

Emails to Board of Selectmen Re: Charter Revision Sent June 21 - Present

-----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.

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. 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: kgriff1@optonline.net <kgriff1@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

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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

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.^[1]

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

^[1] 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

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

Richard Jacobs

203 255-7900 office

203 257-7631 cell

Delaracom@aol.com

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.

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.

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.

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.

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.

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 14th 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 Statutes 177;

Thank you,

Kathleen Griffin

15 Stonybrook Road

From: kgriffi1@optonline.net <kgriffi1@optonline.net>

Sent: Tuesday, June 28, 2022 11:30 AM

To: 'bos@fairfieldct.org' <bos@fairfieldct.org>

Cc: 'Steve Mednick' <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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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.)

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One would have to conclude that an appropriate number of representatives would be 40 for a large Town of 60,000+ citizens.

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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

-----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 for 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 4th 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/mailler 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

“A Legacy of Leadership. Innovation for the Future.

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.” 9th 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.” 8th 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 4th 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 Obrien <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 5th, 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 4th 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 virtual 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).

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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
Date: June 5, 2022 at 9:01:57 PM CDT
To: Steve Mednick <SMednick01@snet.net>, John Wynne <Jmwynne144@gmail.com>, Chris Brogan <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, 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 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> 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>

Date: July 5, 2022 at 8:58:15 PM EDT

To: Chris Brogan <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>

Date: July 5, 2022 at 3:04:02 PM EDT

To: Bryan Cafferelli <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>

Date: July 5, 2022 at 9:21:00 AM EDT

To: "Kupchick, Brenda" <BKupchick@fairfieldct.org>, Nancy Lefkowitz <nlefkowitz@tribecafilm.com>, Tom Flynn <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

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 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 memo¹ 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.”² 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.”

¹ 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 \(fairfieldct.org\)](#)

² [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’.”³ 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.”

³ 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". 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.

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 Meeting²⁷.

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 <luanndonovan@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 charter 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 5th, 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 27th. 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

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 20th, 2022, which means that the BOS may schedule hearings as late as August 4th, 2022. The BOS recommendations to the CRC are thus not due back until August 19th, 2022, and the CRC's final report would not be due back until September 16th, 2022. The BOS would then have until September 30th, 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 20th, 2021 and so had until January 23rd, 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

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



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

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 (9th 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 (9th 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