

MINUTES OF SPECIAL MEETING

I, David R. Martin, President of the 27th Board of Representatives of the City of Stamford, Connecticut, and pursuant to Section C2-10-4 of the Stamford Charter, hereby call a Special Meeting of said Board of Representatives at the following time and place:

Wednesday, January 30, 2008
7:00 p.m.
Legislative Chambers, 4th Floor
Government Center
888 Washington Boulevard
Stamford, CT 06904-2152

to consider and act upon the following:

1. [P27.071](#) REJECTION; of a collective bargaining agreement between the City of Stamford and District 2 Firefighters Local 786.

AGENDA:

INVOCATION: Given by Rep. Blackwell

“We thank you, our Father, for this opportunity to meet together as one body. Please bless all of the homes that are represented here this evening; bless all the fireman that are here this evening that they will understand and come together on one accord. This is my prayer. Amen.”

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by President David R. Martin

ROLL CALL: Conducted by Clerk of the Board Annie M. Summerville

There were 33 members present and 7 members absent/excused (Reps. Berns, Diamond, Esposito, Neary, Pia, Skigen, White and Young) (See [Vote Record No. 884](#)).

PRESENTATION: Mary Fedeli, Chair, Personnel Committee

Chair Fedeli reported that the Personnel Committee met on January 23, 2008. Present were Chair Fedeli and Vice Chair Rauh and Committee Member Reps: Cannady, Gabriele, Layton, Lodato, Skigen and Figueroa. Excused was Committee Member Rep. Boccuzzi. Also present were Representatives Munger and Franzetti, Dennis Murphy, Director of Human Resources; Chief McGrath, Chief of Stamford Fire & Rescue; Bill Callion, Director of Public Safety, Health and Welfare; and Dennis Davis, Jim Kelley and Paul Anderson all of Fire Local 786.

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| 1. P27.071 | REJECTION; of a collective bargaining agreement between the City of Stamford and District 2 Firefighters Local 786.
01/09/08 – Submitted by Dennis Murphy
01/23/08 – Committee Failed to Reject 2-3-3 | NOT REJECTED
BY MACHINE
VOTE 8-24-0 |
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Chair Fedeli reported that this is an agreement that merges the two fire unions – Stamford Firefighters District 1 and District 2. The Committee had a long meeting on this item. There was also discussion on the fiscal impact, which results in a net cost to the City of \$248,829. This contract will be in effect until 6/30/2009. The motion to reject failed 2-3-3.

Chair Fedeli moved the item; said motion was seconded.

Rep. Coppola read a statement into the record:

“We are about to vote on a collective bargaining agreement between the City of Stamford and the International Firefighters Local 786. If approved, I believe that this agreement, which admittedly was crafted by the local fire union and this administration and without the input of the volunteers, will result in the elimination of the volunteer fire service in Stamford as we now know it.

“It is no secret that this administration has no affection for the volunteers, and I believe it has always been their goal to get to this juncture. For the past twelve years this administration has not lifted one finger to do what the fire consultant’s report of 1995 suggested. They recommended that the City should make an effort to promote

recruitment and retain volunteer fire fighters. While other cities in this State took advantage of State legislation, which is in place for the recruitment and retention of volunteer firefighters, or found other ways to help in that effort, this administration has done nothing.

“For the past seven months, the volunteer firefighters of this community have been maligned, insulted, falsely accused of not doing the job they volunteered to do and not responding in a timely fashion, but they have produced no hard evidence; in fact, the hard evidence given by the volunteers at the November 15, 2008 public safety meeting show that volunteer response times are comparable to the response times of the Stamford Fire & Rescue Department.

“The administration of the Fire Union accused the volunteers of not being properly trained, even though time and again they have shown their professionalism, responding not only to calls in the volunteer districts but also when called upon to assist on Stamford Fire & Rescue emergencies – quickly and efficiently – proving their value to this City. Almost all of the volunteers are residents of this City, and while it is true they save the City a lot of money, much like this Board, the primary reason they volunteer is to make this City safer and better. But, the administration has shown no respect for the volunteers and has excluded the volunteers from their planning and negotiations. The Public Safety Director has claimed many times that volunteer chiefs were involved in formulating a new plan. He said it again at the Public Safety Committee meeting and said he would supply a summary status of the negotiations process with the volunteers. After multiple requests for this information, through the Chair of the Public Safety Committee, and then the President of the Board, I finally received an email of eight or nine lines with the dates of meetings, all of which are after the administration’s so-called merger plan was unveiled. None of these dates show any involvements by any volunteer chief in merger plan discussions – none.

“Despite what the Director of Public Safety says, I believe the volunteers were purposely not invited to participate in developing a plan, and I believe that this administration purposely ignored this Board’s request for information because they obviously didn’t have any.

“This is yet another example of the contempt that this administration has shown for the volunteer service in this community. What I believe we are not being told by this administration and union and what the union are expecting, if not hoping, that the volunteer numbers will dwindle. If that happens, though at this point in time it doesn’t appear to be the case, there will have to be additional career firefighters hired, even more fire officers appointed and more apparatus to properly protect the City. What choice will we have but to approve that additional cost to the taxpayers. But we don’t

want free labor from the volunteer firefighters. At some point this administration will be gone, this Board will be filled with different faces, but the legacy of what has been done will be haunting; the taxpayers will not be better off.

“This evening really didn’t have to happen. There surely had to be a better way. Years of firefighters working together side-by-side, volunteer and career, for one purpose – the public safety – completely written off. Friendships that have been nurtured for years are now in many cases in shambles. A volunteer fire service to this community is already being ignored. The administration basically said to us – submit or else – any attempt to negotiate was rejected. The volunteers were backed into a corner, yet they say it was the volunteer fire departments that are at fault. The volunteers were faulted with the layoffs because they didn’t roll over to take a bad offer and involve themselves in a terribly flawed plan. The blame for this mess should not lie with the volunteer fire departments; it should rest squarely on the 10th floor. Thank you.”

Rep. Lodato stated:

“First, I must say it is hard to follow the eloquence stated by Rep. Coppola, but I will make a few points.

“Earlier today I had sent emails to all my fellow representatives which my assertion that there are legal problems with this contract vis-à-vis the Charter. We did receive correspondence back from the Corporation Counsel’s office that clearly and vociferously disagrees with my assertion. I also have on my desk, and I presume all other representatives have on their desk, a legal opinion from Turn of River Fire Department, that it does conflict with the Charter. I would not consider this matter completely resolved.

“The problem here, even in the Corporation Counsel’s response ... is that this response is somewhat all over the lot in determining legality here. I would call attention to paragraph one, where he is recounting Belltown’s nonacquiescence to the plan. ‘Belltown has not agreed to allow paid personnel to be assigned there, if the personnel are not subject to their control, as has now been the case under the now-terminated management agreement.’ The question here is control and is the ceding of control. Now if a volunteer fire house under this Plan is no longer in control of the paid firefighters, then who is? The obvious answer would be the Stamford Fire & Rescue Department, Chief McGrath and the entire hierarchy over there. The Charter clearly states that the services of the Fire & Rescue Department under the control of the Chief shall be limited to the City fire district, except in the case of an emergency. It goes on further to say that changes in the fire district must be approved by a 2/3 vote of the Board of Representatives via ordinance.

“Corporation Counsel’s opinion continues and affirms that the volunteer fire chief does have authority and command over paid fire fighters in the case of a response to a fire, at the scene of the fire. What about in the firehouse when there is no scene of the fire? There is a question of control that remains, and I don’t believe that has been adequately answered. And, toward the end of the Corporation Counsel’s comments (I clarify the Assistant Corporation Counsel), he brings out the CT General Statutes, which is interesting, because basically I think it is probably a slam dunk for his case, but it frightens me.

“I am not going to quote the statute, I am going to quote the interpretation of the statute: The statute appears to be a codification of the notion that collective bargaining trumps existing charter provisions. What happens here then, and basically the terms of an agreement can more or less cancel out the Democratic process, cancel out our founding document and the organization of this City because we let these details slip by us. This is not just simply a collective bargaining agreement, this is not just simply a labor contract, this is loaded and it is loaded with public policy, and public policy belongs in the public arena, debated by public servants in the bright, open daylight of debate. That has to be done, and that is not being done here. Whether or not this is legal or illegal, and corporation counsel can make an argument in court, and they apparently are in court with Turn of River Fire, so I can fully understand his desire to express this opinion, fine, but I don’t know if we are doing the City any service; I do not believe we are doing the City any service; and we are also not standing up for our own authority as the representative body of this City. We need to review this thing, we need to be consulted on this Plan, and we need to approve this Plan, because in a way, de facto, this does affect the boundaries between the fire service districts. No matter what language is used, this still happens, and with this vote, the Board of Representatives can take a position, can take authority in this matter and should, especially considering that the volunteer fire departments were not adequately consulted.”

Rep. Boccuzzi moved the question; said motion was seconded and failed by a machine vote of 17-15-0 (Reps. Adams, Blackwell, Boccuzzi, Cannady, DePina, Figueroa, Franzetti, Giordano, Larobina, Lyons, Mallozzi, C. Martin, Miller, Mitchell, Rauh, Summerville and Zelinsky in favor; Reps. Aposporos, Berns, Coppola, Day, DeLuca, Fedeli, Gabriele, Heaphy, Layton, Lodato, Lombardo, D. Martin, McGarry, Mirkin and Molgano opposed). (See [Vote Record No. 885](#)).

Rep. Lyons reminded everyone that despite the emotionally-charged rhetoric and the passions that might be raised, the simple issue is a labor agreement. This is a collective bargaining agreement agreed to in good faith by bargaining entities throughout the City just as many other labor agreements have been done. This is not

binding arbitration, it is not a state-mandated settlement, it is an agreement between adults and recognized bargaining units of the City. So, although there may be other ramifications and although everyone may want to spin it, let us boil it down to what it is. It is a collective bargaining agreement that is going to result in the merger of two bargaining units. The volunteer issues stand alone. The management agreement stands alone. At the end of tonight, we are voting on a collective bargaining agreement, and were we not to vote on it, it would go in effect automatically under State law, and were we not to accept it, it would go to binding arbitration of which the outcome would be out of our hands. So, despite all the concerns and issues, remember, it is a labor agreement we are voting on – nothing more.

Chair Fedeli stated that as a point of clarification, if we reject this agreement, we have one more time after the first arbitration.

Rep. DeLuca stated he considers it an insult to the Christians throughout the world. He thanked President Martin for calling a special meeting. To have an opinion from Tom Cassone to cover up the ineptness of Dennis Murphy constantly submitting items to the Board of Representatives late, to say that this agreement was reached on December 25th, the most holiest day throughout the world is an insult to all of the Christians. Rep. DeLuca stated he find this offensive and uncalled for. When he first learned of this, he sent an email to Fire Chief McGrath, and his reply is not true at all. There was a vote on the contract on December 7th by Belltown, Turn of River and Glenbrook, followed by a vote of by Stamford Fire & Rescue on December 19th. And for Tom Cassone to issue an opinion saying that this agreement was reached on December 25th just to appease the ineptness of Dennis Murphy is an insult to all the Christians, and he finds this very offensive. Rep. DeLuca stated he wanted this in the record.

Rep. Larobina stated that he wants to take some of the politics out of this. Last week he had to call the Fire Department, when he dialed 911, what went through his head was that he needed help – not who the mayor was, or the volunteers invited to meetings, this was forced down people's throat – he felt that he needed help and what is the best response that is going to come. This contract is a step in the right direction to get this City having the best response come when you need help. We should all put aside politics and vote on whether we think this is a step in the right direction for public safety. We are talking about life and death situations.

A motion to reject the contract was made, seconded and FAILED by a vote of 8-24-0 (Reps. Coppola, Day, DeLuca, Layton, Lodato, D. Martin, McGarry and Molgano voting in favor of rejection of the contract; Reps. Adams, Aposporos, Berns, Blackwell, Boccuzzi, Cannady, DePina, Fedeli, Figueroa, Franzetti, Gabriele, Giordano, Heaphy, Larobina, Lombardo, Lyons, Mallozzi, C. Martin, Miller, Mirkin, Mitchell, Rauh,

Summerville and Zelinsky opposed to rejecting the contract) (See [Vote Record No. 886](#)).

ADJOURNMENT:

The meeting was adjourned at 9:35 p.m.