULD BE WISE

4. the shortened time frame for the entire Charter Revision process- TO BE shortened by as much as 8 months ? DO IT RIGHT ! DON'T

RUSH THE PROCESS !

5. Considering removing the requirement that ouP00

ABSOLUTELY ! ANY CONTROL OVER BOE INCLUDING AN

EXCEL SPREADSHEET WHERE IS THE \$\$\$ ACTUALLY GOING

Respectfully,

Gaylord Meyer

51 Spruce Street

Southport, CT 06890

**From:** betzojo@aol.com <betzojo@aol.com>

**Sent:** Tuesday, July 5, 2022 10:25 AM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** FAIRFIELD CHARTER REVISION - from 1 Fairfield Citizen

I have lived in Fairfield for over 30 years in 3 different neighborhoods

I have attended Commission meetings, virtually or in person.

This has been a difficult process for me to follow and to understand.

About the document as it stood last week - what I could gather from the Wednesday 6/29 meeting:

- I support Minority Representation staying out of Fairfield Charter.

I am not clear how it ever came to be included.

A democracy is founded on one person, one vote.

- I oppose stipulating the RTM Membership be reduced to 30 members.

I believe more representation is better than less, especially in a town this size, with its population and geography. Besides covering more neighborhoods, the chance to staff robust committees made sense to me, as well as having coverage for RTM members who can't attend due to pressing personal considerations.

- The RTM as a body has downsized itself from the max of 56 members - an outside mandate for this legislative branch is not necessary.

- Town Administrator position - yes.

But not politicized by any First Selectman's choice alone.

This should be a Town resource that would have continuity across elections.

I still do not understand:

- why Constable positions are recommended to be reduced in number, and appointed instead of elected.

- why filling a top job in Town Administration, such as Public Works, cannot look for Engineering and Managerial Expertise both. Surely those candidates exist.

- why given the possibility for a longer time frame (of 16 months?), there are now time constraints and pressure to complete in 9 months)? Important meetings for public inclusion are being held around the July 4th holiday and culminating in today's 2:30 pm July 5th meeting?

Not helpful.

- why changes to BOF and BOE business are being included without more dialogue and input being conducted - wording in the final document seemed to still be of concern.

I support a Town wide communication/mailer to Voters -the idea that 44,000+ people not knowing about Fairfield Charter Revision should be acceptable as a given of

people's busy lives and that they will find out about it at the polls should not be ok with Town leadership.

When I hear other people speak to partisanship concerns,

I realize I still have time to find out about that and will ask those questions separately.

I see some folks including quotes about change - I am not seeing fear of change or resistance to change.

I see residents who are asking for the reasons behind certain major changes.



No one should be for change for change sake, and especially not with something as important as a Town Charter. And show me that it's broke before you offer to fix it.

I too have volunteered countless hours in Fairfield, and I did not do so to be thanked.

I assume the Commission is like minded,

but I do appreciate the time and effort such an important task demands of its members.

Beth J. Tracosas

480 Burr Street

**From:** eveoo@aol.com <eveoo@aol.com>

**Sent:** Tuesday, July 5, 2022 11:07 AM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Revisions to Charter

Hi

I echo Kathy Braun's 7/2/22 observations/concerns in her letter (copy below) sent to the BOS in respect to the revisions to the charter.

Particularly:

1. cutting maximum size of RTM from 56 to 30
2. allowing the First Selectperson to mediate and resolve disputes among all town bodies
3. granting sole authority over the Chief Administrative Officer to the First Selectperson
4. the shortened timeframe for the entire Charter Revision process- shortened by as much as 8 months
5. removing the requirement that our DPW director be a state licensed engineer
6. allowing the BOS authority over BOE contracts of \$100,000

I also wanted to say I am perplexed by the need to include a section of Rules of Civility in the charter revision. Robert's Rules have been working just fine. I worry dissent will be interpreted as obstruction and thus a fallacious reaction to invoke a newly created rule.

I also very much appreciate Selectperson Leftkowitz's deep dive into the revisions to help parse what has become a rather daunting mire of redlining.

Thank you.

*Eve & Patrick Burhenne*

*827 Riverside Drive*

**From:** kgriffi1@optonline.net <kgriffi1@optonline.net>  
**Sent:** Tuesday, July 5, 2022 11:19 AM  
**To:** Board of Selectmen <BOS@fairfieldct.org>  
**Subject:** Comments and Requests on the Charter Revision Process

Dear First Selectwoman Kupchick, Selectman Flynn and Selectwoman Lefkowitz,

I was going to email you regarding the Town Administrator and ask you to recommend some changes. However, after viewing the redlined charter and without written explanation for many of the changes, I have more general comments and requests to make:

- At the start of this process, I was probably more familiar with the charter than most CRC members and perhaps even your Board. I watched all the meetings and read the backup. Despite that time and effort, I have to say I am overwhelmed by the amount of movement and change in the document. I strongly recommend you take all the time allowed by statute to ask questions, receive feedback, request written explanations of all changes, and carefully consider what you send back to the commission. Please do not rush this very important process.
- I ask you to look carefully at the number and detail of the many new definitions added and understand what impact they have on the rest of the charter. A change in definition can have a cascading effect on the meaning and intent when the term is used elsewhere in the document. Even a comma matters in law.
- I see large amounts of verbiage added to the sections that relate to the duties of the First Selectperson and the budget process and little flushed out elsewhere. How did that happen? Why were certain sections given so much attention at the expense of others? Does this additional language make things more flexible and simple? Would the language be better served as an ordinance? Is the new language necessary?
- If something is controversial, I request that you take out.
- I ask that you make sure you can explain the changes made, no matter how small. If you can't explain them, or you don't support them, I ask that you recommend they be removed or addressed at a future revision.
- I ask you to think about the issues that were most concerning to you at the beginning of this process. Were they addressed? Did you receive clarification on the Role of the Board of Selectpersons on the issues of salary increases for department heads or on the Board's role in the reorganization of government? Were diversity and equity addressed? Were the concerns around adequate and impartial legal counsel resolved?
- Did the Commission take time to review the 2006 changes to ensure they are working as intended and that they make for more accountable and balanced government?
- Did the Commission achieve the objectives you set for it and provide you with the results you were looking for?

State Statute allows a great deal of time for this process - almost three years from start to finish. I don't understand why the Commission chose to focus on the changes they did within the relatively short timeframe they set for themselves and then ran out of time to address many of the non-controversial changes that were recommended or requested. In my world that could be considered poor project planning and/or management.

It's up to you now to get the project back on track. Trying to rush approval without due diligence is a disservice to the people you serve. You are the ones who will be asking the

voters to approve the changes, not the CRC. I hope you will give the process the time and consideration it deserves.

Sincerely,

Kathleen Griffin  
15 Stonybrook Road

**From:** Pamela Iacono <pamelaiacono4fairfield@gmail.com>

**Sent:** Tuesday, July 5, 2022 12:43 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Cc:** CRC <CRC@fairfieldct.org>; Mednick, Steve <smednick01@snet.net>; Baldwin, James <jbaldwin@cbklaw.net>

**Subject:** Thoughts on the Charter Changes

Dear Members of the BOS,

Selectmen Flynn asked the question why a smaller RTM, I've taken the time to write out my reasoning why I voted the way that I did. For the record, there was a motion made at the Commission to keep the RTM at 40, but it did not get a second.

I also expanded a bit as to why I voted in favor of other sections of the Charter changes, namely the budget hearing process.

My memo is long, but it is detailed with citations from the Model City Charter and the National League of Cities. I hope that you find it helpful in your deliberations.

Sincerely,

Pamela Iacono

CRC Commissioner

To: Board of Selectmen

From: Pamela Iacono, CRC Commissioner

CC: CRC Commission; Jim Baldwin; Steve Mednick

Date: July 5, 2022

Re: Certain Changes in the Charter

*The National Civic League was founded as the National Municipal League following a gathering of civic leaders in 1894. This respected group of about 100 community leaders, including Teddy Roosevelt, Louis Brandeis, and Frederick Law Olmsted, came together to address “incompetence, inefficiency, patronage and corruption in local governments.” Local civic leaders needed inspiration and new models for governing and managing the nation’s cities.”*

<https://www.nationalcivicleague.org/history/>

*“The Model City Charter is used by hundreds of cities to guide their charter language and governance structure. The newly released Ninth Edition continues the National Civic League’s tradition of recommending the council-manager form of government.”*

<https://www.nationalcivicleague.org/resources/model-city-charter-9th-edition/>

The recommended governance changes that are now before the Board are really an honest work product derived from consensus building amongst the committee members. We have maintained our traditional form of government, but we have begun the discussion and laid minor groundwork to encourage rethinking our future form of government as the Town continues to evolve.

I would like to state for the record, that none of these changes are about any one individual, personally, I did not get what I hoped for and that was a Town Council legislative body instead of an RTM, and that’s ok, I don’t think one of us on the commission signed on to this for personal gain. I do believe every one of us was trying to work in the best of interest of the Town. It makes me sad that such an important document has been so savagely politicized by a vocal few. The Commission’s “Civility” addition to the Charter serves as a good reminder that we are all neighbors and that the best solutions come from honest and respectful dialogue.

Our last Charter Revision was in 2006. It was long overdue for a review. In that time a lot has happened in Town, especially from a technology and media standpoint, those two items alone made our Charter outdated. Under the previous Administration we spent close to \$100,000 formulating a strategic plan for the Town. This effort produced a tremendous amount of documented public feedback that deserves consideration. The stakeholders in those discussions were the electors of the Town of Fairfield and we were right to acknowledge their voice and examine their feedback as it related to the Charter.

There were two areas that emerged from the Strategic Plan public sessions that relate to the Charter, and those concepts were one of the reasons the Charter was opened for review. The first concept was “Town Governance and Administration” and the second was “Sound Fiscal Management.”

On the topic of Town Governance and Administration, the strategic plan cited three components

1. Transition from Selectmen/RTM structure to Town Council/Town Manager or Town Council/Mayor
2. Realign and improve management execution of all Town Departments
3. Leverage technology for improved and more cost-effective service delivery

On the topic of Sound Fiscal Stewardship, the following components were cited:

1. Improve long-term budgeting and implement spending growth limitations
2. Improve cross department execution and process execution to reduce costs
3. Analyze and implement steps to increase revenues based on market trends and metric-based goals
4. Implement steps to improve budgeting, rigor, transparency, communication, and understanding.

## **Town Governance and Administration**

## 1. Transition from Selectmen/RTM structure to Town Council-Town Manager or Town Council/Mayor

Why? To create a more ACCOUNTABLE and RESPONSIVE government. And to be PRACTICAL AND EFFICIENT. Where am I getting that from? It's not my personal feeling, it's a recommendation based on the principles of the Model City Charter that has been in existence since 1894 and is a publication of the National Civic League. *"The Model City Charter is the product of more than 100 years of interaction of thought leaders on urban governance, practitioners in city government, and scholars who conduct research on local government. In the early editions, the thought leaders guided the others on how government should be organized. In later editions and now, they work together to refine recommendations about the ideal features city governments should have in order to achieve the highest level of governmental performance..... The new Model continues to advocate professional, nonpartisan city governance, with mayors and legislative bodies that work together with a manager to run city departments and solve public problems."* 9<sup>th</sup> Edition

*"The influence of the Model City Charter, direct and indirect, can be measured in the ever-increasing use of the form of government it advocates. When it was proposed that the National Municipal League (League) endorse the council-manager plan as its model form, fewer than 50 cities had adopted the plan; by 2002 the number exceeded 3,000. Hundreds more communities operate with essential features of the plan, particularly the provision of responsible professional management. It has always been made quite clear that the model is not an absolute. It must be tailored to fit local circumstances, traditions, and legal restraints, and features of it may be used to strengthen governments, even those that do not follow the basic council-manager form."* 8<sup>th</sup> Edition

The CRC discussed a Town Council/Town Manager structure, and the Commission was split on the matter. It was ultimately decided that it was too much of a change for Fairfield, THAT PLAYS INTO TRADITION. Even though nationally Town Council/Town Manager is how most municipalities operate (by around 2/3), AND as has been stated, Fairfield is only one of 2 municipalities of our size operating under the BOS/RTM form of government, the Commission settled on tradition, with some minor adjustments. Change is hard. We recognized that. There is data to support all this change. We did indeed hear from academics and professionals on the matter, and we were provided source documents substantiating their claims. I encourage you all to read the Model City Charter in your spare time.

### Why a smaller RTM?

Ultimately, through a series of discussions, the Commission, through consensus building settled on a smaller RTM as compromise solution to maintaining the BOS/RTM structure, while laying the foundation for future consideration of a Council. But why smaller:

1. While the Model City Charter does not have a recommendation for the size of a Council it does state this, *"However, smaller city councils are more effective instruments for the development of programs and conduct of municipal business than large local legislative bodies. In the United States, it has been an exceptional situation when a large municipal council, broken into many committees handling specific subjects, has been able to discharge its responsibilities promptly and effectively. In large councils, members usually represent relatively small districts with the frequent result that parochialism and "log-rolling"—bargaining for and exchanging votes on a quid pro quo basis—distract attention from the problems of the whole city."* Lowering the number of representatives on

the RTM will therefore allow the membership to discharge their responsibilities more promptly and effectively and help avoid parochialism and “log-rolling.”

2. There was a desire by the Commission to codify in the Charter a Chief Administrative Officer or “Town Administrator” who will assist with providing professional management for the Town. The Model City Charter recommends a CAO, *“Among the mayor-council cities with a population of 10,000 or higher, 52 percent have a CAO... in 11 percent of these cities the mayor appoints the CAO.”* While I want to emphasize, we did not go with the Mayor/Council form of government, there was a desire to add professional management, and our addition is an example of tailoring a best practice to fit our local needs.
3. Based on testimony from area officials, a professional manager will be reluctant to work with a large size Council, which is understandable if you think about it in practical terms, what professional wants to report to 40 bosses. And while this Charter does not call for the Administrator to report to the legislative body, it’s not a leap of faith to draw the conclusion that a smaller RTM affords the opportunity to have a more meaningful relationships collectively with management.
4. Anecdotally, most residents do not know who their RTM representatives are, they don’t know they have four of them, they don’t tend to know their district number, let alone that we have 10 of them, and they therefore don’t necessarily know we have a 40 member RTM or why. Most don’t even know what “RTM” means. What they do tend to know is the one RTM Rep in their district that is the most vocal, the one that answered a phone call for a constituent, the one who is a leader, the one who is most engaged in the community overall. That’s not 40 members, it’s about a dozen or less. That small group is the one “getting the job done” which supports the Model City Charter finding that smaller legislative bodies are more “effective instruments for the development of programs and conduct of municipal business.” During the June RTM committee meeting there were 14 items on the agenda, 8 representatives spoke to the items, eight. Eight out of forty. That’s typical.
5. Gone are the days of needing 4 representatives to cover the work of the district, even representatives are replaced by technology. Today’s Reps have email databases, social media platforms and constituents have access to the Town’s Electronic Citizen Request Form and direct lines of communication to department heads. Today’s RTM representatives and their constituency have modern means of re-solving constituent issues that were not in existence seven years ago when I began my first term. It doesn’t require all four of us to resolve a constituent issue in our district, it only takes one of us, in the Charter proposal, the residents will have three.
6. We have one representative in the United States 4<sup>th</sup> Congressional District, Jim Himes, and when we don’t like something in Washington, we know who to call and we know who is accountable. Here we spread out the accountability and dilute it with such large membership per district.

7. We have a 3 member BOS, a nine member BOF, a nine member BOE, and 7 member TPZ and ZBA, a five member BAA, and literally hundreds of citizens serving on other elected and appointed boards and commissions, most of which are 7 and 9 member bodies. We have a representative government in Fairfield in so many shapes and forms. We can't lose sight of that. The claim that a smaller RTM is undemocratic simply has no merit, that philosophy conflicts with the Model City Charter, the desire for professional management, the anecdotal experience, and when you consider all the other boards and commissions the Town has, each one of other boards has appointed citizen volunteers providing oversight for a multitude of other Town services and functions. Overall, we have an extremely large bifurcated representative government.

What we are looking to achieve at the legislative level is better accountability which will lead to better governance as we look to be as the Model City Charter says, "practical and efficient."

According to the National League of Cities (NLC), 55% of US municipalities have a Council/Manager government, 34% have a Mayor/Council. Only 1% of municipalities have a Representative Town Meeting, and all are almost exclusive to New England. Current trends demonstrate municipalities are moving to a blend of Mayor/Council/CAO. --<https://www.nlc.org/resource/forms-of-municipal-government/> If in the future the Town determines to move in the direction of 2/3 of the municipalities in the country, this small change is the start to getting there as the body inches closer to a size that can function in capacity. A reduction in the size of the RTM is forward thinking and meets the best needs of a municipality of our size.

### **Codifying the membership number in the Charter**

- The Model City Charter also states, *"In determining the size of the council, charter drafters should consider the diversity of population elements to be represented and the size of the city."* **It does NOT state that the legislative body should self-regulate its own size.**
- Right-sizing yourself is hard. The RTM tried in 2011 and ended up in court. The RTM succeeded in 2015. The RTM has yet to succeed in 2022. Human nature is not to work yourself out of a job. Who better to judge the size of the representative town body than the actual electorate? The Model City Charter seems to suggest the same.

### **Town Governance and Administration:**

#### **2. Realign and improve management execution of all Town Departments**

- While this is more a function of the First Selectperson, there are Charter changes that help achieve this:
  - Codifying a Town Administrator position into the Charter, and detailing a description of the job that ensures best practices in hiring
  - Eliminating the engineering degree requirement for the DPW Director to have flexibility to hire a person with project management experience, while at the same time codifying the position of Town Engineer in the Charter.

- Updating the language for the Parks and Recreation Director to reflect management of the Parks which is current practice as well as succinctly defining policy roles.

### **3. Leverage technology for improved and more cost-effective service delivery**

- Again, this is more an operational recommendation, however, we do eliminate the requirement to use print newspaper as a means of communication and allow for the use of technology instead which is a **Modern** and more cost-effective service delivery.

## **Sound Fiscal Stewardship:**

### **1. Improve long-term budgeting and implement spending growth limitations**

- We incorporated a five-year capital plan into the budgeting process.
- We updated contract terms to reflect today's economy.

### **2. Improve cross department execution and process execution to reduce costs**

- A good example of this in the Charter is codifying the Parks and Recreation Director role to include Parks management that was once a function of DPW.

### **3. Analyze and implement steps to increase revenues based on market trends and metric-based goals.** This is not a function of the Charter

### **4. Implement steps to improve budgeting, rigor, transparency, communication, and understanding.**

- We incorporate a five-year capital plan into the budget process.
- We improve the rigor, transparency, communication, and understanding of the budget by allowing for joint hearings between the major town bodies for budget hearings.

## **Why do joint meetings matter?**

### **1. Rigor**

- a. Elected Officials from the BOS and BOF (and the RTM by committee) will have the benefit of asking questions in an environment where they can hear the full Q&A and be able to piggy-back off one another, probing deeper into a department budget.

### **2. Transparency, Communication, and Understanding**

- a. Combined Hearings will allow the public to follow the budget process much more easily, from the onset the public can follow the joint meetings for Q&A and the individual meetings for follow up and voting. Instead of having to watch multiple meetings of separate bodies, where there tends to be a tremendous amount of redundancy. Most importantly, these joint hearings do not preclude each body from hold its own meetings as necessary, and each body will continue to deliberate and vote on the budget separately as they do right now.
- b. The Board of Finance Chair will facilitate the meetings as was past practice when the BOS and BOF meet in joint meetings in the past.
- c. The budget schedule determination remains a collaborative effort between the BOS, BOF, and RTM leadership, facilitated by the CFO, but is codified to ensure effective communication and a clear understanding of the hearing schedule not only between the bodies, but for the public.



- d. The timeline for voting by the RTM is extended by a week to allow for better information to be collected at the onset and in certain years, the state.
- e. The provisions remain that the budget process may be amended as needed either through action of the BOS with the BOF, or by 2/3 vote of the RTM (which is state statute).

The Model City Charter is worth paying attention to, and it's important for the Town to deliver governance that is accountable, responsive, practical, and efficient. A smaller RTM is a step in that direction. The feedback received from residents who met with the Strategic Plan committee regarding governance and fiscal planning is also relevant. There are productive changes to the Charter to address some of that feedback. Thank you.

**From:** Kathryn Braun <klbesq@aol.com>

**Sent:** Tuesday, July 5, 2022 2:45 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Braun follow up letter on Charter Revision

To: Fairfield Board of Selectmen

re: Charter Revision

This is a quick note due to the very recent receipt by me, of letters submitted to you over the past couple of weeks. I thank Jen Carpenter for forwarding these letters to me as I understand they are normally posted with the meeting minutes.

I tabulated the issues and comments from the letters: In over 30 letters received there were over a dozen questions, concerns and challenges about the entire charter revision process.

As I have said in my prior letters, the process is critically important for this entire effort to be credible to the 60,000+ residents of our Town. A fair, reasonable, transparent process focusing on public engagement and data collection, is as important as the substantive changes being proposed. The arbitrary rushing short the process, not posting deadlines for letters, and not being transparent about why the CRC or BOS significantly shortened their law-given timeframes, harms credibility. I also expressed concern last Fall when public officials were only provided 1-2 business days notice to provide input into the CRC's meetings focused on specifics to them (as a TPZ Commissioner I was one of them).

There is no reason to have rushed it 7 months early for the CRC and at least 1 month early for the BOS. There was no discussion held or vote taken from what I can see- it just happened. You can ameliorate some of the credibility issues stemming from the history of this process by taking your full statutory time now, which I hope you will do.

Further, at the 1 public hearing and from the 30 letters or so, there was no support for RTM reduced size, CAO being run by solely the First Selectperson, the First Selectperson having authority to mediate and resolve disputes among other town bodies, reducing the number of constables and making them another First Selectperson appointment, and 'dumbing down' the position of Director of DPW.

Its literally 6 hours after the July 4th holiday, during a work day, and only 3 business days after your only public hearing. That didn't have to be, and it doesn't have to be your final hearing.

I urge you to extend your hearings and the ability for public comment, to the statutory deadline for hearings, which is August 4.

Sincerely,

Kathryn L. Braun,

Fairfield Resident

**From:** L O'Brien <ljobrien2019@gmail.com>

**Sent:** Tuesday, July 5, 2022 5:36 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Charter revisions letter addressing concerns

Pls read attached

--

- Laurene

Laurene O'Brien

917-816-8244

Date: July 5<sup>th</sup>, 2022

To: Board of Selectman

Regarding: Shorten the time for Fairfield charter review and potential revision

From: Laurene J. O'Brien, 22-year resident and former RTM member

Dear Board of Selectman,

Happy 4<sup>th</sup> of July! This is the time we celebrate the birth of this country, born because we demanded fair representation in government. Refusing to accept the word of British politicians, who insisted representation was adequate. Fairfield's charter review and revision including representation needs to be done thoroughly, completely and if necessary, using all the time allotted. So why the rush?

I thank the Charter Revision Committee (CRC) for their many hours of work to review and reshape our town charter. Unfortunately, the committee has inaccurately stated they have run out of time to fully explore all issues. Specifically, because an additional 8 months remain to complete the work correctly and on time. It is completely understandable if committee members are personally out of time to complete the task as charged. But they need to not shortchange the process and town, but rather professionally step down. Nowhere is it stated that the CRC review needs to be conducted only until the committee no longer can, or wants, to do the job. Nor are there requirements for recommendations to be complete to facilitate inclusion on the next election ballot this November.

I thank the CRC for their honest answers to the public's inquiries. The CRC makes multiple recommendations to change Fairfield's Town Charter, including a 46% reduction in the maximum size of the Representative Town Meeting (RTM). When asked why, the CRC's perplexing answer was "... *it would allow for more intimate discussions and streamlining of the RTM...*"? While honest, that answer is extremely concerning and an ineffective attempt to legitimize pernicious changes recommended by

the CRC. Most significantly because 'intimate & streamline' are in direct contrast to the basic design of Representative town meetings functioning largely the same as open town meetings.

How do the citizens of Fairfield specifically benefit from the following recommendations?

- Why would we ever want to have a less qualified DPW director?
- How does the town benefit from the recommendation to make it the sole responsibility of the First Selectperson to have complete authority over the Chief Administrative Officer or be given the deciding voice for all mediation and dispute resolution among all town bodies?
- Why recommend a 46% reduction in RTM maximum size, per the charter? When RTM size reduction has not been requested by any individual or group not in town government.
- Why further usurp a fundamental function of the RTM, by giving fiscal oversight of Board of Education contracts of \$100,000 to the Board of Selectman? It is simply not necessary and erodes the very form of government our town is based on.

While the RTM and First Selectperson roles do not specify any minimal education requirements. Why as a town would we ever want to **hire a less qualified DPW director, by removing the state licensed engineer requirement**? The DPW director is a highly specialized position that oversees the 'engineering' of our continually growing town. A temporary DPW Director, who is not a state licensed engineer has lingered in that role for 18+ months, because a qualified replacement cannot be found? **So, why haven't we used a recruiter**, as Fairfield has repeatedly and very successfully done for previous Board of Education Director searches? Surely with proper executive search assistance, Fairfield can find a qualified state licensed engineer who would find the career opportunity and living in Fairfield incredibly attractive.

**Keeping town departments independent provides checks and balances required for good government.** Fairfield's charter has worked well to facilitate a long-established and balanced town government, based on the time tested 'Representative Town Meeting', a New England form of town government dating back to colonial era representation needs. The design of Representative Town Meeting is to be inclusionary, not exclusionary. The CRC is recommending concerning changes and unwarranted oversight. The suggestion of merging town departments and their respective roles, shows a complete disregard for the distinct missions and procedures of each separate department. It appears the only purpose of some proposed charter changes are to reshape the role and powers of the First Selectperson. Exactly how does the town benefit from such consolidations?

**Where is the town benefit in a 70% reduction in RTM maximum size?** People want more accessible government representation. Given that the RTM Rep positions are unpaid and that our town is constantly growing, more citizens require more representation, not less. Especially given that RTM Reps are a benefit to the taxpayers, at no cost. Why would Fairfield want to offer 75 to 87% LESS per capita representation than the surrounding towns of Darien, Greenwich, or Westport?

- **Greenwich population 64,000**, 12 districts, 230 RTM Reps, **276 constituents/ Rep**
- **Fairfield population 62,000**, 10 districts, 30 RTM Reps, **2,065 constituents/ Rep\*** (\* if the 70% deduction in RTM max size, per the town charter, is adopted)

Lack of government representation led to this country's revolutionary war, ending monarchic rule and feudalism. In 1765 an assessment of the British government was that "taxation without representation is tyranny". Ridiculously and unsuccessfully the British parliament countered, stating colonists had representation even though they could not vote. To justify that rationale and the Stamp Act, Parliament created the doctrine of 'virtual representation'. That doctrine was just as deceptive and thinly veiled, as the CRC's justification that RTM size reduction by 46%, "... *will streamline the RTM and allow for smaller more intimate discussions*". Both justifications are poor and insidious. Again, the

basic design of Representative Town Meetings is to function largely as open town meetings, not to be small, selective, or intimate.

Smaller equals less representation for the needs of our ever-growing town population. If the less educated and less politically aware people in 1765, did not buy the visual representation doctrine, why would the CRC think whitewashing a 46% cut to the RTM with extremely broad strokes would work today?

**CRC members have self admittedly identified that they have not reviewed everything**, because they have personally **run out of time**. As such they should professionally step down, not shortchange the process and in turn our town. Fairfield is a town of 62,000, comprised of a richly diverse and eclectic population of professional, bright, educated, smart citizens, and many very capable volunteers. I'm confident transitioning to new, fresh committee members will finish the job thoroughly, using all the allotted time available, to do so correctly, while allowing those CRC members that are out of time to return to their busy lives. I cannot imagine anyone in Fairfield wants the timeline for this committee's work to be shortened or for the work to be done in anyway less than completely or in the best interest of our town. Nor would it be acceptable for the committee's work to end prematurely, or for the work to not be thoroughly completed because project focus improperly shifted, specifically to ensure this referendum gets on the ballot this November. Those are not the charges of the CRC. The charter revision review needs to be done correctly, completely and in the best interest of the town of Fairfield. I implore those with the ability to vote on our charter revision to do the right thing for the town and its citizens. Please only vote to approve recommendations that have been completely reviewed and that result in direct benefits for the town of Fairfield and not only to benefit a single individual or group.

Respectfully submitted by,  
Laurene O'Brien  
20+ year Fairfield resident & former RTM member

**From:** Kathryn Braun <klbesq@aol.com>  
**Sent:** Tuesday, July 5, 2022 2:45 PM  
**To:** Board of Selectmen <BOS@fairfieldct.org>  
**Subject:** Braun follow up letter on Charter Revision

To: Fairfield Board of Selectmen

re: Charter Revision

This is a quick note due to the very recent receipt by me, of letters submitted to you over the past couple of weeks. I thank Jen Carpenter for forwarding these letters to me as I understand they are normally posted with the meeting minutes.

I tabulated the issues and comments from the letters: In over 30 letters received there were over a dozen questions, concerns and challenges about the entire charter revision process.

As I have said in my prior letters, the process is critically important for this entire effort to be credible to the 60,000+ residents of our Town. A fair, reasonable, transparent process focusing on public engagement and data collection, is as important as the substantive changes being proposed. The arbitrary rushing short the process, not posting deadlines for letters, and not being transparent about why the CRC or BOS significantly

shortened their law-given timeframes, harms credibility. I also expressed concern last Fall when public officials were only provided 1-2 business days notice to provide input into the CRC's meetings focused on specifics to them (as a TPZ Commissioner I was one of them).

There is no reason to have rushed it 7 months early for the CRC and at least 1 month early for the BOS. There was no discussion held or vote taken from what I can see- it just happened. You can ameliorate some of the credibility issues stemming from the history of this process by taking your full statutory time now, which I hope you will do.

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Its literally 6 hours after the July 4th holiday, during a work day, and only 3 business days after your only public hearing. That didn't have to be, and it doesn't have to be your final hearing.

I urge you to extend your hearings and the ability for public comment, to the statutory deadline for hearings, which is August 4.

Sincerely,

Kathryn L. Braun,

Fairfield Resident

**From:** kgriffi1@optonline.net <kgriffi1@optonline.net>

**Sent:** Tuesday, July 5, 2022 3:19 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Technical Questions/Concerns on Terms and Definitions

Dear First Selectwoman Kupchick, Selectman Flynn and Selectwoman Lefkowitz,

Please see the email below that I sent to several members of the CRC and Attorney Mednick on June 5th regarding technical questions I had and concerns on the use of terms and definitions in the draft charter. I believe one or two issues have been addressed but the majority were not in the June 13 draft you received.

Now that the document is in your hands I request that you consider addressing these concerns and questions.

Sincerely,  
Kathleen Griffin  
15 Stonybrook Road

**From:** [kgriffi1@optonline.net](mailto:kgriffi1@optonline.net)

**Date:** June 5, 2022 at 9:01:57 PM CDT

**To:** Steve Mednick <[SMednick01@snet.net](mailto:SMednick01@snet.net)>, John Wynne <[Jmwynne144@gmail.com](mailto:Jmwynne144@gmail.com)>, Chris

Brogan <[cbrogan5@optonline.net](mailto:cbrogan5@optonline.net)>

**Subject: Technical Questions/Concerns on Terms and Definitions**

There used to just be three definitions in the Charter (Town Office, Town Officer and Town Official). Understanding what paragraphs applied to what position or body was fairly easy.

Quite a few new terms were added during the revisions. And we have over 400 volunteers in Town and over 500 employees that these terms refer to. For most, if they read the Charter (or the Code), they will likely read to see how it relates to them specifically or the body they serve on. So I think it's important that these terms are well-defined, make sense and are actually used with the correct intention.

Here are the terms (old and new) that I see relate to positions, bodies and/or the persons that serve on those bodies. I've highlight some of the wording that I think might be unclear or in conflict with other terms. And I listed below the chart some concerns/questions I have on the language that could maybe use clarification:

#	Term	Definition
23	Town	means the Town of Fairfield
9	Elector	shall have the meaning contained in the General Statutes.
7	Department	means any major functional or administrative division of the Town, including any offices, agencies, bureaus or other descriptions serving such purpose as may be set forth in the budget of the Town. When used within the section establishing or describing the duties of the particular department or its related Board or Commission, the term "Department" shall apply exclusively to the functional division referred to in that section.
2	Board or Commission	For the purposes of this Charter and except as otherwise provided by Law, the terms "Board" and "Commission" shall include all boards, agencies, commissions, authorities or like entities or bodies of the Town, whether elected or appointed. This term does not include advisory committees, task forces or other like entities created by appointing authorities for limited duration, purposes or scope.
24	Town Office	means any position in Town government which is described by this Charter except membership on the Representative Town Meeting
25	Town Officer	means an individual elected or appointed to a Town office other than as a member of a Board, or Commission
1	Appointed Town Officer	means an employee who heads any Department in the Town; has the authority and qualifications set forth in §6.1 through 6.2 of this Charter, below; and, is directly accountable to the First Selectperson, unless otherwise set forth in this Charter.
26	Town Official	means any Town Officer and any member of an Board or Commission
8	Elected Town Officials	means an individual who holds an elected municipal office as set forth in §2.3.A, below, and as further set forth in this Charter.
19	Representative Town Meeting	means the legislative body of the Town, as required by the General Statutes and as specifically set forth in Article III of this Charter.
3	Board of Selectpersons	means the executive authority of the Town as defined in Article IV of this Charter
10	First Selectperson	shall mean the chief executive officer of the municipality, as required by the General Statutes and as set forth in this Charter.

A few questions/conflicts:

1. #25 'Town Officer' and #1 'Appointed Town Officer' are defined quite differently and yet I would expect 'Appointed Town Officer' to be those 'Town Officers' that are not elected. I think #1, with a very separate meaning, is confusing. Is it necessary?
2. Is the definition #8 "Elected Town Officials" needed? Can't language just say 'elected Town Officials' (small 'e') as opposed to 'appointed Town Officials'?
3. 6.1 A. title is 'Elector requirement for Appointed Town Officers' but then goes on primarily to speak about appointed Board and Commission members which neither fit the definition of 'Town Officer' nor 'Appointed Town Officer'.
4. If "Constables" are now 'Appointed Town Officers', should they be listed in 2.3 if they are required to be electors like the Town Attorney and Town Treasurer?
5. As defined, 'Town Office' is only positions in the Charter and 'Town Officer' is derived from that. (Those terms exclude any positions defined in State Statute or Ordinance.) Since the term 'Boards and Commissions' is not defined with Charter exclusivity, does that mean that the term 'Town Official' includes members of those appointed Boards and Commissions in State Statute or defined by Ordinance? So those persons who serve on boards are 'Town



Officials' but don't hold 'Town Office'? I'm not saying it's wrong. I just want to make sure it's intentional.

6. For example, Solid Waste & Recycling Director, Department and Commission are all in the Code. Is the Director a 'Town Officer' and/or do they hold 'Town Office'? Do the SWRC Board and Commission members hold 'Town Office' or are they only 'Town Officials'?
7. When 'Town office' is used, does it have the same meaning as the term 'Town Office'? In other words, must be a position in the Charter? Or does it mean something more general i.e., include positions outside of the charter, statutes, etc?
8. Standards of Conduct uses the term 'Town Officer, employee, RTM member, or member of any Board or Commission'. The Civility Section says 'among Town employees, Elected Town Officials, Members of the RTM, Appointed Town Officers and the public', so that excludes appointed B&C members?

I mention a lot of this because the start/end of terms, term limits, and especially the Single Office requirement questions come up quite often – and the language needs to be clear and easy to interpret. Also there were several boards that wanted to be added to the Charter and were not. So in fairness to them I think someone being able to easily answer them on what language does/doesn't apply to them, what ordinance creation would do for them, etc., will be helpful.

In general I think the document really needs to be proof-read with various positions in mind, and paying specific attention to the terminology used and to make sure positions are appropriately included or excluded as intended. A few to consider would be ROV, Bicycle and Pedestrian Committee members, SWRC members, Alarm Hearing Officer, Constables, RTM members.

A few other minor things:

- Footnote 10 (1.4 C. (1) says See Article VII, 7.2, below. 7.2 defines the Town Attorney. Is this correct?
- Something is wrong with these two paragraphs re: appointing authority of BOS and FS:

**Board of Selectpersons:** 4.2 B (4) Appointment powers. The Board of Selectpersons shall appoint: (a) Required by Charter165: The Town officers, Boards and Commission, and employees set forth in this Charter, any others required by the General Statutes or by Ordinance to be appointed by the **First Selectperson** and any other for which no other appointment provision is made in the General Statutes, this Charter or the Ordinances.

**First Selectperson:** 4.3 C (1). Appointment powers187. (1) The First Selectperson shall appoint the Town officers, Boards and Commission, and employees set forth in Articles VII and VIII of the Charter, any others required by the General Statutes or by Ordinance to be appointed by the First Selectperson **and any other for which no other appointment provision is made in this Charter189.**

Thanks,

Kathleen Griffin

15 Stonybrook Road



**From:** jrmitola (null) <jrmitola@aol.com>

**Sent:** Tuesday, July 5, 2022 10:08 PM

**To:** Wynne, John <jmwynne144@gmail.com>

**Cc:** Board of Selectmen <BOS@fairfieldct.org>; Kupchick, Brenda <BKupchick@fairfieldct.org>; Nancy Lefkowitz <Nancylefkowitz@gmail.com>; Flynn, Thomas <tom.flynn@tomflynn.org>

**Subject:** Re: Some thoughts in support of a streamlined RTM

John. I was for 30 members when we were leaning towards eliminating the BOS. That did not happen because we were told that if we got rid of the BOS 30 was too big. Then the BOS indicated to us it did not want to get rid of the BOS so reducing the size to 30 especially after great public pushback was not the preferred route. The compromise is to keep it at 40 which is a reduction from 56 which is in the current charter.

John M.

Sent from my iPhone

On Jul 5, 2022, at 9:11 PM, John Wynne <[jmwynne144@gmail.com](mailto:jmwynne144@gmail.com)> wrote:

The letter I sent to BOS. Had some bounce backs in my spam that I just noticed.

Sent from my iPhone

Begin forwarded message:

**From:** John Wynne <[jmwynne144@gmail.com](mailto:jmwynne144@gmail.com)>

**Date:** July 5, 2022 at 8:58:15 PM EDT

**To:** Chris Brogan <[cbrogan5@optonline.net](mailto:cbrogan5@optonline.net)>

**Subject:** Fwd: Some thoughts in support of a streamlined RTM

Forgot to send this after tonight meeting. My note to BOS.

Sent from my iPhone

Begin forwarded message:

**From:** John Wynne <[jmwynne144@gmail.com](mailto:jmwynne144@gmail.com)>

**Date:** July 5, 2022 at 3:04:02 PM EDT

**To:** Bryan Cafferelli <[bryancaff@gmail.com](mailto:bryancaff@gmail.com)>

**Subject:** Fwd: Some thoughts in support of a streamlined RTM

Sent from my iPhone

Begin forwarded message:

**From:** John Wynne <[jmwynne144@gmail.com](mailto:jmwynne144@gmail.com)>

**Date:** July 5, 2022 at 9:21:00 AM EDT

**To:** "Kupchick, Brenda" <[BKupchick@fairfieldct.org](mailto:BKupchick@fairfieldct.org)>, Nancy Lefkowitz <[nlefkowitz@tribecafilm.com](mailto:nlefkowitz@tribecafilm.com)>, Tom Flynn <[tom.flynn@tomflynn.org](mailto:tom.flynn@tomflynn.org)>

**Subject:** Some thoughts in support of a streamlined RTM

Members of the Board of Selectmen:

I wanted to share a perspective on the CRC deliberations and decisions from my viewpoint. Specifically, I wanted to provide a comprehensive look at why we suggested a reduction in the size of the RTM.

Some have indicated that the intent was to strip residents of representation in some way. That could not be further from the truth. The objective was to provide stronger representation by an improved, more engaged, and more capable RTM. I have summarized some details on how this came to be.

As you know, I served on the Strategic Planning Committee (SPC). The SPC was a nonpartisan group of 4 democrats, 4 republicans and 3 unaffiliated members. We were appointed by the Tetreau administration, and were asked to lend our knowledge, expertise, and time for the benefit of the entire town. No question of political intent was noted either during the course of our work or delivery of our report.

And we worked hard - for over 2 years. I am disheartened - for any volunteer on future commissions - to see the way the objectivity and integrity of the SPC has been impugned by some recently, especially related to SPC members participating on the CRC. There are ways to disagree with results without making false claims against individuals or questioning the objectivity or motives of independent committees. And when someone says "it's not personal", chances are very good that it is. Yet, that is an argument for another day.

One of the recommendations from the SPC was to explore a change in governance in Fairfield. This recommendation came from numerous sources, including:

- the many, many resident workshops the SPC conducted to glean resident attitudes, concerns, and desires;
- the input from Town leaders, Boards and Commissions and Department Heads;
- the suggestions from local academic political experts, and;
- the views of the skilled municipal consultants.

The specific reasons that this decision was reached by the SPC included:

- Some Town leaders (in confidential interviews) indicated that our governance structure and execution may not be best serving the Town. In particular, of all the government bodies, the RTM was highlighted as bloated, inefficient and not effectively representing the people in each district.
- Residents expressed a lack of understanding on what the RTM is and what it does. Many relayed that they do not even know any of their RTM reps.
- We asked many groups in town to help us conduct workshops to hear from residents. Ultimately the SPC conducted approximately 40 of these workshop sessions all across town, in many school PTAs, and various other venues. This was necessary because the RTM largely ignored repeated requests for RTM district focused meetings, and indicated that holding district meetings for residents was too much of an effort. In the end only a limited number of districts hosted workshops.
- The expert from Fairfield University concluded that a different form than the BOS/RTM structure would be more responsive to resident interests and desires and would be more effective.
- The majority and minority leaders of the RTM, in their Subject Matter Expert workshop on Governance, both agreed that the RTM was not working effectively and a change was needed.
- The SPC consultants indicated that our form of government is somewhat legacy based and is not responsive to emerging needs and trends and is less and less used both in CT and nationwide, in favor of other more accountable and responsive forms of government.

So, when I entered the work of the CRC, I did come into this effort with one critical idea - a desire to EXPLORE a change of governance. And I came with a wealth of knowledge about the town and municipal governance that I hope in the end, was helpful to my fellow Commission members.

During the CRC meetings we heard from a number of outside experts. I know you have heard about this input so I won't repeat all the people who helped. In addition, I did some of my own research about other towns in CT and neighboring states to help form a conclusion.

My personal conclusion was that we need to seriously consider a Town Manager/Council or Town Manager/Mayor form of government. This view on the part of the CRC was initially met with resistance. The idea was simply too much of a change for the CRC (and possibly the town) to accept. And while I don't necessarily agree, I understand that. Change is hard. Big change is even harder.

So, what to do? We've come to the conclusion that our current government, particularly the RTM is not working well, but we can't swallow a change that big. What do we do? Do we do nothing? In my opinion that would have been a disservice to the Town.

The next suggestion was to lower the RTM to 20 members. There was pretty strong support for this and at least at one point, I believe there were the votes to pass that. But some on the Commission (myself included) felt a unanimous vote would be better than a split one. So, we continued to talk. Commissioner Mitola then offered a compromise. He said that perhaps we could consider reducing the RTM to 30. Not remain at 40. Not go as low as 20. Compromise at 30. And that is where we landed.

I stand by that process, the reasons for that compromise, and the conclusion which at the time anyway, was unanimous.

I have heard people say that moving from 40 to 30 will cause us significant hardship in our ability to lead and represent our constituents. I am reminded of that same argument that was made when the RTM moved from 50 to 40. But, lo and behold, after the change was made, did we hear word one about how the fears came to be? I heard nothing. I would suggest that the same will be true of this change.

In conclusion, I want to restate my views on the benefits of this action:

1. It improves the accountability of this important legislative function. Let's not underestimate the benefits of accountability. Improved accountability in organizations helps:
  - a. Foster trust and therefore relationships, leading to better outcomes, and
  - b. Encourages ownership of decisions in order to avoid costly mistakes.
2. It moves the legislative body of the Town closer to one that works best with a form of government which has been recommended as the preferred and most populous form of U.S. municipal government today.
3. It lessens the proclivity of some to avoid active participation and simply vote with their party and "hide in the crowd", rather than encouraging involved impassioned people to serve.

I hope you will favorably consider this recommendation.

John Wynne

John M. Wynne

845-430-7654 (mobile)

[jmwynne144@gmail.com](mailto:jmwynne144@gmail.com)

**From:** Wolfgang Klier <wklier@gmail.com>

**Sent:** Wednesday, July 6, 2022 9:10 AM

**To:** CRC <CRC@fairfieldct.org>

**Subject:** Ranked Choice Voting

Dear Madam or Sir,

I apologize for writing in so late in the process, we just bought a house in Fairfield and so will be Fairfield citizens soon.

I wanted to urge you to include at least the possibility of ranked choice voting <https://www.fairvote.org/rcv> in the updated town charter.

In addition I wanted to highlight that a proportional representation system [https://www.fairvote.org/how\\_proportional\\_representation\\_elections\\_work](https://www.fairvote.org/how_proportional_representation_elections_work) would achieve better representation for the RTM without imposing artificial quotas. Even if keeping the current 10 districts with 4 representatives each or even better go to 6 districts with 5 representatives each.

Regards,

Wolfgang

-----Original Message-----

From: Carol Waxman <cawaxman40@gmail.com>

Sent: Friday, July 8, 2022 10:56 AM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: CRC proposals

My dear Board of Selectmen-

Having recently attended in person the special meeting of the Board of Selectmen, I feel once again compelled to state my belief that Fairfield needs 40 and the possibility of 56 representatives in the Representative Town Meeting.

I am bothered by the simple proposal of recommending 30 reps for the ten districts. I believe that it is short changing the approximately 63,000 residents of this "city". It appears that the CRC is so confident that 30 is the correct number that they have not even added the possibility of up to 40 or up to the present possibility of 56 members.

I do not understand the reliance on the "city model" form of government which is not representational of our long-standing New England form of government. I can understand Ms. Kupchick's desire to remove some of the "burden" of dealing with all the business and the queries of residents by having a financial manager in the executive branch.

The legislative branch is the part of our town government which concerns me as a former Westport RTM member, albeit a third the size of Fairfield. It is such an important part of our government that we need as

many members as possible. A comment was made in a letter to the BOS that Fairfield residents know Representative Himes but not their district RTM reps. I might point out that Mr. Himes is a paid Congressional representative with a paid staff in DC and CT who aid him in keeping in touch with his constituents. Our RTM reps are volunteers w/o staff who keep on top of the Board of Education and Town budgets and deal with residents inquiries and I have been in touch with my district reps!

The bottom line of my email is that I believe the size of this town deserves as many RTM reps as presently possible and the number should not be reduced at all.

Perhaps the CRC needs to be replenished with new members if the present volunteer members need to leave and we can run the entire length of the time possible for a thorough study and presentation for possible Charter revisions so that the residents vote in an educated manner not in the covid climate or virtual participation.

Thank you for all you do to keep our town healthy and prosperous.

Carol Waxman  
Fairfield

**From:** budmorten@aol.com <budmorten@aol.com>

**Sent:** Friday, July 8, 2022 1:13 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>; BOF <BOF@fairfieldct.org>; RTM <RTM@fairfieldct.org>; boemembers@fairfieldschools.org; TPZ Commission <TPZCOMMISSION@fairfieldct.org>; CRC <CRC@fairfieldct.org>

**Subject:** Bud Morten's Response to Iacono and Wynne Memos to the Board of Selectmen

Please see attached.

To: Board of Selectmen July 8, 2022  
Fr: Bud Morten  
Re: Charter Revision

## **“One size fits all” and “Trust the experts,” says the Charter Revision Commission; So let’s cut the size of our RTM!**

A week after the Charter Revision Commission (CRC) presented its conclusions to the Board of Selectmen (BOS) with no clear (let alone, “compelling”) rationale for one its most important recommendations, two of its members have tried to explain why we should reduce by 25% (from 40 to 30) the number of people who represent us on the Representative Town Meeting (RTM).

**For those who don’t want to read all of this long paper (much of which provides a summary of those two explanations) the bottom line is this: The CRC has still not provided any serious analysis that explains why it thinks the real benefits (if any) of cutting the size of our RTM outweigh any related costs and risks.**

The CRC's rationale for any major changes it recommends should be presented in the following nine steps: (1) SPECIFIC PROBLEM OR OPPORTUNITY BEING ADDRESSED — WHAT IS THE OBJECTIVE? (2) PROPOSED CHANGE IN THE CHARTER. (3) EXPECTED BENEFITS. (4) ASSOCIATED COSTS AND/OR RISKS (INCLUDING POSSIBLE CUMULATIVE RISKS WHEN COMBINED WITH OTHER PROPOSED CHANGES). (5) OTHER POSSIBLE OPTIONS (INCLUDING THE STATUS QUO). (6) TRADE-OFFS. (7) RECOMMENDATION. (8) ANY KEY ASSUMPTIONS AND/OR KEY SUCCESS FACTORS UPON WHICH THE EXPECTED OUTCOME DEPENDS. (9) DISSENTING OPINION(S).

### **Summaries of the Iacono and Wynne Memos**

Most of a six-page memo<sup>1</sup> from Commissioner Iacono is dedicated to advocacy for a different form of government (Council-Manager) that the CRC considered and rejected. Most of a four-page memo from Commissioner Wynne is dedicated to describing his earlier experience with the Strategic Plan Committee (SPC). Here are the reasons they offered for reducing the size of the RTM:

#### **The Iacono Memo**

1. The CRC *"settled on a smaller RTM as a compromise solution"* when it failed to agree to change our entire governance structure from 'BOS-RTM' to 'Council-Manager' as recommended by the National Civic League, an organization which for many years has produced a guide to municipal governance called the "Model City Charter."<sup>2</sup> Reducing the size of the RTM is therefore beneficial because it lays *"a foundation for future consideration"* of the Council form of government, and because *"this small change is the start to getting there."* *"The Model City Charter is worth paying attention to, and it's important for the Town to deliver governance that is accountable, responsive, practical, and efficient. A smaller RTM is a step in that direction."*

<sup>1</sup> For copies of the Iacono and Wynne memos, see pages 297 and 310 at this link:

[07-11-22\\_Backup\\_for\\_BOS\\_Special\\_Mtg.pdf \(fairfieldct.org\)](#)

<sup>2</sup> [Model City Charter - 9th Edition | icma.org](#)

2. The Model City Charter says nothing about the ideal size for an RTM or even for a city council, but it does express a preference for smaller versus larger "councils," and based on this the CRC believes that *"lowering the number of representatives on [Fairfield's] RTM will . . . allow the membership to discharge their responsibilities more promptly and effectively and help avoid parochialism and 'log-rolling'."*<sup>3</sup> Also, although *"the Charter does not call for the [Town] Administrator to report to the legislative body, it's not a leap of faith to draw the conclusion that a smaller RTM affords the opportunity to have a more meaningful relationships [sic] collectively with management."*

<sup>3</sup> Logrolling is the trading of favors, or quid pro quo, such as vote trading by legislative members to obtain passage of actions of interest to each legislative member. [en.wikipedia.org]

3. *"Most residents do not know who their RTM representatives are, they don't know they have four of them, they don't tend to know their district number, let alone that we have 10 of them, and they therefore don't necessarily know we have a 40 member RTM or why. Most don't even know what 'RTM' means. What they do tend to know is the one RTM Rep in their district that is the most vocal, the one that answered a phone call for a constituent, the one who is a leader, the one who is most engaged in the community overall. That's not 40 members, it's about a dozen or less. That small group is the one 'getting the job done' which supports the Model City Charter finding that smaller legislative bodies are more 'effective instruments for the development of programs and conduct of municipal business.' During the June RTM committee meeting there were 14 items on the agenda, 8 representatives spoke to the items, eight. Eight out of forty. That's typical."* In addition, three representatives per district are now enough because better technology makes it easier to resolve constituent issues, and having more representatives is bad because it *"spreads out"* and *"dilutes"* their accountability.

4. Since there are *“literally hundreds of citizens serving on other elected and appointed boards and commissions . . . we have a representative government in Fairfield in so many shapes and forms . . . [and thus] “the claim that a smaller RTM is undemocratic simply has no merit,”* and moreover, *“that philosophy conflicts with the Model City Charter, the desire for professional management [and] the anecdotal experience.”*
5. Finally, *“what we are looking to achieve at the legislative level is better accountability which will lead to better governance as we look to be as the Model City Charter says, ‘practical and efficient,’”* and *“a reduction in the size of the RTM is forward thinking and meets the best needs of a municipality of our size.”*

### **The Wynne Memo**

1. When the Strategic Plan Committee was gathering information, *“some town leaders (in confidential interviews) indicated that our governance structure and execution may not be best serving the Town. In particular, of all government bodies, the RTM was highlighted as bloated, inefficient and not effectively representing the people in each district.”* Also, *“the majority and minority leaders of the RTM, in their Subject Matter Expert workshop on Governance, both agreed that the RTM was not working effectively and a change was needed.”*
2. The CRC concluded that *“our current government, particularly the RTM is not working well,”* and one *“suggestion was to lower the RTM to 20 members,”* but in order to gain unanimous support we had to compromise on a lesser reduction to 30.
3. *“The accountability of this important legislative function”* will improve, and improved accountability will *“foster trust and therefore relationships, leading to better outcomes,”* and it will also encourage *“ownership of decisions in order to avoid costly mistakes.”*
4. *“It moves the legislative body of the Town closer to one that works best with a form of government which has been recommended as the preferred and most populous [sic] form of U.S. municipal government today.”*
5. *“It lessens the proclivity of some to avoid active participation and simply vote with their party and ‘hide in the crowd,’ rather than encouraging involved impassioned people to serve.”*
6. Finally, some people have said *“that moving from 40 to 30 will cause us significant hardship in our ability to lead and represent our constituents.”* However, *“the same argument was made when the RTM moved from 50 to 40 . . . but after the change was made “we did not hear word one about how the fears came to be” and “the same will be true of this change.”*

### **Critical Summary of the Iacono and Wynne Memos**

**In critical summary, the CRC seems to be saying that a smaller RTM will be better for us because:**

- We Commissioners say so, or at least some of us say so, maybe even most of us say so.
- Some anonymous town leaders told the SPC a few years ago that the RTM is bloated and inefficient.
- National experts say so, or at least we interpret them as saying so if we pretend their comments about Town Councils also apply to RTMs, which admittedly they don’t actually talk about.
- We should adopt the Council-Manager form of government like most other towns (“one size fits all,” right?) and reducing the size of the RTM is a step towards this objective, even though we couldn’t all agree that a Council-Manager form would actually be good for Fairfield.
- For some reason, more residents will now know who their reps are, how many reps they have in their district, how many RTM districts there are, how many total reps there are, and what “RTM” means, and all this is really important for some reason.
- Less than a dozen of the 40 RTM reps does all the work, so ten deadbeats won’t be missed.



- Although we can't explain exactly how, and although we can't offer any specific examples of bad outcomes in the past or in the future that could be directly attributed to having 40 instead of 30 RTM members, we are sure that Fairfield's governance will be more accountable, responsive, practical, and efficient, and as everyone knows, legislative efficiency (*"able to discharge its responsibilities promptly"*) is always a good thing, right?
- Cutting the RTM's size from 50 to 40 didn't hurt, so another cut won't hurt.
- Concentrating legislative power in fewer hands is also always a good thing, right?
- Our governance system is already democratic enough, so no worries about the size of the RTM.
- There are no related costs or risks that anyone should worry about. Everything will be better, modernized, streamlined, more efficient, more transparent, more accountable, more accessible. No more parochialism and logrolling (who knew?). Nothing will go wrong. We know best. Trust us.

### What Questions Should the BOS Ask the CRC?

Any proposal to alter a governance system that has served Fairfield well for so many years should be subject to a very high standard of analysis and conviction that the expected benefits are real and will significantly outweigh any costs and risks, both direct and indirect, tangible and intangible.

Here are some general questions that deserve serious and thoughtful answers in writing from the CRC.

- How exactly should we evaluate the performance of our governance system – in what ways is it working well and/or poorly, and how should we decide whether any major changes are warranted?
- How confident can we be that the opinions of governance "experts" and of publications like the Model City Charter apply to Fairfield, which like every other town is unique, including for us a 383-year history?
- Irrespective of any similarities in size or location, how confident can we be that the experience of other towns with different governance structures would apply to Fairfield? And, how do we know if some if not many of the towns that have adopted the Council-Manager structure would do no worse and might do much better if they could adopt our BOS-RTM structure?
- Since you state in your transmittal letter that *"the issue of the form of government should be looked at by a multi-partisan group, outside the context of the time-frame of a Charter Revision"* that has *"sufficient time to carefully study whether there are disadvantages in the current structure [and] decide on what changes would improve the town,"* **why would we go ahead and reduce the size of the RTM before that group does its analysis?**

Here are some questions specifically about the proposed reduction in the size of the RTM:

- When in the past did Fairfield end up with a bad outcome (i.e., a "costly mistake" that is demonstrably and materially not in the best interests of the Town) that was directly attributable to the fact that we had 40 RTM representatives instead of 30, and under what future conditions and circumstances might we have a bad outcome for the Town if we have 40 instead of 30 members?
- What benefits would a reduction in the size of the RTM provide that cannot be obtained without that reduction? For example, are any perceived problems with the RTM's performance more likely attributable to a lack of adequate staff and legal support?
- Why would ten fewer representatives be able to "manage increasing complexities and risks" better than 40 representatives?

- Why isn't it likely that having only 30 instead of 40 representatives looking over budgets, proposals and plans will increase the probability of serious mistakes?
- What compelling evidence from other towns demonstrates that more-concentrated power works better than less-concentrated power?
- What are the potential costs and risks and unintended consequences of concentrating legislative power in the hands of fewer people, including:
  - ❖ Civic Culture – Doesn't the fact that more rather than fewer elected officials are responsible for Fairfield's legislative decisions mean that there are many more citizens, both currently in office and previously in office, who are empowered and enfranchised by their knowledge of how our Town's government works to engage in and contribute to public debate on important issues than there would be otherwise?
  - ❖ Public Access – Doesn't having more elected officials provide greater access by all citizens to their government, and wouldn't having fewer elected officials result in greater general disengagement from issues important to the Town's future?
  - ❖ Transparency – Isn't it easier to restrict public knowledge when there are fewer elected officials rather than when there are more, and isn't this particularly true at a time when the quality and quantity of local news coverage have been so greatly diminished?
  - ❖ Corruption – Isn't it easier for bad things to happen when there are fewer elected officials, including backroom deals and compromises that are not in the best interests of the Town?
  - ❖ Domination – Isn't it more likely that one political party or one section of Town could dominate local government and stifle debate if we reduce the number of elected officials?
  - ❖ Tribalism and Partisanship – What effect would reducing the number of elected officials have on the tendency of some citizens to become overly partisan?

As I have stated previously:

**The most important flaw in the CRC's proceedings has been their presumption that if the six of them agree and if they think they can get public approval, there is no need for any analysis of all the expected benefits, costs, risks and tradeoffs associated with their recommendations. However, the purpose of the CRC was not to get these six people to agree on what should be changed; the purpose was to have them analyze whether any changes in our governance system would be beneficial and if so, to explain clearly to us the rationale for any recommendations.**

**The CRC has still not provided any serious analysis that explains why it thinks the real benefits (if any) of cutting the size of our RTM outweigh any related costs and risks.**

Bud Morten  
July 8, 2022

**From:** kgriffi1@optonline.net <kgriffi1@optonline.net>  
**Sent:** Friday, July 8, 2022 4:21 PM  
**To:** Board of Selectmen <BOS@fairfieldct.org>  
**Subject:** Examples of Definitions that Change the Meaning of Text - Intentional or Not?

Dear First Selectwoman Kupchick, Selectman Flynn and Selectwoman Lefkowitz,

I previously expressed my concern over the new or modified definitions in the proposed charter and the affect those changes have on the text that use them. Are the many changes intentional or scrivener's errors?

I am providing you here just two examples where the meaning has been modified without footnote or explanation. These two could directly affect some Board and Commission members' access to legal resources.

Under Duty (3) of the Town Attorney, the words 'board, commission or authority' were changed to the newly defined term 'Board or Commission.' The new term excludes advisory committees, tasks forces or other entities created for limited duration, purpose or scope. Does this mean that the Town Attorney is no longer required to provide written opinions to bodies such as the Clean Energy Task Force, the Racial Equity and Justice Task Force, the Commission on disAbilities, the Burr Gardens Advisory Committee or even the CRC, upon their request?

#### **Current Charter**

##### *9.3 Town Attorney*

*C. Duties. (3) Upon the request of the Board of Selectmen, or of any other Town officer, **board, commission, or authority**, give a written opinion on any question of law relating to the powers and duties of the officer or body making the request;*

#### **Proposed Charter**

##### *7.2 Town Attorney*

*(3) Upon the request of the Board of Selectpersons, or of any other Town Officer, **Board or Commission**, give a written opinion on any question of law relating to the powers and duties of the officer or body making the request;*

In a second example, under Duty (1) of the Town Attorney, two changes affect the meaning. The definition of 'Town Officials' changed (it now uses the new term 'Boards and Commissions'). So temporary/advisory boards are now excluded. And the final words were changed from 'Town officials' to 'Town officers and employees' which then eliminates *all* boards and commissions. So again, does this mean the Town Attorney is not the legal advisor for temporary/advisory boards? Or no longer has to provide legal services for matters relating to the powers and duties of any board or commission?

#### **Current Charter**

##### *9.3 Town Attorney*

*C. Duties. The Town Attorney shall: (1) Be the legal advisor of, and counsel and attorney for, the Town and all Town departments and **Town officials**, providing all necessary legal services in matters relating to the Town's interests or the official powers and duties of the **Town officials**;*

#### **Proposed Charter**

##### *7.2 Town Attorney*

*C. Duties. The Town Attorney shall: (1) Be the legal advisor of, and counsel and attorney for, the Town and all*

*Town Departments, **Town Officials** and the RTM, providing all necessary legal services in matters relating to the Town's interests or the official powers and duties of the **Town officers and employees**;*

These are just two examples from one section. The term Board or Commission occurs at least 60 times in the proposed charter. I expect Town Official is equally common.

Once again, I strongly encourage you to take the time to thoroughly review how these new or modified definitions affect the meaning of the text in which they are used (including their use in other definitions). And then ask the CRC to document the reason for changing the meaning of the text or correct the scrivener's errors. A footnote of 'new' or 'modified' does not provide an explanation. We have too many board and commission members to get this wrong.

Sincerely,

Kathleen Griffin

15 Stonybrook Road

Definitions referenced above:

**Current Charter**

*§ 1.3. Definitions.*

*[board, commission, authority, etc., is not defined]*

*"Town office" means any position in Town government which is described by this Charter except membership on the Representative Town Meeting.*

*"Town officer" means an individual elected or appointed to a Town office other than as a member of an authority, board, or commission.*

*"Town official" means any Town officer and any member of an authority, board, or commission.*

**Proposed Charter**

*§1.4. Definitions.*

*C. (2) "Board" or "Commission<sup>11</sup>". For the purposes of this Charter and except as otherwise provided by Law, the terms "Board" and "Commission" mean all boards, agencies, commissions, authorities or like entities or bodies of the Town, whether elected or appointed. This term does not include advisory committees, task forces or other like entities created by appointing authorities for limited duration, purposes or scope.*

*C. (24) "Town Office" means any position in Town government which is described by this Charter or the Town Code except membership on the Representative Town Meeting<sup>27</sup>.*

*C. (25) "Town Officer" means an individual elected or appointed to a Town Office, including any Appointed Town Officer whether established by this Charter or the Town Code, other than as a member of a Board, or Commission.*

*C. (26) "Town Official" means any Town Officer and Board or Commission or the individual members thereof, including any Appointed Town Officer whether established by this Charter or the Town Code.*

-----Original Message-----

From: Luann Donovan <luannndonovan@icloud.com>

Sent: Friday, July 8, 2022 7:32 PM

To: Board of Selectmen <BOS@fairfieldct.org>

Subject: Charter revisions

I am writing to voice my opposition to reducing the number of members on the RTM. Our town's population is growing all the time. We do not need to reduce the number of elected officials to represent our neighborhoods and govern our town.

Thank you,  
Luann Donovan

Sent from my iPhone

**From:** Jenn <jljacobsen4@aol.com>

**Sent:** Sunday, July 10, 2022 8:21 AM

**To:** Baldwin, James <jbaldwin@cbklaw.net>; Mednick, Steve <smednick01@snet.net>; Board of Selectmen <BOS@fairfieldct.org>; CRC <CRC@fairfieldct.org>

**Subject:** Comment for July 11, 2022 BOS Special Meeting

Good Morning Everyone,

At the July 5th BOS meeting on the charter revisions Attorney Baldwin suggested to the BOS to remove the reference "(including the Board of Education)" from 4.2(B)(1)(a) regarding Board of Selectman approvals on contracts over 100K that are not subject to bidding.

This suggestion is a start but ultimately insufficient to accomplish the task at hand... to not encroach on the Board of Education, as stated at the July 5th, 2022 BOS meeting.

The definition of contracts in Article 1: 1.4C(5) was stated by Attorney Mednick at that same meeting to be "just a definition" despite being told by BOE counsel that the definition of "contracts" currently includes the Board of Education, therefore simply removing reference to the BOE out of the BOS approval section in 4.2(B)(1) is insufficient to remove BOE contracts from BOS approvals. As anyone well versed in crafting policy knows definitions carry throughout the document unless specifically excluded in any provision to which a definition would apply. By keeping "(including the Board of Education)" in the definition of Contracts in Article 1 the issue remains regardless of the proposed strike in Article 4. The reference to the Board of Education has to be removed from both locations.

The "(including the Board of Education)" in 4.2B(1)(a) was redundant and superfluous to begin with by the Commissioners as it was already contained in the definition in Article 1. Therefore, simply taking it out of the BOS approval section in Article 4 does not achieve removing the encroachment.

Further, the matter pertaining to the Town Attorney in 7.2(C)(2), also discussed with BOE counsel, would require the Town Attorney to “prepare or review” all contracts, as currently proposed to be defined including the Board of Education, again due to your definition in Article 1 of Contracts. Since the definition of Contracts as drafted, and not suggested thus far to be changed, still contains including the Board of Education this would require the Town Attorney to prepare or review all contracts, agreements, memorandums, etc. of the BOE.

The same exclusions on non-disclosure that I mentioned at the June 29th public hearing would still apply regarding students and others explicitly authorized in statute to be the purview of the BOE irrespective of the charter and yet your definition reads “without limitation”. Attorney. Baldwin I believe you and Attorney Mednick did discuss this with Board of Ed counsel and acknowledged there was not an intent to expand the role of the Town Attorney to this scope, correct? Even if it were the intent, it would be a relevant question for the BOS to inquire on the amount of hours reviewing every item as defined as a Contract would take Mr. Baldwin. You could start with the hundreds of web applications readily available on the BOE website as a start that are already reviewed by our technology department for legal compliances on use, as just one example. I am unclear how that is more efficient, would not cause a significant legal increase in redundant cost to the Town, or the expertise or purpose in this area to conduct such a review.

As you have not yet gotten to the budget section in Article 9 in your deliberations as of today, new language in 9.3 A(2) Budget submissions that pertains to Contracts as proposed to be defined, to be provided to the First Selectperson contains the same limitations I’ve already stated regardless of “judgement” for which you have yet to address in any Article..

Mr. Mednick, the Board of Education counsel did not complain, as you stated on July 5th. They provided relevant information to yourself and Attorney. Baldwin on several sections of the draft document that you crafted with the Commissioners that is now before the Board of Selectpersons that are problematic.

The Commissioners could have simply included subject to state and federal law in the definitions and relevant sections, but they didn’t. The Commissioners could have kept the current charter language, “except those authorized by or on behalf of the Board of Education”, but they didn’t. Anyone at any time could have reached out on these matters, but they didn’t.

To the members of the Board of Selectman, you have been provided the information several times over to take corrective action on these matters in Article 1, Article 4, Article 7, and Article 9 prior to sending this draft charter revision back to the Commission. The proposed definition of Contracts “without limitation” as it pertains to the Board of Education, and as applied in this draft charter revision as transmitted to you from the Charter Revision Commission, is simply inaccurate and in several ways violative.

Finally, I understand the Commission struggled with the language in 2.4C, 5/4 BOE elections. It was stated to the Commission that this would default the BOE to a 6-3 Board from the current 5-4. That is not necessarily the case. Additionally, the current language does not account for if “one Political Party” does not win 3 seats in either the 5 person or 4 person cycle. Then what? Simply the next highest vote getters would be declared elected? You’re trying too hard here to back into a result. This item is still deficient in language given assumptions in the language and the math that may not be the case. This should also be on the list for the Commission to take another look at.

Thank you,

Jenn Jacobsen

**From:** Melissa Longo <melty136@gmail.com>

**Sent:** Sunday, July 10, 2022 1:04 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Cc:** CRC <CRC@fairfieldct.org>

**Subject:** Charter Revision

Esteemed members of the Board of Selectman,

Please consider reducing the size of the RTM from 40 members to 30. Smaller government means more accountability, more progress, and better leadership.

Thank you all for your time and all the effort and hard work you put in for Fairfield.

Best Regards,

Melissa Longo

3791 Congress Street

203-610-9783

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Sent from Gmail Mobile

**From:** Robert Weaver <robert.weaver.cfa@gmail.com>

**Sent:** Monday, July 11, 2022 9:02 AM

**To:** Board of Selectmen <BOS@fairfieldct.org>; csc@fairfieldct.org

**Subject:** Minority control proposal

I am pressed for time but I have to protest this attempt to scale back democracy in Fairfield by allocating rtm seats to losing candidates. At the very least this rule change needs more time for the public to be informed and shouldn't be rushed.

As for the ability of the RTM chair to resolve disputes between parks and rec and the conservation board, the most common response I received while talking to people about the Ask Creek Open Space development proposal was how would the conservation board allow this? Well now we know.

**From:** Michael D. Herley <michael.herley@gmail.com>

**Sent:** Monday, July 11, 2022 9:23 AM

**To:** Flynn, Thomas <TFlynn@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>; CRC <CRC@fairfieldct.org>; Baldwin, James <jbaldwin@cbklaw.net>; Chris Tymniak <CTymniak@gmail.com>; Tony Hwang <Tony.Hwang@cga.ct.gov>; Rep. Leeper, Jennifer <jennifer.leeper@cga.ct.gov>; Cristin McCarthy Vahey <cristin.mccarthyvahey@cga.ct.gov>; Rep. Devlin, Laura <Laura.Devlin@cga.ct.gov>; McDermott, Mark A. <markmcdrtm7@gmail.com>

**Subject:** Feedback on Charter Reform

Dear Tom,

I hope that you and your family are all doing well and that you are enjoying the summer.

Thank you for your continued service to the town.

I am attaching some input on the Charter revision process for your consideration.

Take care,

Michael

Honorable Selectman Thomas M. Flynn  
Board of Selectmen  
725 Old Post Road  
Fairfield, CT 06824

July 11, 2022

Dear Tom,

I am writing to share some perspective on the proposed revisions to the Town of Fairfield's Charter. One of the most significant improvements to the document is its readability and improved organization. As you know, a few years back, Fairfield went through an intense political battle around the plain meaning of a particular aspect of the Charter that was ultimately resolved by a Supreme Court of Connecticut ruling. Hopefully, the updated version of the Charter will reduce the likelihood of such actions in the future.

My biggest concern with the proposed revisions to the Charter centers around the Representative Town Meeting (RTM). I do not believe reducing the RTM to 30 members benefits our town. The Fairfield RTM is a unique and historical aspect of our town government. I think it generally works well within the overall confluence of town bodies responsible for the budget. I had the benefit of serving on the RTM when it consisted of 40 and 50 members, and I believe there was a more robust debate on the body when it was bigger.

While it's difficult to pinpoint precisely why this was the case, I suspect it was the result that both political town committees had to go beyond their traditional membership to recruit



candidates, resulting in a more rigorous and open debate on the floor. It is noteworthy that when a larger group engages in independent thought, it also benefits from the [Wisdom of Crowds](#). In summary, the theory holds that large groups of people are more effective at problem-solving and decision-making than individual experts. Notably, the mean knowledge of the group, i.e., the crowd, eliminates both biases and produces better results. I also believe that if we are committed to remaining with an RTM as our legislative body, we should not reduce the RTM's size to make it feel more like a town council.

There is no doubt there are things the RTM could do to improve member engagement, but it's vital not to diagnose the symptom as the cause of the problem. The RTM has been operating virtually since the onset of the pandemic, which has undoubtedly impacted the body's ability to build relationships and engage in discourse. Here the RTM should undertake a holistic review of its meeting procedures as much has been lost in recent years due to ad hoc changes, but that does not mean the Charter Revision Commission (CRC) should reduce the body's size. In particular, I believe much was lost when the RTM moved away from individual committee presentations to a committee-of-the-whole approach and when it eliminated Secretary Committee Reports at the Regular RTM Monthly meetings.

Unquestionably, the individual committee presentations fostered greater collegiality in the body and discussion on the RTM at the committee level. In addition, Secretary Committee Reports provided valuable opportunities for new members to gain practical public speaking experience. I hope the RTM will soon return to in-person meetings and reconsider whether it should reimplement the above practices and other innovative approaches that foster debate and dialogue among members.

Thank you for your, the Board of Selectmen, and the CRC's many hours reviewing, debating, and developing this updated Charter document. I have watched all of the relevant meetings on FairTV, and the group's commitment to public service and our town is admirable.

Soon you will have an important decision to make. For example, suppose you vote to approve a Charter revision for this November that includes a reduction to the RTM body. In that case, I believe Fairfield voters will most likely reject the newly proposed Charter as tampering with a form of legislative government that has served them and our town well for many decades. Simultaneously, town residents will lose out on the many other notable improvements in the proposed Charter revision document.

I look forward to tuning in for further deliberations in the days and weeks ahead, and thank you again!

Sincerely,

*Michael D. Herley*

Dr. Michael D. Herley  
Southport, CT

cc: Board of Selectmen  
Charter Revision Commission  
Town Attorney  
Town Treasurer  
RTM Moderator  
Fairfield State Delegation

**From:** Deborah Sheldon <dsheldon895@gmail.com>  
**Sent:** Monday, July 11, 2022 9:52 AM  
**To:** Board of Selectmen <BOS@fairfieldct.org>  
**Subject:** Question regarding the monday regarding the Charter Revision

I just have a question to ask the Charter Revision committee. What is the purpose of adding to the revision Minority Representation? Shouldn't that power come from the voters? This should be the purpose of people in Fairfield going out and voting.

Debby Sheldon

-----Original Message-----

From: Honore Radshaw <hradshaw@gmail.com>  
Sent: Monday, July 11, 2022 10:02 AM  
To: Board of Selectmen <BOS@fairfieldct.org>  
Subject: Charter revision

Dear Board of selectman,

This is a request from a life-long resident to request that you postpone the vote on the chapter revision and schedule another meeting for public input.  
The revision was hastily put together and not in the best interests of Fairfield residents.

Yours truly ,

Honore Radshaw

284 Shoreham Village Drive

**From:** Ellen Jacob <dancingusa@optonline.net>

**Sent:** Monday, July 11, 2022 1:34 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>; Kupchick, Brenda <BKupchick@fairfieldct.org>; Flynn, Thomas <TFlynn@fairfieldct.org>; Lefkowitz, Nancy <NLefkowitz@fairfieldct.org>

**Subject:** Public Comment for 7/12/22 Special Meeting on Charter Revision

PUBLIC COMMENT FOR BOS 7/12/22 SPECIAL MEETING ON CHARTER REVISION

**7/11/22**

**To:**

Fairfield, CT Board of Selectpersons

**Dear Selectpersons:**

This is painful because I know several members on the CRC and the BOS from my years in the town government. You have worked hard and you truly believe in what you are doing.

The Board of Selectpersons ordered this Town Charter revision; appointed the Commission members and gave it the sweeping charge to undertake "a thorough review of the current Charter and all aspects of the structure of Town Government." An impossible task given its super wide scope and insufficient time to vet and test before the public. Fairfield's Charter is 71 pages. The U.S. Constitution is 17 pages, plus 17 pages of amendments. Imagine 9 months to review and revise that!

Tomorrow your vote sets the timer and the limits on which Charter changes are on the November ballot. In reality, the buck stops with you.

The idea that the voting public is the ultimate decision-maker is unrealistic, for the simple reason that the language for these huge changes must be squeezed into printable ballot space. Unless they make a life's work of puzzling through complicated documents beforehand, voters are likely to decide on a "Trust Us" basis; or they will skip the item altogether. I skipped it in 2006 for that exact reason.

That is not informed consent of majority stakeholders to the most important governing document which, quoting again from the Commission's charge, "defines our Community, powers and functions, and essential procedures of our Town Government."

Good governors are always looking for bipartisan agreement, robust debate and common ground.

Well now you have it: You have solid, well-reasoned bipartisan agreement overwhelmingly opposed to the most substantive revisions.

We didn't drop in by helicopter to give you a hard time. We are long-time residents and taxpayers, many of whom have served, or who are currently serving, unpaid, in town government. We took the trouble to study the changes. We speak from first-hand experience, not from theory. We are pleading with you to listen to our emails, hearing testimony, letters to the editors and social media posts.

Our beloved Fairfield is a unique, historical, town of wonderfully diverse neighborhoods which already live peacefully and happily together. The one-size Administrator, Town Council Model City Charter does not fit us, it was rejected weeks ago but is still being used to justify other changes. There are many serious issues we have written and spoken to you in detail about.

Reducing the size of government to lower taxes and promote efficiencies does not — must not — require reduction of public representation (RTM). If there is a problem with the quality of RTM members, that is the job of caucus leadership, and the recruitment and nomination processes of the Town Committees. The RTM makes laws, appropriates funding and has the last word on budget approval, therefore taxes. It is the public voice.

The new Rules of Order and Civility, with vague language and law enforcement capabilities, have further potential for silencing public debate under certain circumstances. Roberts Rules have served us well without those risks.

The Director of Public Works, the largest town department, must be an engineer AND a skilled manager. How else can he hire competent engineers to advise him or assess outcomes?

Constables with law enforcement capabilities should continue to be elected to preserve non-partisanship.

More power in fewer hands is never a recipe for transparency or accountability, but that is the net result of several of the proposed changes.

It is not a mere philosophical difference.

It's not about leadership, it is about control.

**Beware of solutions in search of problems.**

**Please hear us, delete, deny or delay.**

Thank You,

Ellen Jacob

Cedar Rd, Fairfield

**From:** Liam Burke <liam06824@yahoo.com>  
**Sent:** Monday, July 11, 2022 1:41 PM  
**To:** Board of Selectmen <BOS@fairfieldct.org>  
**Subject:** Fw: K Braun update letter to BOS re Charter Revision

I agree with Attorney Braun that CGS 7-190(b) requires that the appointing authority "shall" specify a deadline in the resolution at the beginning of the process CGS 7-190(b). "The use of the word 'shall' by the legislature connotes that the performance of the statutory requirements is mandatory rather than permissive." *Caulkins v. Petrillo*, 200 Conn. 713, 513 A.2d 43 (Conn. 1986)

the legislature's choice of the mandatory term "shall" rather than the permissive term "may" indicates that the legislative directive is mandatory. See *Cantoni v. Xerox Corp.*, 251 Conn. 153, 165, 740 A.2d 796 (1999); see also *Caulkins v. Petrillo*, 200 Conn. 713, 717, 513 A.2d 43 (1986) (legislature's use of "shall" connotes that performance of statutory requirements is mandatory rather than permissive).

*Bailey v. State*, 783 A.2d 491, 65 Conn.App. 592 (Conn. App. 2001)

**From:** Kathryn Braun <klbesq@aol.com>  
**Sent:** Monday, July 11, 2022 2:53 PM  
**To:** Board of Selectmen <BOS@fairfieldct.org>  
**Subject:** Braun ltr to BOS re Charter - use this version

Please ignore prior versions - this is final corrected version of my letter. Rushing isn't good for letters or boards & commissions.

To: Board of Selectmen:

Re: Charter Revision, for public hearing on 7/11/22 at 3pm

I appreciate the added public hearing, and I'm writing a very quick note due to the short notice of today's public hearing which unfortunately is during work hours at 3pm today, which I may not be able to attend in person or by remote.

Adding to my prior letter sent to you for the June 29 public hearing I'd like to add a further objection to the attempt to try to fix the legally flawed appointment process from the Board's meeting on August 30, 2021 with a ratifying resolution intended to retroactively fix a serious omission from the appointing resolution for the CRC. At that hearing, a resolution was pre-drafted which omitted the legally mandated requirement that the Board of Selectmen set the timeframe for the CRC to finalize its review and submit its draft report.

The governing law, CGS 7-190(b), provides in relevant part "the appointing authority shall specify by resolution when the Commission shall submit its draft report which shall not be later than sixteen months from the date of its appointment".

At that hearing the Board of Selectmen for the first time took up the issue of Charter Revision, and it was guided and advised by 2 counsel with ample time to get it right, as it was noted that there were meetings and

discussions with town counsel and the first selectwoman over the prior 18 months or so, who also had in depth discussions with charter revision counsel to discuss charter revision.

Then after not voting, not discussing options, pros and cons or having the CRC deadline put in the charge or the resolution, the charter counsel simply informed the CRC of its end point of around May 2022, which was over 7 months before the law allowed. This shortened timeframe apparently resulted in CRC members not having time to fully evaluate important governance matters and simply went with illogical and unsupported alternatives such as changing the RTM to make it look like, but not actually be, a Town Council which the CRC had already rejected due in large part, to lack of time.

The Statute's requirement that the BOS must set the CRC deadline in a formal resolution is a mandate, not an option because the State legislature considered it important for the BOS to take care in devising the timeframe and making it part of the charge and transparent to the public.

I ask that you reject the retroactive attempt to fix this with the ratifying resolution which appears on your Agenda for 7/12/22. It simply can't be fixed 10+ months after the fact. The work was done, it was rushed and we now have recommendations that were hastily conceived. Please find another way, perhaps using all the time the law still allows, and moving this local matter to the November 2023 ballot, which is also an election of local officials.

Sincerely,

Kathryn L. Braun

Fairfield Resident

[Sent from the all new AOL app for Android](#)

**From:** Judith Ewing <jeewing8@outlook.com>

**Sent:** Monday, July 11, 2022 2:08 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Public Comment for BOS meeting, 7/11/2022

To the BOS:

On Tuesday, July 5<sup>th</sup>, some comments were made about the Model City Charter which is a report involving cities with populations of over 100,000 and favoring a council-management form of government. What does that have to do with the size of Fairfield's Representative Town Meeting form of government? Absolutely nothing!

A reference was made to the practice of "log-rolling." Now there's a term I haven't heard since HS Social Studies. Even when I served on an RTM of over 50 members that kind of "wheeler-dealing" would have been impossible because the agendas proposed by the First Selectman were always presented as being "what's best for the town" – not for a district, a ward, or a precinct.

Another comment was made that only eight representatives spoke at an RTM meeting on June 27<sup>th</sup>. The meeting minutes reported that of the fourteen business items five were on the consent calendar, two were passed unanimously, and a third was passed with one abstention. The other six items required no action. The meeting only lasted twenty-eight minutes. What was the point?

A comment was also made that people don't know who their representatives are. Well, they can look on the Town Website.

Comments were also made about the Strategic Plan Committee findings through selective citizen interviews. That plan was never implemented. It sits on a shelf somewhere.

Forget about the Model City Charter and the SPC. Let's talk about what's best for Fairfield. Let's compare apples to apples.

The fact is that it makes perfect sense to have 40 members if you compare Fairfield to other towns that have both an RTM and a BOS:

Branford	28,273	30	(Good!)
Darien	21,499	100	(Too many!)
Fairfield	61,512	40	(Adequate for its size!)
Greenwich	63,578	230	(Too many!)
Watertown	19,571	25	(Good !)
Westport	27,141	36	(Good!)

- REASONS FOR MAINTAINING 40 REPRESENTATIVES INCLUDE:

\*The 10 districts are very large. Therefore, the odds of knowing one of your four reps from your PTA, your place of worship, or your neighborhood are greatly increased.

\*The odds of having a quorum present at committee meetings are even greater.

\*The opportunity to create new committees are a real possibility.

\*The opportunities for political and civic participation are greatly increased.

When citizens emailed the CRC and spoke out against the idea of minority representation for the RTM, the CRC listened and took notice of the large numbers in opposition. Many of the same people, as well as others, spoke against reducing the size of the RTM. The large numbers of citizens expressing concern should weigh heavily in your decision making, as well.

The reasons given by the CRC for having 30 members instead of 40 were highly speculative and unsubstantiated. More effective? More efficient? The fact is, we just don't know. Other studies have borne out this important finding: that effectiveness and efficiencies are determined by the quality of the leadership – not by the size of the organization.

One would have to conclude that a town with a population of over 60,000 would be best served by at least 40 RTM members. Moreover, the 40,000 plus registered voters deserve to be well represented by an appropriate number of elected citizens. Please maintain a forty member RTM.

Judy Ewing

98 Sasco Hill Terrace

Fairfield, CT 06824

**From:** Alyssa Israel <alisrael@sbcglobal.net>  
**Sent:** Monday, July 11, 2022 2:16 PM  
**To:** Board of Selectmen <BOS@fairfieldct.org>  
**Cc:** CRC <CRC@fairfieldct.org>  
**Subject:** Mediation: Page 42 C(3)

Dear BOS and CRC,

The Draft Charter SHOULD NOT make the First Selectperson or any Town official/employee responsible for mediating disputes.

This duty should be given to a **professional mediator** who is **objective** and has hundreds of hours of training in facilitation/mediation.

Sincerely,  
Alyssa Israel  
679 Rowland Road  
Fairfield, CT 06824  
Tel/Fax: 203-256-1779  
Cell: 203-685-5835  
[alisrael@sbcglobal.net](mailto:alisrael@sbcglobal.net)

**From:** Jill Vergara <jillvergara@gmail.com>  
**Sent:** Monday, July 11, 2022 2:27 PM  
**To:** Board of Selectmen <BOS@fairfieldct.org>; CRC <CRC@fairfieldct.org>  
**Subject:** Please take more time, allowing for more public input

July 11, 2022

To the Honorable Members of Fairfield's Board of Selectmen:

In reviewing the state statutes related to municipal charter revisions, it has become clear that the timeline for review has been artificially compressed in Fairfield. We have taken



half of the time that the law affords us to review and craft revisions for this monumentally important town document, apparently in an attempt to shoehorn this into this year's election. But the schedule as outlined in Connecticut General Statutes still affords us the opportunity to hold more public hearings and to put this onto the more fitting 2023 ballot (a municipal election year).

Section 7-191 of the Connecticut General Statutes establishes the following timeline:

- Board of Selectmen has 45 days from the submission of the CRC's report to hold its last hearing
- Board of Selectmen has 15 days after its last hearing to submit its recommendations to the CRC
- CRC has 30 days to submit a final report to the Board of Selectmen
- Board of Selectmen have 15 days to approve or reject the final report
- Board of Selectmen determine whether this goes to ballot by special or general election
- Such election must be held within 15 months of the Board of Selectmen's final approval of the Charter revisions

The CRC submitted its draft report to the Town Clerk on June 20<sup>th</sup>, 2022, which means that the BOS may schedule hearings as late as August 4<sup>th</sup>, 2022. The BOS recommendations to the CRC are thus not due back until August 19<sup>th</sup>, 2022, and the CRC's final report would not be due back until September 16<sup>th</sup>, 2022. The BOS would then have until September 30<sup>th</sup>, 2022 to approve or reject the final report. The November 2023 election falls well within the 15 month prescription.

These questions should be put on the 2023 ballot. Why not take advantage of the full timeline and enable more thorough review, and thereby engender more trust and support for the proposed revisions? Charter revisions are uniquely local issues that are better suited to appear on a local election ballot. For Fairfield, our local elections will occur in 2023. Placing these questions on the 2023 local election ballot is more logical. The review won't be "rushed" but will instead be thorough and thoughtful, and thus will be more likely to be trusted and supported by the people. Taking more time and resolving to have this appear on the 2023 ballot is a win-win for Fairfield.

I do wish that the Board of Selectmen had discussed setting the timeline and enabled more public debate about this important issue. You are the appointing authority compelled by state statute to set this timeline by vote of resolution, not the CRC, not the Town Attorney, and not Mr. Mednick (CT Gen Stats § 7-190(b) ("The appointing authority shall specify by resolution when the commission shall submit its draft report, which shall be not later than sixteen months from the date of its appointment.")) (Note that the CRC

was appointed on September 20<sup>th</sup>, 2021 and so had until January 23<sup>d</sup>, 2023 to submit its draft report). It is disappointing that these procedural requirements were not followed and led to an unnecessary, undebated, unvoted and unwelcome compression of the process. Please do not unnecessarily truncate the review process for this fundamentally important document.

Sincerely,

Jill Vergara

*Representative, Fairfield RTM District 7*

(203) 993-5592

**From:** Frank Gallinelli <fgallinelli@gmail.com>

**Sent:** Tuesday, July 12, 2022 9:07 AM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** re: recommendations of CRC being considered at BOS meeting today, July 12

I just watched the July 5 BOS meeting on FairTV and want to thank the CRC for the work they have done.

For context, I was a member of the RTM and Moderator for two terms during the early 1990s when the RTM, to my recollection, consisted of over 50 members.

I have listened to the arguments for reducing the size of the body and read some of the reasons for keeping it the same. I agree with the proposal to reduce the size of the body to 30 members. My point of view is entirely subjective and based on my past experience, but I believe that a smaller body would not diminish its effectiveness or its ability to represent the will of the people of Fairfield, and that it could interact more efficiently with the town boards.

I look forward to listening to today's meeting on FairTV.

Frank Gallinelli

**From:** mccormackrtm2@gmail.com <mccormackrtm2@gmail.com>

**Sent:** Tuesday, July 12, 2022 10:08 AM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Cc:** CRC <CRC@fairfieldct.org>

**Subject:** Writing in Support of Charter Revision Commission Recommendations without Changes

Dear First Selectwoman Kupchick, Selectman Flynn and Selectwoman Lefkowitz:

Thank you for your service and endless hours of time dedicated to the people of our beautiful Town. I appreciate your hard work!

I am writing this email to strongly encourage you to adopt the recommendations of the Charter Revision Commission without any changes or modifications. Please let the Voters of Fairfield decide what they want.

I am writing this email in my capacity as a private citizen. I was born, raised and educated here. I care deeply about Fairfield and want to see it thrive for generations to come.

I am also a two term member of the RTM (currently serving my second term in District 2) and have watched for the better part of almost 3 years the unwieldy size and overall inefficiencies of a 40 member RTM.

Reducing the number of RTM representatives from 40 to 30 will not result in less representation. In fact, I believe the opposite to be true. Citizens will have more effective and engaged representation.

I have had residents in my district, and in other districts, reach out to me to ask for assistance in dealing with their concerns and looking for advocacy throughout my terms as a member of the RTM. However contrary to the comments of many opposing the RTM reduction in size, I have not been overwhelmed in responding to these constituents' concerns, nor have I heard from any of my fellow RTM members that they have felt that the work involved in assisting constituents has been unduly burdensome or unmanageable. I find these claims by those who oppose a reduction in the number of RTM members to be ridiculous.

Serving on the RTM involves a huge time commitment. It involves personal, and at times, professional sacrifices. It requires literally reading 100s of pages of materials in preparation for our meetings. It involves thoroughly investigating issues and contemplating decision making considerations that can be complex and technical. Finding citizens who have ability or the time needed to dedicate to fulfilling their obligations to properly prepare for, and actively participate, in the meeting process is very difficult.

I would estimate that less than one half of the current members of the RTM participate actively in the meetings on a regular basis. Scaling back the RTM from 40 to 30 members will permit the "best of the best" to surface to the top and be in the position to do the heavy lifting and the work that this position requires and demands.

I offer the following: A scaled back version of the RTM will allow for a more efficient process with better representation than with a 40 member RTM.

Perhaps what I find most disturbing in this process, is the apparent call to action by the Democrat Town Committee in an attempt to derail the Charter Revision Commission's unanimous bi-partisan recommendations. Please do not allow this process to be politicized any further and let the Voters of Fairfield decide what they want in terms of their government.

Thank you.

Karen

**From:** Frank Petise <frank.petise@gmail.com>

**Sent:** Tuesday, July 12, 2022 10:18 AM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Charter Revision - RTM Size

Good evening,

I'm unable to attend today's meeting however I wanted to reiterate my concerns I sent to the Charter Revision Commission in November 2021 and June 2022. As a member of the RTM since 2017, I fully support reducing the size of the RTM body from 40 members down to 30. I wrote back in November that "the body is so large that it seems to me it has dissolved into two caucuses that lead to a partisan divide amongst us" and it has only become more evident to me this is the case. A smaller body would allow the elected officials to engage in conversation and debate, get to know each other better regardless of their political affiliation, and most importantly be held more accountable to the voters of our Town. This approach will result in more consensus building. There is a lot more exposure on smaller town bodies than there is when you are one of 40 and I think our residents deserve that accountability in place of partisan voting in groups.

Thank you for your consideration,

Frank

Frank W. Petise

RTM District 10

Vice Chair PW & Planning Committee

**From:** Kathryn Braun <klbesq@aol.com>

**Sent:** Tuesday, July 12, 2022 11:23 AM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Braun Ltr re Charter clause on Mediation and Resolving

July 12, 2022

Re: Charter Revision- Clause re: Mediation and Resolving disputes

To the Board of Selectmen:

I question and ask that this entire clause be submitted to the CRC- the proposed section transmitted to you, under the 4.3 Powers and duties of the First Selectperson which is as follows:

**4.3 (3) Mediation and Resolution of Differences.** The First Selectperson

shall be responsible for the mediation and resolution of differences between Boards,

Commissions, Departments and other public bodies within the Town government

relating to an interpretation and/or coordination of Town policies and procedures.

I believe you need further clarification from the CRC, rather than simply removing the word “resolving”.

Any town body which is NOT a department solely reporting to the First Selectperson should be carved out of the reach of this section for both mediation and resolution.

1. There should be no mediation or resolution by the executive over the RTM, which is a separate branch of government not under any type of authority of the First Selectperson. This section could be interpreted to include the RTM.

a. Query: Is the RTM one of the “*public bodies within the Town government*”?

i. Not a Town officer- Per the new definitions, the RTM is NOT part of the Town Office and RTM Members are thus NOT Town Officers. However, they may be considered Town Officials.

ii. Town official- the RTM members are not excluded from this definition

iii. as it is the legislative branch, I don’t see anything that says it is not a public body within the Town government. One would assume it is part of our Town Government.

b. If the RTM is not one of the “*public bodies within the Town government*”, then what is it?

c. If it is, then the Executive Branch should not have the ability to mediate or resolve any differences between the RTM and any other body because the RTM is not under the First Selectperson or the Executive Branch

2. For the bodies such as the Town Plan and zoning Commission, ZBA, Conservation Commission, and others- these are independent bodies carrying out important state laws, public policy and other mandates, and should not be subject to political influence, whether to mediate or resolve differences between bodies. Neither action (mediate or resolve) is appropriate. Further, what if it is the Office of the First Selectperson that has the disagreement?

3. Zoning Department and Conservation Department and possibly other departments have both have dual reporting authority- to their respective commissions and to the First Selectperson- so any attempt to mediate or resolve should carve out anything related to their responsibilities to their commissions.

I respectfully request that this be submitted to the Charter Revision Commission to be strictly clarified to only enable mediation for those departments solely under the First Selectperson’s authority.

Sincerely,

Kathryn L. Braun

Fairfield Resident

**From:** jamie forbes <jforbes1@gmail.com>

**Sent:** Tuesday, July 12, 2022 11:24 AM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Town Charter

Dear BOS members,

I understand that you will be voting today on submissions to the CRC for changes to the town charter. Will you be voting on whether to include a permanent commission on Racial Equity and Justice? I strongly support the inclusion of this position. I was not an official member of the Racial Equity and Justice Task force but attended many of the meetings and listening sessions. After hearing the stories of many Fairfield residents, I feel that this position is so important for our town. A town with commission or position committed to racial equity and justice sends a message to residents and people thinking of moving to Fairfield. I want to live in a town that invites diversity and makes sure that we are living up to our values in terms of hiring, education, policing...all aspects of the town. Please include this position or commission in the town charter.

Thank you for listening, Jamie Forbes, 769 Hillside Rd

**EMAILS ADDED TO THIS DOCUMENT AFTER PREVIOUS EMAILS WERE POSTED TO  
THE TOWN WEBSITE ON JULY 12, 2022 AT 1:23 PM:**

**From:** Edward Bateson <bateson.fairfield@gmail.com>

**Sent:** Tuesday, July 12, 2022 1:23 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>; CRC <CRC@fairfieldct.org>

**Subject:** Charter

Dear Selectmen,

Please approve the Charter revisions before you. There is way too much political noise surrounding this issue now.

What is before you is a well crafted, bipartisan modernized document that deserves to be considered by the electors in November 2022.

We all have differing opinions on how we want to be represented. I wanted significantly more change than this proposed Charter offers; but I recognize the other voices in our community and offer my support to this document as it is a positive step towards the future.

Please vote YES and send it to the people to decide.

Regards,

Edward J. Bateson

RTM District 1

2195 North Street

Fairfield, CT 06824

(203) 530-3915

**From:** Colleen Sullivan <sullivancm@sbcglobal.net>

**Sent:** Tuesday, July 12, 2022 1:33 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Charter Revision BOS Vote

Dear Board of Selectmen,

I have recently familiarized myself with the emails sent regarding Charter Revision and write again before what I understand is your currently scheduled vote at 2 pm today. Due to these emails. I feel much more well informed thanks to the many constituents who have so eloquently and intelligently voiced their opinions about how this process "should" and "has" transpired under the current administration.

I would again, like to request that the feedback regarding continuation of the current number of RTM representatives be heeded, remain the same, and continue to be self regulated by the RTM in the future. I am also hopeful that this legislative body (RTM) be given access to attorneys for decisions they feel merit this consultation before voting.

I am thankful that a citizen and member of the TPZ was able to clarify the appropriate State Statute for the attorney the town is paying for consultation on this process and relieved that he agrees with her opinion on this important issue of the legal timeline that should be followed. I am hopeful that he can insure, we in Fairfield, follow the law in the future instead of relying on her expertise to clarify the Ct laws that govern this work. I hope you, as the BOS, can also be actively involved in insuring this as the CRC process unfolds.

I would like to remind all involved that as duly elected officials and nominated members of a board responsible for the Charter Revision the will of the 60,000 citizens in Fairfield should be your guiding force, rather than individuals who may have held offices in town for a number of years or either political party's individual platform or goals.

I hope each of your individual BOS vote shows a sincere commitment to a thoroughly transparent and legal process of Charter Review that reflects the will of Fairfield's citizens and voters.

Thank you for your service.

Sincerely,

Colleen M. Sullivan

**From:** L Obrien <ljobrien2019@gmail.com>  
**Sent:** Tuesday, July 12, 2022 4:47 PM  
**To:** Board of Selectmen <BOS@fairfieldct.org>  
**Subject:** CRC concerns

Pls see attached.

- Laurene

Laurene O'Brien  
917-816-8244

**TO: Board of Selectpersons,**  
**RE: Charter Revision Recommendations**  
**DATE: July 12, 2022**  
**FROM: Laurene O'Brien**  
**20+ year Fairfield resident & former RTM member**

Thank you to the BOS & Charter Revision Committee for your time and efforts. While this review is important and deserving of conversation & passion, it will not be, by far the most defining aspect of any our legacies. As such, I hope everyone here & watching, can be respectful of all individuals and their opinions with minimal eye rolling, while keeping the focus on the needs of our town.

Unfortunately, the CRC process, has made concerning recommendations and committed a significant error of omission; the **state required declaration, & submission of a completion date** for Charter revision. This is very concerning because the established, committed and communicated time frame, submitted to the state governs the entire process. And prevents the exact situation from happening with which we are currently dealing. The First Selectperson said "it's really just a 'small' mistake and not a 'big' deal at all, .... because it was discussed and included in newsletters and email communications... shared with everyone so it should not be a surprise". Everyone that is, except the State of Connecticut, the only entity that required that date be communicated directly and on time.

**Ratification has been tabled to retroactively 'fix' the error of omission**, (not correctly submitting in accordance with State statute, the date our charter revision committees recommendation would be completed and submitted to the state). But **ratification is not the answer**, it is not in the best interests of the process or the town. The mistake should not be just swept under the rug. The **repercussions of that error need to be dealt with appropriately & ethically**. Ratification at best, is an attempt to cover up a mistake, and at worst it's a move to avoid embarrassment, responsibility for the consequences, and potentially to circumvent future legal processes.

**That omission of error is glaring because as claims like Brenda Kupchak's at the 7/11 BOS meeting, '... the CRC has a very short time to review ...'** and it was stated previously that **the CRC said** the reason for why "... they have not thoroughly reviewed everything, was because we have **run 'out of time'**". Given that **8 months remain to complete the work correctly**, completely, and thoroughly, why the rush and why the false statements? **Nowhere is it stated that the CRC review** must be conducted only until the committee can no longer do the job. Nor are there any requirements for recommendations to **be completed to facilitate inclusion on the next election ballot** this November.

At yesterday's meeting, the First Selectperson noted how much work her job is and that the CRC has done a lot of work and will continue working all through the summer. If the latter is problematic and given that state statute gives a full 16 months of which 8 months remain, the **CRC can easily take**



**July, or August off or potentially take both off, and still finish in advance of the state mandate.** Problem solved. **Or we could install a new, fresh committee and commissioner to complete** the process thoroughly and completely, by using the time allotted, to establish how the citizens of Fairfield specifically benefit from each recommendation.

**How could the town possibly benefit by dropping a state licensed engineer requirement, to hire a less qualified DPW Director?**

The RTM and First Selectperson roles do not specify any minimal education requirements. However, the DPW Director is a technical and highly specialized position that oversees the 'engineering' of our continually growing town.

With regards to the DPW Director, less is not better. Only better is better. An Engineering degree requirement is better because it provides industry germane, higher education training in critical thinking, needed for 'the buck stops here' position of the DPW Director. The ability to analyze a project from an engineering perspective with an engineering degree, is critical. Because no one wants to hear, 'Well, you really can't hold the DPW Director responsible, because he is not an engineer. But, he's a damn fine manager.

**Before we throw our hands up in defeat and change the town charter, how about we actually just use the tools employed previously and successfully.** Such as doing an executive search to find an engineer that meets our current requirements.

**'Intimate & streamline' are in direct contrast to the basic premise of Representative town meetings' designed to** *"function largely the same as open town meetings"*, not to be small, selective, or intimate. **The CRC has repeatedly stated that a RTM maximum size reduction by 46% is better.**

**Better Why?**

**Based on what?**

**Better for who?**

**Where is the town benefit in a 46% reduction in RTM maximum size?**

- If you think a 'select group' of fewer, 'chosen' RTM members is better, you're missing the point that the RTM is intended to be inclusionary, NOT exclusionary.
- The **RTM is a volunteer position with no clerical or legal support, at \$0 cost to the town.** It helps shape our community and is an important legislative branch of our town government.
- **The RTM offers opportunities for community and civic involvement. Those opportunities make better citizens, and those citizens contribute to Fairfield being a better community and place to live.** Our citizens are civically engaged while serving on the RTM, and often after serving.
- A smaller, more homogenous group is NOT the answer. Nor is it a reliable indicator of functionality, performance, or longevity. **It is a naive assessment at best and self-serving at worst to say that the most recent RTM size reduction was without any negative effects.** Simply because it is 'thought' that no one is complaining, does not mean that there were no negative repercussions.

- **Why reduce the potential maximum RTM size, if it has not been requested by any individual or group not involved in the Charter Revision Review or town government?**
- **People want more easily accessible government representation, not less.** Why would Fairfield want to offer 75 to 87% LESS, per capita representation than Darien, Greenwich, or Westport?
- Extremely concerning are the perplexing answers, like a smaller RTM would facilitate “*making friends,... meaningful relationships... and allow for more intimate discussions and streamlining of the RTM...*”?

While honest, that answer is an ineffective attempt to legitimize pernicious recommendations. Most significantly that **‘intimate & streamline’ are better.**

**Smaller equals less representation, for the needs of our ever-growing town population.** Where is the town benefit in each Fairfield RTM member representing 2,065 constituents per Rep. or nearly 650% more constituents than a Greenwich RTM rep’s at 276 constituents per Rep.. **How will that make our town better, or more attractive?**

Saying that **RTM reduction** is a ‘reasonable compromise, **is the furthest thing from ‘any compromise’ and it is insulting.** If the **city manager / town council model** - with a smaller, more powerful town body **was rejected, then that model, in its totality, is rejected.** Quid pro que, either, or: **either** an RTM or town council that is larger and less powerful, **OR** it is smaller and more powerful. Not just smaller, with less power.

**Why further usurp a fundamental function of the RTM**, by taking away BOE fiscal oversight for contracts of \$100,000, and giving that to the Board of Selectman? It is simply unnecessary and erodes the fundamental design of our town government.

**Keeping town departments independent, provides checks and balances required for good government.** Fairfield’s balanced town government is currently **based on the inclusionary ‘Representative Town Meeting’ form of local government.**

**Consolidation of role and power recommendation**, to make it the sole responsibility of the First Selectperson to have complete authority over the Chief Administrative Officer, and the deciding voice for all mediation and dispute resolution among all town bodies. The CRC’s recommended oversight changes are unsupported & concerning. **Exactly how would the town benefit from such consolidations?**

The CRC’s charge is to review the town charter, to recommend potential charter changes, by not shortchanging the process or the town. The review needs to be done correctly, completely and in the best interest of the town of Fairfield. Not rushed to finish in time for the fall election, or to set in motion changes, based on rejected recommendations, to in turn make unwarranted adjustments now, to facilitate larger changes of an unstated agenda in the future.

**I implore those with the ability to vote on our charter revision to do the right thing and cast your vote for changes that only benefit the entire town and its citizens.**

Respectfully submitted by,  
Laurene O’Brien  
20+ year Fairfield resident & former RTM member

**From:** Stacy Fama <stacyfama@gmail.com>  
**Sent:** Tuesday, July 12, 2022 1:59 PM  
**To:** Board of Selectmen <BOS@fairfieldct.org>  
**Subject:** Charter Revision, Ash Creek and RTM

To Town of Fairfield Board of Selectman,

We the board of the Old Post Road Area Association and would like to express our concerns about a few issues important to our town and community.

We are most concerned about the compressed timeline and not enough public input and discussion of the Charter Revision.

In this moment, many members of our community/town have taken advantage of the opportunity to travel post Covid and we are at a disadvantage not having their full representation to this matter. Therefore, we believe there should be a postponement and another public hearing before the BOS finalizes its recommendations to the CRC.

Additionally, we as a community, are opposed to the over-development of the Ash Creek Open Space Area. Please preserve our natural wildlife environment and reconsider/scrap the Park and Recreation proposed Ash Creek project.

In closing, we feel that the RTM should remain to 40-50 members so we can continue to have broad representation for our historic and diverse community.

Respectfully submitted,

The Old Post Road Area Association

Henry Backe

Walter Shaw

Karen Winget

Stacy Fama

**From:** Eve Burhenne <BurhenneE@fivestarproducts.com>  
**Sent:** Tuesday, July 12, 2022 2:08 PM  
**To:** Board of Selectmen <BOS@fairfieldct.org>  
**Cc:** Eve Burhenne (panded@optonline.net) <panded@optonline.net>  
**Subject:** BOS - Charter clause on Mediation and Resolving

12 July 2022

To the Board of Selectpeople:

I echo Kathy Braun's position and urge you to ask for further clarification from CRC to only enable mediation for those departments solely under the First Selectperson's authority.

Ms. Braun's letter below.

Respectfully,

Eve Burhenne

Re: Charter Revision- Clause re: Mediation and Resolving disputes

To the Board of Selectmen:

I question and ask that this entire clause be submitted to the CRC- the proposed section transmitted to you, under the 4.3 Powers and duties of the First Selectperson which is as follows:

**4.3 (3) Mediation and Resolution of Differences.** The First Selectperson

shall be responsible for the mediation and resolution of differences between Boards, Commissions, Departments and other public bodies within the Town government relating to an interpretation and/or coordination of Town policies and procedures.

I believe you need further clarification from the CRC, rather than simply removing the word "resolving".

Any town body which is NOT a department solely reporting to the First Selectperson should be carved out of the reach of this section for both mediation and resolution.

1. There should be no mediation or resolution by the executive over the RTM, which is a separate branch of government not under any type of authority of the First Selectperson. This section could be interpreted to include the RTM.

a. Query: Is the RTM one of the "*public bodies within the Town government*"?

i. Not a Town officer- Per the new definitions, the RTM is NOT part of the Town Office and RTM Members are thus NOT Town Officers. However, they may be considered Town Officials.

ii. Town official- the RTM members are not excluded from this definition

iii. as it is the legislative branch, I don't see anything that says it is not a public body within the Town government. One would assume it is part of our Town Government.

b. If the RTM is not one of the "*public bodies within the Town government*", then what is it?

c. If it is, then the Executive Branch should not have the ability to mediate or resolve any differences between the RTM and any other body because the RTM is not under the First Selectperson or the Executive Branch

2. For the bodies such as the Town Plan and zoning Commission, ZBA, Conservation Commission, and others- these are independent bodies carrying out important state laws, public policy and other mandates, and should not be subject to political influence, whether to mediate or resolve differences between bodies. Neither action (mediate or resolve) is appropriate. Further, what if it is the Office of the First Selectperson that has the disagreement?

3. Zoning Department and Conservation Department and possibly other departments have both have dual reporting authority- to their respective commissions and to the First Selectperson- so any attempt to mediate or resolve should carve out anything related to their responsibilities to their commissions.

I respectfully request that this be submitted to the Charter Revision Commission to be strictly clarified to only enable mediation for those departments solely under the First Selectperson's authority.

Sincerely,

Kathryn L. Braun

Fairfield Resident

Eve Burhenne

Executive Assistant

**Five Star Products, Inc.**

60 Parrott Drive

Shelton, CT 06484-4733

**Office: (203)-336-7991**

**Cell: 203-209-0112**

[BurhenneE@fivestarproducts.com](mailto:BurhenneE@fivestarproducts.com)

[www.FiveStarProducts.com](http://www.FiveStarProducts.com)

**From:** Wolfgang Klier <wklier@gmail.com>

**Sent:** Wednesday, July 13, 2022 12:38 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Fwd: Ranked Choice Voting

----- Forwarded message -----

From: **Wolfgang Klier** <[wklier@gmail.com](mailto:wklier@gmail.com)>

Date: Wed, Jul 6, 2022 at 9:10 AM

Subject: Ranked Choice Voting

To: <[CRC@fairfieldct.org](mailto:CRC@fairfieldct.org)>

Dear Madam or Sir,

I apologize for writing in so late in the process, we just bought a house in Fairfield and so will be Fairfield citizens soon.

I wanted to urge you to include at least the possibility of ranked choice voting <https://www.fairvote.org/rcv> in the updated town charter.

In addition I wanted to highlight that a proportional representation system [https://www.fairvote.org/how\\_proportional\\_representation\\_elections\\_work](https://www.fairvote.org/how_proportional_representation_elections_work) would achieve better representation for the RTM without imposing artificial quotas. Even if keeping the current 10 districts with 4 representatives each or even better go to 6 districts with 5 representatives each.

Regards,

Wolfgang

**From:** Joanne Romano-Csonka <[joanneromano52@gmail.com](mailto:joanneromano52@gmail.com)>

**Sent:** Sunday, July 17, 2022 7:44 PM

**To:** Board of Selectmen <[BOS@fairfieldct.org](mailto:BOS@fairfieldct.org)>

**Subject:** Fwd: Letter Charter Revision

----- Forwarded message -----

From: **Joanne Romano-Csonka** <[joanneromano52@gmail.com](mailto:joanneromano52@gmail.com)>

Date: Thu, Jul 14, 2022 at 6:00 PM

Subject: Letter Charter Revision

To: <[CRC@fairfieldct.org](mailto:CRC@fairfieldct.org)>

**Joanne Romano-Csonka**

694 Jennings Road

Fairfield, CT 06824

July 14, 2022

To members of the Charter Revision Committee and Board of Selectpersons:

I would like to submit my recommendation/ thoughts on the makeup of the RTM. I have a lot of experience with a smaller contingency which in my experience was and is a much more inclusive government. Ours was 10 in district and 5 At-Large(Town Wide). And we were a City of 86,000 population.

My thoughts on Fairfield since it seems people feel a larger group is better would be 20 in district and 10 At-Large (town wide). This way each district gets 3 representatives.

Thank you for your time and consideration. I know it's a daunting task as I myself have sat in your place.

Best regards,

*Joanne Romano-Csonka*

**From:** William Gerber <gerber\_william@yahoo.com>

**Sent:** Friday, July 22, 2022 10:04 PM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>; Mednick, Steve <smednick01@snet.net>; Cafferelli, Bryan <bryancaff@gmail.com>

**Cc:** Carpenter, Jennifer <JCarpenter@fairfieldct.org>; O'Brien, Pru <PO'Brien@fairfieldct.org>; Mitola, John <jrmitola@aol.com>

**Subject:** Dear Charter Review Commission and Board of Selectpersons: regarding §9.3. Annual Budget Estimates

Dear Charter Review Commission and Board of Selectpersons,

The draft resolution the Board of Selectpersons (BOS) voted on (file: BOS\_Charter\_Revision\_Recommendations.12\_July\_2022) was not posted for the public to view until about an hour into the meeting, which was too late for the public to review and provide feedback. I think you may have mistakenly missed one item that had been brought to your attention, though it should be covered under errata. That item is **§9.3. Annual Budget Estimates: [all yellow highlights below are mine]**

**File (posted): 06-08-22\_Backup\_for\_CRC\_Special\_Mtg\_- \_Includes\_Emails**

### **§9.3. Annual Budget Estimates.**

#### **A. Submission of General Fund and Capital Budget Estimates to the First**

**Selectperson<sup>323</sup>.** All Town ~~Officers, Boards and Commissions~~ **Officials** and Departments of the Town, **including the Board of Education** ("Submitting Parties"), **shall** submit to the First Selectperson<sup>324</sup>:

**(1)** such items and details of their respective general fund and capital budgets for the next fiscal year<sup>325</sup>; and,

**(2)** any additional information which they possess (including, but not limited to, records, books, accounts, Contracts, reports and other papers and documents as specified by the First Selectperson ("Budget Estimates") all of which, **in the judgment of the First Selectperson**, are necessary to discharge the duties imposed upon the First Selectperson by this Charter.

<sup>322</sup> 2022 modification and recodification of current Article XII, §12.1 (2006). Derived from Article XII, §12.1 of the 1997 Charter; and, Chapter III, §6 (second sentence) and Chapter XVII, §4 of the 1947 and 1956 Acts and 1975 Charter.

<sup>323</sup> 2022 modification and recodification of current Article XII, §12.2,A (2006). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>324</sup> 2022 modification and recodification of current Article XII, §12.2,A (2006)(First sentence). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>325</sup> 2022 modification and recodification of current Article XII, §12.2,A (2006)(First sentence). Derived from Article XII, §12.2 of the 1997 Charter.

I do not believe Section 9.3 was discussed by the Charter Revision Commission (CRC). However, it may be a vestige of the drafting changes made for the Mayor-Town Council structure that was then under discussion, and therefore errata. The citations do not reflect where this language came from, but the origins of the language used are cited in the 2/10/2021 document backup (PDF page 84), which was the power to investigate individuals (and the power to appropriate funds to do so) granted to the Stratfield Town Council in their charter. In this draft of Fairfield's Charter, powers of investigation have been transferred to/duplicated for the First Selectperson, in the name of developing "Budget Estimates."

## **FAIRFIELD CHARTER REVISION COMMISSION BACKGROUND DOCUMENT #4: GOVERNANCE ISSUS (2/10/2022)**

<sup>25</sup> **Stratford Charter Section 2.1.5 – Council Chair; See also, Section 2.2.15 - Power to Investigate and Procure Information.** "The Council shall have the power to investigate town affairs. In exercising this power, the Council shall have the power to require any town elected or appointed official, officer, director, department head, or employee to furnish the Council or its designee all information, contracts, reports, papers, documents, records, or other material which is in the possession of the elected or appointed official, officer, director, department head, or employee, and which, in the opinion of the Council is necessary to enable the Council to discharge the duties imposed upon it by this Charter, or to properly and completely investigate town affairs. It is hereby made a duty and obligation of all town elected or appointed officials, officers, directors, department heads, and employees to provide the Council with the requested information, contracts, reports, papers, documents, records, or other material when so required by the Council. Notwithstanding any other provision of this Charter, the Council shall have the right to appropriate funds, either by way of the budget or by special appropriation, to fund any costs and expenses which may, in the opinion of the Council, be necessary, proper and required to conduct the investigation or to procure any information, contracts, reports, papers, documents, records, or other material" [Amended 11-4-2008].

Of course, when you reverted back to the Board of Selectpersons structure of government, powers of investigation are clearly vested, once again, in the Board of Selectpersons.

### **§4.2. The Board of Selectpersons.**



**B. General powers and duties**<sup>162</sup>. The executive authority of the Town shall be vested in the Board of Selectpersons, except to the extent such authority is expressly granted to the First Selectperson in this Charter. The Board of Selectpersons shall have the powers and duties vested in them by the General Statutes, except those expressly vested in the First Selectperson by this Charter or by Ordinance. In particular:

... **(2) Oversight of Appointees: Subpoena Authority**<sup>169</sup>. All Town Officials and employees of the Town appointed by the Board of Selectpersons shall be responsible to them for the faithful performance of their respective duties and shall render a report to the Selectpersons whenever requested to do so. The Selectpersons shall have the power to investigate any and all Town offices and Departments of the Town and for such purpose shall have the power to issue subpoenas.

For your reference and comparison, the current charter has the following language regarding the budget:

**12.2. Review and recommendation by Board of Selectmen.**

A. Submission of budgets to Selectmen. All Town officers, boards, commissions, authorities, and departments of the Town entrusted with the expenditure of Town funds, including the Board of Education, shall submit to the First Selectman the items and details of their respective budgets for the next fiscal year. These shall be submitted on or prior to a date designated by the First Selectman, which date shall be early enough for the Selectmen to review, revise, compile and submit its recommendations to the Board of Finance as set forth in Section 12.2B.

I understand it is highly unlikely the CRC intended to turn a budget process into an investigation, so I hope the CRC will expeditiously correct this error. Otherwise, the First Selectperson will have powers of investigation that are greater than what, I believe, was intended. In addition, inclusion of the Board of Education in a section with this language is a scary prospect because of what seems like obvious potential legal issues.

Thank you for your consideration.

Sincerely,

Bill Gerber, RTM District 2

-----Original Message-----

From: Jeanne Konecny <jeanne.konecny@icloud.com>

Sent: Sunday, July 24, 2022 10:58 PM

To: CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>

Subject: Charter Revision

To: Charter Revision Commission and Board of Selectpersons

I'm a lifetime Fairfield resident and served on the Land Acquisition Commission, Flood and Erosion Control Board and the Wetland Setbacks Subcommittee of the Conservation Commission. I was a founding member of Friends of Open Space and a board member of FairPLAN.

Through my involvement I've come to appreciate the work that the various town bodies have contributed to the town. This includes the Board of Selectmen, Board of Finance and Representative Town Meeting.

While I'm relieved that the CRC rejected changing our entire form of government which has served us well all these decades, I'm very concerned with the proposals which would transfer power from the legislative branch to the executive branch, specifically to the First Selectperson.

I respectfully ask that you reject a number of the proposed changes, listed below, followed by 2 changes I suggest be added to the Charter:

1. Do not reduce the size of the RTM. Fairfield's RTM is already only a fraction of the size of the other RTMs in the State. It must keep its current size and be able to respond to the concerns of each district. Especially with a growing population, there is no justification to reduce the cap by 46% from 56 to 30.
2. Do not give the First Selectperson the power to either mediate or resolve differences between the various town bodies. This would expose them to political influence, and having served on a number of these public bodies, this is unacceptable to me.

The First Selectperson already has enough power including sole appointment authority over a number of top town officials and the entire Conservation Commission. Many of the recent scandals could have been avoided with more oversight.

3. Do not lessen the professional expertise we have always required of our DPW Director- he or she must continue to be "a professional engineer registered in the State." Through my time on various commissions I know how complex and massive the challenges are that our town faces in coming years.

This is not the time to relax our standards, with worsening weather and climate change and our aging infrastructure. I would like to ask why we have not recruited a qualified Director of DPW in almost the past 3 years? We shouldn't change the charter to accommodate the acting interim DPW head who is not qualified under our current Town Charter.

I propose that the CRC make the following changes to our Charter.

First, the Conservation Commission be an elected body to protect it from political pressure. The First Selectperson should not have sole jurisdiction over this increasingly important commission. Fairfield is one of a very few towns that allows just one public official to make Conservation Commission appointments. Our Town's environmental health depends on a completely independent body.

Second, the Charter should mandate that the Conservation Commission, with the approval of the Conservation Director, must employ a full time Wetlands Administrator, rather than making it optional. With all the new development near fragile wetlands areas, this important position must never be eliminated again, as happened last year.

Finally, I have read that you are rushing this process unnecessarily, cutting out as much as half the time legally allowed. By analogy, the wetland setbacks subcommittee spent 3 years studying our town's watersheds:

researching, doing field work and compiling data, to develop our recommended wetlands review areas. Certainly charter revision deserves the same attention and due diligence.

These are lasting, far reaching changes which will become the law of our town and very difficult to change again. I request that you take all the time legally allowed, so that the final proposed changes are truly in the best interests of our Town and its residents.

Thank you for your time and attention.

Sincerely,

Jeanne Konecny

Sent from my iPhone

**From:** Jim Bowen <jim-bowen@hotmail.com>

**Sent:** Monday, July 25, 2022 6:14 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Cc:** CRC <CRC@fairfieldct.org>

**Subject:** Proposed Charter Revision

First Selectwoman Kupchick, Selectwoman Lefkowitz, Selectman Flynn and Commission Members

Please see the attached PDF letter concerning the ongoing work to revise the town charter. The text of the letter is pasted below for convenience.

Respectfully

Jim Bowen

-----Text of attached letter-----

25 July 2022

First Selectwoman Kupchick, Selectwoman Lefkowitz, and Selectman Flynn

I encourage you to slow down the ongoing process for revising the Town Charter. As you are well aware, there is no statutory requirement to put this proposal on the 2022 ballot and there are few things I can see in the proposed changes that benefit from moving so quickly. While I certainly agree there are changes that could be worthwhile, the unnecessary haste with which you are proceeding makes myself, and many voters, concerned about what you are trying to do and why. Many of the changes in this document are substantive and will fundamentally alter the governance of our town, the ability for citizens to participate and have oversight, and will have undefined fiscal impacts likely resulting in increased taxes. If you truly believe the entirety of these

changes are in the best interests of the town, then you owe it to the citizens to take the full time allowed and continue to engage the whole of the town in a full and open discussion of the proposal.

The proposed changes are numerous and difficult to follow if you are not immersed in them continuously. Many citizens don't follow items at the smaller board level, but their attention increases as items move up the chain. In this case, the BOS is reviewing these proposals over the summer when most people are traveling, and their focus is on other things.

Here are just a few of the items that concern many of the citizens I talk with in town:

1. Consolidation of power in the Executive Branch. Many of the proposed changes increase the power of the Executive Branch, sometimes at the cost of other branches or boards/commissions. The most obvious of these changes seems to be granting the First Selectperson Mediation and Resolution of Differences power over all town bodies, which would seem to include the Legislative branch. As the chief executive, disputing resolution between departments is inherent in the First Selectperson's role. Beyond that, giving that individual this level of control over other elected boards, and especially other equal branches, is detrimental to our system of checks and balances.
2. Rules of Order and Civility. This addition is unnecessary and will almost certainly be weaponized by the parties against each other and the citizens of this town. Attempting to dictate items of this nature are inherently dangerous to the free expression of ideas and opinions. The things outlined in this section are borne from ethical and competent leadership. If the town is led with mutual respect, civility, and orderly conduct, then this will be the norm. If instead it is lead with arrogance, bullying, and a disregard for the citizenry and fellow officials, then that will become the norm. If town leaders are truly committed to the democratic process, the rule of law, individual rights of expression, robust debate, and tolerance for disparate views and the building of better community relationships through increased empathy, greater awareness, and decreased reactivity, it will show loud and clear in their actions. This kind of guidance belongs to the individual government branches and boards to develop as needed and for those in charge to enforce by their example and corrective action as needed with their employees. I firmly believe the Town Charter is not the place for this kind of language and guidance. The unintended consequences will be detrimental to all of us.
3. Reduction of the RTM to 30 Members. There has been no evidence-based rationale presented for this change. Instead, there have been many anecdotal reasons provided for this reduction. I, and many others, do not believe reducing the number of elected representatives most directly tied to the citizens is in the best interest of better government. Many of the anecdotes for this change are tied to lack of effectiveness, member participation, etc. Those problems are tied to either the quality of people on the ballot, who are ultimately elected, or are an inaccurate assessment, not an issue with the existing structure. There are more than enough people willing to engage and serve; if the parties embrace the ideals of individual rights of expression, robust debate, and tolerance for disparate views and the building of better community relationships and recruit candidates accordingly, the RTM will easily become an unmatched force for good in our community.
4. Changing the Petition for Overrule threshold for RTM votes authorizing the expenditure for any specific purpose from \$150,000 to \$500,000. The requirements to successfully petition and drive a referendum are high enough to prevent petty disputes; we do not need to reduce available citizen oversight by making this huge threshold change. Ironically, you yourselves want to bring BOE contracts under your oversight and you have requested a threshold of \$50,000. For the same reason you want tight oversight ability, do not strip the citizens of their ability to fight against expenditures they fundamentally disagree with. This change does nothing to increase efficiency; it simply strips power away from the citizens unnecessarily.
5. The addition of a Town Administrator, Chief of Staff, an admin assistant for the First Selectperson to the Charter are unnecessary. The First Selectperson is our Town administrator; they lead a vast array

of Departments, led by experts, to assist them in this role. Each First Selectperson will have a unique set of skills and ability; if they lack the skills needed and believe they need extra bodies, then they need to make that case in the budget process. The same goes for adding more bodies to the First Selectperson's personal staff. This administration has grown their personal staff, and accordingly increased the tax burden on all of us. Let the skills and ability of the elected individual plus their ability to make a case for extra bodies to the people during the budget process be the driver; don't "forever" add more bodies to our government due to the needs of one person.

1. Additionally, adding a "Town Administrator" with vague job requirements while at the same time diluting the job requirements for the leader of DPW seems inconsistent. We need expertise within our current footprint, not lower requirements and more people.

I think most voters agree the Charter can use some updates, but changing our most fundamental governance document demands time, care, and caution on behalf of all stakeholders. There are numerous other examples beyond the few outlined above, big and small, in the 122-page redlined Charter proposal that need greater visibility and discussion with the public to truly understand the consequences of the change and the benefit to the town. I believe your current path of fast-tracking this to the ballot in 3.5 months will result in the voters rejecting the changes. If you truly believe in these changes, then I urge you to slow down and spend the next year getting the public on board and making prudent adjustments to this proposal to ensure success on the 2023 ballot.

Respectfully,

James (Jim) E. Bowen, Jr.

Unaffiliated Voter

(703)-901-7077

**From:** budmorten@aol.com <budmorten@aol.com>

**Sent:** Tuesday, July 26, 2022 7:03 PM

**To:** CRC <CRC@fairfieldct.org>; BOF <BOF@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>; RTM <RTM@fairfieldct.org>; TPZ Commission <TPZCOMMISSION@fairfieldct.org>

**Subject:** BOF Oversight of Town Assessment System

To: Charter Revision Commission

Fr: Bud Morten

Re: BOF Oversight of the Town's Assessment System

Upon the recommendation of the Town Attorney, and to the best of my knowledge without any analysis or discussion, the CRC has proposed removing from the Town Charter §8.3.D, which reads as follows:

Assessment system. The Board of Finance shall install and shall modernize from time to time a system by which equitable and just values of taxable property within the Town may be ascertained. The system shall provide, among other things, for the collection of data relating to each parcel of land

and to each building within the Town and for the arrangement of such data in convenient and practical form for the use of the Assessor. The system may provide for the preparation and upkeep of tax maps and land maps, in the discretion of the Board of Finance.

If I understand him correctly, the Town Attorney claims that this clause is superfluous because the BOF's authority and responsibility was narrowly limited to the quality of the mechanical "system" used to assess property values, rather than the overall assessment process and its results, and that the quality of property "assessment systems" is now adequately regulated by State statutes.

However, I believe this clause actually gives (and was intended to give) the BOF broad authority and responsibility to ensure that the Town's property assessment system is producing "equitable and just values," and that this is an important and necessary function that the BOF is best qualified to fulfill.

Accordingly, I believe this clause should not be removed from the Charter and that the BOF should provide oversight of the Town's property assessment system, process and results.

Some additional points to consider on this matter are as follows:

- It is extremely important that our assessment process is equitable and just because it determines how the burden of property taxes is distributed. If, for example, commercial and industrial properties are undervalued, the burden on residential property owners is increased.
- State statutes regulate the municipal assessment process and impose certain statistical standards designed to measure the accuracy of assessments, but they do so at a level which does not ensure that local assessment systems are in fact equitable and just.
- The assessment process and results are to some extent self-regulating because property owners can appeal their valuations. However, there is an inherent asymmetry in this self-regulation insofar as property owners only appeal over-valuations, which means there is no mechanism to detect and correct for under-valuations of commercial, industrial or residential properties.
- For avoidance of doubt, oversight by the BOF does not mean that it should get involved in the valuations of specific properties or in any disputes regarding assessments.
- Providing oversight of our property assessments also provides the BOF with valuable insights regarding future tax revenues that may be important for capital and planning purposes. For example, given the widely publicized inroads of eCommerce on brick-and-mortar retailers, it should be instructive for the BOF to track what is happening to valuations for retail properties and to understand the extent to which our Grand List is exposed to this risk.
- Among the key metrics that the BOF (or a standing committee of the BOF) could review on a regular basis (perhaps quarterly) are the following:
  - The number of appeals filed after a revaluation.
  - The number of appeals filed by district and by property classification (e.g., residential, rental, commercial, industrial).
  - The magnitude of claimed over-assessments.
  - The magnitude of reductions in assessments granted or negotiated on appeal.

- Legal costs associated with assessment appeals.
- Vacancy rates in all types of commercial properties.
- Non-resident ownership rates.
- The gap between actual market sale values and appraised values, and explanations from the Tax Assessor for any unusual gaps or gap patterns by neighborhood, property type or other characteristics. For example, there appears to be a pattern of systemic under-valuation for properties that undergo substantial renovations – meaning that eventual market sale values for these properties seem to be consistently higher by a substantial margin than their appraised values.
- Changes in Fairfield's valuations and Grand List relative to other municipalities in our region. For example, one anomaly that should be analyzed and monitored is the huge divergence in what happened to commercial property values in the 2020 revaluations in Fairfield (up ~23%) and Westport (down 7%). This outcome seems to imply that Fairfield's commercial properties were previously significantly undervalued, and/or that Westport's were significantly overvalued, and/or that something very strange is happening in two adjacent communities.

At the very least, the CRC should consult with the BOF on this matter rather than simply accepting without thoughtful analysis the opinion of the Town Attorney.

**From:** eveoo@aol.com <eveoo@aol.com>

**Sent:** Wednesday, July 27, 2022 3:17 PM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Proposed Charter Revisions

27 July 2022

*To: First Selectwoman Kupchick, Selectwoman Lefkowitz, and Selectman Flynn:*

PLEASE slow down the ongoing process for revising the Town Charter. With no statutory requirement to put this proposal on the 2022 ballot and numerous concerns that have arisen during the course of this process (see below), the seemingly rushed timeline to get this on the 11/22 ballot strikes many voters as simply injudicious. Please consider keeping the hearing open BEYOND August 7th to allow a bit more time for the public to comment.

As I have written before, I am no piker when it comes to scrutinizing/analyzing challenging documents, but in my quest to gain clarity on the proposed changes, I found myself trying to dig my way out of a redlining morass. Some of the proposed changes to the charter would change town governance and as Selectperson Lefkowitz suggested, a town wide mailer via USPS would have offered additional visibility, allowing all of our citizens to better absorb those intricacies and changes. So again, i respectfully request more time to keep our town's options open.

Below, italicized, are sections from the letter Jim Bowen recently submitted whose concerns I share:

1. *"Consolidation of power in the Executive Branch. Many of the proposed changes increase the power of the Executive Branch, sometimes at the cost of other branches or boards/commissions. The most obvious of these changes seems to be granting the First Selectperson Mediation and Resolution of Differences power over all town bodies, which would seem to include the Legislative branch. As the chief executive, disputing resolution*

between departments is inherent in the First Selectperson's role. Beyond that, giving that individual this level of control over other elected boards, and especially other equal branches, is detrimental to our system of checks and balances.

2. **Reduction of the RTM to 30 Members.** There has been no evidence-based rationale presented for this change. Instead, there have been many anecdotal reasons provided for this reduction. I, and many others, do not believe reducing the number of elected representatives most directly tied to the citizens is in the best interest of better government. Many of the anecdotes for this change are tied to lack of effectiveness, member participation, etc. Those problems are tied to either the quality of people on the ballot, who are ultimately elected, or are an inaccurate assessment, not an issue with the existing structure.

There are more than enough people willing to engage and serve; if the parties embrace the ideals of individual rights of expression, robust debate, and tolerance for disparate views and the building of better community relationships and recruit candidates accordingly, the RTM will easily become an unmatched force for good in our community.

3. **Changing the Petition for Overrule threshold for RTM votes authorizing the expenditure** for any specific purpose from \$150,000 to \$500,000. The requirements to successfully petition and drive a referendum are high enough to prevent petty disputes; we do not need to reduce available citizen oversight by making this huge threshold change. Ironically, you yourselves want to bring BOE contracts under your oversight and you have requested a threshold of \$50,000. For the same reason you want tight oversight ability, do not strip the citizens of their ability to fight against expenditures they fundamentally disagree with. This change does nothing to increase efficiency; it simply strips power away from the citizens unnecessarily.
4. **The addition of a Town Administrator, Chief of Staff, an admin assistant for the First Selectperson** to the Charter are unnecessary. The First Selectperson is our Town administrator; they lead a vast array of Departments, led by experts, to assist them in this role. Each First Selectperson will have a unique set of skills and ability; if they lack the skills needed and believe they need extra bodies, then they need to make that case in the budget process. The same goes for adding more bodies to the First Selectperson's personal staff. This administration has grown their personal staff, and accordingly increased the tax burden on all of us. Let the skills and ability of the elected individual plus their ability to make a case for extra bodies to the people during the budget process be the driver; don't "forever" add more bodies to our government due to the needs of one person.
1. **Additionally, adding a "Town Administrator" with vague job requirements while at the same time diluting the job requirements for the leader of DPW seems inconsistent. We need expertise within our current footprint, not lower requirements and more people."**

That concludes the sections from Mr. Bowen's well-reasoned letter. I also believe the proposed

addition of the Rules of Order and Civility is unnecessary; each body already follows

Robert's Rules of Order and has thus far stood us in good stead. Given what I have witnessed over

many years at various town meetings, there is no reason to think otherwise. More worrisome is not the prospect of

some unhinged explosion of vitriol, but rather the possibility of using this clause to repress the ability

to vigorously discuss differences of opinion – a cornerstone of democracy. Also worrisome is

empowering the First Selectperson to 'mediate and resolve' any differences among any town body,

and the end result is the potential suppression of healthy debate that leads to sober decision



making.

Thank you for your attention and your service to our town!

Regards,

Eve Darcy Burhenne

827 Riverside Drive

Fairfield, CT 06824

**From:** Kathryn Braun <klbesq@aol.com>

**Sent:** Wednesday, July 27, 2022 6:00 PM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Don't finish Final Report until After Aug 7

To Charter Revision Commission and Board of Selectmen

re: Use all the time the law allows- keep our options open

I request that you hold the charter revision process open without completing the Final Report until after August 7, 2022.

That will allow our Town to accept more input from residents on vacation.

It will also keep our options open by enabling the questions to be voted in either the 2022 or 2023 elections.

To get on the 2023 election, the November 7, 2023 election must be held within 15 months of the Final Report. That means the BOS should not complete its Final Report of proposed charter changes until after August 7, 2022.

You don't need to decide which election to use until later in August because you don't need to file the questions with the Town clerk until days before the November 8, 2022 election, or by September 8.

So you can qualify for either election by filing your Final Report between August 7, 2022 and September 8, 2022.

Please do not compress the process any more - its already had carved off over 8 months from what the law allows. Take the time this process and our Town residents deserve.

Sincerely,

Kathryn L. Braun

Fairfield Resident

**From:** Kathryn Braun <klbesq@aol.com>

**Sent:** Thursday, July 28, 2022 3:55 PM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Braun letter to CRC 7-28-22

July 28, 2022

Re: Charter Revision- final CRC public hearing comments

To the Charter Revision Commission

Cc: Board of Selectmen

I reiterate and expand on a few points from my prior emails and letters:

1. Timeframe/RTM size issue- The timeframe need not be further compressed. Despite the compression so far of over 8 months from the legally allowed timeframe, the BOS can still keep its options open to pick which election the questions should go to voters on- November 7, 2023 or November 8, 2022.

All it has to do is not vote on the final changes until after August 7, 2022 (15 months before the 2023 election) but before September 8, 2022 (60 days before the 2022 election). The BOS can decide in late August which election to choose.

Or as an option, the CRC and/or the BOS can simply drop the RTM size as a proposed charter change- the RTM size is the change most linked to the 7-months shortened timeframe the CRC was told it had.

The law allows a period of almost 3 years, encompassing 2 elections, for good reason, but the BOS was not informed of that when it set up the CRC at the BOS August 30, 2021 meeting. That possibly lead to failing to put the CRC timeframe into a resolution as required by law.

I do not believe the BOS' 'ratifying resolution' inserted into the 24 questions resolution on July 12, 2022 fixes that problem. Without the BOS being fully informed of the applicable timeframes, the options available or having any discussion or vote, I don't believe the 'intent' of the BOS can be implied 10 months later to fix the original flawed CRC charging resolution.

This is not a trivial matter. CRC members told the BOS they ran out of time to fully explore or have enough public outreach to recommend changing government structure from the BOS-BOF-RTM form to a Mayor-Manager-Council model.

That lack of time led to the CRC's rejection of the change in form of government and to a non-unanimous 'compromise' to cut the RTM size as an "incremental" approach to the rejected model.

Why not keep our options open and allow the vacationing public to return and engage, and give yourselves more time to ensure the document is internally consistent? Or better yet- omit the controversial RTM size reduction as a proposed change completely. The issue of government structure obviously needed more time than was allotted here.

**2. RTM size**- the RTM is a separate branch of government. It is not analogous to boards and commissions which have 5-9 members. The RTM is a geographic district based body, with its members representing

neighborhoods. There are 5 standing committees along with other committees along with drafting and passing ordinances, the budget, capital spending and other matters.

Attendance at RTM meetings alone is not a measure of effectiveness. We have been in a pandemic for much of the past 2 years. Saying it 'won't hurt' to shrink the RTM is not justification. It's too late now to come up with added justification.

Stating that only a small percent of the nation uses RTMs any more is irrelevant-the CRC rejected that change and so our Town Charter will retain our RTM. Once that decision was made, the comparisons to city-mayor-manager-town council models don't apply.

It appears that the number '30' was arrived at by a compromise when the CRC ran out of time to fully justify the mayor-manager-council model. But it is apples and oranges- we don't just pick a smaller RTM to make it look like a Town Council but not actually be a Town Council, which has different powers and is part of a different model.

Once the Town Council model was rejected and we keep the RTM then the larger RTM size is appropriate and necessary- our RTM is the smallest in the State per capita. Shrinking it further, especially without providing any budget or legal support, is likely to cause it to become less effective and more partisan.

The RTM should be allowed to continue to manage its own size up to its current cap of 56. It has done so very rarely in the past without any harm to our town.

### **3. Mediation & resolution clause- Carve out the RTM and all independent boards and commissions.**

The proposed new charter provision in section 4.3 states that the First Selectperson "shall be responsible for the mediation and resolution of differences between Boards, Commissions, Departments and other public bodies within the Town government relating to an interpretation and/or coordination of Town policies and procedures."

I understand that the word "resolution" will likely be removed from this added section. But the remaining word "mediation" is not acceptable either as it injects political influence and pressure into boards and commissions that are independent of the First Selectperson.

To the extent any portion of this is recommended, it should be the BOS, not just the First Selectperson, that would convene mediation sessions, but really the proper venue is the Court system.

The RTM itself must be carved out of this section- it is a separate branch of government completely. Similarly, commissions that carry out state law, whether elected or appointed- such as TPZ, ZBA, Conservation, and Board of Assessment Appeals- are completely independent bodies not subject to any public official's power to convene mediation sessions.

The only 'bodies' that arguably might be subject to the First Selectperson's power to convene mediation sessions might be task forces appointed solely by the First Selectperson or town departments reporting solely to the First Selectperson. That for example would leave out those Town departments that have dual reporting authority such as Zoning and Conservation which report also to their respective commissions.

**4. Department of Public Works director must retain its current charter required professional credentials of having a state professional engineering license.**

With the challenges we face at this point in history, we require professional expertise as well as management ability in the one person who is accountable for our infrastructure planning, climate change planning and public works projects. We will continue to have increasing development pressure to add density to our aging infrastructure.

The director must have the knowledge his or herself, not reliant on underlings to supply it, to be able to integrate multiple resources in both the planning and implementing of massive public works projects.

There has been no documented support for why the possession or expertise is a deficiency for our Town, or how the lack of that state license will improve the functioning of the DPW.

The claim that its hard to find someone qualified under our present charter is not justification we have not recruited a director in the past 3 years since the prior director left due t the fill pile scandal.

The fact that we have an engineering department does not answer the question either- what harm is there in requiring expertise in the director, who is the ultimate person accountable for our town's infrastructure?

It has been almost 3 years with our largest town department being headed by various interim management not qualified under the existing Charter. Instead of reducing our standards we should retain a recruiting company as we do for other directors, and find a candidate qualified under our current charter.

**5. Questions for the voters-**

a. only fully supported changes should go to the voters- the law requires a Charter Revision Commission be established and a very detailed and specific process with very long timeframes to enable proposed changes to be fully vetted out and not rushed, and to take input from all stakeholders, and so that voters can rely on the process when they go to vote.

Any changes that were not supported by a demonstrated need for change, with objective evidence that the proposed change will improve the deficiency, should NOT be put to the voters. The voters are supposed to rely on your collective decisions based on the evidence.

b. separate ballot questions for any controversial provisions, so that the voters can consider them separately from the more routine clarifying changes. If any of the following changes do get put to the voters, they should have their own separate ballot questions - RTM size, giving the First Selectperson power to mediate differences between town bodies, reducing qualifications for DPW director.

I do thank you for the time and attention you have collectively put into this process and believe if the above changes are made the revision will receive more positive support.

Sincerely,

Kathryn L. Braun

Fairfield Resident

**From:** Aimee Guerrero <[guerrero.obrien@gmail.com](mailto:guerrero.obrien@gmail.com)>

**Sent:** Thursday, July 28, 2022 4:58 PM

**To:** Board of Selectmen <[BOS@fairfieldct.org](mailto:BOS@fairfieldct.org)>

**Subject:** Fwd: From a Fairfielder with a family of 5

This is a copy of my letter to the CRC. Thank you for all you do for our town.

----- Forwarded message -----

From: **Aimee Guerrero** <[guerrero.obrien@gmail.com](mailto:guerrero.obrien@gmail.com)>

Date: Thu, Jul 28, 2022 at 4:56 PM

Subject: From a Fairfielder with a family of 5

To: <[CRC@fairfieldct.org](mailto:CRC@fairfieldct.org)>

Cc: Stephen O'Brien <[staunen42@gmail.com](mailto:staunen42@gmail.com)>

Dear Town Charter Revision Committee,

As a mom of 3 children who call Fairfield their home, I strongly urge you to take the time to reconsider the revisions you have proposed to the town charter with a longer range view. I would love for my children and their peers to go out to see the world and return here to raise their families. To that end, I echo much of what folks have already said in various op-eds, particularly the one written by [Laurene O'Brien](#) (no relation), regarding problems with a list of proposed changes to the town charter.

In the last couple of years, many folks have moved to our beautiful town. I am all for progress and changes to our town's infrastructure to adapt to 21st century needs. Therefore, it is vitally important to have professional engineers working for our town. The requirement for the head of DPW to be a professional engineer registered in the State must stand.

Two of my three children are eligible to vote. It has been great for them to meet the 4 RTM members who represent our district. We all agree that reducing the number of RTM members from 40 to 30 has no benefit to our town, especially because our population is growing. RTM members are volunteers, work full time, and/or have families. The current number of 4 individuals representing each district allows for better load-sharing of the tasks required for governing our town, especially during budget season. If an individual needs to give extra attention to a work or family situation for a given period of time, there are 3 others who can carry the extra load for that time. As others have said, shrinking the number of RTM reps opens our town government to corruption and backroom deals.

Lastly, the First Selectperson's position does not need to be expanded, especially with regard to having a say in school board policy. Leave this to our professional educators and administrators. I am opposed to any proposal that gives the First Selectperson singular powers of investigation into individuals & departments that have previously been reserved for the entire Board of Selectmen (BOS). Furthermore, the First Selectperson should not be given the power to mediate and resolve disputes among all Town boards, committees, and commissions, so as to avoid conflicts of interest. Those departments that report directly to the First Selectperson would be an exception.

In closing, those Charter Revision Committee members who have expressed that they do not have time to review all of the pertinent documents before making an informed decision need to step down from the committee.

Thank you for your time and attention.

Aimee Guerrero

--

All my best,

*Aimee Guerrero*

*Be the change you wish to see in the world. ~ Mahatma Gandhi*

--

All my best,

*Aimee Guerrero*

*Be the change you wish to see in the world. ~ Mahatma Gandhi*

On Jul 28, 2022, at 4:48 PM, James Baldwin <[jbaldwin@cbklaw.net](mailto:jbaldwin@cbklaw.net)> wrote:

Ms. Braun:

I am compelled to address your mischaracterization of the timeline presented to the BOS before they voted to approve the creation of the CRC. Specifically, you should review the August 30th meeting and Attorney Mednick's PowerPoint presentation where it was explained in-depth. A copy of the PP and link to the meeting are provided here for your convenience.

<https://www.youtube.com/watch?v=ZiwQQUfTxpM>

Of course, you are entitled to your opinion on everything else. But the statement that the BOS was not fully informed of the applicable timeline is, very simply, factually incorrect.

Respectfully,

James T. Baldwin

Town Attorney

Coles, Baldwin, Kaiser & Creager LLC

<<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.cbklaw.net%2f&c=E,1,tkw2sfLS22q-V3JFt6b2zqfzKq8MZ0GkeuYA8roi6FiqWPT7QCopALcQ8OHdXGZ9mzjkLKezL07cp5WFmXCVmeN6cFvug1uRoZyBBtM3p7RZVDI,&typo=1>>

Attorneys and Counselors at Law

-----Original Message-----

From: Lefkowitz, Nancy <[NLefkowitz@fairfieldct.org](mailto:NLefkowitz@fairfieldct.org)>

To: Baldwin, James <[jbaldwin@cbklaw.net](mailto:jbaldwin@cbklaw.net)>

Cc: Kathryn Braun <[klbesq@aol.com](mailto:klbesq@aol.com)>; CRC <[CRC@fairfieldct.org](mailto:CRC@fairfieldct.org)>; Board of Selectmen <[BOS@fairfieldct.org](mailto:BOS@fairfieldct.org)>

Sent: Thu, Jul 28, 2022 4:59 pm

Subject: Re: Braun letter to CRC 7-28-22

For clarity, I would offer this point of view: the BOS was perhaps "informed" but we were not educated on the statute nor told of the options available to us by law of an alternate timeline

The timeline came to the BOS as a "fait d'compli" and the BOS did not actually vote on the schedule/timeline as we should have done by resolution

That said, I understand the majority position on timing and schedule may likely have played out as it has, but if this were wholly transparent, the BOS should have been able to have a more informed discussion about what was actually allowed by law; we should have had a conversation about it in a public forum; and ultimately voted on it at a public forum

C 646 825 1167

W 212 941 4072

[Nlefkowitz@tribecafilm.com](mailto:Nlefkowitz@tribecafilm.com)

[Nancylefkowitz@gmail.com](mailto:Nancylefkowitz@gmail.com)

[Nlefkowitz@fairfieldct.org](mailto:Nlefkowitz@fairfieldct.org)

-----Original Message-----

From: Jane Gitlin Nishball <[jgtop@topmail.com](mailto:jgtop@topmail.com)>

Sent: Thursday, July 28, 2022 6:05 PM

To: CRC <[CRC@fairfieldct.org](mailto:CRC@fairfieldct.org)>; Board of Selectmen <[BOS@fairfieldct.org](mailto:BOS@fairfieldct.org)>

Subject: Charter Revision

Respectfully,

Dumbing down the requirements for the Director of Public Works smells like an anti-intellectual attitude. Professional credentials are ESSENTIAL and that we haven't had a licensed professional in that role is a failure of leadership. A state professional engineering license should be the first credential of any applicant for that very important town position.

Regarding the RTM, this body already has the smallest percentage of representation compared to other similarly sized towns in Fairfield County. There is no legitimate reason to further diminish the representation, and this Commission has yet to explain what problem they need to solve by suggesting the RTM get even smaller, particularly since the population of Fairfield will increase.

These and other significant proposed changes to our Charter should be separate questions on the ballot. Our community deserves more than just a rushed and unconsidered charter revision.

There is no rush. The proposed changes are significant and there is no reason why they should be on the ballot in 2022. The discussion needs to continue.

Jane Gitlin Nishball

iJane  
via iPhone

**From:** dancingusa@optonline.net <dancingusa@optonline.net>  
**Sent:** Friday, July 29, 2022 10:55 AM  
**To:** Board of Selectmen <BOS@fairfieldct.org>  
**Subject:** RE: 7/28/22 PUBLIC COMMENT ON PROPOSED CHARTER REVISION

7/28/22 Public Comment on Proposed Changes to Fairfield Town Charter

## **To Members of Fairfield's Charter Reform Commission and Board of Selectpersons**

### **Dear Commissioners and Selectpersons:**

I watched last night's joint meeting on Fair TV. It was immensely helpful — even exciting — to see you all seated at the same table; to hear the back and forth, questions, answers and deliberations.

Thank you, Selectpersons and Commission Members, for taking our public comments to heart and incorporating them into your decisions.

### **4 Quick Points**

1. To me smaller government does not mean less representation, especially when that representation is unpaid. It means less government over-reach into our lives; less bureaucracy and regulation; and making cuts to redundant staffing and programming.

When I was in the RTM we had 50 very active and involved reps. Attendance was good. I know finding dedicated members is difficult, but it's a chance for the good and sensible people of Fairfield to truly make a difference, get involved in their government AND, in turn, engage their neighbors. **Brenda, your RTM leadership on mold problems in our schools saved my son, who got very ill at Tomlinson Middle School, and led to needed remediation in all our public schools. You did that, from the little old RTM.**

2. It's important to work out differences on Charter reform now, because in truth, by the time it gets on the ballot, the language will be so drastically reduced to fit the small space that — unless voters can puzzle through a complicated 71 page document in advance — most will vote on a trust basis or skip the item all together. (It's easier to read through the 17-page U.S. Constitution.)

3. Rules of Order and Civility (Section 1.6): Attorney Mednick has said this new section was designed to bolster public debate. He also said there was no record of incivility at town board meetings. What then needs to be cured? Because the wording does not define exactly what constitutes a violation, yet allows for enforcement, it could easily have the opposite effect of repressing public discourse. Roberts Rules works, and each Town Board can make new rules if and when needed. I would apply the same standard to the racial equity piece — there are no instances I know of in my 30 years here to warrant it. We are not "other towns in the state." The new language for this section has the opposite problem: It places "protected classes" before merit, excellence and experience of candidates, and is so specific



it acts as a check list which may include or exclude appropriate candidates on which this town relies.  
One size never fits all.

4. I'm still lobbying for our Public Works Director to be both a certified Engineer and a Skilled Manager. How else to hire competent engineers for the town, or properly assess results?

**Thank you again,**

Ellen Jacob

Cedar Road, Fairfield

**From:** budmorten@aol.com <budmorten@aol.com>

**Sent:** Saturday, July 30, 2022 3:04 PM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>; RTM <RTM@fairfieldct.org>; BOF <BOF@fairfieldct.org>; boemembers@fairfieldschools.org; TPZ Commission <TPZCOMMISSION@fairfieldct.org>

**Cc:** Patch3 <alfred.branch@patch.com>

**Subject:** An Open Letter in Response to Comments by Commissioners Iacono and Wynne on July 28th

Please see attached.

To: Charter Revision Commission

July 30, 2022

Fr: Bud Morten

Re: An Open Letter in Response to Comments by Commissioners Iacono and Wynne on July 28th

## FAIRFIELD, ARE YOU WILLING TO SIGN THE SURGICAL CONSENT FORM?

Imagine that you are a healthy, independent, middle-aged, 383-year-old who, other than occasional aches and pains, is feeling good, working and playing hard and prospering. Having procrastinated longer than you should have, you decide to report to the local clinic for your overdue decennial physical exam.

After spending nine months on your case, the clinic's diagnostic team tells you that one of your organs — your RTM to be exact — is enlarged and a surgical resection is necessary to reduce its size.

Understandably concerned, you ask them how this is possible since you are in such obvious good health that **they did not even bother to run any diagnostic tests on you to see if you had any wellness problems.**

Their response is that individual diagnostic tests can be confusing because there are so many potential influences on health and well-being, so instead they **"rely on the research, analysis and insights of academic research which provides indicators with which to make these decisions,"** and based on these **"recognized research studies"** it is clear that almost everyone else has a smaller RTM, bigger is not better, smaller is now *"the norm,"* and it is not good *"to stay the same forever."* They also note that you should be relieved they are only going to lop off 25% of your RTM because they really wanted to do a complete "RTM-ectomy."

When you remind them that your RTM was recently cut by 20%, they say that was not enough, but the fact that you did just fine afterwards proves there is no reason to worry about any side effects or unintended consequences from another 25% cut.

When you point out that like others you are unique in important ways and thus perhaps one RTM size does not fit all, they condescendingly respond that *"change is difficult"* and *"all change comes with uncertainty, adjustment to new conditions"* and *"temporary discomfort,"* but you should not be afraid because what's left of your RTM will work even better with its *"cream rising to the top,"* so you should simply trust the experts as much as they do, which is completely.

So, Fairfield, are you willing to trust these experts and sign the surgical consent form for this operation?



**From:** Jan Carpenter <janc@144h.com>

**Sent:** Saturday, July 30, 2022 3:19 PM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>; Baldwin, James <jbaldwin@cbklaw.net>; Sarah Matthews <sarah.h.matthews@gmail.com>; ssheinberg@gfginc.com

**Subject:** Letter Re CRC

Please find my letter (below and attached in pdf file). Thank you.

Jan Carpenter

\*\*\*\*\*

7/30/2022

The founding fathers of our Country's great democracy had many disparate viewpoints when drafting the Constitution. To bring together those varied views, they used compromise as a key ingredient. There were many elements of compromise in finalizing our U.S. Constitution. The four main ones most often cited were:

- The Great Compromise (also known as The Connecticut Compromise – couldn't have scripted that one better myself!)
- The Electoral college;
- Article V;
- Three-Fifths Compromise

Sadly, over time, the use of compromise has largely disappeared from the U.S. landscape. It is few and far between when we see any attempt at compromise on a federal level – namely at the Presidential level and particularly when “debating” national bills in Congress (real debate rarely even happens on the floor of Congress anymore). This is particularly sad and limits the beneficial impact of good ideas.

Likewise, we have little compromise at the State level. People vote along party lines. Bills are introduced before everyone has even read them. It's just not good government.

And now, we are seeing more and more of it at the local Fairfield level as well. While, for the most part, the initial phase of the CRC work was responsible, respectful and full of compromise, the latter part of the process has been incredibly frustrating.

Not only has there been very little compromise during the discussions between the BOS and the CRC, it is striking that compromises *actually* made during the arduous time the

CRC worked - have been minimized and seen almost as a bad reason for having reached the conclusions in the first place

In our town right now, on the Charter revision, there has been many discussions and agreements on how to improve the Town of Fairfield's equivalent of the Constitution. Significant work and great steps have been taken to improve it, clarify portions, address communication breakdowns and bridge true differences of opinion. Seemingly, one significant item remains with regard to RTM size, with genuinely different positions and viewpoints on what is the best decision for the Town overall. Remember that no one *really* knows how the voting public feels about this issue.

Now is the time for great leadership to find a way to compromise and bridge this remaining gap. There are many forms that such a compromise can take. Just some examples could include:

- An "exit ramp" whereby if the RTM is not working effectively at a 30-member body, the RTM (with a 2/3 vote) is given the right to revert back to the 40-member body at a point in the future (e.g., after 2 RTM terms) without a reopening of the Charter. (note that this idea has been reviewed by legal counsel and appears legal).
- A clause written into the Charter that allows the size of the RTM to be lowered to 30, but also allows the RTM to self-regulate its size at some future date. (I realize self-regulation is objectionable to some, but again – compromise is a give and take where everyone gets something).
- Change the number to 36. I realize this would require a change to number of districts (from 10 to 9), but would be a way to allow for something attractive to both sides.
- Lower the number to 30, but make it effective in the 2025 election. This may appeal to some who feel the change is being made too quickly.

The compromise could take many forms and variations. The potential list is limited only by our collective ingenuity. My novice ability to conceive options is not the point. The point is that there is a path to find a genuine compromise for the best result, for all Fairfield residents.

So, my request to all recipients of this letter is simple. Be leaders for our town and our democracy, and find a way to bridge the difference, yet respect genuine viewpoints of both sides on this remaining item. Let's work and come up with the "Fairfield

Connecticut Compromise”. Something that’s not only good for you, not only good for the DTC, not only good for the RTC, but something that’s good for all residents.

I look forward to the leaders in this group to get us to the best path forward for our democracy’s ongoing success.

Thank you.

Jan Carpenter

Jan Carpenter  
[janc@144h.com](mailto:janc@144h.com)

**From:** Jan Carpenter <janc@144h.com>

**Sent:** Saturday, July 30, 2022 5:17 PM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>; Baldwin, James <jbaldwin@cbklaw.net>

**Subject:** An Open Response to the CRC and BO

### **Fairfield are you willing to try early intervention to avoid surgery?**

Imagine that you are the parents of a young, 7-year-old boy who, is feeling good, but frequently throws temper tantrums, doesn’t work well with the others and is finding that his behavior is affecting his grades at school.

Finally, at their wits end, his parents decide to have the child report to the local clinic.

For nine months, a team of Drs. evaluate the case. The Drs. pull in resources to diagnose the case including experts in the field of child care. These sorts of cases have been evaluated all over the country over time and there are plenty of resources and experience to help resolve the problem.

After the 9-month period, the ultimate recommendation is that one of his organs – his RTM to be exact – is enlarged and an anti-inflammatory is required to resize the organ. The experts recognize that everyone’s RTM is unique and different sizes are to be expected, but the research suggests that generally a smaller RTM results in much more positive growth potential. The experts suggest beginning with a very mild anti-inflammatory to see if this fixes the problem, recognizing that further evaluation will be necessary over time. After all, no one can specifically pin point the exact dosage that will fix the problem.

Understandably concerned, his parents ask the Dr., how this is possible since they have **tried to be attentive, loving parents and the boy says there is nothing wrong. In addition, they say that here in New England, they have never heard of this treatment.** The Dr.’s response is that home observations and practices can be confusing because there are so many potential influences on health and well-being, so instead we “**rely on the research, analysis and insights of Drs. throughout the US, academic research which provides indicators with**

***which to make these decisions, and medical studies***” and based on these it is clear that smaller RTMs provide better likelihood for future success and normal growth patterns including a much better ability to get along with others and do well in school.

When you remind them that your RTM was recently cut by 20%, they say this is typical in the growth of children where frequent reviews and adjustments are necessary. The grandparents, in particular, are skeptical because medicine wasn’t available in their time, so they are fearful of medical advances of which they’re not familiar. The Dr. points out that if the mild dose does not have the desired effect, there are always ways to adjust with no negative impact. But with no intermediary steps, surgery and incarceration might be in their future.

So, Fairfield, are you willing to try some minor anti-inflammatories or risk the possibility that your child will not develop and prosper, but instead remain difficult, filled with anger and potentially be unable to successfully integrate with society in the future?

**From:** panded@optonline.net <panded@optonline.net>

**Sent:** Sunday, July 31, 2022 6:15 PM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Move the TRM to 30 Members

To the CRC (and the BOS):

I am alarmed by the document released by the CRC to justify its recommendation “Move the RTM to 30 Members” (7/28/22) in the face of overwhelming public opposition, as evidenced by residents’ comments at public hearings. Worse yet, I find the rationales given to be faulty and/or unsubstantiated.

#### IMPROVED ACCOUNTABILITY

The CRC has given no data or argument to assert “less RTM members will result in more focus on individual views and ... votes, ... ownership and accountability” except to cite increased attendance during the first 6 years of a 40 member RTM compared to the last 6 years of a 50 member RTM. I can just as easily posit that dereliction by and the behavior of the executive BOS (the fill pile fiasco and the shameful manner of Annette Jacobson’s removal) in the past 6 years compelled members to be more involved. One explanation is as valid or unfair as the other, given the very limited analysis.

#### IMPROVED RELATIONSHIPS AND BETTER OUTCOMES

The CRC has made no case whatsoever that a reduction of a group correlates to increased cooperation. Two obstinate people of opposing views alone in a room will never agree. Add two more and perhaps cooler heads can mediate. No data or reason has been given to support 30 members as a more optimal number than 40. The reduction could actually exacerbate partisanship. What cannot be argued is that this reduction would decrease the body’s ability to reflect the diverse makeup and opinions of the Fairfield community.

#### IMPROVED QUALITY OF MEMBERS

The CRC acknowledges the need to attract more citizens to run for the RTM but its solution is to decrease membership, thus increasing the workload of each representative by 1/3, this for people who are unpaid. How can the CRC possibly argue this will increase participation?

## A STEPPING STONE TO A MORE EFFECTIVE GOVERNMENT MODEL

I am troubled by this section's opening line that "It was evident the CRC could not convince the TOF that a more effective government should be considered." The statement suggests the commission was biased toward a change before it ever solicited public comment and it seems that bias is impervious to the will of the people it serves. The CRC proposed a change, it explored the options and the vast majority of Fairfielders who commented rejected the proposal. That should be the end of this particular issue. Why this "tinkering" with the legislative body after the public has said not to. When the CRC states, "So to move in this direction (by reducing the RTM) will help future commissions see the benefits of smaller legislative bodies", it is hard not to read that as, "We know best and will show you that you are wrong."

By the way, the citations might be more persuasive if the CRC provided the page numbers for the data that underpins its assertions.

## NO DIMINUTION OF LEGISLATIVE RESULTS.

The previous reduction of the RTM from 50 to 40 is no justification for the proposed move to 30 for the fact that the earlier change was made by the body itself, this after polling its member and drawing upon its own experience of what was necessary and best to serve the community. The CRC has presented no such polling of the public officials most suited to advise it, and is ignoring the majority of past and present members who spoke in opposition to this.

## IN TODAY'S WORLD WE DON'T NEED 40 MEMBERS

For the same reason as above, this is a claim without substantiation. What does the RTM say about this, the people best qualified to voice an opinion. Furthermore, I think it foolish to compare RTM members, unpaid volunteers, to state and federal legislators, full-time salaried officials with much greater institutional support.

## INCREASE AVAILABILITY OF CIVIC MINDED INDIVIDUALS TO SERVE ON OTHER BOARDS

As stated in "Improved Quality of Members", increasing the workload of unpaid RTM positions is a poor plan to increase participation in public affairs.

## FOLLOWING LEADING PRACTICES

Any comparison to municipalities with a town council/mayor structure became meaningless once opposition convinced the CRC to not suggest a change from Fairfield's RTM system. Much more pertinent are the examples of Greenwich, Darien and Westport, coastal communities that more closely resemble our own in makeup and concerns. All three are flourishing under the RTM system. And in comparison with these bodies, our 40-member RTM is already "a smaller legislative body".

## CONS

Since this section is not the more traditional discussion of the drawbacks of the CRC's proposal but rather a list of the obstacles which it sees to the proposal's implementation, I will only speak to the problematic and potential illegal statement, "it would be incumbent on the BOS to provide significant, effective education and explanation of this improvement to alleviate fears."

- 1) The CRC took every opportunity to "educate" the public and the majority of the public said "No."
- 2) The BOS, the executive branch of town government, has no business trying to change the makeup of the coequal legislative branch meant to counterbalance its influence.
- 3) An "education" campaign before an election is an angel hair's width from a persuasion campaign. As a governmental entity, the BOS is, I believe, legally prohibited and certainly ethically discouraged in our

democracy from advocating for a specific end in an election. Government is the servant of the people, not an instructor nudging the public to the “right” decision.

For all these reasons, I believe the CRC has presented no compelling data or reasoning to justify its recommendation.

Patrick C. Burhenne

827 Riverside Drive

Fairfield, CT 06824

**From:** Ellen Jacob <dancingusa@optonline.net>

**Sent:** Monday, August 1, 2022 10:06 AM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>; First Selectwoman <firstselectwoman@fairfieldct.org>

**Subject:** Correction Re: 8/1/22 Additional Public Comment on 7/28 Meeting and Latest Charter Revision Docs

Sorry, I meant John W in paragraph 2 below (now corrected).

On Aug 1, 2022, at 10:00 AM, Ellen Jacob <[dancingusa@optonline.net](mailto:dancingusa@optonline.net)> wrote:

August 1, 2022

To:

Fairfield Charter Revision Commission

and

Fairfield Board of Selectpersons

RE: Additional Public Comment on 7/28 CRC Meeting and Documentation

Dear CRC Commissioners and Board of Selectpersons:

Thank you John Wynn, Chris Brogan and John Mitola for being voices of reason regarding

new article 1, sec 1.8 “Diversity on Boards and Commissions.” John Wynn, I wish the

Commission had adopted your original re-phrasing (as best I could discern it from Fair TV),

but I am grateful that you persuaded them to insert first and foremost the need for

merit-based appointments to boards and commissions — above any diversity considerations.

I still agree with John W and Chris B that it is asking for trouble to spell out that laundry list of protected classes.

Indeed — who is excluded and can that be grounds for mis-interpretations, future conflicts and even



legal controversy? Shouldn't we ALL be protected, under the overriding authority of the Equal Protection Clause of the U.S. Constitution?

If, as someone quipped at the 7/28 meeting, the CRC is on a "word diet," this would be a good place to start — omit the laundry list — or better yet, the entire section, as we are already a diverse, civil and cooperative community (as John Mitola pointed out on another matter).

Pam and John W. did not further your case for reduction of the RTM, or make the sale with additional data. Explanations were insulting and elitist rather than illuminating, sorry to say. We objectors are NOT anti technology, anti-analysis. We are neither fearful nor adverse to POSITIVE change.

I believe we have already successfully challenged Pam's "data" with actual, empirical and solidly BI-PARTISAN testimony from RTM members and their constituents — of all persuasions, from all parts of town. We were there 2010-2015 when there were 50 RTM members and some beyond that. We brought in the public and the press, we created both involvement and excitement about town issues.

The RTM serves as a valuable training ground and entry level conduit for participatory government.

Many of you on BOS and CRC started in the RTM, as have most of our current state reps and candidates for higher office. I will always be grateful to Brenda for taking on the mold problems in our schools, while she was an RTM rep. She saved countless children and faculty from serious and permanent illness, including my son.

Rather than a numbers problem, the quality of RTM members is a problem for Party Leadership and Caucus Leadership,

whose job it is to inspire, educate, reach out and recruit good RTM candidates, as well as open up the process to fresh recruits

with fresh ideas — yes diversity at its best! Thank you,

Ellen Jacob, Cedar Road

Former RTM member and 30-year resident

**From:** kgriffi1@optonline.net <kgriffi1@optonline.net>

**Sent:** Monday, August 1, 2022 11:17 AM

**To:** CRC <CRC@fairfieldct.org>

**Cc:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Filling of BOS Vacancies - Follow-Up

Dear CRC Members –

I am concerned about the language you agreed to last Thursday regarding the filling of vacancies on the Board of Selectmen, and in particular the Office of First Selectman. If passed, that means a person who was never before the voters could serve as First Selectman for up to two years with no ability for the voters to petition for a special election. State Statute gives the voters the opportunity to choose if they desire to do so, and this language is taking that privilege away from them.

Are you aware of any other CT municipalities that have vacancies in their elected CEO filled solely by appointment? I couldn't find one. And only 19 of the 169 municipalities in Connecticut have four-year terms; 150 are two-year. So it is not a term-length issue.

Please address this concern while you have the opportunity to do so.

Thank you,

Kathleen Griffin

15 Stonybrook Road

**From:** Kathryn Braun <klbesq@aol.com>

**Sent:** Monday, August 1, 2022 1:30 PM

**To:** CRC <CRC@fairfieldct.org>

**Cc:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Braun letter for 8-1-22 CRC meeting

August 1, 2022

Re: Charter Revision- tonight's CRC hearing

To the Charter Revision Commission

Cc: Board of Selectmen

In light of new material presented late last Thursday night after public comment closed, would you please add another public comment session – the handout provided at the end of the 7/28/22 CRC meeting wasn't posted until Friday, 7/29.

I repeat my request that the CRC take its time to allow vacationing families to return, and that the BOS NOT finalize its report until August 8, to enable the questions to go on the 2023 election year.

The handout purports to provide certain metrics that support the reduction by 46% of the cap of the RTM size from 56 to 30. However, it contains basically the same arguments with data on absentee rates and ordinance quantities etc.

No problem exists that warrants shrinking the legislative branch- this is a threshold question that has not been answered- shrinking the RTM is simply a solution in search of a problem. There has been no documented objective viable evidence that the RTM needs to be reduced to be an effective legislative arm of our government. In fact, there appears to be no actual claim of the RTM being ineffective at its current charter cap of 56 or its current self-determined size of 40. Dozens of current and former RTM members have stated the opposite- that this proposed change will damage its ability to effectively represent constituents.

It isn't even alleged that the RTM is currently ineffective: one would expect concrete specifics about the ineffectiveness of the RTM backed by evidence, followed by evidence that the only way to fix the problem is to shrink the RTM by 46% rather than say, to give it a budget, staffing, research capability, and its own legal counsel. Instead, you have had current and former RTM members inform you that cutting its size will actually cause harm in effectiveness.

Accountability and Attendance and ordinances- Attendance is not the same as accountability- in a legislative body the way to hold elected representatives of your district accountable is to vote them out next term. Unfortunately, shrinking the size would result in each party having that much more control over candidates, leading to less accountability as each major party selects those that will vote the party way without truly independent views.

Similarly, the number of ordinances is not indicative of either accountability or of the RTM's effectiveness- ordinances are drafted and passed to take care of our Town's need- if no need, please don't pass ordinances!

Incrementalism - Moving towards a mayor-manager- council form- the fact is, that the CRC rejected that model and retained the BOS-BOF-RTM model. Unless and until some future CRC makes that recommendation, after hopefully using the full 16 months of study that the law allows, it's irrelevant to the discussion. You can't have an RTM model but simply shrink it to make it look like, but not actually be that other model of government that was rejected. They are apples and oranges.

Size of other towns legislative bodies- the only valid comparison is to those other towns that have RTMs- and Fairfield's is the smallest RTM per capita in the state. Fairfield's RTM is only about 1/5 the size per population of Greenwich, Darien and Westport 's RTM, on average. The legislative bodies being compared that are NOT RTM bodies are irrelevant to the discussion, because the CRC rejected those other forms of government.

Technology and today's world – can as easily support keeping the RTM large, because it is that much easier to handle the logistics of a larger body using digital means.

Sincerely,

Kathryn Braun

Fairfield Resident.

**From:** budmorten@aol.com <budmorten@aol.com>

**Sent:** Monday, August 1, 2022 1:55 PM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>; RTM <RTM@fairfieldct.org>; boemembers@fairfieldschools.org; BOF <BOF@fairfieldct.org>; TPZ Commission <TPZCOMMISSION@fairfieldct.org>

**Cc:** Patch3 <alfred.branch@patch.com>

**Subject:** Bud Morten's Response to Commissioners Iacono and Wynne

Please see the attached document

To: The Charter Revision Commission  
Fr: Bud Morten  
Re: Response to Commissioners Iacono and Wynne

August 1, 2022

### **CRC CONTINUES TO INSIST “ONE SIZE FITS ALL,” “SMALLER IS BETTER” AND “TRUST THE EXPERTS”**

The latest attempt on Thursday by Commissioners Iacono and Wynne to justify the CRC’s recommendation to cut the size of our RTM<sup>1</sup> makes the same old arguments, to which I respond below in detail by noting some of the many qualifiers they should have included which undermine their arguments. For anyone who is not interested in all the details, the bottom line is still this:

The CRC still has not addressed and answered its three most mission-critical questions:

- How should we evaluate the performance of our existing governance system?
- How should we decide whether any major changes are warranted?
- If changes are warranted, which changes we should we make?

Instead, after nine months of work it continues to assert that we should cut the size of our RTM because “smaller is better,” “we should trust the experts,” and that “one size fits all” (a.k.a., the “Model City Charter”) with regard to the ideal form and structure of Fairfield’s government.

#### **My Detailed Responses**

With apologies in advance for my run-on sentences, the nine “Pro’s” for cutting the RTM’s size were these [the headings for each paragraph are from their paper]:

1. **Improved Accountability:** Although Fairfield seems to be doing fine; and although we can’t explain why a lack of “accountability” is currently a problem because we haven’t actually analyzed the RTM’s performance and are relying instead on our personal biases and some anonymous criticisms of how poorly it functions; and although any deficiencies in RTM performance may have nothing to do with its size and everything to do with its lack of staff and legal resources; and although we have not analyzed the performance of our overall governance system and therefore can’t explain how we might be adversely affected by cutting the size of the RTM; and although we can’t provide any examples of past or future circumstances under which more accountability would be important to avoiding a bad outcome or achieving a better outcome; *WE NONETHELESS THINK THERE IS NO QUESTION THAT FEWER RTM MEMBERS WILL RESULT IN MORE ACCOUNTABILITY AND BETTER OUTCOMES FOR FAIRFIELD.*
2. **Improved Relationships:** Although we can’t explain how we should measure the quality of the relationships among RTM members; and although we can’t explain why having just ten fewer members (not hundreds, but “10”) would enhance their ability to develop better, more collaborative relationships; and although we can’t provide any examples of past or future circumstances when better relationships would have avoided a bad outcome or achieved a better outcome; and although we can’t explain why partisanship is a function of the number of members rather than, for example, valid and legitimate differences in opinion on public policies based on

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<sup>1</sup> [Pros and Cons \(7-28 final\) \(fairfieldct.org\)](https://fairfieldct.org/Pros-and-Cons-7-28-final/)

different principles and/or priorities, which is the reason legislative bodies exist; and although there are far more important influences on partisanship than having ten fewer RTM members, like the quality of the leadership of the two major parties: *WE NONETHELESS THINK FEWER MEMBERS WILL RESULT IN BETTER RELATIONSHIPS AND BETTER OUTCOMES IN THE FUTURE.*

3. **Improved Quality of Members:** Although we can't explain how the quality of RTM members should be measured or how each of the current 40 members measures up by whatever criteria we might adopt; and although it would be silly to presume that quality should be measured solely by a superficial criteria like the number of times a member participates in public debate; and although there are potential serious negative consequences associated with concentrating legislative power in the hands of smaller and smaller groups of people; *WE NONETHELESS THINK CUTTING THE NUMBER OF RTM MEMBERS WILL RESULT IN HIGHER-QUALITY MEMBERS BY ALLOWING THE CREAM TO RISE TO THE TOP.*
4. **A Stepping Stone:** Although the CRC rejected a change to a Mayor-Council-Manager form of government because it was not clear that this change would be good for Fairfield; and although the CRC recommended the formation of an ad hoc committee to study the complex question of whether any changes in our governance structure might be beneficial; and although it therefore makes no sense to do anything until that committee completes its work; *WE NONETHELESS THINK WE SHOULD CUT THE SIZE OF OUR RTM BECAUSE DOING SO IS A STEPPINGSTONE TO A MORE EFFECTIVE GOVERNMENT MODEL.*
5. **No Diminution of Legislative Results:** Although we can't explain how important this one metric is to an evaluation of the RTM's overall performance; and although we can't explain what determines the number of ordinances that are enacted in any given period or even whether more is better; *WE NONETHELESS THINK THAT WE SHOULD CUT THE SIZE OF OUR RTM BECAUSE THERE WAS NO DECLINE IN THE AMOUNT OF LEGISLATIVE WORK ACCOMPLISHED AFTER IT WAS CUT THE LAST TIME.*
6. **Constituent Needs Can be Addressed with Fewer RTM Members:** Although we can't explain how total constituent needs should be measured and thus we can't determine what portion of them can be automated; and although new constituent needs emerge from time to time; *WE NONETHELESS THINK THAT HAVING FEWER RTM REPS WILL NOT BE A PROBLEM BECAUSE SOME CONSTITUENT NEEDS HAVE BEEN AND CAN BE AUTOMATED.*
7. **Fewer RTM Representatives Means More Talent for Other Town Bodies:** Although other Town bodies will benefit if they add the RTM members that are being cut only if we believe that the quality of their current members is even worse than the low-quality RTM members who are being eliminated; and although we have no way of knowing whether any adverse effects of a smaller RTM would be outweighed by the positive effects those low-quality people would have on other bodies; *WE NONETHELESS THINK THE TOWN WILL BENEFIT IN THIS WAY.*
8. **Following Leading Practices:** Although there is evidence that other CT towns have moved from larger to smaller legislative bodies, there is unfortunately no evidence that these towns have actually benefitted from doing so; and although we can't be sure that towns with smaller legislative bodies will outperform towns with larger ones; and although it is possible that Fairfield is unique in ways that would result in a negative result; *WE NONETHELESS BELIEVE THAT FAIRFIELD SHOULD DO WHATEVER OTHER CT TOWNS ARE DOING.*
9. **Moving to a Smaller RTM in 2016 Resulted in Lower Absenteeism:** Although there is no analysis of how and to what extent absenteeism affects the performance of the RTM or any other legislative



body; and although declines in absenteeism might not have anything to do with its size; *WE NONETHELESS THINK IT IS VERY SIGNIFICANT THAT ABSENTEEISM DECLINED FROM 14.5% TO 10.6%, OR PERHAPS (EXCLUDING THE COVID YEARS) ONLY FROM 14.5% TO 13.6% AFTER THE RTM WENT FROM 50 TO 40 MEMBERS IN 2016.*

Despite an avalanche of well-articulated concerns expressed by the public, Commissioners Iacono and Wynne apparently were not able to identify any potential real costs or risks associated with cutting the size of our RTM, and so their list of “Con’s” is simply a disparagement of their critics and it concludes with an attempt to explain why they think they did all the analysis that was possible [once again, the paragraph headings are from their paper].

1. **Difficult to Communicate Benefits:** Having failed to provide compelling reasons to cut the size of the RTM, they note that if this proposal is *“sent to voters, it would be incumbent on the BOS to [figure out how to] provide significant, effective education and explanation of this improvement to alleviate fears.”* In short, because they have failed to convince anyone, the BOS will have to do it.
2. **Change is Difficult:** A patronizing claim that their critics are merely opposed to change.
3. **Change is a Process:** A patronizing claim that their critics are merely afraid of change.
4. **Perception that More Representatives is Better:** Another patronizing claim that their critics simplistically think that having more reps is automatically better.
5. **It’s a Change from History:** Another patronizing claim that their critics are merely opposed to change.
6. **No Analysis:** Finally, they respond to the criticism of not having provided any serious analysis to support their recommendation to cut the size of the RTM. They claim that because *“RTM sizing is not an empirical science . . . one must rely on the research, analysis and insights of academic and municipal research, which provide indicators with which to make decisions,”* and then declare they have *“met the standard”* of serious analysis because *“the existing research and information as well as the input of outside expertise was gathered, evaluated and used as part of the CRC discussions.”*

Translation: We couldn’t figure out how to analyze the question of how big our RTM should be, so we simply adopted the recommendations of outside experts and assumed they would be valid and beneficial to Fairfield.

What is missing is the critical distinction between “research” (which the CRC has done) and “analysis” (which the CRC has not done).

**RESEARCH** is about gathering information and knowledge. For example, listening to the opinions of outside experts and officials is research, learning about alternative governance systems is research, and counting the number of legislative representatives in other CT towns of various sizes is research.

**ANALYSIS** is about applying knowledge to “solve” a specific problem or to “realize” a specific opportunity. “Analysis” means explaining what we think will happen in the future if we change one or more of the things we think will influence the outcome. “Analysis” means explaining how we think causes are linked to effects within a framework of expected costs and benefits. Serious analysis considers not only the most direct and tangible effects, but also the indirect (collateral) and intangible effects. Serious analysis also considers the risks associated with the limitations of our knowledge and of our understanding of causes and effects.

In summary, the CRC did lots of research and very little analysis.

In their defense, the required analysis is not easy for many reasons, particularly because we have no “control groups” that would allow us to assess what the optimum form of government is for any given town. Thus, we have no way of knowing whether Greenwich, Darien or Fairfield would prosper to a greater or lesser extent with a larger or smaller RTM. Like people, every town is unique in important ways even though it inevitably shares certain similarities (e.g., history, geography, demographics) with other towns. What works really well for one town may or may not work as well for another town. Each town has its own unique “Civic Culture.” Not every political entity has or should have the same goals and/or priorities. What matters is how well a given town, state, national government is doing in terms of meeting the needs its citizens deem to be most important. If things are not going well, or not going as well as they could, the problem or opportunity might be one of governance structure, or it might be one of many other factors, like leadership (a.k.a., electing the wrong people to key positions).

**From:** Alyssa Israel <alisrael@sbcglobal.net>

**Sent:** Monday, August 1, 2022 2:22 PM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Please don't reduce the size of the RTM

**Importance:** High

Dear CRC and BOS,

The document entitled *CRC Recommendation – Move the RTM to 30 Members* states on page 1:

*“Improved Relationships and Better Outcomes: A smaller group will enhance the ability of the RTM to develop better, more collaborative relationships amongst the members, which will hopefully, result in members **crossing party lines and working together**. It seems obvious, but to state the obvious, we seem to have a true partisan problem in Fairfield.”*

I would argue that shrinking the RTM won't solve the partisanship problem. I strongly believe that “**crossing party lines and working together**” must happen **FIRST and start ASAP!**



Please hire a professional facilitator to help both parties heal and restore relationships. Once the RTM eliminates its culture of partisanship, it can then decide for itself whether it should reduce its size.

Lastly, I urge you to extend the Charter Review process and vote to **November 2023**. We need **more time** to restore relationships, hear and understand all points of view, and really think through all the proposed changes to make sure they are good ones.

Sincerely,

Alyssa Israel, MPH

679 Rowland Road

Fairfield, CT 06824

Tel/Fax: 203-256-1779

Cell: 203-685-5835

[alisrael@sbcglobal.net](mailto:alisrael@sbcglobal.net)

**From:** EVE BURHENNE <eveoo@aol.com>

**Sent:** Monday, August 1, 2022 5:15 PM

**To:** CRC <CRC@fairfieldct.org>

**Cc:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** for the 8-1-22 CRC meeting

Hi!

Please add another public comment session! The CRC's response to the backlash re reducing the RTM - which was not posted til 7/29 - was, in my mind, lacking in real metrics! There is still an absence of documented, objective proof to rationalize the reduction of the legislative branch of our town government! Current RTM members continue to argue that reducing its size can damage its effectiveness. Where is the evidence the RTM is broken in its current iteration!? I expected concrete specifics about the ineffectiveness of the RTM (backed by evidence of such), followed by evidence that shrinking the RTM by 46% is the only viable route to efficacy (vs. for example, providing staffing, and perhaps access to its own legal counsel).

“Incremental change” (in the “stepping stone for a more effective government model section”)  
.. it appears the CRC wishes to move in the direction of smaller government even though that was rejected. Future commissions can take this up when the TOF is clamoring for it. But in respect to the RTM discussion? Not relevant.

In the “Improved Accountability” section .. “attendance” is invoked but this is different from accountability. If there are issues of accountability among members, vote them out! In the “No diminution of legislative rights section” the number of ordinances passed is no measure of accountability or an RTM’s efficacy. Ordinances are created based on town’s needs not as a barometer that an RTM is doing its job.

Thanks.

Eve Darcy Burhenne

827 Riverside Drive

Fairfield, CT

-----Original Message-----

From: Ellen Jacob <dancingusa@optonline.net>

Sent: Tuesday, August 2, 2022 8:41 AM

To: CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>; Kupchick, Brenda <BKupchick@fairfieldct.org>

Subject: Re: 8/1/22 Additional Public Comment on 7/28 Meeting and Latest Charter Revision Docs

8/2/22

Dear CRC and BOS Members:

My sincere thank you for listening.

Agree that something really good has come out of this.

We shouldn’t be afraid of airing all sides of important debates.

I know I learned much.

Ellen

**From:** Kathryn Braun <klbesq@aol.com>

**Sent:** Wednesday, August 3, 2022 1:11 PM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Braun 8-3-22 letter to BOS on Charter Revision & Ballot Questions

August 3, 2022

To: Board of Selectmen

Re: Charter Revision

I'm writing to request that you drop certain changes proposed by the CRC, and if you do accept them, that you place them as separate questions on the ballot.

Please follow the advice of CRC counsel, who has pointed out repeatedly during this process that the more substantial or controversial changes should be put to the voters as separate questions.

1. Cutting the RTM cap from 56 to 40 - the proposed reduction in the RTM's maximum size should simply be dropped because the case has not been made to shrink the legislative branch of our Town government at all.

While it is a relief that the CRC abandoned its more draconian cut to only 30 representatives, there is also no valid justification to cut the RTM's cap to 40. Reducing the cap by over 28% from 56 to 40 is not supported.

There has been no allegation or evidence that the RTM is not effective with the 56-representative cap remaining as it has been for decades. This is especially true since the RTM has already shown it can manage its own size as it has in the past, first to 50 and then to 40. The CRC has not made any allegation that the RTM's ability to manage its own size to a maximum of 56 is a problem.

The BOS can appoint an ad hoc committee to study changes in the form of government and the charter will undergo another revision (assuming the new change is approved by the voters) in 10 years. Those efforts could potentially lead to justification to change the form of government.

But simply slashing the legislative branch as a compromise because the mayor-manager-council model was rejected, is not logical. The RTM is not a town council and once that model was rejected, and the BOS-BOF-RTM model retained, then there was no reason to change the cap.

The CRC did not allege or provide evidence that the current cap of 56 or the former size of 50 or even that the current size of 40 was ineffective and unable to carry out its legislative role. Even if such a claim or evidence did exist, there was no evidence that the drastic measure of reducing the cap is the only solution- rather than say, improving recruitment of candidates, supplying a budget, support staff, research capability or its own counsel.

Further, by slashing the RTM's maximum size it would prevent the RTM from restoring its size as it deems necessary or having the ability to use the extra 6 seats for at-large representatives. Many Town residents and former and current RTM representatives pointed out that size does matter, and larger size enables the RTM to perform its role better and provide better representation to the population in each district.

Finally, it would be an overreach of the executive branch of government for the BOS to put forth unwarranted changes disempowering the legislative branch of government. The legislative branch is a mandatory part of our Town government and provides a critical check and balance on the executive branch. The BOS should leave the RTM alone.

It is the BOS that must ensure that the recommended reduction was fully vetted out as being appropriate, and if not, then the question should not be put to the voters. Where, as here, there was no objective evidence of a problem with the cap being left at 56, then this cannot be put to the voters as the solution to a problem that does not exist.

Should the BOS decide to accept the CRC's unsupported recommendation to shrink the cap on the RTM size by over 28%, then that should be put on the ballot as a separate ballot question.

2. Constables- the CRC has recommended that the number of constables be reduced from 7 to 4, and that these important public officials be appointed rather than elected. Both these changes make the position more politically influenced and jeopardize the independence of these valued officials. Please reject this recommended change.

This has not been a need demonstrated or proof that the reduction and conversion will solve any alleged problems. Certainly, if guidance or training is needed that can be provided. Demand for constables may have been affected by the pandemic and that is no reason to reduce the number of constables.

This is a significant change in this position and a controversial one. Voters should be able to separate this issue when they vote.

3. DPW Director- Please reject the CRC's recommended change to remove the requirement that this critically important official possess a professional engineering license. The technical and managerial expertise must reside within that same person who is ultimately accountable for the long-term infrastructure planning for our town. In this time of climate change, planning for both sustainability and resiliency, combined with increasing development pressure and our aging infrastructure, now is not the time to eliminate the expertise of the head of our largest town department.

Instead of lowering the standards of our current Charter, we should focus on recruiting a director who satisfies the current charter requirement to be a State-licensed engineer, which we have not had in about the past 3 years.

This is a significant change to a critically important position which will impact the future of our Town as it faces many challenges. This recommended change was opposed by many, and it should be put as a separate question to the voters.

Thank you for your consideration and the time you are spending on this most important of our Town's governing documents.

Sincerely,

Kathryn Braun

Fairfield Resident

**From:** Judith Ewing <jeewing8@outlook.com>

**Sent:** Friday, August 5, 2022 5:34 PM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Last minute comments

To the CRC and the BOS:

Thank you for all of your time and effort to get this right. I found the process particularly interesting and very thorough. I am looking forward to seeing a Subject Index in the near future as some of the numbers and pages have probably changed. We need this very large document to be “user-friendly.”

I have received what I think is the final report of the Charter Revision Commission. After a very quick read, I would like to bring your attention to two sections. One involves an “errata;” the other is a suggestion, as follows:

ARTICLE II, Section 2.3.C.(1) (b) – The number of RTM members to be elected is forty (40), not thirty (30).

ARTICLE X, Section 10.4. Periodic Review of the Charter – This language has been revised since the CRC meeting of 8/1/22 and has not yet been approved by the CRC.

Although I understand why it was revised, and I agree with the language presented, I believe it makes more sense to reverse the last two sentences. (A Town Charter may be revised at any time; therefore, the ten year review period begins after the completion of the work of any established Charter Revision Commission.)

Also, I really do not see the need to mention the date of April 2032. And why April? It is now August!

Thank you for considering these two last minute points.

Judy Ewing

98 Sasco Hill Terrace

Fairfield, CT 06824

**From:** kgriffi1@optonline.net <kgriffi1@optonline.net>

**Sent:** Saturday, August 6, 2022 10:32 AM

**To:** Mednick, Steve <smednick01@snet.net>; Baldwin, James <jbaldwin@cbklaw.net>

**Cc:** Board of Selectmen <BOS@fairfieldct.org>; Brogan, Chris <cbrogan5@optonline.net>

**Subject:** Possible correction in 2.5

I think this sentence in 2.5 may need to be modified as the term “Town office” no longer appears in 2.5 (the old 2.1C):

*For purposes of this paragraph, the term “Town office” does not include Justices of the Peace, but does include members of the Board of Education.*

Also, now that you have the newly defined term “Elected Town Official” and it includes elected Boards and Commissions, for simplicity I think you can just remove the ‘including membership on any elected Board or Commission’ qualifier. You could also probably remove the “does include members of the Board of Education.”

Current Charter

2.1 C. Single office requirement for elected Town office.

No person shall be eligible to hold any elected **Town office**, including membership on any elected board or commission, who is at the same time an elected RTM member, an elected or appointed Town officer, an elected state official, or a member of an elected board or commission or a permanent appointed board or commission. For purposes of this paragraph, the term "**Town office**" does not include Justices of the Peace or Constables, but does include members of the Board of Education.

#### Proposed Charter

§2.5. Single office requirement for Elected **Town Officials**[1].

No person shall be eligible to serve as an Elected **Town Official**, including membership on any elected Board or Commission, who is at the same time an RTM member, a Town Official or an elected state official. For purposes of this paragraph, the term "**Town office**" does not include Justices of the Peace, but does include members of the Board of Education.

Thanks,

Kathleen Griffin

15 Stonybrook Road

**From:** kgriffi1@optonline.net <kgriffi1@optonline.net>

**Sent:** Saturday, August 6, 2022 10:54 AM

**To:** Mednick, Steve <smednick01@snet.net>; Baldwin, James <jbaldwin@cbklaw.net>

**Cc:** Board of Selectmen <BOS@fairfieldct.org>; Brogan, Chris <cbrogan5@optonline.net>

**Subject:** 4.2 (4)(a) vs. 4.3C(1).

I mentioned this previously, and this situation may rarely happen, but I believe these two paragraphs conflict with each other with regard to who appoints those '*for which no other appointment provision is made in this Charter*':

4.2 (4) *Appointment powers.* The Board of Selectpersons shall appoint:

(a) *Required by Charter :* The Town Officials and employees set forth in this Charter, any others required by the General Statutes or by Ordinance to be appointed by the Board of Selectpersons and **any other for which no other appointment provision is made in the General Statutes, this Charter or the Ordinances.**

4.3 C. *Appointment powers .*

(1) *The First Selectperson shall appoint the Appointed Town Officers, Boards and Commission members, and employees set forth in Articles VII and VIII of the Charter, any others required by the General Statutes or by Ordinance to be appointed by the First Selectperson and **any other for which no other appointment provision is made in this Charter .***

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[1] 2022 recodification and edit of previous Article II, §2.1.C (2006). Derived from Article II, §2.1.C of the 1997 and 2006 Charters.

Thanks,

Kathleen Griffin

15 Stonybrook Road

On Aug 6, 2022, at 1:06 PM, Smednick01 <[smednick01@snet.net](mailto:smednick01@snet.net)> wrote:

I will review again and see if we need to deal with this as errata.

Sent from my iPhone

On Aug 6, 2022, at 8:59 PM, Kathleen D. Griffin <[kgriffi1@optonline.net](mailto:kgriffi1@optonline.net)> wrote:

Thanks.

I think it may be left over from the time when the BOS was temporarily removed from the proposed charter.

Kathleen

-----Original Message-----

From: Smednick01 <[smednick01@snet.net](mailto:smednick01@snet.net)>

Sent: Saturday, August 6, 2022 9:16 PM

To: Griffin, Kathleen <[kgriffi1@optonline.net](mailto:kgriffi1@optonline.net)>

Cc: Baldwin, James <[jbaldwin@cbklaw.net](mailto:jbaldwin@cbklaw.net)>; Board of Selectmen <[BOS@fairfieldct.org](mailto:BOS@fairfieldct.org)>; Brogan, Chris <[cbrogan5@optonline.net](mailto:cbrogan5@optonline.net)>

Subject: Re: 4.2 (4)(a) vs. 4.3C(1).

Thank you. You are probably right.

Sent from my iPhone

**From:** Steve Mednick <[SMednick01@snet.net](mailto:SMednick01@snet.net)>

**Sent:** Sunday, August 07, 2022 11:13 AM

**To:** 'Kupchick, Brenda' <[BKupchick@fairfieldct.org](mailto:BKupchick@fairfieldct.org)>; 'Griffin, Kathleen' <[kgriffi1@optonline.net](mailto:kgriffi1@optonline.net)>

**Cc:** 'Baldwin, James' <[jbaldwin@cbklaw.net](mailto:jbaldwin@cbklaw.net)>; 'Board of Selectmen' <[BOS@fairfieldct.org](mailto:BOS@fairfieldct.org)>; 'Brogan, Chris' <[cbrogan5@optonline.net](mailto:cbrogan5@optonline.net)>

**Subject:** RE: 4.2 (4)(a) vs. 4.3C(1).

I will look at this in the AM in order to examine whether this is a relic of the draft to eliminate the Board of Selectpersons.

**From:** kgriffi1@optonline.net <kgriffi1@optonline.net>

**Sent:** Monday, August 8, 2022 11:29 AM

**To:** Mednick, Steve <[smednick01@snet.net](mailto:smednick01@snet.net)>

**Cc:** Baldwin, James <[jbaldwin@cbklaw.net](mailto:jbaldwin@cbklaw.net)>; Board of Selectmen <[BOS@fairfieldct.org](mailto:BOS@fairfieldct.org)>; Brogan, Chris

<cbrogan5@optonline.net>

**Subject:** RE: 4.2 (4)(a) vs. 4.3C(1).

Thanks. I should have looked more closely at the current Charter before sending this off as there is more in conflict.

But in short, the current charter gives appointment power to the First Selectman for only those positions for which the First Selectman is specifically named, and the Board of Selectmen is the catchall (including directors or dept heads):

*6.2 B. Appointment powers. (1) The First Selectman shall appoint the Town officers, commissions, boards, and employees set forth in Section 1.4B(1), and any others required by the General Statutes or by ordinance to be appointed by the First Selectman.*

*6.1 D. Appointment powers. The Board of Selectmen shall appoint the Town officers, commissions, boards, and employees set forth in Section 1.4B(2) and any other directors or department heads for which no other appointment provision is made in this Charter. The Board of Selectmen shall also appoint the members of any other board, commission, or committee for which no other appointment provision is made in this Charter, or which is required by an ordinance or the General Statutes.*

In the proposed charter, based on the new definitions and the changes in language, both are the catchall and/or the power switched to the FS:

*1.4C(1) Appointed Town Officers = an employee who heads any Department in the Town, whether established by Charter or the Town Code; has the authority and qualifications set forth in §6.1 through §6.2; and, is directly accountable to the First Selectperson, unless otherwise set forth in this Charter*

*1.4C(27) Town Official = any Town Officer and Board or Commission or the individual members thereof, including any Appointed Town Officer whether established by this Charter or the Town Code*

*4.2 (4) Appointment powers. The Board of Selectpersons shall appoint:*

*(a) Required by Charter : The Town Officials and employees set forth in this Charter, any others required by the General Statutes or by Ordinance to be appointed by the Board of Selectpersons and any other for which no other appointment provision is made in the General Statutes, this Charter or the Ordinances.*

*4.3B. Duties. The First Selectperson shall:*

*(7) [NEW] Select, appoint and hire Appointed Town Officers, including department heads, except as otherwise provided for in this Charter or by the General Statutes[184].*

*4.3 C. Appointment powers.*

*(1) The First Selectperson shall appoint the Appointed Town Officers, Boards and Commission members, and employees set forth in Articles VII and VIII of the Charter, any others required by the General Statutes or by Ordinance to be appointed by the First Selectperson and any other for which no other appointment provision is made in this Charter.*

<sup>184</sup> NEW (2022). **Comment of the 2022 Charter Revision Commission:** This provision simply recognizes Article IX requirements of the First Selectperson.



Also, I believe footnote #184 is referencing the incorrect Article. **Article IX is the Budget.**

Thanks,  
Kathleen

**From:** Steve Mednick <SMednick01@snet.net>

**Sent:** Monday, August 8, 2022 2:00 PM

**To:** Griffin, Kathleen <kgriffi1@optonline.net>

**Cc:** Baldwin, James <jbaldwin@cbklaw.net>; Board of Selectmen <BOS@fairfieldct.org>; Brogan, Chris <cbrogan5@optonline.net>

**Subject:** RE: 4.2 (4)(a) vs. 4.3C(1).

That errata/correction. will be made in the final action on Thursday..

EMAILS SENT TO THE  
CHARTER REVISION COMMISSION

June 10, 2022 to August 5, 2022

**EMAILS SENT TO CRC FROM JUNE 10, 2022 TO August 5, 2022**

-----Original Message-----

From: Carol Waxman <cawaxman40@gmail.com>

Sent: Friday, June 10, 2022 5:26 PM

To: CRC <CRC@fairfieldct.org>

Subject: RTM membership

Given the size of the population of Fairfield, I do not think the membership of the RTM should be reduced in number. I do believe that unaffiliated members should not be excluded. There are a large number of unaffiliated or "independent" voters in our town and they should be represented. Many do not wish to caucus with either the Democratic or Republican members but it is a choice.

Carol Waxman

Fairfield

**From:** Susan Prescott <suedossoprescott@gmail.com>

**Sent:** Friday, June 10, 2022 5:34 PM

**To:** CRC <CRC@fairfieldct.org>

**Subject:** Charter Revision

Hi to all

I am writing to inform you that both my husband (a Democrat) and I (a Republican) are opposed to changing or amending the Charter revision proposals.

We believe that less representation is not healthy. Aspirationally, we should be more like Westport, Darien and Greenwich, with 300 voters to 1 representative and not 1000 to 1.

Why change things that are not broken when there are plenty of things in this town that are broken and in need of attention and representation.

Thank you for your consideration,  
Doug and Sue Prescott

-----Original Message-----

From: Meg Francis <megwfrancis@gmail.com>

Sent: Friday, June 10, 2022 5:45 PM

To: CRC <CRC@fairfieldct.org>

Subject: Charter Changes

Thank you for all your hard work these past months. It's wonderful that you cleaned up a lot of the inconsistencies and shortcomings and outdated language in the charter.

I would, however, like to see the RTM not have mandated minority representation. It serves no purpose. I also support keeping it at 40 members because we are a growing, expanding town. There's nothing intrinsically wrong with 30 but this is probably not the time to do it.

Again, the citizens of Fairfield appreciate all your work.

Meg Francis

Sent from my iPhone

**From:** Rabab Hussain Syed <rababhussainsyed@gmail.com>

**Sent:** Saturday, June 11, 2022 10:56 AM

**To:** CRC <CRC@fairfieldct.org>

**Subject:** Let the RTM remain the representative legislative body the Charter established it to be  
Dear Chairman Cafferelli and members of the Commission:

I am writing to you today to urge you NOT to use the Town Charter to slash the RTM cap from 56 to 30 representatives, which would effectively disempower our legislative branch from managing its own size and restrict its ability to be truly representative.

This would absolutely be a huge mistake, and a legitimate disservice to our Town.

Thank you for your consideration, and for all your efforts.

Best,

Rabab Hussain Syed

Fairfield Resident

-----Original Message-----

From: Joy Shaw <jtsffld@gmail.com>

Sent: Sunday, June 12, 2022 5:22 PM

To: CRC <CRC@fairfieldct.org>

Subject: Joy Shaw comments to CRC

To: Charter Revision Commission

>

> Dear Commissioners:

> I have resided in Fairfield for 66 years and am the founder of the Mill River Wetland Committee and author/illustrator and developer of the River-Lab Program, which has been part of the Fairfield Public and parochial schools curriculums since the early 1970s. I have a special appreciation of the diversity of this town and wish for its system of representative government to remain as explicitly provided in our Town Charter.

> There is considerable appreciation thus far of the Charter Revision Commission's work on the revision of this charter, but also major shared areas of concern regarding parts that relate to the basic character of our governmental management.

> I urge the Commission to drop the proposed takeover of the RTM's power to manage its own size. This vital legislative branch of our town government manages its size according to its obligation to meet the needs of its citizens in all 10 districts of the Fairfield community. Using the charter revision process to cut the current membership from 40 to a 30 member cap would seriously reduce the representative capacity of this vital arm of our government. Representatives in nearby towns of Greenwich, Darien, and Westport average responsibility for 3-400 residents,

compared to the current average for Fairfield RTM members of 1,500/rep. To cut the RTM membership limit from 40 to 30 would remove this body's ability to effectively manage its size in proportion to its need to meet the needs of its citizens. Being able to adjust size to meet citizen need is especially important now because of continuing state mandating of increased residential development, which increases the number of citizens to be represented.

> Likewise, the proposal to allow minority party representation on this arm of our town government would upset the whole system of a fair elective process in a blatantly undemocratic way.

> Also, joint Budget meetings of the BOF, BOS, and RTM would not only be cumbersome and unworkable, but the First Selectman should not chair meetings which will rule on the First Selectman's share of the budget! Please drop this insupportable proposal as well!

> And, finally, please include the requirement that our Director of the Department of Public Works needs to be a state-licensed engineer, to give him (or her) full decision-making authority on town construction projects.

> Respectfully submitted,

> Jocelyn T. (Joy) Shaw

> 476 Old Mill Road

> Fairfield, CT. 06824

> June 11, 2022

Sent from my iPad Sent from my iPad

-----Original Message-----

From: Mary Hogue <maryhogue350@gmail.com>

Sent: Monday, June 13, 2022 1:36 PM

To: CRC <CRC@fairfieldct.org>

Subject: Comments on Charter Revisions

Thank you for the long hours and commitment to updating our Town charter. I appreciate all the work and study you have put into making our town better.

My concern with some changes you have offered relate to reducing the RTM size. Fairfield is a large community and in order to ensure proper representation we need to have enough members in the RTM to handle that population. We recently reduced the RTM membership to a reasonable 40 and I think reducing it further would do the citizenry a disservice. I also think giving a seat to a political party regardless of how many votes they received in order to ensure party representation is inappropriate and denies the will of the people. We need to allow the citizens to speak with their votes. Denying them to be heard discourages them to come out on Election Day and Fairfield is often been seen as a town that is engaged and turns out at the polls. I believe the RTM has the ability to manage its own size and it should continue to keep that in its own purview.

My other concern on elected bodies relates to the joint meeting of the Board of Finance and Board of Selectman on the budget. I don't so much have an issue with this, as this has been in practice for many years, but the suggestion that the First Selectman/Selectwoman would preside

over the meeting makes no sense. The budget in question is the “owned” by the First Selectman/Selectwoman, it would be a conflict of interest for them also to be in charge / preside over the meeting. I also want to note that the Board of Finance budget meeting are the most informative and detailed budget meetings for the Town. They are the meetings that comb through the budget thoroughly and help to explain each facet so completely that taking that away would be a true disservice to the Town.

I am also interested in maintaining our high standard of having our Director of Department of Public Works being a licensed engineer. As a parent of an engineer I can see the difference a person with this background can bring to a project and the importance of that credential. The value of that insight for that position is vital for our Town to continue to have, why would we want to degrade that?!

I feel strongly about these things regardless of which person, which party, what topic, what timeframe. We must remember that these changes will be in place for a long while and will be in effect when they are in our favor and when they are not. We need to be extremely careful not to think about the current situation or political environment.

Mary Hogue  
165 Stonewall Lane  
Fairfield, CT 06824  
[maryhogue350@gmail.com](mailto:maryhogue350@gmail.com)  
203.216.2536

**From:** L Obrien <ljobrien2019@gmail.com>  
**Sent:** Monday, June 13, 2022 6:33 PM  
**To:** CRC <CRC@fairfieldct.org>  
**Subject:** Charter Revision ... an interesting idea for inclusion ...

Charter Revision  
June 12, 2022

To: Charter Revision Commission

Re: Public Hearing on Proposed Changes to Fairfield's Town Charter

Dear Chairman Cafferelli, and members of the Commission:

Thank you to the members of the Commission for what I can only imagine has been a lot of work and many, many hours of meetings. One question comes to mind. Why? There are many areas in town that residents could use your help with, but this is not one. I am not in favor of proposed changes to the town Charter.

Never as a former RTM Representative (Rep.), or in the 22 years that I have lived here, have I heard anyone say Fairfield needs fewer, accessible elected officials. So, it begs the question, to

what purpose do these proposed changes benefit the residents of Fairfield? We need people that want to serve our voting districts, we need fresh faces and fresh innovative ideas in Fairfield's town government. We need to keep pace with our growth, not reduce town government. The average resident will benefit from having more representatives that they elect. This will ensure residents voices are heard and their needs are met.

Our town already pales in comparison to surrounding communities in our per capita representation in town government. The proposed town charter changes of consolidation of town government and reduced voter choice is NOT in the best interest of Fairfield residents or Fairfield voters.

As a former RTM member and town resident, I am acutely aware that town residents have no shortage of issues they need help with, and those residents turn to their elected officials to find that help. The RTM is often a thankless, time-consuming job. The larger the pool of elected RTM Reps., the greater the propensity that a non-paid RTM Rep can step up, in a timely manner, often requiring quick action in a condensed period to be effective, and perform the duties they were elected to do by their constituents.

As an RTM Rep. I learned that time commitments and involvement by elected officials are a personal choice. Some RTM Reps. choose to step into the fray only at town meetings covered by Fair TV. While other RTM Reps. choose to take on huge projects, time and again, working tirelessly behind the scenes and out of the spotlight on behalf of their constituents; addressing residents' concerns, or working on environmental issues for the betterment of our town. We need ALL of the later Representatives with our ever-growing population. So why would it ever be in the best interest of 'the voters' to reduce legislative representation and voter choice expressed on election day?

As an RTM Rep. I was honored to help my constituents, especially on Berwick Street, to keep their neighborhood safe from over development. I worked with town department heads, Fairfield residents, the Berwick neighbors, in addition to current and former RTM members from districts all over town. It's indisputable that civic involvement begets community involvement. Town government offers a platform to allow for a greater number of contributing citizens and in turn creating a better town and quality of life.

If an already reduced number of RTM Reps is further reduced, it is clear installing a losing candidate is NOT in the interest or of the will of the town's voters. However, the **proposed addition for a path for an underrepresented political party is an interesting idea**. Especially given that the largest and most underrepresented voting bloc in Fairfield are independent voters. It clearly does not seem necessary or beneficial to have a non-voter elected minority representation. If the Charter Revision committee goal is to truly improve Fairfield town government, why not focus on inclusion. A concerted effort to make Fairfield more inclusive is an excellent idea. A great start to that end would be the creation of a path for Independents, who lack a party unity and infrastructure to facilitate the ballot process. Not installing a candidate, the voters chose not to elect. Inclusion would allow the fabric of our town government to reflect our entire community more closely and to progressively help all Fairfielders to be represented in town government.

The Town Charter is fine just as it is, I see no reason to arbitrarily truncate the size of the RTM or introduce installing hand pick representation that is in direct contrast to the votes cast by Fairfield residents on election day. Most concerning is the reduction of the RTM and minority non-elected representation, I ask that you omit both from your proposed Charter Revision. Please, I implore you, do not circumvent the will of our town residents, who vote to make their wills known and voices heard.

Sincerely,

Laurene O'Brien

**From:** Stacy Fama <stacyfama@gmail.com>

**Sent:** Wednesday, July 13, 2022 3:57 PM

**To:** CRC <CRC@fairfieldct.org>

**Cc:** Walt Shaw <waltshaw@optonline.net>

**Subject:** Ash Creek, Charter Revision, RTM size

To Whom It May Concern,

We, the board of the Old Post Road Area Association, would like to express our concerns about a few issues important to our town and community.

We are most concerned about the compressed timeline and not enough public input and discussion about the Charter Revision.

Presently, many members of our community/town have taken advantage of the opportunity to travel post Covid and we are at a disadvantage not having their full representation to this matter. Therefore, we believe there should be a postponement and another public hearing before the BOS finalizes its recommendations to the CRC.

Additionally, we as a community, are opposed to the over-development of the Ash Creek Open Space Area. Please preserve our natural wildlife environment and reconsider/scrap the Park and Recreation proposed Ash Creek project.

In closing, we feel that the RTM should remain to 40-50 members so we can continue to have broad representation for our historic and diverse community.

Respectfully submitted,

The Old Post Road Area Association

Henry Backe

Walter Shaw

Karen Winget

Stacy Fama



**From:** Joanne Romano-Csonka <joanneromano52@gmail.com>  
**Sent:** Thursday, July 14, 2022 5:31 PM  
**To:** CRC <CRC@fairfieldct.org>  
**Subject:** Letter Charter Revision

Joanne Romano-Csonka

**Joanne Romano-Csonka**

694 Jennings Road  
Fairfield, CT 06824  
July 14, 2022

To members of the Charter Revision Committee and Board of Selectpersons:

I would like to submit my recommendation/ thoughts on the makeup of the RTM. I have a lot of experience with a smaller contingency which in my experience was and is a much more inclusive government. Ours was 10 in district and 5 At-Large(Town Wide). And we were a City of 86,000 population.

My thoughts on Fairfield since it seems people feel a larger group is better would be 20 in district and 10 At-Large (town wide). This way each district gets 3 representatives.

Thank you for your time and consideration. I know it's a daunting task as I myself have sat in your place.

Best regards,  
*Joanne Romano-Csonka*

**From:** Leanne Harpin <llharpin304@gmail.com>  
**Sent:** Tuesday, July 19, 2022 8:59 PM  
**To:** CRC <CRC@fairfieldct.org>  
**Subject:** a fair and equitable town charter

Dear members of the Charter Revision Commission,

I am writing regarding people wishing to revise Fairfield's town charter for the first time in 15 years. I had heard through the grapevine that some people in town wanted to consolidate power and give the RTM less oversight ability. This is concerning to me because in politics more often than not if you are not at the table you are on the menu and those with more money and influence get a louder platform.

As I'm sure you some of you are aware, not everyone who lives in Fairfield is a super rich white person who drives a Land Rover (although my district does include a Land Rover dealership). They are also taxpayers who want the best for their families and were probably attracted to Fairfield's excellent school system and beautiful beaches and parks.

Please ensure that the town charter gives everyone fair and equitable representation.

Thank you for your time,

Leanne Harpin

189 Halley Ave  
Fairfield CT 0625

**From:** William Gerber <gerber\_william@yahoo.com>

**Sent:** Friday, July 22, 2022 10:04 PM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>; Mednick, Steve <smednick01@snet.net>; Cafferelli, Bryan <bryancaff@gmail.com>

**Cc:** Carpenter, Jennifer <JCarpenter@fairfieldct.org>; O'Brien, Pru <PO'Brien@fairfieldct.org>; Mitola, John <jrmitola@aol.com>

**Subject:** Dear Charter Review Commission and Board of Selectpersons: regarding §9.3. Annual Budget Estimates

Dear Charter Review Commission and Board of Selectpersons,

The draft resolution the Board of Selectpersons (BOS) voted on (file: BOS\_Charter\_Revision\_Recommendations.12\_July\_2022) was not posted for the public to view until about an hour into the meeting, which was too late for the public to review and provide feedback. I think you may have mistakenly missed one item that had been brought to your attention, though it should be covered under errata. That item is **§9.3. Annual Budget Estimates: [all yellow highlights below are mine]**

**File (posted): 06-08-22\_Backup\_for\_CRC\_Special\_Mtg - Includes Emails**

### **§9.3. Annual Budget Estimates.**

#### **A. Submission of General Fund and Capital Budget Estimates to the First**

**Selectperson<sup>323</sup>.** All Town ~~Officers, Boards and Commissions~~ **Officials** and Departments of the Town, **including the Board of Education** ("Submitting Parties"), **shall** submit to the First Selectperson<sup>324</sup>:

**(1)** such items and details of their respective general fund and capital budgets for the next fiscal year<sup>325</sup>; and,

**(2)** any additional information which they possess (including, but not limited to, records, books, accounts, Contracts, reports and other papers and documents as specified by the First Selectperson ("Budget Estimates") all of which, **in the judgment of the First Selectperson**, are necessary to discharge the duties imposed upon the First Selectperson by this Charter.

<sup>322</sup> 2022 modification and recodification of current Article XII, §12.1 (2006). Derived from Article XII, §12.1 of the 1997 Charter; and, Chapter III, §6 (second sentence) and Chapter XVII, §4 of the 1947 and 1956 Acts and 1975 Charter.

<sup>323</sup> 2022 modification and recodification of current Article XII, §12.2,A (2006). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>324</sup> 2022 modification and recodification of current Article XII, §12.2,A (2006)(First sentence). Derived from Article XII, §12.2 of the 1997 Charter.

<sup>325</sup> 2022 modification and recodification of current Article XII, §12.2,A (2006)(First sentence). Derived from

Article XII, §12.2 of the 1997 Charter.

I do not believe Section 9.3 was discussed by the Charter Revision Commission (CRC). However, it may be a vestige of the drafting changes made for the Mayor-Town Council structure that was then under discussion, and therefore errata. The citations do not reflect where this language came from, but the origins of the language used are cited in the 2/10/2021 document backup (PDF page 84), which was the power to investigate individuals (and the power to appropriate funds to do so) granted to the Stratfield Town Council in their charter. In this draft of Fairfield's Charter, powers of investigation have been transferred to/duplicated for the First Selectperson, in the name of developing "Budget Estimates."

## **FAIRFIELD CHARTER REVISION COMMISSION BACKGROUND DOCUMENT #4: GOVERNANCE ISSUS (2/10/2022)**

<sup>25</sup> **Stratford Charter Section 2.1.5 – Council Chair; See also, Section 2.2.15 - Power to Investigate and Procure Information.** "The Council shall have the power to investigate town affairs. In exercising this power, the Council shall have the power to require any town elected or appointed official, officer, director, department head, or employee to furnish the Council or its designee all information, contracts, reports, papers, documents, records, or other material which is in the possession of the elected or appointed official, officer, director, department head, or employee, and which, in the opinion of the Council is necessary to enable the Council to discharge the duties imposed upon it by this Charter, or to properly and completely investigate town affairs. It is hereby made a duty and obligation of all town elected or appointed officials, officers, directors, department heads, and employees to provide the Council with the requested information, contracts, reports, papers, documents, records, or other material when so required by the Council. Notwithstanding any other provision of this Charter, the Council shall have the right to appropriate funds, either by way of the budget or by special appropriation, to fund any costs and expenses which may, in the opinion of the Council, be necessary, proper and required to conduct the investigation or to procure any information, contracts, reports, papers, documents, records, or other material" [Amended 11-4-2008].

Of course, when you reverted back to the Board of Selectpersons structure of government, powers of investigation are clearly vested, once again, in the Board of Selectpersons.

### **§4.2. The Board of Selectpersons.**

**B. General powers and duties<sup>162</sup>.** The executive authority of the Town shall be vested in the Board of Selectpersons, except to the extent such authority is expressly granted to the First Selectperson in this Charter. The Board of Selectpersons shall have the powers and duties vested in them by the General Statutes, except those expressly vested in the First Selectperson by this Charter or by Ordinance. In particular:

... **(2) Oversight of Appointees: Subpoena Authority<sup>169</sup>.** All Town Officials and employees of the Town appointed by the Board of Selectpersons shall be responsible to them for the faithful performance of their respective duties and shall render a report to the Selectpersons whenever requested to do so. The Selectpersons shall have the power to investigate any and all Town offices and Departments of the Town and for such purpose shall have the power to issue subpoenas.

For your reference and comparison, the current charter has the following language regarding the budget:

**12.2. Review and recommendation by Board of Selectmen.**

A. Submission of budgets to Selectmen. All Town officers, boards, commissions, authorities, and departments of the Town entrusted with the expenditure of Town funds, including the Board of Education, shall submit to the First Selectman the items and details of their respective budgets for the next fiscal year. These shall be submitted on or prior to a date designated by the First Selectman, which date shall be early enough for the Selectmen to review, revise, compile and submit its recommendations to the Board of Finance as set forth in Section 12.2B.

I understand it is highly unlikely the CRC intended to turn a budget process into an investigation, so I hope the CRC will expeditiously correct this error. Otherwise, the First Selectperson will have powers of investigation that are greater than what, I believe, was intended. In addition, inclusion of the Board of Education in a section with this language is a scary prospect because of what seems like obvious potential legal issues.

Thank you for your consideration.

Sincerely,

Bill Gerber, RTM District 2

-----Original Message-----

From: Jeanne Konecny <jeanne.konecny@icloud.com>

Sent: Sunday, July 24, 2022 10:58 PM

To: CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>

Subject: Charter Revision

To: Charter Revision Commission and Board of Selectpersons

I'm a lifetime Fairfield resident and served on the Land Acquisition Commission, Flood and Erosion Control Board and the Wetland Setbacks Subcommittee of the Conservation Commission. I was a founding member of Friends of Open Space and a board member of FairPLAN.

Through my involvement I've come to appreciate the work that the various town bodies have contributed to the town. This includes the Board of Selectmen, Board of Finance and Representative Town Meeting.

While I'm relieved that the CRC rejected changing our entire form of government which has served us well all these decades, I'm very concerned with the proposals which would transfer power from the legislative branch to the executive branch, specifically to the First Selectperson.

I respectfully ask that you reject a number of the proposed changes, listed below, followed by 2 changes I suggest be added to the Charter:

1. Do not reduce the size of the RTM. Fairfield's RTM is already only a fraction of the size of the other RTMs in the State. It must keep its current size and be able to respond to the concerns of each district. Especially with a growing population, there is no justification to reduce the cap by 46% from 56 to 30.
2. Do not give the First Selectperson the power to either mediate or resolve differences between the various town bodies. This would expose them to political influence, and having served on a number of these public bodies, this is unacceptable to me.

The First Selectperson already has enough power including sole appointment authority over a number of top town officials and the entire Conservation Commission. Many of the recent scandals could have been avoided with more oversight.

3. Do not lessen the professional expertise we have always required of our DPW Director- he or she must continue to be "a professional engineer registered in the State." Through my time on various commissions I know how complex and massive the challenges are that our town faces in coming years.

This is not the time to relax our standards, with worsening weather and climate change and our aging infrastructure. I would like to ask why we have not recruited a qualified Director of DPW in almost the past 3 years? We shouldn't change the charter to accommodate the acting interim DPW head who is not qualified under our current Town Charter.

I propose that the CRC make the following changes to our Charter.

First, the Conservation Commission be an elected body to protect it from political pressure. The First Selectperson should not have sole jurisdiction over this increasingly important commission. Fairfield is

one of a very few towns that allows just one public official to make Conservation Commission appointments. Our Town's environmental health depends on a completely independent body.

Second, the Charter should mandate that the Conservation Commission, with the approval of the Conservation Director, must employ a full time Wetlands Administrator, rather than making it optional. With all the new development near fragile wetlands areas, this important position must never be eliminated again, as happened last year.

Finally, I have read that you are rushing this process unnecessarily, cutting out as much as half the time legally allowed. By analogy, the wetland setbacks subcommittee spent 3 years studying our town's watersheds: researching, doing field work and compiling data, to develop our recommended wetlands review areas. Certainly charter revision deserves the same attention and due diligence. These are lasting, far reaching changes which will become the law of our town and very difficult to change again. I request that you take all the time legally allowed, so that the final proposed changes are truly in the best interests of our Town and its residents.

Thank you for your time and attention.

Sincerely,

Jeanne Konecny

Sent from my iPhone

**From:** Fairfield Bike & Pedestrian Committee <bikewalkrun.fairfield.ct@gmail.com>

**Sent:** Monday, July 25, 2022 2:55 PM

**To:** CRC <CRC@fairfieldct.org>

**Subject:** Charter Revision and Bike/Ped committee

Hi Charter Revision Committee,

I hope that you are all having a good summer so far. I wanted to check in regarding having the Bike and Ped committee in the charter. I seem to recall that the committee was put into a draft charter revision earlier this year, however I could not find it mentioned when I was looking at your materials last week.

It's very possible that I somehow missed it. Would you please let me know the status?

Thank you,  
Sarah

--

**Sarah Roy**  
Chair, Bicycle and Pedestrian Committee  
Town of Fairfield, Connecticut  
<http://fairfieldct.org/bikeped>

**From:** Jim Bowen <jim-bowen@hotmail.com>  
**Sent:** Monday, July 25, 2022 6:14 PM  
**To:** Board of Selectmen <BOS@fairfieldct.org>  
**Cc:** CRC <CRC@fairfieldct.org>  
**Subject:** Proposed Charter Revision

First Selectwoman Kupchick, Selectwoman Lefkowitz, Selectman Flynn and Commission Members

Please see the attached PDF letter concerning the ongoing work to revise the town charter. The text of the letter is pasted below for convenience.

Respectfully

Jim Bowen

-----Text of attached letter-----  
25 July 2022

First Selectwoman Kupchick, Selectwoman Lefkowitz, and Selectman Flynn

I encourage you to slow down the ongoing process for revising the Town Charter. As you are well aware, there is no statutory requirement to put this proposal on the 2022 ballot and there are few things I can see in the proposed changes that benefit from moving so quickly. While I certainly agree there are changes that could be worthwhile, the unnecessary haste with which you are proceeding makes myself, and many voters, concerned about what you are trying to do and why. Many of the changes in this document are substantive and will fundamentally alter the governance of our town, the ability for citizens to participate and have oversight, and will have undefined fiscal impacts likely resulting in increased taxes. If you truly believe the entirety of these changes are in the best interests of the town, then you owe it to the citizens to take the full time allowed and continue to engage the whole of the town in a full and open discussion of the proposal.

The proposed changes are numerous and difficult to follow if you are not immersed in them continuously. Many citizens don't follow items at the smaller board level, but their attention increases as items move up the chain. In this case, the BOS is reviewing these proposals over the summer when most people are traveling, and their focus is on other things.

Here are just a few of the items that concern many of the citizens I talk with in town:

1. Consolidation of power in the Executive Branch. Many of the proposed changes increase the power of the Executive Branch, sometimes at the cost of other branches or boards/commissions. The most obvious of these changes seems to be granting the First Selectperson Mediation and Resolution of Differences power over all town bodies, which would seem to include the Legislative branch. As the chief executive, disputing resolution between departments is inherent in the First Selectperson's role. Beyond that, giving that individual this level of control over other elected boards, and especially other equal branches, is detrimental to our system of checks and balances.
2. Rules of Order and Civility. This addition is unnecessary and will almost certainly be weaponized by the parties against each other and the citizens of this town. Attempting

to dictate items of this nature are inherently dangerous to the free expression of ideas and opinions. The things outlined in this section are borne from ethical and competent leadership. If the town is led with mutual respect, civility, and orderly conduct, then this will be the norm. If instead it is led with arrogance, bullying, and a disregard for the citizenry and fellow officials, then that will become the norm. If town leaders are truly committed to the democratic process, the rule of law, individual rights of expression, robust debate, and tolerance for disparate views and the building of better community relationships through increased empathy, greater awareness, and decreased reactivity, it will show loud and clear in their actions. This kind of guidance belongs to the individual government branches and boards to develop as needed and for those in charge to enforce by their example and corrective action as needed with their employees. I firmly believe the Town Charter is not the place for this kind of language and guidance. The unintended consequences will be detrimental to all of us.

3. Reduction of the RTM to 30 Members. There has been no evidence-based rationale presented for this change. Instead, there have been many anecdotal reasons provided for this reduction. I, and many others, do not believe reducing the number of elected representatives most directly tied to the citizens is in the best interest of better government. Many of the anecdotes for this change are tied to lack of effectiveness, member participation, etc. Those problems are tied to either the quality of people on the ballot, who are ultimately elected, or are an inaccurate assessment, not an issue with the existing structure. There are more than enough people willing to engage and serve; if the parties embrace the ideals of individual rights of expression, robust debate, and tolerance for disparate views and the building of better community relationships and recruit candidates accordingly, the RTM will easily become an unmatched force for good in our community.
4. Changing the Petition for Overrule threshold for RTM votes authorizing the expenditure for any specific purpose from \$150,000 to \$500,000. The requirements to successfully petition and drive a referendum are high enough to prevent petty disputes; we do not need to reduce available citizen oversight by making this huge threshold change. Ironically, you yourselves want to bring BOE contracts under your oversight and you have requested a threshold of \$50,000. For the same reason you want tight oversight ability, do not strip the citizens of their ability to fight against expenditures they fundamentally disagree with. This change does nothing to increase efficiency; it simply strips power away from the citizens unnecessarily.
5. The addition of a Town Administrator, Chief of Staff, an admin assistant for the First Selectperson to the Charter are unnecessary. The First Selectperson is our Town administrator; they lead a vast array of Departments, led by experts, to assist them in this role. Each First Selectperson will have a unique set of skills and ability; if they lack the skills needed and believe they need extra bodies, then they need to make that case in the budget process. The same goes for adding more bodies to the First Selectperson's personal staff. This administration has grown their personal staff, and accordingly increased the tax burden on all of us. Let the skills and ability of the elected individual plus their ability to make a case for extra bodies to the people during the budget



process be the driver; don't "forever" add more bodies to our government due to the needs of one person.

1. Additionally, adding a "Town Administrator" with vague job requirements while at the same time diluting the job requirements for the leader of DPW seems inconsistent. We need expertise within our current footprint, not lower requirements and more people.

I think most voters agree the Charter can use some updates, but changing our most fundamental governance document demands time, care, and caution on behalf of all stakeholders. There are numerous other examples beyond the few outlined above, big and small, in the 122-page redlined Charter proposal that need greater visibility and discussion with the public to truly understand the consequences of the change and the benefit to the town. I believe your current path of fast-tracking this to the ballot in 3.5 months will result in the voters rejecting the changes. If you truly believe in these changes, then I urge you to slow down and spend the next year getting the public on board and making prudent adjustments to this proposal to ensure success on the 2023 ballot.

Respectfully,

James (Jim) E. Bowen, Jr.  
Unaffiliated Voter  
(703)-901-7077

**From:** William Gerber <gerber\_william@yahoo.com>

**Sent:** Tuesday, July 26, 2022 2:53 PM

**To:** CRC <CRC@fairfieldct.org>; Mednick, Steve <smednick01@snet.net>

**Cc:** Mitola, John <jrmitola@aol.com>; Carpenter, Jennifer <JCarpenter@fairfieldct.org>; O'Brien, Pru <PO'Brien@fairfieldct.org>

**Subject:** Current Charter, [§ 4.3. Meetings (D) Notice], the Town Clerk's responsibility to notify the public of public meetings

Dear Charter Revision Commission:

In the current Charter, [§ 4.3. Meetings (D) Notice], the Town Clerk's responsibility to notify the public of public meetings was very clear. Although I understand why notification by newspaper was deleted, in the draft revised charter, you have deleted all but the first sentence [§3.4(F)] and it appears responsibility for public notice of public RTM meetings is no longer codified. If responsibility is still in the charter, I missed it; can you point out where to find it? §1.4(C)(15) uses the word "the Town" and "may" instead of "Town Clerk" and "will". §1.4(C)(17) does not appear to apply. Notification to the public of public meetings, including RTM meetings (typically by posting on the Town website and calendar), has been such an important part of the Town Clerk's responsibilities and I'm sure the current Town Clerk expects to keep doing it. I think we should avoid a future Town Clerk thinking someone else (like the RTM moderator, for example) might be responsible for this.

**Current charter:** Meetings of the RTM (F) Meeting Notice). The Town Clerk shall notify all RTM members of the time and place at which each regular or special RTM meeting is to be held. The notice shall be sent by mail at least five days before the meeting, and a copy of such notice shall be published before the meeting in a newspaper having a general circulation in the Town and posted as required by the Freedom of Information Act. The notice shall specify the purposes for which the meeting is to be held, which shall include any business of which the Town Clerk has been notified by the First Selectman, chairman of the Board of Finance, or the Moderator, or which may be proposed in an electors' or RTM members' petition.

**Draft revised charter:** The Town Clerk shall notify all RTM members of the time and place at which each regular or special RTM meeting is to be held, in accordance with the notice requirements of this Charter.

Sincerely,

Bill Gerber, RTM District 2

**From:** budmorten@aol.com <budmorten@aol.com>

**Sent:** Tuesday, July 26, 2022 7:03 PM

**To:** CRC <CRC@fairfieldct.org>; BOF <BOF@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>; RTM <RTM@fairfieldct.org>; TPZ Commission <TPZCOMMISSION@fairfieldct.org>

**Subject:** BOF Oversight of Town Assessment System

To: Charter Revision Commission

Fr: Bud Morten

Re: BOF Oversight of the Town's Assessment System

Upon the recommendation of the Town Attorney, and to the best of my knowledge without any analysis or discussion, the CRC has proposed removing from the Town Charter §8.3.D, which reads as follows:

Assessment system. The Board of Finance shall install and shall modernize from time to time a system by which equitable and just values of taxable property within the Town may be ascertained. The system shall provide, among other things, for the collection of data relating to each parcel of land and to each building within the Town and for the arrangement of such data in convenient and practical form for the use of the Assessor. The system may provide for the preparation and upkeep of tax maps and land maps, in the discretion of the Board of Finance.

If I understand him correctly, the Town Attorney claims that this clause is superfluous because the BOF's authority and responsibility was narrowly limited to the quality of the mechanical "system" used to assess property values, rather than the overall assessment process and its results, and that the quality of property "assessment systems" is now adequately regulated by State statutes.

However, I believe this clause actually gives (and was intended to give) the BOF broad authority and responsibility to ensure that the Town's property assessment system is producing

“equitable and just values,” and that this is an important and necessary function that the BOF is best qualified to fulfill.

Accordingly, I believe this clause should not be removed from the Charter and that the BOF should provide oversight of the Town’s property assessment system, process and results. Some additional points to consider on this matter are as follows:

- It is extremely important that our assessment process is equitable and just because it determines how the burden of property taxes is distributed. If, for example, commercial and industrial properties are undervalued, the burden on residential property owners is increased.
- State statutes regulate the municipal assessment process and impose certain statistical standards designed to measure the accuracy of assessments, but they do so at a level which does not ensure that local assessment systems are in fact equitable and just.
- The assessment process and results are to some extent self-regulating because property owners can appeal their valuations. However, there is an inherent asymmetry in this self-regulation insofar as property owners only appeal over-valuations, which means there is no mechanism to detect and correct for under-valuations of commercial, industrial or residential properties.
- For avoidance of doubt, oversight by the BOF does not mean that it should get involved in the valuations of specific properties or in any disputes regarding assessments.
- Providing oversight of our property assessments also provides the BOF with valuable insights regarding future tax revenues that may be important for capital and planning purposes. For example, given the widely publicized inroads of eCommerce on brick-and-mortar retailers, it should be instructive for the BOF to track what is happening to valuations for retail properties and to understand the extent to which our Grand List is exposed to this risk.
- Among the key metrics that the BOF (or a standing committee of the BOF) could review on a regular basis (perhaps quarterly) are the following:
  - The number of appeals filed after a revaluation.
  - The number of appeals filed by district and by property classification (e.g., residential, rental, commercial, industrial).
  - The magnitude of claimed over-assessments.
  - The magnitude of reductions in assessments granted or negotiated on appeal.
  - Legal costs associated with assessment appeals.
  - Vacancy rates in all types of commercial properties.
  - Non-resident ownership rates.
  - The gap between actual market sale values and appraised values, and explanations from the Tax Assessor for any unusual gaps or gap patterns by neighborhood, property type or other characteristics. For example, there appears to be a pattern of systemic under-valuation for

properties that undergo substantial renovations – meaning that eventual market sale values for these properties seem to be consistently higher by a substantial margin than their appraised values.

- Changes in Fairfield's valuations and Grand List relative to other municipalities in our region. For example, one anomaly that should be analyzed and monitored is the huge divergence in what happened to commercial property values in the 2020 revaluations in Fairfield (up ~23%) and Westport (down 7%). This outcome seems to imply that Fairfield's commercial properties were previously significantly undervalued, and/or that Westport's were significantly overvalued, and/or that something very strange is happening in two adjacent communities.

At the very least, the CRC should consult with the BOF on this matter rather than simply accepting without thoughtful analysis the opinion of the Town Attorney.

**From:** Gaylord gaylordmeyer <gaylordmeyer@gmail.com>

**Sent:** Wednesday, July 27, 2022 10:22 AM

**To:** Board of Selectmen <BOS@fairfieldct.org>

**Subject:** CHARTER REVISION

DEAR BOS-

I Appreciate your consideration.

Just in case you did have a chance to read my concerns :

1. BUT cutting the maximum size of RTM from 56 to 30- would not give FULL representation to Constituents in their District approximately 20,500 per Rep. ABSOLUTELY NOT

2. allowing the First Selectperson to mediate and resolve disputes among all town bodies ? YES !  
BUT WHEN NECESSARY SEEK NON-PARTISAN COUNSEL

3. granting sole authority over the Chief Administrative Officer to the First Selectperson ? NOT  
SURE THAT WOULD BE WISE

4. the shortened time frame for the entire Charter Revision process- TO BE shortened by as much as 8 months ? DO IT RIGHT ! DON'T  
RUSH THE PROCESS !

5. Considering removing the requirement that ouP00  
ABSOLUTELY ! ANY CONTROL OVER BOE INCLUDING AN  
EXCEL SPREADSHEET WHERE IS THE \$\$\$ ACTUALLY GOING

Respectfully,  
Gaylord Meyer  
51 Spruce Street  
Southport, CT 06890

**From:** eveoo@aol.com <eveoo@aol.com>  
**Sent:** Wednesday, July 27, 2022 3:17 PM  
**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>  
**Subject:** Proposed Charter Revisions

27 July 2022

*To: First Selectwoman Kupchick, Selectwoman Lefkowitz, and Selectman Flynn:*

PLEASE slow down the ongoing process for revising the Town Charter. With no statutory requirement to put this proposal on the 2022 ballot and numerous concerns that have arisen during the course of this process (see below), the seemingly rushed timeline to get this on the 11/22 ballot strikes many voters as simply injudicious. Please consider keeping the hearing open BEYOND August 7th to allow a bit more time for the public to comment.

As I have written before, I am no piker when it comes to scrutinizing/analyzing challenging documents, but in my quest to gain clarity on the proposed changes, I found myself trying to dig my way out of a redlining morass. Some of the proposed changes to the charter would change town governance and as Selectperson Leftkowitz suggested, a town wide mailer via USPS would have offered additional visibility, allowing all of our citizens to better absorb those intricacies and changes. So again, I respectfully request more time to keep our town's options open.

Below, italicized, are sections from the letter Jim Bowen recently submitted whose concerns I share:

1. **"Consolidation of power in the Executive Branch."** Many of the proposed changes increase the power of the Executive Branch, sometimes at the cost of other branches or boards/commissions. The most obvious of these changes seems to be granting the First Selectperson Mediation and Resolution of Differences power over all town bodies, which would seem to include the Legislative branch. As the chief executive, disputing resolution between departments is inherent in the First Selectperson's role. Beyond that, giving that individual this level of control over other elected boards, and especially other equal branches, is detrimental to our system of checks and balances.
2. **Reduction of the RTM to 30 Members.** There has been no evidence-based rationale presented for this change. Instead, there have been many anecdotal reasons provided for this reduction. I, and many others, do not believe reducing the number of elected representatives most directly tied to the citizens is in the best interest of better government. Many of the anecdotes for this change are tied to lack of effectiveness, member participation, etc. Those problems are tied to either the quality of people on the ballot, who are ultimately elected, or are an inaccurate assessment, not an issue with the existing structure.  
*There are more than enough people willing to engage and serve; if the parties embrace the ideals of individual rights of expression, robust debate, and tolerance for disparate views and the building of better community relationships and recruit candidates accordingly, the RTM will easily become an unmatched force for good in our community.*
3. **Changing the Petition for Overrule threshold for RTM votes authorizing the expenditure** for any specific purpose from \$150,000 to \$500,000. The requirements to successfully petition and drive a referendum are high enough to prevent petty disputes; we do not need to reduce available citizen oversight by making this huge threshold change. Ironically, you yourselves want to bring BOE contracts under your oversight and you have requested a threshold of \$50,000. For the same reason you want tight oversight ability, do not strip the citizens of their ability to fight against expenditures they fundamentally disagree with. This change does nothing to increase efficiency; it simply strips power away from the citizens unnecessarily.
4. **The addition of a Town Administrator, Chief of Staff, an admin assistant for the First Selectperson** to the Charter are unnecessary. The First Selectperson is our Town administrator; they lead a vast array of Departments, led by experts, to assist them in this role. Each First Selectperson will have a unique set of skills and ability; if they lack the skills needed and believe they need extra bodies, then they need to make that case in the budget process. The same goes for adding more bodies to the First Selectperson's personal staff. This administration has grown their personal staff, and accordingly increased the tax

*burden on all of us. Let the skills and ability of the elected individual plus their ability to make a case for extra bodies to the people during the budget process be the driver; don't "forever" add more bodies to our government due to the needs of one person.*

1. *Additionally, adding a "Town Administrator" with vague job requirements while at the same time diluting the job requirements for the leader of DPW seems inconsistent. We need expertise within our current footprint, not lower requirements and more people."*

That concludes the sections from Mr. Bowen's well-reasoned letter. I also believe the proposed addition of the Rules of Order and Civility is unnecessary; each body already follows Robert's Rules of Order and has thus far stood us in good stead. Given what I have witnessed over many years at various town meetings, there is no reason to think otherwise. More worrisome is not the prospect of some unhinged explosion of vitriol, but rather the possibility of using this clause to repress the ability to vigorously discuss differences of opinion – a cornerstone of democracy. Also worrisome is empowering the First Selectperson to 'mediate and resolve' any differences among any town body, and the end result is the potential suppression of healthy debate that leads to sober decision making.

Thank you for your attention and your service to our town!

Regards,

Eve Darcy Burhenne  
827 Riverside Drive  
Fairfield, CT 06824

**From:** Kathryn Braun <klbesq@aol.com>

**Sent:** Wednesday, July 27, 2022 6:00 PM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Don't finish Final Report until After Aug 7

To Charter Revision Commission and Board of Selectmen

re: Use all the time the law allows- keep our options open

I request that you hold the charter revision process open without completing the Final Report until after August 7, 2022.

That will allow our Town to accept more input from residents on vacation.

It will also keep our options open by enabling the questions to be voted in either the 2022 or 2023 elections.

To get on the 2023 election, the November 7, 2023 election must be held within 15 months of the Final Report. That means the BOS should not complete its Final Report of proposed charter changes until after August 7, 2022.

You don't need to decide which election to use until later in August because you don't need to file the questions with the Town clerk until days before the November 8, 2022 election, or by September 8.

So you can qualify for either election by filing your Final Report between August 7, 2022 and September 8, 2022.

Please do not compress the process any more - its already had carved off over 8 months from what the law allows. Take the time this process and our Town residents deserve.

Sincerely,  
Kathryn L. Braun  
Fairfield Resident

-----Original Message-----

From: josh.g@mac.com <josh.g@mac.com>  
Sent: Wednesday, July 27, 2022 7:28 PM  
To: CRC <CRC@fairfieldct.org>  
Subject: RTM size

Dear Charter Review Commission,

Thank you for volunteering to update and modernize our town charter. I appreciate the intent of this project, but I must comment about the proposal to dictate that the RTM be limited to 30 people.

I've been on the RTM for nearly 15 years, and I've seen a lot of members come and go. Some members are active and engaged, some are quiet and reserved. We have had many late nights, some messy ones, some anger and some laughs, and even a few inspiring moments of true political progress. I witnessed the RTM at 50 members and at 40 members, and it turns out that the number of members doesn't change anything other than the setup of tables and chairs. It's not the number of members that dictates how effective we are as a body, it's more about the circumstances we face—economically, politically, and socially. We arguably had some better meetings as a larger body, and some worse. Changing the number won't make the meetings shorter or less intense or affect the outcome of the decisions we make.

What shrinking the size of the RTM will do is make it less likely that residents of Fairfield actually know or meet or connect with someone representing them. I know that I have only met a fraction of the people who live in District 5, which I represent. But I also know that my three fellow members have met many others, and between the four of us, we have connections to lots of people in this part of town. In many ways, the RTM is the purest form of representative Democracy, where residents of the community actually know their representatives and can communicate their concerns and wishes for the town directly to them.

No one ever said Democracy was supposed to be easy, or its meetings quick. Let's not try to streamline something that's supposed to be messy and grassroots.

Thank you for reading my letter.

Josh Garskof  
District 5 RTM  
Chair of Legislation and Administration Committee

-----Original Message-----

From: Violet Lumani <violetlumani@gmail.com>

Sent: Wednesday, July 27, 2022 11:13 PM

To: CRC <CRC@fairfieldct.org>

Subject: Re: RTM reduction

Dear Members of the Charter Revision Commission:

I am writing to express my hope that, after witnessing the public's overwhelming (and bipartisan) opposition to the RTM reduction, the CRC will leave the RTM change out of the Charter. From independents like my husband and myself, to republicans, to democrats, it is clear the majority in Fairfield agree we need more representation, not less, and reducing the membership from 40 to 30 will hurt our community.

Frankly, I'm surprised this zombie proposal to reduce the RTM is still around, but it's clear our First Selectwoman's power grab is resistant to the incredible backlash it has seen. I hope this body is not of the same mindset. Please do with this terrible proposal what should have been done after the first outpouring of community upset, and toss the RTM reduction proposal into the recycling bin.

Thank you for your consideration.

Best,  
Violet Lumani

**From:** Michelle McCabe <michelle.lapinemccabe@gmail.com>

**Sent:** Thursday, July 28, 2022 6:27 AM

**To:** CRC <CRC@fairfieldct.org>

**Subject:** concern regarding the draft revisions

Good morning, CRC committee members:

I am writing to express my concern regarding many elements of the Charter revision and to submit my testimony as a resident of Fairfield.

First, the RTM should not be reduced in size. The current number of members, already in a new streamlined form, properly reflects the population of our town and provides the necessary balance of power to ensure good governance. Given the opinions expressed by former and current members of the RTM on both sides of the aisle, I hope that you will heed their concerns as well as those from the general public to retain the current size.

Similarly, in order to maintain the balance of power among our town bodies, the current draft affords too much unilateral power to the First Selectperson. For example, that office should not be given the role of Mediation and Resolution for all town bodies, particularly those of boards, committees and commissions and especially given the possibility of the Executive branch itself being involved in said dispute. Similarly, the First Selectperson should not be afforded additional power of investigation rather than the entire Board of Selectmen. A concentration of



power in the hands of the First Selectperson is bad governance regardless of party and I hope that you will reconsider.

A town the size of Fairfield requires a level of professional accreditation among its employees. Both the Town Administrator and the head of our Department of Public Works are no exception. The Town Administrator should be a professional hire with clear duties in order to vet prospective hires appropriately. The head of Public Works should be a professional engineer.

I thank you for the enormous amount of work that you have invested in this process and recognize the seriousness and diligence with which you have exercised your roles. I hope that you will continue to integrate the public response and further revise the Charter.

Sincerely,

Michelle McCabe  
3845 Park Ave, #2

**From:** kgriff1@optonline.net <kgriff1@optonline.net>  
**Sent:** Thursday, July 28, 2022 9:23 AM  
**To:** CRC <CRC@fairfieldct.org>  
**Subject:** BOS Resolution to CRC - Item #10 - 4.2A

In short, please consider removing the potentially confusing words '*after their election*' from 4.2A:

*§4.2.A: Selectpersons shall hold their first meeting not later than the fourth (4th) Monday of November **after their election**.*

Explanation is below.

Thank you,  
Kathleen Griffin  
15 Stonybrook Road

### **Explanation**

The confusion has been with the term '*after their election*' – and whether it means the number of Mondays *after being elected* or the number of Mondays *into the month of November*. In 2019 elected officials took office a week too late. There can also be confusion with first meeting date when there are five Mondays in the month.

The confusing language was removed in 2.3D(1) by moving 'their election' earlier in the sentence:

Current Charter

*D. The terms of office of elected Town officials, except the Registrars of Voters, and the RTM shall commence **on the third Monday in November after their election and qualification** and shall continue until their successors have been elected and qualified.*

Proposed Charter

*§2.3.D(1): Terms of office of all Elected Town Officials **declared elected and qualified** hereunder shall commence: (1) Elected Town Officials, including the RTM: On the **third (3rd) Monday in November**.*

The language in 4.2(A) was not similarly revised:

Current Charter

*B. Meetings. The Selectmen shall hold their first meeting not later than the **fourth Monday of November after their election**.*

Proposed Charter

*§4.2.A: Selectpersons shall hold their first meeting not later than the **fourth (4th) Monday of November after their election**.*

I recommend eliminating 'after their election' as is the case with the current and proposed RTM language:

*§3.3. A. An organization meeting of the RTM members shall be held on the fourth Monday in November in each year.*

**From:** Patty Bilotto <pdbilotto@gmail.com>

**Sent:** Thursday, July 28, 2022 11:13 AM

**To:** CRC <CRC@fairfieldct.org>

**Subject:** Town Charter

I unable to attend the public meeting today, but strongly oppose the changes proposed, including:

- Reducing the RTM which already has the right to determine its own size. They represent and protect the residents' rights and concerns
- The First Selectperson the role of Mediation and Resolution as she or he may be involved in a dispute. That person should also not have redundant power of investigation. This is not a dictatorship.
- Town Administrator should be a professional hire with clear duties
- The head of DPW should be a registered professional engineer who knows and understands how things work, keeping safety foremost in mind.
- Having an outside Town Attorney makes more sense as they will have sound, objective advice.

Patty Bilotto  
74 Twin Brooks Lane  
Fairfield

-----Original Message-----

From: Christine Brown <christinebrown2234@gmail.com>

Sent: Thursday, July 28, 2022 11:18 AM

To: CRC <CRC@fairfieldct.org>

Subject: Please Reconsider Reduction in RTM Size

Dear Members of the Charter Review Commission,

I am writing to encourage the CRC to delete the proposed change in the Charter reducing the size of the RTM to 30.

I am a new member of the RTM, elected in Nov., 2021. I am not writing because I've been coerced or for political reasons. I have not been fed these words; they are my own.

I'm writing because serving on the RTM these last eight months has allowed me to see the issue from a different perspective and given me a greater appreciation for the benefits of a larger body.

I have witnessed how having a larger number of representatives brings a wider set of skills. In the Democratic caucus alone, we have lawyers, a teacher, a psychologist, an HR professional, an engineer, a grant writer and technology professionals, just to name some of the competencies represented. This diversity of perspectives and experiences is valuable in decision making. Reducing this number would reduce the breadth of our skills.

The only justifications I've heard for the proposed reduction are that it would be more efficient, and that it would serve as an interim step toward a new form of government replacing the RTM with a Town Council. I am, respectfully, not persuaded by either of these arguments.

I've been a member of other boards, and I understand at a gut level that more voices slow down the decision making process. However, efficiency is not, nor should it be, the goal of a legislative body. Efficiency should be the goal of town administration and management. The RTM, as the legislative body of the town, should be a deliberative group.

Second, the Mayor/Manager and Council form of government was debated and, I believe, rejected. It is presumptuous to assume we will move in that direction in a few years, so why take an "interim step" toward it now?

I believe there are additional benefits to maintaining the size of the RTM.

Our town is geographically large and diverse. Issues in the beach area can be dramatically different from those in the north Stratfield section, and I see local representation as a huge plus.

As volunteers, most of us do this job in conjunction with other work. At times when some are overwhelmed at work or caring for family members, having other members who can step in is critical.

Comments have been made implying that not all members speak up enough or pull their weight. I disagree that speaking up at meetings is the correct measure of pulling one's weight, but it's a reality that some members can do more than others. However, reducing the overall number won't guarantee

that the 30 remaining are the 30 who will do all the work. We will simply have the same dynamic with fewer people.

And last, more RTM members means there is a greater likelihood that constituents will know one of their Reps personally, and this is good for our citizenry.

As you enter the final days of your deliberations, I hope the CRC will consider this rationale and agree to delete the proposed change in the charter reducing the size of the RTM to 30.

Thank you,

Christine Brown  
82 Rowland Road  
RTM Rep, District 9

**From:** Lefkowitz, Nancy <NLefkowitz@fairfieldct.org>  
**Sent:** Thursday, July 28, 2022 11:38 AM  
**To:** CRC <CRC@fairfieldct.org>  
**Subject:** Minority representation

Good morning

Following up with regards to the language around minority representation:

I appreciate and applaud the intent of this paragraph: namely to codify a more inclusive approach to the appointment of historically marginalized groups. However, as written, the paragraph allows pregnancy and veteran status to potentially be misconstrued as inclusion criteria tantamount to other more pervasive and detrimental biases, such as skin color, ethnicity, religion and sexual preference/orientation.

While pregnant women and veterans should not be excluded from consideration, including them in this context potentially misconstrues and jeopardizes the need to ensure diverse participation among historically marginalized groups, such as members of the BIPOC and LGBTQ communities and gives further “cover” to exclude them.

Thank you for your continued work.

C 646 825 1167  
W 212 941 4072

[NLefkowitz@tribecafilm.com](mailto:NLefkowitz@tribecafilm.com)  
[Nancylefkowitz@gmail.com](mailto:Nancylefkowitz@gmail.com)  
[NLefkowitz@fairfieldct.org](mailto:NLefkowitz@fairfieldct.org)

**From:** kgriffi1@optonline.net <kgriffi1@optonline.net>  
**Sent:** Thursday, July 28, 2022 12:30 PM  
**To:** CRC <CRC@fairfieldct.org>  
**Subject:** BOS Resolution to CRC - Item #12 - 2.6D - Filling Vacancies on BOS

Dear CRC Members –

Please consider the following for filling vacancies on the BOS:

- Follow State Statute for filling the vacancy between municipal elections (thereby allowing a petition for a special election if called for)
- Put the seat on the ballot at the next municipal election (regardless of whether there's a special election or not)

Explanation below. But I think that's the simplest, cleanest and fairest way to address the issue. Having language unique to Fairfield just seems to complicate things.

Thank you,  
Kathleen Griffin  
15 Stonybrook Road

**Explanation**

I looked at the '86 and '97 charters. There was no language in the '86 charter about filling BOS vacancies that I could find. Language was added in '97 and is repeated in '06. Without knowing how the State Statute read in '97 (or '06), it's difficult to say whether in either or both of those years, the charter language mirrored the statute or was unique to Fairfield. I tend to think the former and that the statute was modified to add a special election provision and Fairfield never updated. But that's only a guess.

Regardless of the history, the Commission needs to think about how this could play out *without any clause for a special election* even if the seat goes back on the ballot i.e., voters will have to live whatever two persons decide, from the time of that decision until the next municipal election.

Here is one scenario to think about:

FS (or selectman) is in the minority. FS resigns/passes away/leaves office within 2 weeks of being elected. Two selectmen in the majority appoint *any person registered with the FS' party* to be FS within 30 days. Residents live with that choice for almost two years. BOS has three members virtually all chosen by the same party.

This scenario was exacerbated by the change from a two to four year term. But I don't believe it was a good thing to not allow for a special election, even for a two-year term, for such an important board, especially since the Statute allows for one.

I think changing it only to 'back on the ballot' might be short-sighted because BOS is:

- A 3 member board (much smaller than BOF, TPZ, ZBA, etc)
- Is the Executive Authority of the Town

- Has a lot of powers, duties and responsibilities
- Just two persons pick the third member

So I believe the charter should:

- Follow the statute for filling the seat in the short term (no unique language to Fairfield) so there is the provision for a special election should the people call for one
- Then 'back on the ballot' at the next municipal election since it's now a four year term (regardless of whether there was a special election or not)

In my opinion, the cost of a potential special election should not be a consideration when it comes to such an important board. The voters should be afforded the opportunity to petition for a special election as the statute allows. *If a thoughtful and apolitical appointment is made, there probably won't be a call for a special election.*

And if there is concern about low turnout at special elections, then having the seat back on the ballot at the next municipal election is a way to ensure a larger population has a voice at that time.

This should not be difficult to draft.

**From:** Debra Mahony <debra.mahony@gmail.com>

**Sent:** Thursday, July 28, 2022 1:41 PM

**To:** CRC <CRC@fairfieldct.org>

**Subject:** Unnecessary Charter Revisions

Dear CRC,

Our RTM is perfectly effective and efficient at the number it is now at.

Giving any Ffld. Selectperson power to unilaterally mediate and resolve conflicts, and increasing executive branch control over public schools system operations is nothing short of terrifying.

No one Politician/person should have that much power over others.

Wondering... what reaction these proposed changes would have brought about, if they were attempted during our previous Selectman's time in office.

Thanks very much for your time,  
Debra Mahony

*\*please check out...*

[www.biologicaldiversity.org](http://www.biologicaldiversity.org)

CenterForBiologicalDiversity

~ and ~

[RainforestActionNetwork.org](http://RainforestActionNetwork.org)

<http://www.ran.org/>

## *BECAUSE LIFE IS GOOD!*

**From:** Kathryn Braun <klbesq@aol.com>  
**Sent:** Thursday, July 28, 2022 3:55 PM  
**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>  
**Subject:** Braun letter to CRC 7-28-22

July 28, 2022  
Re: Charter Revision- final CRC public hearing comments  
To the Charter Revision Commission  
Cc: Board of Selectmen

I reiterate and expand on a few points from my prior emails and letters:

1. Timeframe/RTM size issue- The timeframe need not be further compressed. Despite the compression so far of over 8 months from the legally allowed timeframe, the BOS can still keep its options open to pick which election the questions should go to voters on- November 7, 2023 or November 8, 2022.

All it has to do is not vote on the final changes until after August 7, 2022 (15 months before the 2023 election) but before September 8, 2022 (60 days before the 2022 election). The BOS can decide in late August which election to choose.

Or as an option, the CRC and/or the BOS can simply drop the RTM size as a proposed charter change- the RTM size is the change most linked to the 7-months shortened timeframe the CRC was told it had.

The law allows a period of almost 3 years, encompassing 2 elections, for good reason, but the BOS was not informed of that when it set up the CRC at the BOS August 30, 2021 meeting. That possibly lead to failing to put the CRC timeframe into a resolution as required by law.

I do not believe the BOS' 'ratifying resolution' inserted into the 24 questions resolution on July 12, 2022 fixes that problem. Without the BOS being fully informed of the applicable timeframes, the options available or having any discussion or vote, I don't believe the 'intent' of the BOS can be implied 10 months later to fix the original flawed CRC charging resolution.

This is not a trivial matter. CRC members told the BOS they ran out of time to fully explore or have enough public outreach to recommend changing government structure from the BOS-BOF-RTM form to a Mayor-Manager-Council model.

That lack of time led to the CRC's rejection of the change in form of government and to a non-unanimous 'compromise' to cut the RTM size as an "incremental" approach to the rejected model.

Why not keep our options open and allow the vacationing public to return and engage, and give yourselves more time to ensure the document is internally consistent? Or better yet- omit the controversial RTM size reduction as a proposed change completely. The issue of government structure obviously needed more time than was allotted here.

**2. RTM size-** the RTM is a separate branch of government. It is not analogous to boards and commissions which have 5-9 members. The RTM is a geographic district based body, with its members representing neighborhoods. There are 5 standing committees along with other committees along with drafting and passing ordinances, the budget, capital spending and other matters.

Attendance at RTM meetings alone is not a measure of effectiveness. We have been in a pandemic for much of the past 2 years. Saying it 'won't hurt' to shrink the RTM is not justification. It's too late now to come up with added justification.

Stating that only a small percent of the nation uses RTMs any more is irrelevant-the CRC rejected that change and so our Town Charter will retain our RTM. Once that decision was made, the comparisons to city-mayor-manager-town council models don't apply.

It appears that the number '30' was arrived at by a compromise when the CRC ran out of time to fully justify the mayor-manager-council model. But it is apples and oranges- we don't just pick a smaller RTM to make it look like a Town Council but not actually be a Town Council, which has different powers and is part of a different model.

Once the Town Council model was rejected and we keep the RTM then the larger RTM size is appropriate and necessary- our RTM is the smallest in the State per capita. Shrinking it further, especially without providing any budget or legal support, is likely to cause it to become less effective and more partisan.

The RTM should be allowed to continue to manage its own size up to its current cap of 56. It has done so very rarely in the past without any harm to our town.

**3. Mediation & resolution clause- Carve out the RTM and all independent boards and commissions.**

The proposed new charter provision in section 4.3 states that the First Selectperson "shall be responsible for the mediation and resolution of differences between Boards, Commissions, Departments and other public bodies within the Town government relating to an interpretation and/or coordination of Town policies and procedures."



I understand that the word “resolution” will likely be removed from this added section. But the remaining word “mediation” is not acceptable either as it injects political influence and pressure into boards and commissions that are independent of the First Selectperson.

To the extent any portion of this is recommended, it should be the BOS, not just the First Selectperson, that would convene mediation sessions, but really the proper venue is the Court system.

The RTM itself must be carved out of this section- it is a separate branch of government completely. Similarly, commissions that carry out state law, whether elected or appointed- such as TPZ, ZBA, Conservation, and Board of Assessment Appeals- are completely independent bodies not subject to any public official’s power to convene mediation sessions.

The only ‘bodies’ that arguably might be subject to the First Selectperson’s power to convene mediation sessions might be task forces appointed solely by the First Selectperson or town departments reporting solely to the First Selectperson. That for example would leave out those Town departments that have dual reporting authority such as Zoning and Conservation which report also to their respective commissions.

#### **4. Department of Public Works director must retain its current charter required professional credentials of having a state professional engineering license.**

With the challenges we face at this point in history, we require professional expertise as well as management ability in the one person who is accountable for our infrastructure planning, climate change planning and public works projects. We will continue to have increasing development pressure to add density to our aging infrastructure.

The director must have the knowledge his or herself, not reliant on underlings to supply it, to be able to integrate multiple resources in both the planning and implementing of massive public works projects.

There has been no documented support for why the possession or expertise is a deficiency for our Town, or how the lack of that state license will improve the functioning of the DPW.

The claim that its hard to find someone qualified under our present charter is not justification we have not recruited a director in the past 3 years since the prior director left due t the fill pile scandal.

The fact that we have an engineering department does not answer the question either- what harm is there in requiring expertise in the director, who is the ultimate person accountable for our town's infrastructure?

It has been almost 3 years with our largest town department being headed by various interim management not qualified under the existing Charter. Instead of reducing our standards we should retain a recruiting company as we do for other directors, and find a candidate qualified under our current charter.

## **5. Questions for the voters-**

a. only fully supported changes should go to the voters- the law requires a Charter Revision Commission be established and a very detailed and specific process with very long timeframes to enable proposed changes to be fully vetted out and not rushed, and to take input from all stakeholders, and so that voters can rely on the process when they go to vote.

Any changes that were not supported by a demonstrated need for change, with objective evidence that the proposed change will improve the deficiency, should NOT be put to the voters. The voters are supposed to rely on your collective decisions based on the evidence.

b. separate ballot questions for any controversial provisions, so that the voters can consider them separately from the more routine clarifying changes. If any of the following changes do get put to the voters, they should have their own separate ballot questions - RTM size, giving the First Selectperson power to mediate differences between town bodies, reducing qualifications for DPW director.

I do thank you for the time and attention you have collectively put into this process and believe if the above changes are made the revision will receive more positive support.

Sincerely,

Kathryn L. Braun  
Fairfield Resident

On Jul 28, 2022, at 4:48 PM, James Baldwin <[jbaldwin@cbklaw.net](mailto:jbaldwin@cbklaw.net)> wrote:

Ms. Braun:

I am compelled to address your mischaracterization of the timeline presented to the BOS before they voted to approve the creation of the CRC. Specifically, you should review the August 30th meeting and Attorney Mednick's PowerPoint presentation where it was explained in-depth. A copy of the PP and link to the meeting are provided here for your convenience.

<https://www.youtube.com/watch?v=ZiwQQUfTxpM>

Of course, you are entitled to your opinion on everything else. But the statement that the BOS was not fully informed of the applicable timeline is, very simply, factually incorrect.

Respectfully,

James T. Baldwin  
Town Attorney  
Coles, Baldwin, Kaiser & Creager LLC  
<<https://linkprotect.cudasvc.com/url?a=http%3a%2f%2fwww.cbklaw.net%2f&c=E,1,tkw2sfLS22q-V3JFt6b2zqfzKq8MZ0GkeuYA8roi6FiqWPT7QCopALcQ8OHdXGZ9mzjkLKezL07cp5WFmXCVmeN6cFvug1uRoZyBBtM3p7RZVDI,&typo=1>>

Attorneys and Counselors at Law

1 Eliot Place, 3rd Floor  
Fairfield, Connecticut 06824  
Tel: 203.319.0800 (Ext 302)  
Fax: 203.319.1210

**From:** kathleen.d.griffin@gmail.com <kathleen.d.griffin@gmail.com>  
**Sent:** Thursday, July 28, 2022 4:51 PM  
**To:** CRC <CRC@fairfieldct.org>  
**Subject:** BOS Resolution to CRC - Item #16 - 4.3F Town Administrator

Dear CRC Members -

Given all the public comment around the issue, I have to say I'm disappointed that this Commission wasn't given the opportunity to revisit its discussion on the appointment process for the Town Administrator. In many cities and towns, including Hartford and New Haven, this important position is made or confirmed by a body, not a single person. However, the Board of Selectmen voted to limit your conversation on this topic, so I will speak to the issues you are charged with revisiting:

- **(a) Delineation of Duties** –Attached is a list of job responsibilities of top administrators from several municipalities in CT as well as a couple from BOS/RTM Towns in Massachusetts (Brookline and Wellesley). Attorney Mednick also provided some descriptions in his Background Documents #7 and #10 (referenced in the attached). I ask that you consider these documents when drafting the Town Administrator's duties. You were not asked to draft any duties for the Chief of Staff, so I think it's particularly important that you draft them with intention for the Town Administrator.
- **(b) Change of title to Chief Administrative Officer** – I emailed you my opinion on the title issue back in early April. But since this is back before you, I will repeat what I said previously. I believe Town Administrator is a more appropriate and better suited title for our community. It sounds professional yet approachable, and clearly reflects the primary responsibility of the job – to administer the business of the Town. It is the title used in Towns with Boards of Selectpersons and RTMs or Town Meetings, like Darien, Greenwich, Wilton, and Weston. Chief Administrative Officer is more often used in municipalities with mayors and councils, like Bridgeport, Hartford and Stratford. It sounds corporate, less defined and more appropriate for a city. It may just come down to marketing, but now that the position will be codified in our Charter, I think you should select a title that is appropriate and well-suited for Fairfield and I believe that title is Town Administrator.
- **(c) Codify reporting obligation to the Board of Selectpersons** - I ask that you consider adding language requiring the Town Administrator be present at all Board of Selectpersons meetings and be on the agenda of each meeting to provide a Town Administrator's report. This would ensure that both the Board members and the public have a good sense of the work this professional is doing and would improve the transparency and accountability of the administration. It would also provide Board

members with the opportunity to ask the Town Administrator questions, seek advice, and engage in the sharing of thoughts and ideas on a regular and consistent basis.

In summary, I am disappointed that the Board of Selectpersons will not have the opportunity to vote on who is hired for this position. But I am hopeful, that if you codify both a definition of the Town Administrator's duties and regular, public reporting to the Board of Selectpersons, that this Commission will have taken an important step toward ensuring there is professional, accountable, and apolitical management in our Town administration.

Sincerely,  
Kathleen Griffin  
15 Stonybrook Road

## **TOWN ADMINISTRATOR**

### **DUTIES from OTHER TOWNS**

#### **Language Suggested for Fairfield**

In background Document #7 prepared by Attorney Mednick (pgs 164-165):

[https://www.fairfieldct.org/filestorage/10736/12067/111593/111604/Backup\\_Documents\\_Pertaining\\_to\\_CRC\\_June\\_20\\_2022\\_Letter\\_to\\_Town\\_Clerk\\_and\\_BOS.pdf](https://www.fairfieldct.org/filestorage/10736/12067/111593/111604/Backup_Documents_Pertaining_to_CRC_June_20_2022_Letter_to_Town_Clerk_and_BOS.pdf)

#### **Stamford, Stratford, Darien, New Haven, Hartford, Bridgeport**

In Background Document #10 prepared by Attorney Mednick (pgs 200-206):

[https://www.fairfieldct.org/filestorage/10736/12067/111593/111604/Backup\\_Documents\\_Pertaining\\_to\\_CRC\\_June\\_20\\_2022\\_Letter\\_to\\_Town\\_Clerk\\_and\\_BOS.pdf](https://www.fairfieldct.org/filestorage/10736/12067/111593/111604/Backup_Documents_Pertaining_to_CRC_June_20_2022_Letter_to_Town_Clerk_and_BOS.pdf)

#### **Weston (from Code)**

<https://ecode360.com/29899041>

##### **Section 5.3 The Town Administrator**

There shall be a Town Administrator who shall report directly to the First Selectman. The Town Administrator shall be hired by, and shall be subject to dismissal by, the First Selectman, in both cases with the prior approval of the Board of Selectmen.

The duties of the Town Administrator shall be to:

- (a) aid in recruiting and screening of personnel and to make recommendations relating thereto to the First Selectman;
- (b) manage Town employees;
- (c) assist in preparing the Annual Town Budget by gathering the necessary data and by compiling estimated budgets by the dates set forth in the Charter;
- (d) aid the First Selectman in analyzing and reviewing programs, activities, and budgets and their short-term and long-term financial and cash flow implications;
- (e) satisfy reasonable requests by Officers, Boards and Commissions to provide information; and
- (f) carry out such other duties as the First Selectman shall assign to the Town Administrator.

#### **Greenwich – (from Greenwich Website)**

<https://www.greenwichct.gov/533/Town-Administrator>

##### **Town Administrator**

Under the direction of the First Selectman, the Town Administrator is responsible for all administrative functions relative to the daily operation of the Departments under the supervision of the First Selectman. The Town Administrator also represents the First Selectman in the daily operation and administration of all town departments and offices.

##### **Responsibilities**

- Assist First Selectman with development, submission, and administration of the Town Budget
- Review each department's Annual Budget, Operations Plan and Capital Improvement Program
- Represent the First Selectman in Collective Bargaining Negotiations, Confidential Personnel Issues and Financial Management

- Assists the First Selectman in identifying and prioritizing Town needs and participates in the development and implementation of long-range plans, goals, objectives and policies
- Provides liaison between First Selectman and various departments, boards, committees, task forces and community organizations

### **Wilton, CT – Job Description Posted**

SUMMARY: The Town Administrator is appointed by the Board of Selectmen and serves as a professional manager. Under the direction of the First Selectperson, the Town Administrator is responsible for administrative functions relative to the daily operation of departments under the supervision of the First Selectperson, including Finance, Human Resources, Information Services, Land Use, Assessment, Tax, Town Clerk, Human Services, Public Works and Parks and Recreation. Administrative areas of responsibility include budget development, performance measurement and evaluation, grant administration, program review, insurance administration, risk management, and purchasing. The Town Administrator assists the First Selectperson and the Board of Selectmen as an advisor and informational resource. The Town Administrator carries out Board of Selectmen policies and special projects assigned by the First Selectperson.

#### **ESSENTIAL FUNCTIONS:**

- Work with the First Selectperson, the Board of Selectmen and town department heads to ensure town services are delivered at the level residents expect at the lowest possible cost;
- Work with the First Selectperson, the Board of Selectmen, town department heads and appointed boards and commissions to achieve the goals of the Plan of Conservation and Development;
- Work with the First Selectperson to develop and recommend annual operating and operating capital budgets to the Board of Selectmen;
- Attend and participate in all Board of Selectmen meetings;
- Prepare and make presentations to the Board of Selectmen and other boards, as required;
- Monitor progress against approved budgets and identify opportunities for expense savings or revenue enhancement;
- Daily supervision of the administrative departments under the authority of the first selectperson;
- Hire, manage, train and coach staff;
- Serve as acting department head during a department head vacancy;
- Recommend negotiated collective bargaining agreements;
- Recommend and oversee capital project improvements;
- Modernize town government through technology;
- Identify opportunities for shared services and/or cost savings with the Wilton Public Schools and other municipalities;
- Perform special projects as requested by the First Selectperson;
- Monitor legislative proposals for impact on municipalities;
- Make recommendations for legislative, ordinance or town fee changes; and
- Participate in municipal associations, such as the CT Council of Small Towns and the CT Conference of Municipalities.

### **Brookline MA (RTM; 5-member BOS; 61,000 population)**

From their Town Administrator Act:



<https://brooklinema.gov/DocumentCenter/View/418/Town-Administrator-Act-As-Amended?bidId=>

SECTION 2. The Administrator shall be the Chief Administrative Officer of the Town. Without limiting the foregoing, the Administrator shall perform and discharge the following functions and duties:

- (a) daily administration of the Town;
- (b) recruitment and recommendations for appointment by the board of selectmen of all department heads, except the librarian, the superintendent of schools, the treasurer- collector, the town clerk, and any other department head who is elected or who is appointed by another elected board or commission; provided, however, that in the case of the director of recreation, any recommendation shall be approved by the park and recreation commission and in the case of the director of the council on aging, any recommendation shall be approved by the council on aging, and in making such recommendations, the administrator may in the administrator's discretion recommend for appointment as department head single candidates whom the board of selectmen shall either appoint or reject until 1 is appointed;
- (b½) approval of the appointment of all other town employees, except employees of the library, employees of the town clerk's office, employees of the school department and civil service employees who are subject to chapter 31 of the General Laws.
- (c) supervision, written evaluation and training of all department heads except Personnel in the School Department;
- (d) coordination of intra- and intergovernmental affairs;
- (e) acting as the administrative spokesperson for the Town;
- (f) formulation of the annual financial plan, including detailed projections of all revenues and expenditures;
- (g) recommendations with respect to departmental and non-departmental expenditures, the Capital Improvement Plan submitted by the Planning Board, the financial impact of warrant articles, and guidelines for collective bargaining;
- (h) approval of payment and expense warrants upon the treasury of the Town, under section fifty-six of chapter forty-one of the General Laws;
- (i) recommendations for the removal for just cause, by the Board of Selectmen, of any department head appointed by the Selectmen;
- (j) recommendations concerning collective bargaining proposals for the Town, exclusive of the School Department;
- (k) submission to the Board of Selectmen and to town meeting of plans to reorganize, consolidate or abolish departments, commissions, boards or offices under his direction and supervision, or to establish new departments, commissions, boards and offices, or both, subject to enactment of home rule legislation if otherwise legally required; and
- (l) performance of such other duties and responsibilities as are delegated to the administrator by the Board of Selectmen.

**Wellesley, MA** (RTM; BOS; 30,000 population; 3 colleges; suburb of Boston)

Has an Executive Director but functions like a Town Administrator

<https://wellesleyma.gov/DocumentCenter/View/434/Article-19---Select-Board-PDF>

PART III.

PROFESSIONAL STAFF (Amended ATM 2005.)

19.31. Executive Director of General Government Services. (Revised STM 2005.) The Town shall have an Executive Director of General Government Services ("Executive Director") who shall be appointed by the Select Board and who shall act for and with the authority of the Select Board. The Select Board may

elect to enter into a contract with the Executive Director pursuant to G.L. c. 41, §108N. The Executive Director shall be the Chief Operating Officer of the Town, whose principal duties shall include but not be limited to:

- a. Implementing the Town's policies and procedures as promulgated by the Select Board as the Town's Chief Executive Board. Wellesley Town Bylaws (as amended through ATM 2021)
- b. Overseeing and being responsible to the Select Board in their responsibilities for the Town's finances, including without limitation the annual Town-Wide Financial Plan and Five Year Capital Budget program required under these bylaws, and the investment of Town funds.
- c. Overseeing the development and enforcement of internal controls, using best municipal finance and general accounting practices as appropriate.
- d. Overseeing and being responsible for maintenance and quality control of all buildings and other structural assets under the Select Board's jurisdiction and, upon request, of such assets under the jurisdiction of other boards and committees.
- e. Overseeing and being responsible for all other operating facets under the jurisdiction of the Select Board, and as established by these bylaws, applicable special acts, and other duties as the Select Board may from time to time specify.
- f. Coordinating the activities of Town departments and arranging meetings between Town department heads in order to deal with common problems and allow an interchange of ideas and information and to lead the Town's strategic planning.
- g. Overseeing the Town's network and information systems.

The Executive Director shall be the Town's Chief Procurement Officer, who may delegate the powers and duties of such position as provided by law.

19.32. Executive Director, Term. The term of office shall be three years commencing on July 1. 19.33. Staff. The Executive Director shall appoint the Finance Director, the Facilities Management Director (2012) and the IT Director, such appointments to be subject to the approval of the Select Board (hereinafter referred to as "principal staff") and such other staff as the Executive Director shall deem appropriate and for which funding has been provided. The Executive Director shall exercise general supervision over all Town departments for which the Select Board is the appointing or employing authority. (Amended ATM 2018.)

19.34. Principal Staff, Term. The appointments of all principal staff shall be for a period not to exceed three years.

**From:** Aimee Guerrero <guerrero.obrien@gmail.com>

**Sent:** Thursday, July 28, 2022 4:56 PM

**To:** CRC <CRC@fairfieldct.org>

**Cc:** Stephen O'Brien <staunen42@gmail.com>

**Subject:** From a Fairfielder with a family of 5

Dear Town Charter Revision Committee,

As a mom of 3 children who call Fairfield their home, I strongly urge you to take the time to reconsider the revisions you have proposed to the town charter with a longer range view. I would



love for my children and their peers to go out to see the world and return here to raise their families. To that end, I echo much of what folks have already said in various op-eds, particularly the one written by [Laurene O'Brien](#) (no relation), regarding problems with a list of proposed changes to the town charter.

In the last couple of years, many folks have moved to our beautiful town. I am all for progress and changes to our town's infrastructure to adapt to 21st century needs. Therefore, it is vitally important to have professional engineers working for our town. The requirement for the head of DPW to be a professional engineer registered in the State must stand.

Two of my three children are eligible to vote. It has been great for them to meet the 4 RTM members who represent our district. We all agree that reducing the number of RTM members from 40 to 30 has no benefit to our town, especially because our population is growing. RTM members are volunteers, work full time, and/or have families. The current number of 4 individuals representing each district allows for better load-sharing of the tasks required for governing our town, especially during budget season. If an individual needs to give extra attention to a work or family situation for a given period of time, there are 3 others who can carry the extra load for that time. As others have said, shrinking the number of RTM reps opens our town government to corruption and backroom deals.

Lastly, the First Selectperson's position does not need to be expanded, especially with regard to having a say in school board policy. Leave this to our professional educators and administrators. I am opposed to any proposal that gives the First Selectperson singular powers of investigation into individuals & departments that have previously been reserved for the entire Board of Selectmen (BOS). Furthermore, the First Selectperson should not be given the power to mediate and resolve disputes among all Town boards, committees, and commissions, so as to avoid conflicts of interest. Those departments that report directly to the First Selectperson would be an exception.

In closing, those Charter Revision Committee members who have expressed that they do not have time to review all of the pertinent documents before making an informed decision need to step down from the committee.

Thank you for your time and attention.

Aimee Guerrero

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All my best,

*Aimee Guerrero*

*Be the change you wish to see in the world. ~ Mahatma Gandhi*

-----Original Message-----

From: Lefkowitz, Nancy <[NLefkowitz@fairfieldct.org](mailto:NLefkowitz@fairfieldct.org)>

To: Baldwin, James <[jbaldwin@cbklaw.net](mailto:jbaldwin@cbklaw.net)>

Cc: Kathryn Braun <[klbesq@aol.com](mailto:klbesq@aol.com)>; CRC <[CRC@fairfieldct.org](mailto:CRC@fairfieldct.org)>; Board of Selectmen <[BOS@fairfieldct.org](mailto:BOS@fairfieldct.org)>

Sent: Thu, Jul 28, 2022 4:59 pm

Subject: Re: Braun letter to CRC 7-28-22

For clarity, I would offer this point of view: the BOS was perhaps "informed" but we were not educated on the statute nor told of the options available to us by law of an alternate timeline

The timeline came to the BOS as a "fait d'accompli" and the BOS did not actually vote on the schedule/timeline as we should have done by resolution

That said, I understand the majority position on timing and schedule may likely have played out as it has, but if this were wholly transparent, the BOS should have been able to have a more informed discussion about what was actually allowed by law; we should have had a conversation about it in a public forum; and ultimately voted on it at a public forum

C 646 825 1167  
W 212 941 4072

[Nlefkowitz@tribecafilm.com](mailto:Nlefkowitz@tribecafilm.com)  
[Nancylefkowitz@gmail.com](mailto:Nancylefkowitz@gmail.com)  
[Nlefkowitz@fairfieldct.org](mailto:Nlefkowitz@fairfieldct.org)

-----Original Message-----

From: Jane Gitlin Nishball <jgtiptop@gmail.com>

Sent: Thursday, July 28, 2022 6:05 PM

To: CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>

Subject: Charter Revision

Respectfully,

Dumbing down the requirements for the Director of Public Works smells like an anti-intellectual attitude. Professional credentials are ESSENTIAL and that we haven't had a licensed professional in that role is a failure of leadership. A state professional engineering license should be the first credential of any applicant for that very important town position.

Regarding the RTM, this body already has the smallest percentage of representation compared to other similarly sized towns in Fairfield County. There is no legitimate reason to further diminish the representation, and this Commission has yet to explain what problem they need to solve by suggesting the RTM get even smaller, particularly since the population of Fairfield will increase.

These and other significant proposed changes to our Charter should be separate questions on the ballot. Our community deserves more than just a rushed and unconsidered charter revision.

There is no rush. The proposed changes are significant and there is no reason why they should be on the ballot in 2022. The discussion needs to continue.

Jane Gitlin Nishball  
iJane  
via iPhone

**From:** Kathryn Braun <klbesq@aol.com>  
**Sent:** Friday, July 29, 2022 5:51 AM  
**To:** CRC <CRC@fairfieldct.org>  
**Subject:** 7-28 CRC RTM size presentation not on website

To: Charter Revision Commission

Some Town residents are seeking information on next steps and the procedural status of the CRC.

Members of the CRC had a pre-prepared presentation on the issue of RTM size with handouts, which was presented to the CRC at the end of last night's public comment hearing, after the public comment portion was closed.

The presentation is not posted on the CRC website.

I don't believe the BOS was present last night so will this material be officially transmitted to the BOS?

When will the new material be made posted on the CRC page?

Will the CRC continue to receive emails from the public once this new material is publicly available?

Has the CRC decided on its final hearing dates? It has until August 13 but the only hearing posted is Monday August 1.

Thanks very much!

Sincerely,

Kathryn Braun

[Sent from the all new AOL app for Android](#)

**From:** budmorten@aol.com <budmorten@aol.com>  
**Sent:** Saturday, July 30, 2022 3:04 PM  
**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>; RTM <RTM@fairfieldct.org>; BOF <BOF@fairfieldct.org>; boemembers@fairfieldschools.org; TPZ Commission <TPZCOMMISSION@fairfieldct.org>  
**Cc:** Patch3 <alfred.branch@patch.com>  
**Subject:** An Open Letter in Response to Comments by Commissioners Iacono and Wynne on July 28th

Please see attached.

To: Charter Revision Commission

July 30, 2022

Fr: Bud Morten

Re: An Open Letter in Response to Comments by Commissioners Iacono and Wynne on July 28th

## FAIRFIELD, ARE YOU WILLING TO SIGN THE SURGICAL CONSENT FORM?

Imagine that you are a healthy, independent, middle-aged, 383-year-old who, other than occasional aches and pains, is feeling good, working and playing hard and prospering. Having procrastinated longer than you should have, you decide to report to the local clinic for your overdue decennial physical exam.

After spending nine months on your case, the clinic's diagnostic team tells you that one of your organs — your RTM to be exact — is enlarged and a surgical resection is necessary to reduce its size.

Understandably concerned, you ask them how this is possible since you are in such obvious good health that **they did not even bother to run any diagnostic tests on you to see if you had any wellness problems.**

Their response is that individual diagnostic tests can be confusing because there are so many potential influences on health and well-being, so instead they **"rely on the research, analysis and insights of academic research which provides indicators with which to make these decisions,"** and based on these **"recognized research studies"** it is clear that almost everyone else has a smaller RTM, bigger is not better, smaller is now *"the norm,"* and it is not good *"to stay the same forever."* They also note that you should be relieved they are only going to lop off 25% of your RTM because they really wanted to do a complete "RTM-ectomy."

When you remind them that your RTM was recently cut by 20%, they say that was not enough, but the fact that you did just fine afterwards proves there is no reason to worry about any side effects or unintended consequences from another 25% cut.

When you point out that like others you are unique in important ways and thus perhaps one RTM size does not fit all, they condescendingly respond that *"change is difficult"* and *"all change comes with uncertainty, adjustment to new conditions"* and *"temporary discomfort,"* but you should not be afraid because what's left of your RTM will work even better with its *"cream rising to the top,"* so you should simply trust the experts as much as they do, which is completely.

So, Fairfield, are you willing to trust these experts and sign the surgical consent form for this operation?



**From:** Jan Carpenter <janc@144h.com>

**Sent:** Saturday, July 30, 2022 3:19 PM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>; Baldwin, James <jbaldwin@cbklaw.net>; Sarah Matthews <sarah.h.matthews@gmail.com>; ssheinberg@gfginc.com

**Subject:** Letter Re CRC

Please find my letter (below and attached in pdf file). Thank you.

Jan Carpenter

\*\*\*\*\*

7/30/2022

The founding fathers of our Country's great democracy had many disparate viewpoints when drafting the Constitution. To bring together those varied views, they used compromise as a key ingredient. There were many elements of compromise in finalizing our U.S. Constitution. The four main ones most often cited were:

- The Great Compromise (also known as The Connecticut Compromise – couldn't have scripted that one better myself!)
- The Electoral college;
- Article V;
- Three-Fifths Compromise

Sadly, over time, the use of compromise has largely disappeared from the U.S. landscape. It is few and far between when we see any attempt at compromise on a federal level – namely at the Presidential level and particularly when “debating” national bills in Congress (real debate rarely even happens on the floor of Congress anymore). This is particularly sad and limits the beneficial impact of good ideas.

Likewise, we have little compromise at the State level. People vote along party lines. Bills are introduced before everyone has even read them. It's just not good government.

And now, we are seeing more and more of it at the local Fairfield level as well. While, for the most part, the initial phase of the CRC work was responsible,

respectful and full of compromise, the latter part of the process has been incredibly frustrating.

Not only has there been very little compromise during the discussions between the BOS and the CRC, it is striking that compromises *actually* made during the arduous time the CRC worked - have been minimized and seen almost as a bad reason for having reached the conclusions in the first place

In our town right now, on the Charter revision, there has been many discussions and agreements on how to improve the Town of Fairfield's equivalent of the Constitution. Significant work and great steps have been taken to improve it, clarify portions, address communication breakdowns and bridge true differences of opinion. Seemingly, one significant item remains with regard to RTM size, with genuinely different positions and viewpoints on what is the best decision for the Town overall. Remember that no one *really* knows how the voting public feels about this issue.

Now is the time for great leadership to find a way to compromise and bridge this remaining gap. There are many forms that such a compromise can take. Just some examples could include:

- An "exit ramp" whereby if the RTM is not working effectively at a 30-member body, the RTM (with a 2/3 vote) is given the right to revert back to the 40-member body at a point in the future (e.g., after 2 RTM terms) without a reopening of the Charter. (note that this idea has been reviewed by legal counsel and appears legal).
- A clause written into the Charter that allows the size of the RTM to be lowered to 30, but also allows the RTM to self-regulate its size at some future date. (I realize self-regulation is objectionable to some, but again – compromise is a give and take where everyone gets something).
- Change the number to 36. I realize this would require a change to number of districts (from 10 to 9), but would be a way to allow for something attractive to both sides.
- Lower the number to 30, but make it effective in the 2025 election. This may appeal to some who feel the change is being made too quickly.

The compromise could take many forms and variations. The potential list is limited only by our collective ingenuity. My novice ability to conceive options is not the

point. The point is that there is a path to find a genuine compromise for the best result, for all Fairfield residents.

So, my request to all recipients of this letter is simple. Be leaders for our town and our democracy, and find a way to bridge the difference, yet respect genuine viewpoints of both sides on this remaining item. Let's work and come up with the "Fairfield Connecticut Compromise". Something that's not only good for you, not only good for the DTC, not only good for the RTC, but something that's good for all residents.

I look forward to the leaders in this group to get us to the best path forward for our democracy's ongoing success.

Thank you.

Jan Carpenter

Jan Carpenter  
[janc@144h.com](mailto:janc@144h.com)

**From:** Jan Carpenter <janc@144h.com>

**Sent:** Saturday, July 30, 2022 5:17 PM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>; Baldwin, James <jbaldwin@cbklaw.net>

**Subject:** An Open Response to the CRC and BOS

### **Fairfield are you willing to try early intervention to avoid surgery?**

Imagine that you are the parents of a young, 7-year-old boy who, is feeling good, but frequently throws temper tantrums, doesn't work well with the others and is finding that his behavior is affecting his grades at school.

Finally, at their wits end, his parents decide to have the child report to the local clinic.

For nine months, a team of Drs. evaluate the case. The Drs. pull in resources to diagnose the case including experts in the field of child care. These sorts of cases have been evaluated all over the country over time and there are plenty of resources and experience to help resolve the problem.

After the 9-month period, the ultimate recommendation is that one of his organs – his RTM to be exact – is enlarged and an anti-inflammatory is required to resize the organ. The experts recognize that everyone's RTM is unique and different sizes are to be expected, but the

research suggests that generally a smaller RTM results in much more positive growth potential. The experts suggest beginning with a very mild anti-inflammatory to see if this fixes the problem, recognizing that further evaluation will be necessary over time. After all, no one can specifically pin point the exact dosage that will fix the problem.

Understandably concerned, his parents ask the Dr., how this is possible since they have **tried to be attentive, loving parents and the boy says there is nothing wrong. In addition, they say that here in New England, they have never heard of this treatment.** The Dr.'s response is that home observations and practices can be confusing because there are so many potential influences on health and well-being, so instead we ***“rely on the research, analysis and insights of Drs. throughout the US, academic research which provides indicators with which to make these decisions, and medical studies”*** and based on these it is clear that smaller RTMs provide better likelihood for future success and normal growth patterns including a much better ability to get along with others and do well in school.

When you remind them that your RTM was recently cut by 20%, they say this is typical in the growth of children where frequent reviews and adjustments are necessary. The grandparents, in particular, are skeptical because medicine wasn't available in their time, so they are fearful of medical advances of which they're not familiar. The Dr. points out that if the mild dose does not have the desired effect, there are always ways to adjust with no negative impact. But with no intermediary steps, surgery and incarceration might be in their future.

So, Fairfield, are you willing to try some minor anti-inflammatories or risk the possibility that your child will not develop and prosper, but instead remain difficult, filled with anger and potentially be unable to successfully integrate with society in the future?

**From:** panded@optonline.net <panded@optonline.net>

**Sent:** Sunday, July 31, 2022 6:15 PM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Move the TRM to 30 Members

To the CRC (and the BOS):

I am alarmed by the document released by the CRC to justify its recommendation “Move the RTM to 30 Members” (7/28/22) in the face of overwhelming public opposition, as evidenced by residents' comments at public hearings. Worse yet, I find the rationales given to be faulty and/or unsubstantiated.

#### IMPROVED ACCOUNTABILITY

The CRC has given no data or argument to assert “less RTM members will result in more focus on individual views and ... votes, ... ownership and accountability” except to cite increased attendance during the first 6 years of a 40 member RTM compared to the last 6 years of a 50 member RTM. I can just as easily posit that dereliction by and the behavior of the executive BOS (the fill pile fiasco and the shameful manner of Annette Jacobson's removal) in the past 6 years compelled members to be more involved. One explanation is as valid or unfair as the other, given the very limited analysis.



## IMPROVED RELATIONSHIPS AND BETTER OUTCOMES

The CRC has made no case whatsoever that a reduction of a group correlates to increased cooperation. Two obstinate people of opposing views alone in a room will never agree. Add two more and perhaps cooler heads can mediate. No data or reason has been given to support 30 members as a more optimal number than 40. The reduction could actually exacerbate partisanship. What cannot be argued is that this reduction would decrease the body's ability to reflect the diverse makeup and opinions of the Fairfield community.

## IMPROVED QUALITY OF MEMBERS

The CRC acknowledges the need to attract more citizens to run for the RTM but its solution is to decrease membership, thus increasing the workload of each representative by 1/3, this for people who are unpaid. How can the CRC possibly argue this will increase participation?

## A STEPPING STONE TO A MORE EFFECTIVE GOVERNMENT MODEL

I am troubled by this section's opening line that "It was evident the CRC could not convince the TOF that a more effective government should be considered." The statement suggests the commission was biased toward a change before it ever solicited public comment and it seems that bias is impervious to the will of the people it serves. The CRC proposed a change, it explored the options and the vast majority of Fairfielders who commented rejected the proposal. That should be the end of this particular issue. Why this "tinkering" with the legislative body after the public has said not to. When the CRC states, "So to move in this direction (by reducing the RTM) will help future commissions see the benefits of smaller legislative bodies", it is hard not to read that as, "We know best and will show you that you are wrong."

By the way, the citations might be more persuasive if the CRC provided the page numbers for the data that underpins its assertions.

## NO DIMINUTION OF LEGISLATIVE RESULTS.

The previous reduction of the RTM from 50 to 40 is no justification for the proposed move to 30 for the fact that the earlier change was made by the body itself, this after polling its member and drawing upon its own experience of what was necessary and best to serve the community. The CRC has presented no such polling of the public officials most suited to advise it, and is ignoring the majority of past and present members who spoke in opposition to this.

## IN TODAY'S WORLD WE DON'T NEED 40 MEMBERS

For the same reason as above, this is a claim without substantiation. What does the RTM say about this, the people best qualified to voice an opinion. Furthermore, I think it foolish to compare RTM members, unpaid volunteers, to state and federal legislators, full-time salaried officials with much greater institutional support.

## INCREASE AVAILABILITY OF CIVIC MINDED INDIVIDUALS TO SERVE ON OTHER BOARDS

As stated in "Improved Quality of Members", increasing the workload of unpaid RTM positions is a poor plan to increase participation in public affairs.

## FOLLOWING LEADING PRACTICES

Any comparison to municipalities with a town council/mayor structure became meaningless once opposition convinced the CRC to not suggest a change from Fairfield's RTM system. Much more

pertinent are the examples of Greenwich, Darien and Westport, coastal communities that more closely resemble our own in makeup and concerns. All three are flourishing under the RTM system. And in comparison with these bodies, our 40-member RTM is already “a smaller legislative body”.

## CONS

Since this section is not the more traditional discussion of the drawbacks of the CRC’s proposal but rather a list of the obstacles which it sees to the proposal’s implementation, I will only speak to the problematic and potential illegal statement, “it would be incumbent on the BOS to provide significant, effective education and explanation of this improvement to alleviate fears.”

- 1) The CRC took every opportunity to “educate” the public and the majority of the public said “No.”
- 2) The BOS, the executive branch of town government, has no business trying to change the makeup of the coequal legislative branch meant to counterbalance its influence.
- 3) An “education” campaign before an election is an angel hair’s width from a persuasion campaign. As a governmental entity, the BOS is, I believe, legally prohibited and certainly ethically discouraged in our democracy from advocating for a specific end in an election. Government is the servant of the people, not an instructor nudging the public to the “right” decision.

For all these reasons, I believe the CRC has presented no compelling data or reasoning to justify its recommendation.

Patrick C. Burhenne

827 Riverside Drive

Fairfield, CT 06824

**From:** Ellen Jacob <dancingusa@optonline.net>

**Sent:** Monday, August 1, 2022 10:06 AM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>; First Selectwoman <firstselectwoman@fairfieldct.org>

**Subject:** Correction Re: 8/1/22 Additional Public Comment on 7/28 Meeting and Latest Charter Revision Docs

Sorry, I meant John W in paragraph 2 below (now corrected).

On Aug 1, 2022, at 10:00 AM, Ellen Jacob <[dancingusa@optonline.net](mailto:dancingusa@optonline.net)> wrote:

August 1, 2022

To:  
Fairfield Charter Revision Commission  
and  
Fairfield Board of Selectpersons

RE: Additional Public Comment on 7/28 CRC Meeting and Documentation

Dear CRC Commissioners and Board of Selectpersons:

Thank you John Wynn, Chris Brogan and John Mitola for being voices of reason regarding new article 1, sec 1.8 “Diversity on Boards and Commissions.” John Wynn, I wish the Commission had adopted your original re-phrasing (as best I could discern it from Fair TV), but I am grateful that you persuaded them to insert first and foremost the need for merit-based appointments to boards and commissions — above any diversity considerations.

I still agree with John W and Chris B that it is asking for trouble to spell out that laundry list of protected classes.

Indeed — who is excluded and can that be grounds for mis-interpretations, future conflicts and even

legal controversy? Shouldn’t we ALL be protected, under the overriding authority of the Equal Protection

Clause of the U.S. Constitution?

If, as someone quipped at the 7/28 meeting, the CRC is on a “word diet,” this would be a good place to start — omit the laundry list — or better yet, the entire section, as we are already a diverse, civil and cooperative community (as John Mitola pointed out on another matter).

Pam and John W. did not further your case for reduction of the RTM, or make the sale with additional data. Explanations were insulting and elitist rather than illuminating, sorry to say. We objectors are NOT anti technology, anti-analysis. We are neither fearful nor adverse to POSITIVE change.

I believe we have already successfully challenged Pam’s “data” with actual, empirical and solidly

BI-PARTISAN testimony from RTM members and their constituents — of all persuasions, from all parts

of town. We were there 2010-2015 when there were 50 RTM members and some beyond that.

We brought in the

public and the press, we created both involvement and excitement about town issues.

The RTM serves as a valuable training ground and entry level conduit for participatory government.

Many of you on BOS and CRC started in the RTM, as have most of our current state reps and candidates

for higher office. I will always be grateful to Brenda for taking on the mold problems in our schools,

while she was an RTM rep. She saved countless children and faculty from serious and permanent illness, including my son.

Rather than a numbers problem, the quality of RTM members is a problem for Party Leadership and Caucus Leadership, whose job it is to inspire, educate, reach out and recruit good RTM candidates, as well as open up the process to fresh recruits with fresh ideas — yes diversity at its best!

Thank you,  
Ellen Jacob, Cedar Road  
Former RTM member and 30-year resident

**From:** Kathryn Braun <klbesq@aol.com>  
**Sent:** Monday, August 1, 2022 1:11 AM  
**To:** Lefkowitz, Nancy <NLefkowitz@fairfieldct.org>; Baldwin, James <jbaldwin@cbklaw.net>  
**Cc:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>  
**Subject:** Re: Braun letter to CRC 7-28-22

8/1/22

re: Timeframe Issues in Charter Revision; reply to Town Atty email

Hi Jim-

To reply to your email below, it is not me but you who are seem to be mischaracterizing.

The CRC presentation slides you attached to your accusatory email, literally support what I have been saying: that the BOS was not fully informed of the statutory timeframes the law allows, back on 8/30/21 when they voted to establish the CRC.

Instead of informing the BOS of all the very lengthy statutory timeframes, which extend about 3 years and cover 2 elections, the slides and the presentation omitted the 2 longest timeframes and instead picked the endpoints. Why were those dates inserted into the presentation anyway, since the BOS had not even voted to create the CRC yet? Those dates should have been left to the BOS to pick after being fully informed of the total timeframes and options available.

And those end points basically 'pre-selected' were far shorter than what the law allows. That was not explained to the BOS. It was only pointed out that the CRC had to end in time to get it on the ballot for November 2022. How was the BOS supposed to know that it had an option for the following election in November 2023, which may be more appropriate as it is a local election?

Those 2 omitted timeframes that were not explained are:

The law allows the CRC up to 16 months to finish its major work and submit the draft report of changes. That period would have ended in January 2023. However, the slides and presentation simply pointed out that the CRC report would be done in May or June 2022 (without explaining that this shorted the CRC's timeframe by 7-8 months). And as we know, the BOS did not discuss or vote on the (shortened) deadline or put it in a resolution, which is mandatory.

The law also allows 15 months after the BOS approves the final report of recommended changes, for voters to vote the questions. This too was not presented or discussed. The slides and presentation stated that the 11/8/2022 election was the date to vote on the ballot questions. But the following year's election of November 7, 2023 was an option provided by law.

In fact, the 2023 election still may be available if the BOS waits until Monday August 8, 2022 to finalize its report, which I have asked the BOS to do.

The attached power point slides are copied in relevant part:

Slide 8 spells out a number of statutory timeframes, but omits the 16-months allowed for the CRC to do its work and submit its draft report to the BOS. This is the important timeframe the BOS should have considered and voted on in a resolution.

**Here is a copy of Slide 8:**

Creation and appointment of CRC by two resolutions required by statutes [C.G.S. §7-188(b) and 7-190(a)].

} Not envisioned as a partisan activity: not more than one-third of whom may hold any other public office in the municipality; and, not more than a bare majority of whom shall be members of any one political party.

} Two Required Public Hearings: At the outset and at the conclusion [C.G.S. §7-191(a)].

} Workplan formulated and executed at public meetings of CRC from September 2021 to May 2022.

} Submission to Board of Selectmen: Public Hearing, within 45 days of receipt of proposed CRC revision;

} Action by the Board within 15 days following hearing and [C.G.S. §7-191(b)].

} If no recommendations and CRC revisions are approved, the Report is final and CRC is finished.

} If there are recommendations, CRC confers with Board of Selectmen and has 30 days to act [C.G.S. §7-191(c)].

} Final Action by Board of Selectmen within 15 days of receipt from CRC [C.G.S. §7-191(d)] and whether the referendum shall be proceed in November 2022 [C.G.S. §7-191(e)]

Slide 12 describes the final phase, but omits that the statute allows 15 months from the BOS final report of approved changes, to the election- which could have included either 2022 or 2023. That should have been presented, discussed and evaluated by the BOS as a body, not presented to the BOS as if the 2022 election was the only option.

**Here is a copy of Slide 12:**

CRC Submits Final Report to Board of Selectmen (within 30 days following receipt of Board Recommendations).

}

Board Accepts or Rejects Final Report (within 15 days of receipt from the Commission).

}

Board approves question(s) for the ballot

}

Newspaper publication of proposed Charter within 30 days following approval.

}

Submission of questions to the Office of the Secretary of the State more than 60 days prior to election.

}

The Referendum (11/8/22).

The power point presentation was obviously prepared before the BOS met to discuss charter revision. Query why were those (shortened) dates put into a presentation before the BOS even took up the possibility of creating the CRC? Why did the slides and the presentation omit these very long statutory timeframes and simply include pre-selected dates which were up to the BOS to consider and decide?

This is not a trivial matter. The charge to the CRC was very broad and included a review of the entire charter and the government structure. This is the type of task that should trigger the full timeframe allowed by law, rather than cramming it into less than half the time.

CRC members stated that they ran out of time to fully support the change of government structure, and the controversial proposal to slash the RTM cap by 46% from 56 to 30 is related to that failed effort.

I don't believe we can impute 'intent' of the BOS 10 months later, if it was not fully informed of all the statutory timeframes, the fact that the law allows 3 years for a reason, or that the 2023 election was an option, or the fact that the 2 (shortened) dates were supposed to be picked by the BOS.

Sincerely,  
Kathryn Braun

**From:** kgriff1@optonline.net <kgriff1@optonline.net>  
**Sent:** Monday, August 1, 2022 11:17 AM  
**To:** CRC <CRC@fairfieldct.org>  
**Cc:** Board of Selectmen <BOS@fairfieldct.org>  
**Subject:** Filling of BOS Vacancies - Follow-Up

Dear CRC Members –

I am concerned about the language you agreed to last Thursday regarding the filling of vacancies on the Board of Selectmen, and in particular the Office of First Selectman. If passed, that means a person who was never before the voters could serve as First Selectman for up to two years with no ability for the voters to petition for a special election. State Statute gives the voters the opportunity to choose if they desire to do so, and this language is taking that privilege away from them.

Are you aware of any other CT municipalities that have vacancies in their elected CEO filled solely by appointment? I couldn't find one. And only 19 of the 169 municipalities in Connecticut have four-year terms; 150 are two-year. So it is not a term-length issue.

Please address this concern while you have the opportunity to do so.

Thank you,  
Kathleen Griffin  
15 Stonybrook Road

**From:** budmorten@aol.com <budmorten@aol.com>

**Sent:** Monday, August 1, 2022 1:55 PM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>; RTM <RTM@fairfieldct.org>; boemembers@fairfieldschools.org; BOF <BOF@fairfieldct.org>; TPZ Commission <TPZCOMMISSION@fairfieldct.org>

**Cc:** Patch3 <alfred.branch@patch.com>

**Subject:** Bud Morten's Response to Commissioners Iacono and Wynne

Please see the attached document.

To: The Charter Revision Commission  
Fr: Bud Morten  
Re: Response to Commissioners Iacono and Wynne

August 1, 2022

### **CRC CONTINUES TO INSIST “ONE SIZE FITS ALL,” “SMALLER IS BETTER” AND “TRUST THE EXPERTS”**

The latest attempt on Thursday by Commissioners Iacono and Wynne to justify the CRC’s recommendation to cut the size of our RTM<sup>1</sup> makes the same old arguments, to which I respond below in detail by noting some of the many qualifiers they should have included which undermine their arguments. For anyone who is not interested in all the details, the bottom line is still this:

The CRC still has not addressed and answered its three most mission-critical questions:

- How should we evaluate the performance of our existing governance system?
- How should we decide whether any major changes are warranted?
- If changes are warranted, which changes we should we make?

Instead, after nine months of work it continues to assert that we should cut the size of our RTM because “smaller is better,” “we should trust the experts,” and that “one size fits all” (a.k.a., the “Model City Charter”) with regard to the ideal form and structure of Fairfield’s government.

#### **My Detailed Responses**

With apologies in advance for my run-on sentences, the nine “Pro’s” for cutting the RTM’s size were these [the headings for each paragraph are from their paper]:

1. **Improved Accountability:** Although Fairfield seems to be doing fine; and although we can’t explain why a lack of “accountability” is currently a problem because we haven’t actually analyzed the RTM’s performance and are relying instead on our personal biases and some anonymous criticisms of how poorly it functions; and although any deficiencies in RTM performance may have nothing to do with its size and everything to do with its lack of staff and legal resources; and although we have not analyzed the performance of our overall governance system and therefore can’t explain how we might be adversely affected by cutting the size of the RTM; and although we can’t provide any examples of past or future circumstances under which more accountability would be important to avoiding a bad outcome or achieving a better outcome; *WE NONETHELESS THINK THERE IS NO QUESTION THAT FEWER RTM MEMBERS WILL RESULT IN MORE ACCOUNTABILITY AND BETTER OUTCOMES FOR FAIRFIELD.*
2. **Improved Relationships:** Although we can’t explain how we should measure the quality of the relationships among RTM members; and although we can’t explain why having just ten fewer members (not hundreds, but “10”) would enhance their ability to develop better, more collaborative relationships; and although we can’t provide any examples of past or future circumstances when better relationships would have avoided a bad outcome or achieved a better outcome; and although we can’t explain why partisanship is a function of the number of members rather than, for example, valid and legitimate differences in opinion on public policies based on

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<sup>1</sup> [Pros and Cons \(7-28 final\) \(fairfieldct.org\)](https://fairfieldct.org/pros-and-cons-7-28-final/)



different principles and/or priorities, which is the reason legislative bodies exist; and although there are far more important influences on partisanship than having ten fewer RTM members, like the quality of the leadership of the two major parties: *WE NONETHELESS THINK FEWER MEMBERS WILL RESULT IN BETTER RELATIONSHIPS AND BETTER OUTCOMES IN THE FUTURE.*

3. **Improved Quality of Members:** Although we can't explain how the quality of RTM members should be measured or how each of the current 40 members measures up by whatever criteria we might adopt; and although it would be silly to presume that quality should be measured solely by a superficial criteria like the number of times a member participates in public debate; and although there are potential serious negative consequences associated with concentrating legislative power in the hands of smaller and smaller groups of people; *WE NONETHELESS THINK CUTTING THE NUMBER OF RTM MEMBERS WILL RESULT IN HIGHER-QUALITY MEMBERS BY ALLOWING THE CREAM TO RISE TO THE TOP.*
4. **A Stepping Stone:** Although the CRC rejected a change to a Mayor-Council-Manager form of government because it was not clear that this change would be good for Fairfield; and although the CRC recommended the formation of an ad hoc committee to study the complex question of whether any changes in our governance structure might be beneficial; and although it therefore makes no sense to do anything until that committee completes its work; *WE NONETHELESS THINK WE SHOULD CUT THE SIZE OF OUR RTM BECAUSE DOING SO IS A STEPPINGSTONE TO A MORE EFFECTIVE GOVERNMENT MODEL.*
5. **No Diminution of Legislative Results:** Although we can't explain how important this one metric is to an evaluation of the RTM's overall performance; and although we can't explain what determines the number of ordinances that are enacted in any given period or even whether more is better; *WE NONETHELESS THINK THAT WE SHOULD CUT THE SIZE OF OUR RTM BECAUSE THERE WAS NO DECLINE IN THE AMOUNT OF LEGISLATIVE WORK ACCOMPLISHED AFTER IT WAS CUT THE LAST TIME.*
6. **Constituent Needs Can be Addressed with Fewer RTM Members:** Although we can't explain how total constituent needs should be measured and thus we can't determine what portion of them can be automated; and although new constituent needs emerge from time to time; *WE NONETHELESS THINK THAT HAVING FEWER RTM REPS WILL NOT BE A PROBLEM BECAUSE SOME CONSTITUENT NEEDS HAVE BEEN AND CAN BE AUTOMATED.*
7. **Fewer RTM Representatives Means More Talent for Other Town Bodies:** Although other Town bodies will benefit if they add the RTM members that are being cut only if we believe that the quality of their current members is even worse than the low-quality RTM members who are being eliminated; and although we have no way of knowing whether any adverse effects of a smaller RTM would be outweighed by the positive effects those low-quality people would have on other bodies; *WE NONETHELESS THINK THE TOWN WILL BENEFIT IN THIS WAY.*
8. **Following Leading Practices:** Although there is evidence that other CT towns have moved from larger to smaller legislative bodies, there is unfortunately no evidence that these towns have actually benefitted from doing so; and although we can't be sure that towns with smaller legislative bodies will outperform towns with larger ones; and although it is possible that Fairfield is unique in ways that would result in a negative result; *WE NONETHELESS BELIEVE THAT FAIRFIELD SHOULD DO WHATEVER OTHER CT TOWNS ARE DOING.*
9. **Moving to a Smaller RTM in 2016 Resulted in Lower Absenteeism:** Although there is no analysis of how and to what extent absenteeism affects the performance of the RTM or any other legislative

body; and although declines in absenteeism might not have anything to do with its size; *WE NONETHELESS THINK IT IS VERY SIGNIFICANT THAT ABSENTEEISM DECLINED FROM 14.5% TO 10.6%, OR PERHAPS (EXCLUDING THE COVID YEARS) ONLY FROM 14.5% TO 13.6% AFTER THE RTM WENT FROM 50 TO 40 MEMBERS IN 2016.*

Despite an avalanche of well-articulated concerns expressed by the public, Commissioners Iacono and Wynne apparently were not able to identify any potential real costs or risks associated with cutting the size of our RTM, and so their list of “Con’s” is simply a disparagement of their critics and it concludes with an attempt to explain why they think they did all the analysis that was possible [once again, the paragraph headings are from their paper].

1. **Difficult to Communicate Benefits:** Having failed to provide compelling reasons to cut the size of the RTM, they note that if this proposal is *“sent to voters, it would be incumbent on the BOS to [figure out how to] provide significant, effective education and explanation of this improvement to alleviate fears.”* In short, because they have failed to convince anyone, the BOS will have to do it.
2. **Change is Difficult:** A patronizing claim that their critics are merely opposed to change.
3. **Change is a Process:** A patronizing claim that their critics are merely afraid of change.
4. **Perception that More Representatives is Better:** Another patronizing claim that their critics simplistically think that having more reps is automatically better.
5. **It’s a Change from History:** Another patronizing claim that their critics are merely opposed to change.
6. **No Analysis:** Finally, they respond to the criticism of not having provided any serious analysis to support their recommendation to cut the size of the RTM. They claim that because *“RTM sizing is not an empirical science . . . one must rely on the research, analysis and insights of academic and municipal research, which provide indicators with which to make decisions,”* and then declare they have *“met the standard”* of serious analysis because *“the existing research and information as well as the input of outside expertise was gathered, evaluated and used as part of the CRC discussions.”*

Translation: We couldn’t figure out how to analyze the question of how big our RTM should be, so we simply adopted the recommendations of outside experts and assumed they would be valid and beneficial to Fairfield.

What is missing is the critical distinction between “research” (which the CRC has done) and “analysis” (which the CRC has not done).

**RESEARCH** is about gathering information and knowledge. For example, listening to the opinions of outside experts and officials is research, learning about alternative governance systems is research, and counting the number of legislative representatives in other CT towns of various sizes is research.

**ANALYSIS** is about applying knowledge to “solve” a specific problem or to “realize” a specific opportunity. “Analysis” means explaining what we think will happen in the future if we change one or more of the things we think will influence the outcome. “Analysis” means explaining how we think causes are linked to effects within a framework of expected costs and benefits. Serious analysis considers not only the most direct and tangible effects, but also the indirect (collateral) and intangible effects. Serious analysis also considers the risks associated with the limitations of our knowledge and of our understanding of causes and effects.

In summary, the CRC did lots of research and very little analysis.

In their defense, the required analysis is not easy for many reasons, particularly because we have no “control groups” that would allow us to assess what the optimum form of government is for any given town. Thus, we have no way of knowing whether Greenwich, Darien or Fairfield would prosper to a greater or lesser extent with a larger or smaller RTM. Like people, every town is unique in important ways even though it inevitably shares certain similarities (e.g., history, geography, demographics) with other towns. What works really well for one town may or may not work as well for another town. Each town has its own unique “Civic Culture.” Not every political entity has or should have the same goals and/or priorities. What matters is how well a given town, state, national government is doing in terms of meeting the needs its citizens deem to be most important. If things are not going well, or not going as well as they could, the problem or opportunity might be one of governance structure, or it might be one of many other factors, like leadership (a.k.a., electing the wrong people to key positions).

**From:** Alyssa Israel <alisrael@sbcglobal.net>

**Sent:** Monday, August 1, 2022 2:22 PM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Please don't reduce the size of the RTM

**Importance:** High

Dear CRC and BOS,

The document entitled *CRC Recommendation – Move the RTM to 30 Members* states on page 1:

*“Improved Relationships and Better Outcomes: A smaller group will enhance the ability of the RTM to develop better, more collaborative relationships amongst the members, which will hopefully, result in members **crossing party lines and working together**. It seems obvious, but to state the obvious, we seem to have a true partisan problem in Fairfield.”*

I would argue that shrinking the RTM won't solve the partisanship problem. I strongly believe that **“crossing party lines and working together” must happen FIRST and start ASAP!**

Please hire a professional facilitator to help both parties heal and restore relationships. Once the RTM eliminates its culture of partisanship, it can then decide for itself whether it should reduce its size.

Lastly, I urge you to extend the Charter Review process and vote to **November 2023**. We need **more time** to restore relationships, hear and understand all points of view, and really think through all the proposed changes to make sure they are good ones.

Sincerely,

Alyssa Israel, MPH  
679 Rowland Road  
Fairfield, CT 06824  
Tel/Fax: 203-256-1779  
Cell: 203-685-5835  
[alisrael@sbcglobal.net](mailto:alisrael@sbcglobal.net)

**From:** Carpenter, Jennifer <JCarpenter@fairfieldct.org>  
**Sent:** Monday, August 1, 2022 5:12 PM  
**To:** 'Meg Francis' <megwfrancis@gmail.com>  
**Cc:** CRC <CRC@fairfieldct.org>; Mednick, Steve <smednick01@snet.net>; Baldwin, James <jbaldwin@cbklaw.net>  
**Subject:** RE: Additional Backup for Today's Special CRC Mtg

Dear Meg,

I am copying the CRC who should receive these emails.

Thanks,

Jen

*Jennifer Carpenter  
Deputy Chief of Staff  
First Selectwoman's Office  
725 Old Post Road  
Fairfield, CT 06824  
203-256-3095*

**From:** Meg Francis <[megwfrancis@gmail.com](mailto:megwfrancis@gmail.com)>  
**Sent:** Monday, August 1, 2022 5:05 PM

**To:** Carpenter, Jennifer <[JCarpenter@fairfieldct.org](mailto:JCarpenter@fairfieldct.org)>  
**Subject:** Re: Additional Backup for Today's Special CRC Mtg

D. Building Inspectors<sup>276</sup>. Building Inspectors shall perform such duties as the Building Official shall assign within the scope permitted by Law

**From:** EVE BURHENNE <eveoo@aol.com>  
**Sent:** Monday, August 1, 2022 5:15 PM  
**To:** CRC <CRC@fairfieldct.org>  
**Cc:** Board of Selectmen <BOS@fairfieldct.org>  
**Subject:** for the 8-1-22 CRC meeting

Hi!

Please add another public comment session! The CRC's response to the backlash re reducing the RTM - which was not posted til 7/29 – was, in my mind, lacking in real metrics! There is still an absence of documented, objective proof to rationalize the reduction of the legislative branch of our town government! Current RTM members continue to argue that reducing its size can damage its effectiveness. Where is the evidence the RTM is broken in its current iteration!? I expected concrete specifics about the ineffectiveness of the RTM (backed by evidence of such), followed by evidence that shrinking the RTM by 46% is the only viable route to efficacy (vs. for example, providing staffing, and perhaps access to its own legal counsel).

“Incremental change” (in the “stepping stone for a more effective government model section”) .. it appears the CRC wishes to move in the direction of smaller government even though that was rejected. Future commissions can take this up when the TOF is clamoring for it. But in respect to the RTM discussion? Not relevant.

In the “Improved Accountability” section .. “attendance” is invoked but this is different from accountability. If there are issues of accountability among members, vote them out! In the “No diminution of legislative rights section” the number of ordinances passed is no measure of accountability or an RTM's efficacy. Ordinances are created based on town's needs not as a barometer that an RTM is doing its job.

Thanks.

Eve Darcy Burhenne

827 Riverside Drive

Fairfield, CT

-----Original Message-----

From: Ellen Jacob <dancingusa@optonline.net>

Sent: Tuesday, August 2, 2022 8:41 AM

To: CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>; Kupchick, Brenda <BKupchick@fairfieldct.org>

Subject: Re: 8/1/22 Additional Public Comment on 7/28 Meeting and Latest Charter Revision Docs

8/2/22

Dear CRC and BOS Members:

My sincere thank you for listening.

Agree that something really good has come out of this.

We shouldn't be afraid of airing all sides of important debates.

I know I learned much.

Ellen

**From:** Judith Ewing <jeewing8@outlook.com>

**Sent:** Friday, August 5, 2022 5:34 PM

**To:** CRC <CRC@fairfieldct.org>; Board of Selectmen <BOS@fairfieldct.org>

**Subject:** Last minute comments

To the CRC and the BOS:

Thank you for all of your time and effort to get this right. I found the process particularly interesting and very thorough. I am looking forward to seeing a Subject Index in the near future as some of the numbers and pages have probably changed. We need this very large document to be "user-friendly."

I have received what I think is the final report of the Charter Revision Commission. After a very quick read, I would like to bring your attention to two sections. One involves an "errata;" the other is a suggestion, as follows:

ARTICLE II, Section 2.3.C.(1) (b) – The number of RTM members to be elected is forty (40), not thirty (30).

ARTICLE X, Section 10.4. Periodic Review of the Charter – This language has been revised since the CRC meeting of 8/1/22 and has not yet been approved by the CRC.

Although I understand why it was revised, and I agree with the language presented, I believe it makes more sense to reverse the last two sentences. (A Town Charter may be revised at any time; therefore, the ten year review period begins after the completion of the work of any established Charter Revision Commission.)

Also, I really do not see the need to mention the date of April 2032. And why April? It is now August!

Thank you for considering these two last minute points.

Judy Ewing  
98 Sasco Hill Terrace  
Fairfield, CT 06824