

# CITY OF STAMFORD 17<sup>TH</sup> CHARTER REVISION COMMISSION

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*DONALD B. SHERER*

*DUDLEY N. WILLIAMS, JR.*

## MINUTES OF MEETING

Wednesday, March 21, 2012

7:00 p.m. – Democratic Caucus Room

4<sup>th</sup> Floor, Government Center

888 Washington Boulevard, Stamford, CT 06904-2152

Present were Co-Chair Sandak and Commissioners Fedeli, Grebey, Jachimczyk, Lucas, Nabel, Okun, Robins, Sessa, Sherer and Williams. Excused were Commissioners Freccia, Gwozdzowski, McManus and Roseman.

Co-Chair Sandak called the meeting to order at 7:00 p.m.

Public Comment - There were no members of the public present to speak.

Minutes – The minutes were not ready for approval by the Commission.

Co-Chair Sandak stated that several items are outstanding. He suggests we continue with the Government Report and complete that tonight. The other outstanding item is the preliminary report of the Public Safety Committee, which they have had for a couple of weeks, and this is ready for voting. Finally, the Citizens Bill of Rights (CBOR) issue is still open.

Mr. Fedeli stated that the CBOR has not been discussed by the Government Committee this week, and the Committee is not able to move forward on it at this time.

Co-Chair Sandak requested all commissioners view the Government Committee tape so that they will be ready to discuss it at next week's meeting.

Government Committee Report:

Mr. Williams gave the report in Chair Freccia's absence and referred to the [charge grid](#)).

#28 – The Committee voted to recommend a limit on serving on more than one appointed or elected board at the same time. The Committee felt that this would limit undue influence, allow people to give service on one board the proper amount of

attention; further, such service inhibits participation by other as there is a great deal of power in incumbency.

Mr. Sandak questioned whether experienced people would be discouraged from serving. A situation where a BOR member serves on the WPCA, for example, would be allowed.

Mr. Sherer mentioned that there are boards and commissions that call for members that come from an elected body, such as the BOR or BOF. Any restriction should be limited to one elected board, with the exception that those appointed to the board or commission or act as a designee be allowed to serve on multiple commissions.

#29 – Mr. Williams stated that the Committee was in favor of increasing the term of service of the constables from 2 to 4 years.

#33 – The Committee recommended that the Office of Mayor be limited to two consecutive terms. The Committee felt that there is often a pretty significant decrease in effectiveness after 8 years in office, and this will help open up government by removing the obstacle of incumbency. There was also a feeling that after 2-3 terms, an incumbent sometimes develops a tendency to put forward an agenda that is structured toward re-election rather than the public good. The Committee felt that a person could be re-elected after sitting out four years. The president of the BOR testified that the public imposes its own term limits through voting. Mr. Fedeli said that Stamford has a strong Mayor system, and because of that, the terms should be limited. If this was a city manager or selectman, then he would not be as strong an advocate of term limits.

Mr. Grebey stated that the rationale being discussed is based on hypothetical situations. Having a powerful, repeatedly-elected official could be advantageous to the City – he/she has developed relationships or has influence on the state level. The electorate should be the determining factor in term limits.

Co-Chair Sandak stated that if the Commission comes up with a recommendation, it owes it to the BOR and the public to base on as much data as possible, and recommended CCM be used to provide research.

#32 – The Committee recommended that term limits be applied to other elected positions as well, and felt that this should be discussed by the full Commission. The Committee felt that longer term limits might work better with the other elected boards. Ms. Nabel stated that term limits, especially on the BOR, would delete intellectual “property” and institutional knowledge.

BOR President Skigen was opposed, noting the difficulty in finding good, qualified people to serve

Carmen Domonkos, former president of the BOR (and now representing the League of Women Voters) felt that term limits hinder a mayor with a long-term vision, can be

disruptive to existing employees, and in the case of the BOR, make it more difficult to find 40 people to serve.

#34 – The Committee discussed reducing the BOR to 20, and ended up agreeing to disagree as a committee. Mr. Williams outside of Chicago and NYC, Stamford has the largest municipal body in the country. However, there were no issues or problems that seem to be a direct result of the size of the Board.

#35 – The Committee decided not to recommend staggering BOR terms.

#35b – This is a technical word change to clarify the word “meeting.” Mr. Williams stated that the Committee recommended removing the second part of this charge (re-writing the first sentence if staggered terms were recommended).

#59a – Mr. Williams stated that the Committee did not recommend any changes to the charter language, and wanted input from the full Commission. Co-Chair Sandak stated that investigatory powers now lie in different bodies that may or may not have overlapping jurisdiction. A discussion of the former position of internal auditor was held, (and this used to be a charter-mandated position). Co-Chair Sandak asked the Committee to determine whether, in trying to advance good government, is audit function lacking. The item was tabled for future discussion.

#82 – Mr. Williams stated the Committee recommended the language that would set the timing of the Charter review at 10 years, with appointments to the Commission made no later than the February BOR meeting of each 10-year interval. The Committee also discussed tying it to either a presidential, gubernatorial or mayoral election year.

In response to a question of Mr. Robins, Mr. Williams responded that they did not want to prevent review at other times, but wanted to clarify the language in the charter. Regarding interim charter revision commissions, the Committee did not recommend changes to this BOR power. The intent is to stay on a ten-year cycle, and the BOR should take that schedule into consideration when considering establishing an interim charter commission.

Mr. Sherer stated that turnout numbers vs. complexity of the issues on the ballot is a tough call. During an off year, there is time to understand the information, but the turnout will be low. This is a double-edged sword.

Mr. Robins stated that some of the proposals could be together (e.g., fire and WPCA), and then other questions posed at the next year’s election. Whether a new Charter Commission would need to be established is unknown at this time, and legal counsel would have to determine that, Co-Chair Sandak stated.

Mr. Sessa stated that voters could not pay attention to charter issues during a presidential election. Further, these questions would hold up the voting process. Mr. Jachimczyk stated he is inclined to agree with Mr. Sessa.

Co-Chair Sandak stated that the current language tracks the current State statute. Co-Chair Sandak stated that charter revision is a lot of work, and he feels it is a legislative decision to decide whether to have an interim one or not; it is a charter decision to have one every ten years. He does not feel that this is a broken system. Mandating that it has to occur every ten years and leaving a legislative decision as to whether they want an interim one, he has not heard why that is not a good system.

Co-Chair Sandak stated that if a charter review is held ten years after an interim charter review, the statutory and charter provisions are satisfied.

#83 – The Committee decided to take no action.

#84 –The Committee recommended no change, and Mr. Fedeli added that this right currently exists with a high threshold.

#85 – The Committee decided to take no action.

#86 – The Committee decided to take no action.

#87 – This relates to moving the HR Department out from the Law Department. Some feel that it should remain within legal due to contract negotiation; others feel it is an important function that could be buried within legal and that legal may not have expertise in HR. The item was submitted by the BOR.

A lengthy discussion took place regarding the pros and cons. Co-Chair Sandak said there is some merit in getting it out of the Law Department, perhaps keeping labor negotiations in the Law Department. Co-Chair Sandak felt that the HR Department should not be a rigid law-directed corporate function but rather a more “open door: problem-resolving department.

Mr. Williams stated that the Committee had a parade of experts, none of whom agreed that the charge had a lot of merit, except for Fred Flynn. Mr. Grebey stated that he worked in corporate settings where HR ultimately reported to the Legal Department. Stamford currently has a Director of HR who is also the Labor Negotiator, and some members questioned whether there should be two separate positions, as Mr. Hibson suggested.

Co-Chair Sandak stated that the City spends a fair amount of resources dealing with employee complaints. He believes that it would be in everyone’s best interest, even if it became part of negotiations, that a process be built in that includes HR review of grievances.

Ms. Cynthia Reeder (observer) stated that in her experience, HR has many responsibilities that are very separate from legal functions. It seems there is a need for

a single HR director in the City. Mr. Williams agreed, stating that the whole issue of training should be a bigger focus in HR.

#88 – The Mayor will be attending next Monday’s meeting, and the consensus was to wait on this item.

#89 – The Committee decided to take no action.

#90 – The Committee recommended that Terry Conners be under the jurisdiction of the Parks & Recreation Commission. There are some issues around jurisdiction between the P&R Commission and the P&R Committee of the BOR. C5-30 has a list that specifies the responsibilities of the P&R Commission, and although it appears that Terry Conners is included here, the Committee recommend specifically including it in the list. Commission members recommended using a generic term, like “parks facilities.”

#96 – Mr. Fedeli added that the Committee did say that if the Mayor doesn’t sign the contract, the President of the BOR can sign it. Co-Chair Sandak asked whether the Mayor’s signing role is ministerial or is part of the approval process. Mr. Sherer stated that the BOR is responsible for approving contracts (per state statute). The actual legislative part is the rejection of a contract. It is automatically approved without such a rejection. The provision regarding ordinance signing was put in 1995, and the Commission is going to research the reasoning for this change.

#101 – The Committee recommended language that said that the building officer reports directly to the Director of Operations. Mr. Sandak stated that the reason for the reporting requirements to the Zoning Officer is that the Zoning Officer can act on violations noted by the Chief Building Official.

#102 – The Committee is seeking further information from the BOR on this charge.

#103 – The Committee felt that it should not recommend assigning legal representation in these situations.

#104 – The Committee decided to take no action on this charge.

#105 – The Committee recommended adding a sentence to C5-40-1 to make it explicit that the Director of Public, Safety & Health is ultimately responsible for oversight in dealing with incidents of environmental contamination. Co-Chair Sandak asked if this conflicted with either the Director of Health or Director of Operations.

A lengthy discussion took place regarding responsibilities of various city personnel. Mr. Fedeli added that the Committee needed to get a definition for an “event” or “contamination.” The Commission discussed “oversight” vs. “contamination” vs. “ultimate responsibility.” Mr. Sherer felt that a person with field-level expertise should really be overseeing these types of situations.

Mr. Sandak stated that this person is typically the Director of Health, who already reports to the Director of Public Safety, so the Charter may already speak to this.

Mr. Williams stated that 3 of the 4 people at the meeting felt that this needed more clarification, and he agreed to go back and re-discuss this with the Committee. Ms. Nabel added that the Committee's recommendation was supported by the Director of PSH&W and the Director of Health.

Mr. Sandak stated that the only change that may be necessary is in 5-40-1, the inclusion of the words "in response to environmental contamination."

#106 – The Committee decided to table this item.

#107 – The Committee decided to take no action.

#108 – This charge was referred to counsel.

#112h – The Committee questioned the appropriateness of this in the Charter. Mr. Sandak stated that this is the only section of the Charter that is criminal in nature. The Committee felt this should be an ordinance.

#113 – The Committee referred this item to legal counsel to determine whether this should be in the Code rather than the Charter. Mr. Flynn said the date of the annual report is unrealistic, and he has requested another thirty days to provide this.

Co-Chair Sandak asked whether this report is necessary. Members of the BOR never read the annual report; they listen to the State of the City address. Mr. Fedeli stated that perhaps the annual report is used for bonding, or credit ratings, etc.; he is not certain of its purpose.

#114 – Mr. Williams stated the Committee recommended that BOR approval be required prior to the city entering into easement be included in the Charter. Mr. Sandak stated that any transfer of real estate requires BOR approval.

#115 – The Committee decided to take no action.

#116 – The Committee decided to take no action.

#117 – The Committee decided to take no action. The Commission discussed where this charge originated, but the Board Office could not determine who put this charge forward.

#117a – The Committee asked that counsel provide it with a definition of impeachment. The Committee is also going to work with the Commission's Public Safety/Education/Ethics Committee to look at this further.

#118 – These are minor technical changes.

#119 – Add a Historical Preservation Commission. The Committee recommended establishing an advisory committee to the Planning Board, and this will be discussed further. Currently, historical properties are handled in a “reactionary” manner ; when a property comes up, there is a reaction from residents.

### Other Business

Mr. Sessa stated that as an update to the WPCA discussion last week, Mr. Privitera noted that salary and benefits are city employees and the WPCA reimburses the City for those wages and benefits.

The following documents were distributed: 1) [pension summary](#), 2) [fiscal charge recommendations](#), and 3) [bonding issues](#). These will be discussed at the March 28<sup>th</sup> Commission meeting.

Co-Chair Sandak stated that the co-chairs will meet with the Charter Committee of the Board of Representatives (BOR) next week. One of the issues that will be discussed is the number of issues that should appear on the ballot this year and whether some issues should be held over for another year. Chair Sandak asked for everyone’s thoughts for next week’s meeting on this matter.

### Adjournment

Upon motion duly made and seconded, the meeting was adjourned at 9:25 p.m.

Submitted by,

Jay Sandak & Vincent Freccia, Co-Chairs

*This meeting is on video – [Part 1](#) and [Part 2](#)*