

CITY OF STAMFORD 17TH CHARTER REVISION COMMISSION

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MINUTES OF MEETING

Wednesday, April 25, 2012

7:00 p.m. – Board of Finance Room

4th Floor, Government Center

888 Washington Boulevard, Stamford, CT 06904-2152

Present were Co-Chair Freccia and Commissioners Fedeli, Jachimczyk, Lucas, McManus, Okun, Robins, Nabel, Robins, Roseman, Sessa and Williams. Excused were Commissioners Gwozdziowski and Sherer. Also present was Steve Fogarty, Esq., counsel to the Commission. Commissioner Grebey participated by phone.

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

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

Mr. Sandak stated that the meetings will be more formal in the future; the public will only be allowed to speak during the public comment portion of the meeting.

Minutes – A motion to approve the Minutes of April 18, 2012 was made, seconded and approved unanimously (Commissioner Nabel abstaining) with the following amendment: The minutes of April 18 should reflect that the Minutes of April 4 and 11 were approved.

Scheduling of Future Meetings/Public Hearing: Mr. Sandak stated that he and Mr. Freccia met with the Charter Committee of the BOR. The Committee extended the deadline from May 15 to May 22. In the next three weeks, the Commission will need to vote on the Committees' recommendations. That vote will constitute a draft report. That draft report will be used as a basis for a public hearing. Then the Commission will meet again to consider public input.

The Commission agreed to hold the public hearing on Tuesday, May 15th and another Commission meeting on May 16th. Co-Chair Sandak asked the Commission to reserve Monday the 21st as a backup date.

Co-Chair Sandak pointed out that this leaves three weeks for the Commission to complete its work. The Commission agreed to meet on May 7th and May 9th to vote.\

Citizens' Bill of Rights

Mr. Sandak stated this would be the first topic of discussion. Mr. Fedeli distributed a draft document ([attached](#)). This was a charge that was submitted by the public, and it does not have a charge number. The consensus is reflected in the document distributed. Mr. Fedeli stated that the Bill of Rights be added to the language, only if there are changes to the role of the Customer Services Supervisor (CSS) (the individual who runs the Citizens Service Center). The CSS will enforce the bill of rights. The Bill of Rights would be the preamble to the Charter.

There was not consensus on the Committee on potentially changing the title of the CSS or elevating it to a director-level position. There was not consensus on the Committee as to whether this function should be in the Mayor's Office as a direct report to the Mayor.

- During deliberations, Laure Aubuchon came and spoke and said the Mayor was not necessarily in favor of this approach. The current CSS reports to the Town Clerk because of the cashiering and permitting role and back to the Director of Operations and to the Mayor. The administration feels the chain of command is adequate.
- Some members felt that putting it in the Mayor's Office gave the position more clout.
- There was consensus that the Citizens' Service Center needs to be in the charter. This service could be defunded if it is not in the charter.

The Committee did not make a recommendation on the CSS position. Mr. Freccia stated that:

- Laure Aubuchon discussed a new citywide 311 system, modeled after Hoboken, NJ. This would allow the mayor to actually see a report on the various types of citizens' complaints.
- The Citizens' Service Center will run the 311 system.

Ms. Nabel stated that Laure Aubuchon's position included the fact that the Mayor didn't feel his office could handle another direct report. Some people on the Committee felt that having the CSS in the Mayor's Office would elevate the position. There is somewhat of a conflict if the Citizens' Service Bureau is managing the 311 report and the Mayor is bringing the reports to his cabinet meetings, someone is still going to have to summarize the report, obviously the CSS. So, in effect, there is a one-on-one connection.

Mr. Sessa felt that if the position is not given the political clout by moving it into the Mayor's Office, he sees no reason to do it at all. The current position does not have the clout to get answers to citizens' complaints. Mr. Freccia stated that the CSS position is being expanded to include the ombudsman/advocate role, and that will increase the clout.

Mr. Sandak summarized saying that there is currently no one in city government assigned to solve a citizen's complaint or to act as an advocate for the citizen. The clout factor would be hard to put in a charter. Mr. Sandak stated that this was attempting to provide a remedy to citizens without them having to avail themselves of available legal remedies.

In response to Mr. Grebey's question, Mr. Fedeli stated he was unable to find another CT municipality. He did find Citizens' Bills of Rights in other states, including San Antonio, TX.

Ms. McManus stated that the current CSS spoke before the Committee and stated that he does exactly this function. He meets with citizens who are not satisfied; he has gone to director levels and called people to task. It did not sound to her that he had difficulty working with people at higher levels.

Mr. Fedeli stated that most of the current CSS's ability to solve problems, however, he does not have the ability to go to a director and report that a citizen has not been served satisfactorily. He now has to take something like this through the chain of command. If the Commission wants to fundamentally change the way services delivered, the ombudsman role needs to be considered.

Mr. Sandak asked Mr. Fogarty to draft some language defining the ombudsman role. This will allow the Commission to discuss this topic more cogently in the future. Mr. Fedeli noted that his research was on Citizens' Bills of Rights, not citizen ombudsmen/advocates.

Mr. Fogarty asked whether this would include issues with police officers and discrimination issues. Mr. Fedeli stated that this would be for operational issues. Mr. Sandak did not believe this is designed to deal with police issues. Regarding complaints about employees, citizens currently have no recourse today. The ombudsman would be someone who could address these types of situations. This position would not be an "appeal" of a decision made.

Mr. Grebey stated he was leery of setting up a complaint system. Mr. Williams stated that the crux of the issue is whether it should be in the Mayor's Office.

Historic Preservation Advisory Board/Commission *(time stamp at 42:30)*

Mr. Freccia stated:

- For background, Stamford has been designated a "certified local government," which relates to historic preservation. This allows Stamford to be eligible for grants related to historic preservation. This certification requires that Stamford do certain things.
- The Committee has agreed to recommend establishing this Commission
- This Board/Commission would be advisory only.

- The BOR will ultimately how many members and the specific responsibilities of the Board/Commission.
- Mr. Robins stated that this should have been established a long time ago, and he is in favor of this concept.
- Mr. Sandak stated that you have to be careful that this does not become the captive of a very limited group of people with access denied to a broad range of people. As such, membership selection should be considered by the Charter Commission.
- Mr. Robins stated that the statute provides excessive detail as to how the Commission will operate.
- Mr. Fedeli stated that if the Board doesn't act and establish the Commission, the City falls out of compliance and could not be eligible for grants.
- Counsel will review the process.

WPCA (time stamp 55:33)

Mr. Freccia stated:

- The WPCA is a creature primarily of State statute. The intent was to depoliticize sewage treatment and assure funding. All municipalities were supposed to form an authority that is separate and distinct from the political process.
- In reality, the WPCA is really people changing hats. For example, members of boards of selectman are also WPCA board members.
- The BOR did not take into consideration the Director of Operations and his role and responsibilities regarding the WPCA. The Charter is in direct conflict with the Statute, which seems to say it should be autonomous. The WPCA is really a quasi-municipal relationship. E.g., when there is an emergency, both city and WPCA showed up to resolve the situation.
- The City currently uses the WPCA for its administrative needs, such as payroll, accounting and IT. The WPCA pays a fee to the City for this based on a city formula.
- The WPCA could not fund all of the services it gets from the City without going broke.
- User fees are high and getting higher. These fees are now outside of the city budget and cannot be deducted from taxes.
- The Committee spoke to the Director of Operations, the WPCA Board, the Health Commission and Health Department, employees of the WPCA.

The Committee proposes the following (after consulting with counsel):

- The Director of Operations provisions in the Charter are in direct conflict and need to be cleaned up, without severing the apron strings.
- Proposed language is recorded in the Committee's minutes (see [attached](#)).
- This does not prevent the City and the WPCA from contracting for other services.

- The Committee also recommends establishing a new section that states that the WPCA is a separate entity under State statute that is supported by the Director of Operations.
- The Committee feels there should be a contractual relationship between the City and the WPCA.
- The City owns the infrastructure and the land on which the WPCA operates.
- Mr. Fogarty will review the decisions of the Committee.

Ms. McManus stated that she is concerned that there is no planning for city water systems, and this doesn't address this issue. She added that there is the WPCA and a committee of the Board of Reps and the relationship is not defined in the Charter.

Mr. Sandak stated that the issue between the BOR and the WPCA and its relationship is really a management issue, not a charter issue.

Fire Service (time stamp at 1:15:36)

Mr. Sandak stated:

- Currently, there is the Stamford Fire & Rescue Department (SFR), or the career fire department in the City. In addition to SFR, there are 5 volunteer fire departments in the City.
- The City is broken down into 10 or 12 fire districts. They are shown on a map on file with the Town Clerk's office. Each volunteer fire department has a district and SFR covers multiple districts.
- The Charter currently says that everyone is responsible for their districts as shown on that map and the BOR has the authority to change those district lines by a 2/3 vote of membership.
- The dual system emanates back from the consolidation in 1949.
- The volunteer companies all operate under their own set of bylaws. They all own their own fire houses and at one time owned all of their own equipment, which has changed over the time as the City has funded newer equipment (bought with capital funds).
- The current charter language is clear that SFR cannot go into the volunteer districts unless either agreed to or in an emergency. This creates a system of autonomy for the volunteers from SFR.
- The terminology is "career" or "volunteer." Everyone is a "professional."
- Over the years, with this charter language in place, the City and the various departments entered into management agreements, which detailed the terms and conditions under which they would cooperate under different scenarios.
- It is clear that when a fire happens, everyone works together to save lives and property. That is not an issue.
- Over the years, there have been multiple lawsuits between the City and the volunteer companies to try and define the relationship between them.

- There is a Stamford fire marshal office. The volunteer companies have their own fire marshals (to the extent they could hire one). There is a lawsuit questioning whether there can be more than one fire marshal for the entire city. The trial has happened, a decision has been written but not released. The judge has ordered that everything is on hold pending charter revision.
- In 2007 the administration made funding decisions to cause career fire fighters in the volunteer houses to withdraw. Also, there was a decision to terminate some of the management agreements that had existed between the city and volunteer departments.
- Some of these agreements had termination clauses; TOR did not have a termination clause. The City made an administrative decision to pull the career firefighters out of TOR, and to provide coverage for TOR, they put two temporary facilities in the TOR district and manned them with equipment. There is an issue as to whether the city had the right to do this under the current charter language (putting personnel in a volunteer district).
- The Committee reviewed two studies (1995 and 2008). The 2008 study raised issues about the relationship between the city and the volunteers and suggested that the charter language be reviewed.
- If there is a fire in TOR (for example), not knowing whether there is TOR personnel available, both SFR and TOR are dispatched.
- There are no issues at the fire scene. If the fire is in a volunteer district, the volunteer district chief takes charge – even if the SFR personnel show up first.
- The 2008 study recommended that a lot of the administrative, structural difficulties arise from the fact that there is no unified structure to deal with the two organizations. So, issues come up regularly where there is no clear chain of accountability because you are dealing with 6 independent fire companies in the City.
- There is mutual aid for the firefighting activities; there is no mutual aid on the management side, training, equipment maintenance and deployment of personnel.
- The ability to keep the volunteer staff has changed in Stamford. There are not as many jobs in the community that could be staffed by volunteer firemen and there are fewer companies with a sense of community commitment that would release employees to fight fires.
- Stamford is charged with providing fire protection to its residents.
- The 2008 Study recommended that the Charter language change so that there could be more consistent responsibility throughout the City. The Report also articulated the value of volunteers in this community and nationwide.
 - There are far more volunteer firefighters in the country than career firefighters.
 - Everyone benefits from the cost savings of volunteers.

The Committee offers the following conclusions:

- Goal 1 – Somehow have a unified firefighting service.
- Goal 2 – Preserve the volunteers.

- There are 52 communities in CT with combined firefighting services. All were surveyed by the Committee. Some have central authority for the whole system; some don't. Some have management agreements.
- Without effective management agreements, a combined structure doesn't work.

The Committee recommends:

- Naming the fire department the "Stamford Fire Department."
- A single Stamford fire service that is comprised of both career and volunteer firefighters called the Stamford Fire Department. This will institutionalize the role of volunteers.
- There will be a single person in charge of the Stamford Fire Department (or the "Chief" of the Stamford Fire Department)
- There will be two other charter positions: An Assistant Chief for Volunteer Services and an Assistant Chief – both report to the Chief.
- They recommend there be a single fire marshal in the City of Stamford.
- A graphic of the organizational chart was distributed to all members. It is headed up by the Director of Public Safety, Health & Welfare, over the police, fire and health departments. Next is the Chief of the Stamford Fire Department and under the Chief will be the two assistants and a fire marshal.
- The districts are still there, and the language in the charter that allows the BOR to change them will remain.

Mr. Sandak then discussed the role and leadership of the volunteer fire departments. The chiefs, subject to the supervision and direction of the fire chief, will have primary responsibility for firefighting services in their districts and have the primary responsibility for everything that happens in their department (house). For example, if career firefighters were assigned to a volunteer house, they would answer to the volunteer chief.

Finally, the Fire Commission duties will be broadened to include responsibility for all firefighters in the city, including volunteers.

Mr. Sandak stated that this will create a single authority in the city and preserve the volunteers. They did not give any consideration to the impact, influence or result of the union and collective bargaining because they were so advised by the City labor negotiator. Mr. Sandak stated that if the citizens approve this, then it is his job to deal with any labor issues that arise. It would be a mistake to base a plan on collective bargaining as such language can change.

Mr. Grebey added that the volunteer chief would be selected from 3 names submitted by the volunteer companies. The chief would not be limited to these 3 if no candidates were qualified. Also, the volunteer firefighters could file any grievances with the fire commission as the career firefighters have.

Mr. Sandak added that this new structure envisions a different role for the fire chief. It has to be someone who has a lot of respect for the volunteers and who wants to work with them.

Mr. Freccia discussed the role of the Fire Commission as envisioned with respect to hiring staff for volunteers, hearing grievances, etc. Some of these details need to be worked out.

Mr. Robins noted that the principal function of the volunteer chief would be attracting and retaining volunteers.

Mr. Fedeli asked why the district boundaries were not just changed in that he believes that would accomplish about the same thing. One by-product of this would be to allow/promote volunteerism anywhere in the City. He feels the fundamental conflict is around jurisdiction, and the Charter language is where this conflict comes from.

Mr. Sandak stated that culturally and socially the volunteer companies are very important to the community. The Committee was reluctant to reduce the value of these components. So, they tried to come up with concepts that, although not perfect, tries to preserve the volunteers and give them an opportunity to be a meaningful part of the community beyond just working on a truck. This allows each company an opportunity to retain its identity.

Ms. McManus stated some of the volunteer fire chiefs expressed concern about mandates that would not be feasible for volunteers (e.g., training times). Mr. Sandak stated that this is the reason an Asst Chief of Volunteers position is being recommended.

Mr. Sessa stated he is very concerned with the adequacy of fire fighting in the volunteer districts. He believes this plan will do a lot to improve that coverage. It will take a few years, and if this does not work out, the next charter commission can seriously consider making Stamford a single-district fire department. He will support the plan now, and the volunteers should be concerned about the future.

Mr. Williams stated that he is somewhat concerned that the entire district map issue has been left alone so far.

Conclusion

Mr. Sandak stated that the Committee has discussed most of the items brought up tonight, but would be willing to hold another committee meeting for other commission members to attend. Mr. Fogarty expressed some concerns about the timing, adding that a report needed to be prepared after votes were taken.

Mr. Sandak reviewed the vote ballot with the Commission members.

The meeting was adjourned at 10:20 p.m.

Submitted by,

Jay Sandak, Co-Chair

Vinnie Freccia, Co-Chair

This meeting is on [video](#)

Adjournment

Upon motion duly made and seconded, the meeting was adjourned at 10:30 p.m.

Submitted by,

Jay Sandak & Vincent Freccia, Co-Chairs

This meeting is on [video](#)