

**CITY OF NORWALK
CHARTER REVISION COMMISSION
REGULAR MEETING
MARCH 18, 2025**

ATTENDANCE: Tyler Fairbairn, Chair; Douglas Hempstead, Vice Chair; Jo Bennett, John Levine Tanya Rhodes-Small

Via Zoom: Jim Clark, Carl Dickens, Richard McQuaid, Ed Camacho

STAFF: Atty. Steven Mednick, consultant; Council President B. Smyth, Council Member J. Goldstein, Council Member G. Burnett,

CALL TO ORDER

Mr. Fairbairn called the meeting to order at 6:30 p.m.

ROLL CALL

[0:20]

The roll was called. A quorum was present.

DISCUSSION

[0:59]

A. Common Council Members Discussion

Atty. Mednick said that the CFO had requested some changes. He explained that an issue had arisen regarding the authority of the BET regarding a cap on the budget. After discussing this, it was recommended that the BET recommend a cap for the budget and having the Council approve the budget cap.

Ms. Bennett joined the meeting at 6:33 p.m.

He said that the Council Members were present to give their thoughts on Article 10. He added that the commission would love to hear the Council Members' thoughts on a four year term.

Council President Smyth said for the record that she would be leaving the meeting and not voting when the issue of the four year term is brought to a vote. [4:54]

Council President Smyth said that she felt that 10-16a needed more clarification. She gave the example of last year's discussion about the fire house and finding the funds for that project.

Mr. Clark said that there was additional language involving transferring funds from the Capital budget to General Fund. [7:34] Atty. Mednick said that this was currently in the budget. Mr.

Clark asked if it had any bearing on what Council Member Smyth was saying. Atty. Mednick said that he did not think so.

Council Member Greg Burnett had a question about 10-2c, and the Joint Meetings that were between the Finance Claims Committee and the Board of Education. [10:00] Atty. Mednick said that CFO had concerns about that meeting and noted that it was not in the Charter. Council Member Burnett said that the goal of the meeting was to let the public know about what was happening with both budgets, but no votes or decisions have been made. There is public participation at these meetings. The proposed wording would involve the BET. Council Member Burnett said that he had some reservations since the BOE has the majority of the budget and this meeting gives the public an opportunity to speak to the BOE. There is no Joint Finance BOE Committee. Council Member Burnett explained it would be a meeting between the Finance Committee of the Common Council and the Finance Committee of the Board of Education.

Council President Smyth agreed with Council Member Burnett and said that this joint meeting had been established some seven years earlier and it is really an opportunity for the BOE to present their budget to the Finance Committee. [15:30] The public and the rest of the Council can hear the information about the Budget. The BET can listen in, also, if they wish to.

Council Member Burnett noted that this was the chance for the City to present the challenges they face budget wise. [17:45] Without this opportunity, the public would be limited to one public hearing and this is late in the process.

Council Member Goldstein had a number of questions about the comments for 10-1-c and also noted that he had concerns about 10-15, which has become a live issue recently. [19:22] He noted that the City does not have their Capital budget ready that early in the process.

He said that the Charter does not authority the BET to set a cap on the budget. Atty. Mednick reminded everyone that the CFO had raised this issue. The language is quite vague. He reiterated that fact that the proposed language is a “recommend a cap”. He said that he disagreed with the Board of Estimate and Taxation setting a cap and gave his reasons.

Council Member Goldstein said that having the BET recommendations in writing would help with transparency and noted that having the information in written form brings a level of clarity to the item. Currently the BET does not submit a written document regarding the raising or lowering the cap. As the Chair of Economic Development, he requires all those who come before the Committee to submit the information in writing because it streamlines the process. Discussion followed about enforcement.

Mr. Schmitt, the CFO, greeted the Committee and gave a brief overview of the BET process. [27:13] Council Member Goldstein said that the BET had until April 1st to submit its recommendations.

Council Member Goldstein said that he had concerns about 10-16. [29:00] He noted that he had a problem with the word “reinstating” and said that the Council would be declining to listen to the recommendation. A discussion followed about the language and who has the authority to raise or lower the budget cap along with some examples from the past when capital projects were either reduced or added into the budget due to changes in the circumstances.

Council Member Goldstein [45:20] said that it would be important to define the word “reinstatement”. He said that there could be a situation where the Mayor could defund a project that the public strongly supported.

Council Member Goldstein said that 10-16d was also important and suggested that there should be a joint meeting with the Economic and Community Development and the Finance Committee.

Council Member Burnett said that he had raised the question of why the Capital budget was being presented to the Economic and Community Development Committee but not the Finance Committee. [48:17] He noted that the Charter does not mention the Economic and Community Development Committee, but does mention the Council. He asked if the Council was the body that would determine which committee would review the budget.

Atty. Mednick said that the answer to Council Member Burnett’s question was yes. [49:09] The Council is responsible for this and how the Council internally parcels out that responsibility is up to the Council and its rules. He suggested adding the phrase “the committee or committees of jurisdiction” to the language, so a Committee would not be locked into its name. Discussion followed.

Council Member Goldstein said he appreciated all the hard work the Committee has done. [51:19] He said this was a yeoman’s job.

Atty. Mednick asked if the Council Members had any thoughts on the composition of the BET. [51:50]

Council President Smyth said that the Chair of the Finance and Claims Committee would have a major role in this. [52:32] She added that Atty. Mednick’s recommendations are very important. The Council Members had defined roles for both the Capital and Operating budgets. The Council answers to their constituents and needs a voice with the BET. Atty. Mednick said that he would put together a comparative document to show alternatives, but he cautioned the Committee that there would not be many examples since most of the municipalities operate differently than Norwalk. He gave the details.

Council Member Hempstead [54:48] asked whether there should be an elected BET rather than an appointed membership. There was also a suggestion whether the composition of the Board should be half appointed and include Council Members.

Mr. Levin said that there was another issue regarding responsiveness to constituents was to alter the appointing authority. [56:35] He suggested they consider possibly having half the members of the BET appointed by the Council.

Council President Smyth said she was not proposing making a massive change but if the Council wanted to move in that direction, it would be a long term process. [57:05]

Atty. Camacho joined the meeting at 7:32 p.m.

Council President Smyth said that it was already a heavy lift for the Council [58:00] She asked whether they should consider paid positions for the Finance because it is such a heavy lift. She said she did not think that the Council was ready to make such a change, but was just presenting the idea for possible consideration.

Council Member Burnett asked what the role of a Council Member who potentially might sit on the BET. [59:15] He would like to understand the rationale behind this since there has not been any problems between the Council and the BET. Atty. Mednick said that he had worked with the same type of model in New Haven years before.

Atty. Camacho said that there was one year when he was on the council due to fill a term and explained that the split between positions was very close and wondered whether it would have added any value to the BET. [1:01:20]

Council Member Goldstein said that the members of the BET were Mayoral appointees and the Common Council approves them. [1:03:00] He went on to speak about the feedback that the Council receives and noted that the Council Members should be held accountable by setting the budget cap. He felt that the BET serves a valuable function.

Atty. Camacho said that he had noticed that the City had a triple A rating with an appointed BET membership and that the cities that had elected BET were struggling and did not have a triple A rating. [1:05:35] He added he would like to see that there should be a representative from each District, including minority representation.

Council President Smyth agreed. [1:07:17] She mentioned a workshop where it was evident to her that the cities that had elected BET were struggling financially. Also, she said that the triple A rating saves the city millions of dollars in debt service annually.

Council Member Goldstein suggested that it would be important to have diversity on the Board, not just corporate financial members. [1:08:20] Professional experience would be nice, but it also important to have professional diversity also. Discussion followed.

Mr. Levin noted that while diversity would be nice, it would be difficult to include that in a charter. [1:11:10] He said that having a greater amount of accountability for the BET by having half mayoral appointments and half Council appointments.

Mr. Hempstead pointed out that they would have to consider the timeline for the recommendation for the setting the cap. [1:13:03] Council Member Burnett said that usually there was a seven day gap between the cap being set and it becoming finalized. During the last few times, there has been no issues, but that the week period was a cushion for last minute questions or concerns. . He noted that there was plenty of time earlier in the process to ask questions or research for additional information.

Council Member Smyth agreed and felt that the week gap was sufficient. [1:16:00]

Mr. Fairbairn said that the next topic of discussion would be the four year term. [1:16:46] Council President Smyth said that she would be leaving the meeting.

Council President Smyth left the meeting at 7:48 p.m.

Council Member Burnett said that Council President Smyth had decided to recuse herself because she was considering running for Mayor. [1:17:23]

Mr. Hempstead asked why they were discussing this again since at the last meeting, they had tabled the item. [1:17:58] Mr. Fairbairn said that the Commission had table the discussion, not dismissed it. Since the Council Members were present at the meeting, Mr. Fairbairn felt it would be a good time to get their thoughts on the matter.

Mr. McQuaid said that he felt that this was not a good time to consider the four year term since it was going to be a municipal election. [1:18:29] Mr. McQuaid said that he felt that the discussion should be held during an off year and noted that he would not be voting on this item.

Mr. Levin said it was his understanding that the Commission was seeking input from the Council Members because they have useful experience. [1:20:20]

Mr. Dickens said that the last time, it was on the ballot and it did not work out. [1:21:06]

Atty. Camacho suggested that it might be worthwhile to just have one Charter Revision Commission that deals solely with this. [1:22:07] He agreed with Mr. Levin that there never would be a good time to bring this issue to the voters, since every year is an election year.

Ms. Bennett said that there were so many building blocks of governance to consider and she felt that they might be putting the cart before the horse. [1:24:00]

Council Member Goldstein said that there were a number of Mayors who had four year terms. [1:24:32] He said that he could not imagine a scenario where a four year Mayoral term did not have four year Council terms. He felt that if they were going to do one, they would have to do both.

Council Member Burnett said that he supported the Charter Commission with their concerns about putting too many issues on the ballot. [1:26:55] He asked them to deliberate and come up with a specific time when it should be put on the ballot. While there may not be a perfect time to have it on the ballot, they should come up with a time to consider putting it on the ballot, even if it is the only item on the ballot. Otherwise, they are just pushing the item down the road.

Atty. Camacho said that the issue of salaries be considered along with the issue of a four year term. [1:28:24] Those two items should be part of one Charter Revision.

Mr. Levin asked if it would be possible for this Charter Revision Commission to recommend Charter Revision items for inclusion on the upcoming ballot and also have items stated for a future Commission. Currently, the next Charter Revision would happen in 2030. [1:29:42]

Atty. Mednick said that the answer was yes, [1:30:48] He said that he would look into whether the Council could do something like this. The last Commission was focused on reorganizing the document and avoided political issues in order to get the main goal accomplished. He suggested that this Commission consider a mandate for a two year study to look at the compensation issue, the term issue, the level of responsibilities and the interaction between the Mayor, the Council and the BET.

Mr. Levin repeated his query regarding whether it would be possible for this Commission to make recommendations to the Council to have Charter recommendations not only for the coming November ballot, but also for the future years ballots. [1:33:00]

Atty. Mednick said that the Commission was restricted.[1:33:30] The Charter mandate was for the November ballot. He said that he would look into this, but repeated they were limited because of the resolution terms.

Mr. Dickens asked the Council Members present if they could have a meeting to discuss a two year term vs. a four year term. [1:34:50] He noted that they had this discussion two years ago.

Council Member Burnett said that previous Commission had teed up this issue for this Commission to consider this item. [1:36:02] They were supportive of it but wanted to clean up the Charter first. Discussion followed.

Atty. Camacho said that it was a big lift to ask someone to work for four years for \$47 a month. [1:37:42] He felt that both issues would have to be taken up at the same time. The two should be taken up together. He said that they would include language that would allow the City to increase the salaries as the State allows.

Mr. McQuaid said that if they have too many issues on the Charter on the ballot, it will crash and burn. [1:40:00] The Commission is running out of time. Mr. Dickens agreed.

Mr. Hempstead said that it will be important to keep the Charter Commission focused on a single issue rather than presenting too many items. [1:41:32]

Mr. Dickens asked if they could do a referendum on just these two items. [1:42:32] Mr. McQuaid said that the elections were becoming expensive because of the early voting. Atty. Mednick said that it would be hard to get the 15% to vote on just a Charter Revision.

Mr. Levin asked if there was a path for this Commission to recommend a Charter Revision item for the November 2026 election.

Atty. Mednick said that the resolution for the Commission included setting an end date for placing this on the ballot in November 2025. [1:44:48] He said that he would be looking at whether it would be unusual for the Council to modify that at this late date to permit the Commission to separate out if it falls within the 15 months the certain questions that the Council would want to separate questions out from the November 2025 ballot for the November 2026 ballot. He will speak with the Council leadership about this because it is their decision. Discussion followed.

Mr. Fairbairn thanked the Council Members for their input. [1:46:35] Council Member Goldstein and Council member Burnett thanked the Commission and said that they appreciated the work that the Commission was doing.

PUBLIC PARTICIPATION

Ms. Lisa Brinton of Shorefront Park said that she appreciated being able to participate in real time rather than after the previous meeting. [1:48:00] She asked where Minority Council Member Dunn was and why wasn't she invited. This is an example of how minority members are excluded from things.

Ms. Brinton said that Atty. Camacho's comments at the last meeting about minority party representation were undemocratic and disingenuous along with being inconsistent with about 160 other towns around Connecticut. She added that the public had no voice at the Council or BOE except for a three minute comment, which is interrupted at two and a half minutes for a time check.

Ms. Brinton said there was an almost dictatorship like control of not just wanting a majority but wanting it all. She mentioned this was true on the national level, so why not here in Norwalk. There are many forms of representation but Norwalk just doesn't use them regardless of the fact that 99% of the other municipalities do so. If the Council and Commission are so concerned about a four year term, which all the other cities and town in the State have, why aren't the Council and Commission concerned about minority party representation.

She felt that there was a good discussion about having a four year term for the Mayor along with all the moving parts. However without better check and balance procedures like minority party

representation, or public referendums. She felt that the four year term is unlikely to pass. Nearly half of the electorate votes differently and has no say in policy. Why would they vote to extend executive power without some check and balances? The two year term has been the only thing that stopped the entire City from being up-zoned in 2023.

Ms. Brinton said that she appreciated the position that the Democrats hold nationally when they hold 24 out of 25 major offices. Connecticut is a blue state with significant pressure to push back on Republican policies. However, Norwalk's issues have nothing to do with Republicans or Trump but if anything, it has fostered the same bullying behavior in Connecticut.

The current budget crisis is not attributed to the downturn in the commercial market. It's Hartford single party policies and exclusionary zoning along with developer tax credits and two decades of unfair ECS funding. Ms. Brinton said that the City has an unsustainable budget because the political system is broken. As long as the majority party mentality, whether Democrat or Republican, is to bully or mock the opposition, they will never have a true democracy or a healthy exchange of the ideas resulting in better policies.

Ms. Brinton thanked the Commission for their time.

Mr. Richard Bonenfant of Park Hill Avenue, said that he would like to see more in person meetings. [1:51:32] He said that a Council Member could be in Las Vegas and voting on a major budget issue. There are Commissions that have never met or seen each other in person. Council Members and Commissions have totally lost touch with their constituents.

He reminded the Committee knew that once they allocate funding for the BOE, it can never be less than the previous year and that the BOE can use it in any way they see fit. This is why previous Councils have made the BOE purchase books and computers as Capital budget items because this restricts the use of those funds to the stated items.

Mr. Bonenfant pointed out that there was a three to four year lead on building fire engines because there aren't that many manufacturers. They won't take the order unless it is approved in the Capital budget in advance. It's important to look ahead to future projects.

He reiterated the fact that in a referendum, it doesn't count unless a certain percentage of votes are cast. He reminded everyone of the Fodor Farm referendum and said that the referendums would not make it.

He thanked the Commission for their time.

Ms. Diane Cece greeted the Commission and thanked them for serving in this capacity. [1:54:16] She noted that only Atty. Mednick was being paid for his time. She noted that they were left to commenting after the fact rather than making comments during the meeting.

She also agreed with Mr. Bonenfant about having them meetings in person. At one of the previous meetings, Atty. Mednick gave an overview of timelines and what the next steps were. She reminded them that at some point, the Commission would have to hold a public hearing. She asked about having a forum before the public hearing so they can connect with the residents and have a dialog rather than the three minute speaking limit. This could provide valuable feedback about things that might need to be included or discarded. Even though this would be an imposition on the Commission's time, as a tax payer, she would appreciate it.

Mr. Fairbairn said that anyone who would feel constricted by the three minute speaking limit, there is a portal for residents to use and they can also email people. [1:56:38] He was not sure about holding a forum and said that they would be making recommendations to the Common Council.

B. Review of Comment Grid

Mr. Fairbairn asked if people had looked at the Comment Grid and noted that most of the issues had been discussed. [1:58:37] Discussion followed about the details.

Mr. Fairbairn said that there were 10 sessions left.

NEW BUSINESS

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A. Capital Budget Process

- Role of the Council
- BET approvals
- Public hearings and interactions
- Function of the Mayor
- Update and refine language
- Role of the Planning and Zoning Commission
- Section 10

Mr. Hempstead asked Atty. Mednick about having the joint BOE Finance and City Finance Committee meetings. [2:00:22] He asked what would happen if there was no BOE Finance Committee but it was included in the Charter. Atty. Mednick reiterated that he has a policy of not naming committees in Charters because he leaves it up to the various bodies to determine what the committees are going to be. It would likely read "the Council or any committees of jurisdiction that the Board of Education or any committees of jurisdiction." This avoids naming entities that exist in the present time that did not exist five years previously.

Mr. Hempstead had a question about if the Council Members could expand the budget cap beyond what the BET recommended. [2:01:51] He said that they might want to consider some kind of compliance that changes could not affect the bond rating by enlarging the Capital budget. He suggested possibly requiring a super majority vote if it went in that direction.

Mr. Hempstead said that he disagreed with Council Members Burnett and Goldstein about the one week timeline. [2:03:29] It works if a party has a majority and has held certain discussions in advance. However, it is harder for the minority party. He felt there was a better methodology.

Atty. Camacho asked if the Commission had discussed whether the BET could set the cap on the Operating Budget and the Capital Budget. [2:04:16] Atty. Mednick said that one issue was that the BET does not submit their recommendation in writing. Atty. Mednick also reviewed the topics discussed during the first hour of the meeting before Atty. Camacho arrived.

Atty. Camacho said that he felt they should codify the current practice for the budget and noted that it had worked well in the past. [2:06:37] He had concerns about limiting the City by restricting them with not doing anything that would affect the bond rating. He said he did not understand why the Mayor's Office and the Finance Department had a problem with this.

Mr. Hempstead asked Atty. Mednick to check with the Law Department about the past legal opinions on this. [2:08:52]. He said that during his time as a Council Member, the BET had set the caps and they could not spend one dime more. Atty. Mednick said he would check into this.

Mr. Levin said that he had three Charter Revision suggestions that he would like to submit it to Mr. Fairbairn and Mr. Hempstead via email. [[2:09:47] Mr. Fairbairn said that they would post it on the website.

Mr. Levin said that he would like to have more people attend the meeting in the Council Chambers. [2:11:11]. Discussion followed.

Atty. Mednick said that he would make some of the changes to Article 10 based on the discussions from this meeting. [2:12:41] He will have some potential action items on Articles 13 and 14. The administration has been responding to his queries and there may be some provisions that are moved into another section of the Charter.

Ms. Rhodes-Small asked if they would be able to vote on terms limits and compensation so they don't keep coming back to the same issues. [2:14:00] Mr. Fairbairn said that he would include it on the next agenda so they can take it off the table.

ACCEPTANCE OF MINUTES

A. Regular Meeting: March 4, 2025 [2:15:00]

**** MR. HEMPSTEAD MOVED THE MINUTES OF THE MARCH 4, 2025.**

The following corrections were noted:

Page 1, under **ATTENDANCE**, please change "Taylor Fairbairn" to "Tyler Fairbairn"

Page 5, under **B Referendum Procedure**, paragraph 2, line 1. please change “Mr. Levon” to “Mr. Levin”

Page 4, under **Public Participation**, paragraph 1, line 1: please change “majority representation” to “minority representation”

Page 6, paragraph 2, line 6 following the vote: please change “four year terms for the Mayor” to “four year terms for the Mayor”

Mr. Levin stated that there were errors of omission, but he was not allowed to bring them up or submit them.

**** MR. HEMPSTEAD MOVED THE MINUTES OF THE MARCH 4, 2025 AS CORRECTED.**

**** THE MOTION TO APPROVE THE MINUTES FOR THE MARCH 4, 2024 MEETING AS CORRECTED PASSED UNANIMOUSLY.**

Mr. Clark noted that the last time he attended in person, he could barely hear Atty. Mednick and some of the other individuals that were in the room. [2:17:00] Mr. Fairbairn said that he would look into this. Discussion followed.

Mr. Dickens said that while it was nice to have people in the Chambers, he asked if it made a difference having the Commissioners in the empty Chambers. [2:18:37] Mr. Levin said that before the meeting, there is small talk that improves the relations.

ADJOURNMENT

**** The motion passed unanimously.**

The meeting adjourned at 8:50 p.m.

Respectfully submitted,

Telesco Secretarial Services