

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

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## MINUTES OF MEETING

Wednesday, April 11, 2012

7:00 p.m. – Republican Caucus Room

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

888 Washington Boulevard, Stamford, CT 06904-2152

Present were Co-Chairs Sandak and Freccia and Commissioners Fedeli, Grebey, Jachimczyk, Nabel, Okun, Robins, Sessa and Williams. Excused were Commissioners Sherer, Also present was Peter Privitera, Acting Director of Administration.

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.

Co-Chair Sandak introduced Peter Privitera, Acting Director of Administration. Mr. Sandak stated that Mr. David Panico attended last week's meeting to review proposed changes to the Charter regarding bonding (see [attached](#)). Mr. Sandak gave a brief review of last week's discussion, referring to a flow chart developed during the meeting (see [attached](#) photo). There are two steps in the process, and under the proposal, the approvals in the second step would be now undertaken by the Mayor and the Board of Representatives (BOR) and that authority removed from the Board of Finance (BOF)

- Mr. Williams stated that a lot of these recommendations are to bring Stamford's process more in line with how other municipalities do it.
- Mr. Sandak stated that the fundamental difference is that Stamford has the BOF substantially involved in the process.
- Mr. Sandak asked Mr. Privitera 1) whether he embraces the proposed changes; 2) the plusses and negatives associated with the changes.

Mr. Privitera stated:

- By December 15<sup>th</sup> of each year, the Director of Administration (who reports to the Mayor) is required to recommend a safe debt limit to the BOF (i.e., how much can the city afford to borrow).
- The BOF deliberates and sends its *recommendation* to the Planning Board (PB).

- The PB's list of projects goes to the Mayor, who makes adjustments. The Mayor then submits the capital program to the BOF and BOR as part of the annual budget process.
- Mr. Privitera stated that a complicating and related issue surrounds "authorized but not bonded" projects. In past years, projects have been approved by the BOF and BOR, however, funds have not been secured. So there is a backlog (currently about \$17 million). Over the past few years, the administration has been trying to reduce that backlog.
- After the BOF and BOR has approved the budget, which includes approval of the capital projects, the administration has to go back to the BOF to request authority to issue bonds.
- In the past, the City worked on a cash flow basis. The decision as to which projects are going to be taken up has been left to the City Engineer (administration) to determine which projects are "shovel ready."
- Recently, the BOF issued a policy for project-specific bonding: the BOF requires the administration to earmark every dollar to a particular project (this is not a charter requirement).
- The requested changes will allow the administration to manage the funds without having to acquire BOF approval.
- Bond proceeds must be spent within 2 years.

Mr. Sandak stated that it appears that there is now a new part of Step 2 – to get approval to bond, you have to show what projects you are bonding.

Mr. Robins noted that this is a political matter. The BOF wants to have some control over which project is ultimately funded, rather than the elected representatives. Mr. Privitera believes the City Engineer should be responsible for determining the capital program as Engineering is responsible for determining priorities and overseeing all of the projects.

Ms. McManus stated that the Committee does not believe the BOF should be determining which projects are funded – it should be the BOR and the administration.

Mr. Sandak referred everyone to Sec. C8-50-1, A., where the language that attempts to address this issue can be found:

The bonds so authorized shall be issued in the manner and in the principal amount **determined by the Mayor and the Director of Administration; provided that short term capital projects shall be financed by bonds maturing not later than five (5) years after the date of issuance. Refunding bonds shall be authorized solely by the Board of Finance may prescribe from time to time Representatives and issued and sold in the manner prescribed by the Connecticut General Statutes.**

A lengthy discussion took place regarding the proposed language.

- Mr. Sandak noted that the language appears to do a lot more than just allow the administration to determine the projects that are undertaken. This language says that after Step 1 is completed, all decisions regarding the issuance will lie with the administration.
- The Commission felt strongly that the authorization not allow issuance over the safe debt limit. Mr. Privitera responded that once the backlog is cleared up, the administration would only issue bonds in an amount tied to the adopted capital budget program. It would allow the administration to bond below the approved amount.
- Mr. Jachimczyk stated that someone, other than the administration, needs to look at current rates, terms, etc. in the bond market and make a determination as to the bond issuance.
- Mr. Privitera stated that the Director of Administration has to be responsible for the impact on the debt rating, impact on budgets, etc. His biggest concern is that the administration needs some flexibility.
- Mr. Fedeli stated that it seems that the administration is more concerned with flexibility in the way the funds are spent rather than the amount of the bonding.
- Mr. Sandak stated that the specific sentence allowing the BOF to mandate project-specific bonding is:

The bonds so authorized shall be issued in the manner and in the principal amount that the Board of Finance may prescribe from time to time.

- Mr. Robins noted that the proposed language is a significant increase in the Mayor's authority.
- Mr. Sandak noted that the Commission needs to determine if it wants to expand the role of the Mayor at the expense of the BOF. The current language gives the BOF 2 powers: the amount and the manner. The question is whether the Charter should be altered by giving the BOF authority over the amount, and authority over the manner to the administration.

*(For historical perspective, Mr. Privitera noted that NY State law requires that specific projects be tied to bond issuances; CT State law does not require this. The city's accountants (from NY State) advised the BOF that best practices include project-specific bonding. The City's accounting firm did not say Stamford is doing anything wrong. Also, Stamford has the most robust capital project program in the State.)*

- Mr. Privitera noted that one idea he is pursuing would be the establishment of a Technical Advisory Committee (Hartford has a model) that provides oversight over the projects. This Committee would include representatives from the BOR and the BOF. Mr. Robins questioned whether we want another layer of bureaucracy. This could also be a committee set up by the Mayor.
- Ms. McManus stated that many on the Commission just want bonding handled on the earlier cash flow basis. She added that the language proposed by bond counsel goes well beyond that.

The commission then briefly discussed short term capital budgets vs. long term: Mr. Privitera stated:

- There is a distinction between long-term and short-term capital. Short-term includes things like computers and vehicles.
- During the last bond issue, they bonded short-term projects for 5 years and long-term projects at 20 years, as recommended by the BOF.
- In the past, there was no distinction between long- and short-term notes because the City assumed that all the principal payments made in the first 5 years satisfied the short-term payments.
- There is a lot of equipment that is financed on a short-term basis that lasts longer than 5 or 7 years.
- If the short-term capital items were transferred to operating budget, it would create a \$4-\$5 million increase.
- Mr. Privitera is satisfied with the current system. His only concern is a recent BOF policy: the BOF is requiring a \$50,000 aggregate floor for short-term capital bonding. For example, 3 motorcycles at \$15,000 will not qualify for short-term bonding. He either has to over-purchase or wait until he reaches the \$50,000 floor. In any event, he can live with this requirement.

Mr. Privitera stated that he asked bond counsel to prepare some language to remove the requirement that bond anticipation notes (BANs) be sold within a one year period. If market conditions are not right, Stamford pays more. The draft language allows the administration to roll the BANs over until the market is favorable. This is consistent with other municipalities.

Minutes – The minutes of March 28<sup>th</sup> were approved by unanimous voice vote.

Government Committee (report by Messrs. Fedeli & Freccia)

Citizens Bill of Rights (CBOR): Mr. Fedeli stated that while there appears to be general support for language used as a preamble, the Committee was not in favor of going forward without any substantive charter change incorporating a CBOR. The Committee will recommend moving the Citizens Service Center into the Charter, reporting to the Office of the Mayor and adding the function of ombudsman. If the Commission agrees, they will then recommend preamble language referring to citizens' rights.

Mr. Sandak asked that the Committee provide a written proposal to the Commission outlining its recommendation.

Mr. Fedeli asked whether anyone felt there was a conflict with his work on this subject in view of the person who is currently the Director of the Citizens Service Bureau. No one indicated that they had an issue.

WPCA: Mr. Freccia stated the Committee met with counsel and discussed general concepts regarding the WPCA. Next week, they are going to meet with the WPCA

Board and some members of the BOR Operations Committee. They will look at a chart that is being prepared by counsel as to the choices they have to eliminate conflicts. The goal is to see whether the WPCA should be autonomous. They will also look at the ordinance vis-à-vis any charter proposal.

Mr. Sandak asked whether any other communities revised their charters after the WPCA statute was implemented. Mr. Freccia stated some smaller towns named their Board of Selectmen as the WPCA. It seems that it can be whatever the City wants it to be as long as it works. There are currently conflicts in the Charter with how the WPCA currently works.

In response to Ms. McManus's question about WPCA board members consisting of elected and appointed persons being in conflict with state statute, Mr. Freccia replied that this will be discussed at Monday's meeting. Mr. Fedeli noted that while the concept was to separate the WPCA from political influence, the fact that some towns name the Board of Selectmen as its WPCA means the "separation" is up to interpretation.

Office of Planning & Development/Director of Planning & Development: The Committee agreed by consensus to create an Office of Planning & Development, led by a cabinet-level director, which will streamline review and approvals for city projects. This will encompass Land Use, Planning, Zoning, EPB, Economic Development and Traffic. Mr. Sandak questioned whether Traffic should be under this Department or the Operations Department.

Historic Preservation Committee (HPC): The Committee will recommend a 3-member advisory panel be established along the line of other boards and commissions. It will be advisory to the Planning Board and to the Office of Planning & Development (if established). Currently, if someone has a historic preservation concern, they go to the Planning Board and make a recommendation (such as what recently happened with Sterling Farms).

Stamford is a "certified local government" by the State of CT, and the establishment of the HPC will allow Stamford to apply for grant funds. This certification carries with it certain mandated requirements of what the City must do related to historic preservation issues. Mr. Freccia added it takes care of 1) expediting land use board hearings as the HPC can speak for the many concerned citizens; and 2) assist the land use bureaus by consulting with developers prior to project submissions.

Mr. Sandak stated that everyone should keep in mind that we are adding another agency that will be involved with private property.

Mr. Sessa stated that he wants the responsibilities of the HPC clearly defined so that it doesn't evolve into something that the Commission does not envision. Mr. Williams replied that it will be advisory and will weigh in at the request of the land use boards.

Mr. Freccia stated that the Committee will start voting next week on its recommendations.

Public Safety/Education/Ethics (report by Mr. Sandak)

Fire Service: No votes have been taken. The Committee's general direction is to devise some sort of system that recognizes 1) a single fire chief over the entire city, including both career and volunteer; and 2) a preservation of the volunteer services. They are not designing a plan, but want to set up a structure that has flexibility so that any plan that is ultimately adopted will incorporate these two concepts.

The Committee took up fire marshal services. The current charter has a fire marshal in charge of the main district. The Long Ridge & Turn of River Departments share their own fire marshal. The other volunteer departments have worked out an arrangement whereby the City provides fire marshal services. The State statute *suggests* there should be only one fire marshal per community.

*(For example, after the Christmas Day fire, both the City and the Volunteer fire marshals independently decided to institute enhanced fire safety programs in the schools. Because they do not communicate with each other, there are currently two separate fire safety programs running in the school system, and neither one knows what the other's program includes. Per the current Charter, the City fire marshal cannot enter schools in the Long Ridge/TOR districts and can be invited to enter schools in the other 3 volunteer districts.)*

Mr. Sandak stated the Committee is trying to devise a centralized authority while maintaining autonomy among the volunteer departments within their own houses. He has not consulted with the BOR on this matter as he does not feel this is the Commission's role.

**Next Meeting**

The next meeting will be Wednesday, April 18, 2012.

**Other Business**

Commission Term: After speaking with counsel, Mr. Sandak reported that the State statute limits the Commission to 16 months, and that is the outside length of its term. Absent that, its existence ends when the Commission issues its final report to the Board of Representatives.

**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](#)*