

CITY OF STAMFORD 17TH CHARTER REVISION COMMISSION

Members

JOSH FEDELI

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CLARENCE R. GREBEY III

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Jay H. Sandak, Co-Chair

Susan A. Nabel, Clerk

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RICH ROSEMAN

JAY H. SANDAK

GEORGE SESSA

DONALD B. SHERER

DUDLEY N. WILLIAMS, JR.

MINUTES OF MEETING

Monday, May 7, 2012

7:00 p.m. – Board of Finance Room, 4th Floor, Government Center
888 Washington Boulevard, Stamford, CT 06904-2152

Call Meeting to Order

Co-Chair Sandak called the meeting to order at 7:00 p.m. Present were all Commissioners except Messrs. Sessa and Roseman. Also present was Steven Fogarty, Esq., counsel to the Commission.

Public Comment

Mr. Cogliano of the Belltown Fire Department submitted draft charter language (copy attached) and recommendations for language re a Fire Commission made up of volunteer and paid fire fighters with three members elected by the public. Mr. Cogliano stated that this would give both the volunteers and career firefighting personnel a vote, and the public will ultimately decide the issue. He added that there is broad support among the volunteers for this concept.

Approval of Minutes of Meeting

Chair Sandak stated that the Ballot, which is part of the minutes of last week, is color-coded with red and green text representing open issues. Chair Sandak asked all commissioners to review the chart to ensure that no one has any open issues with the report.

Upon motion duly made and seconded, the minutes of the April 25, 2012 and the May 2, 2012 meetings were approved by unanimous voice vote (Rep. Gwozdziowski abstaining on the 4/25/12 minutes; Rep. Lucas abstaining on the 5/2/12 minutes).

Review Ballot and Consider Items on Ballot for Vote

The Commission continued voting on items beginning with No. 129, in the order they appear on the attached document entitled, "17th Charter Revision Committee Recommendations."

Discussions are summarized below in vote number order.

Vote No. 131 – Mr. Williams stated that the words "department" and "office" are used interchangeably in this section, and the Committee recommends the word "department." Co-Chair Sandak moved to amend the description to read: "Recommend using the word "department" in place of the word "office" with regard to the transfer of certain non-salary budgeted funds within an office, department, etc." Said motion was seconded and approved unanimously.

Vote No. 133 – This item was referred to legal counsel. The Charter currently has a 30-day requirement to submit an application challenging an assessment. Mr. Fedeli stated the Committee did not recommend any changes, and the Committee was just interested in finding out if this complied with State Law.

Mr. Fogarty stated that this does, in fact, need to be modified (along with Sections C8-16 Nos. 1-17) to comply with State statute (which allows for a 6-month window for appeal in this case). He recommends using wording that makes this section (and the section before it) “according to State statutes.”

Mr. Sandak stated that this recommendation would modify current charter language regarding takings to be consistent with State law, and this vote would be on the concept with counsel providing language. The item was approved unanimously.

Vote No. 134 – Mr. Fogarty stated this section is inconsistent with State law, but is remedied by making the following language changes:

~~If the Mayor approves the resolution, any land to be taken shall be deemed condemned, and title thereto shall vest in the City as of the date that the Mayor returns the resolution and report to the Board of Representatives.~~ **Title to the land shall vest with the City in accordance with State statutes.**

The change was approved unanimously.

Vote No. 135 – Mr. Fogarty stated that current Charter language is consistent with state and federal law.

Vote No. 136 – Mr. Fogarty stated that C1-50-2 should be amended to conform to State statute as follows:

The procedure for the condemnation of said land shall be that set forth in the General Statutes or where appropriate, the condemnation procedure provided for in this Charter. The owners of the property to be condemned shall be notified in writing by certified mail, return receipt requested, ~~not less than sixty (60) days prior to the condemnation proceedings.~~ **Initial notice of the condemnation shall be made in accordance with C8-60-4 of this Charter. In those instances where this Charter conflicts with the General Statutes, the condemnation procedures shall be in accordance with the General Statutes.**

Vote No. 137 – Mr. Fogarty reported this provision is not consistent with State law, and needs to be amended by deleting the entire section. Mr. Sandak stated that this is similar to a notary public's duties, and it does not affect other powers of the mayor. The item was approved unanimously.

Vote No. 138 – This item was already taken up at the April 18th Commission meeting.

Vote No. 142 – Upon motion duly made and seconded, the Committee voted unanimously to define “days” as “business days.”

After Mr. Fogarty pointed out an issue with references to 60 or 90 days, a motion to reconsider was made, seconded and approved by unanimous voice vote.

Mr. Grebey moved to amend C-10-4 to define 10 days or less as “business days” and anything over 10 days as “counted days.” Said motion was seconded and approved by unanimous voice vote.

Vote No. 149 – This item was taken up as Vote No. 35; upon motion duly made and seconded, the item was withdrawn by unanimous voice vote.

Vote No. 150 – The Commission voted in January not to take this item up, which explains why Vote No. 49 does not appear in the Chart. Upon motion duly made and seconded, a recommendation of “No Change” was approved by unanimous voice vote.

Votes No. 155 through 160 – Mr. Sandak stated that the Committee recommended that Items 155-160 should be handled by the legislative body. Upon motion duly made and seconded, a recommendation of “No Change” for Item Nos. 155-160 were approved unanimously. At Mr. Robins’ suggestion, there will be a notation in the Final Report recommending that these items be handled by ordinance.

Vote No. 165 – This referred to a catch-all charge that captures specific technical issues. Upon motion duly made and seconded, the item was withdrawn by unanimous voice vote.

The Commission took a ten-minute break, resuming at 8:20 p.m.

Chair Sandak stated that the Commission would now start at the beginning of the chart to handle all open votes.

Vote No. 6 – Mr. Sandak stated that this item was incorrectly worded in last week’s chart. The Charter does not exclude any amounts for additional appropriations. This would institute a new process, exempting amounts under \$2,500 from board approval.

Mr. Grebey moved to amend the Description so that any department could only go back once per year for an additional appropriation in amounts less than \$2,500. The motion to amend was seconded and approved by unanimous voice vote.

Vote No. 7 – Mr. Fogarty stated he found no prohibition against this language. Mr. Sandak stated that Mr. Larobina initially submitted a charge authorizing the Mayor to manage salary budgets after board approval. Mr. Larobina maintains that the current provisions conflict with case law. Mr. Williams stated that this would allow the mayor to move money from one account to another (with respect to salary items) without requiring BOF approval. Ms. McManus moved to recommend this change; said motion was seconded and approved unanimously.

Vote No. 9 – Mr. Fedeli moved to strike the language: “any and all incidental powers.” Said motion was seconded. Mr. Fogarty referred the Commission to Section 6-20-7(a) that reads:

The Board of Finance shall have any and all incidental powers necessary to enable it to investigate and determine the fiscal policy of the City. (Referendum 11-7-1995)

Mr. Fogarty suggested language to replace this section that reads:

“The Board of Finance shall have such incidental powers as may be reasonably necessary to enable it to investigate and determine those matters of fiscal policy of the City as are within its direct jurisdiction and responsibility.”

A motion was made, seconded and unanimously approved to accept this language.

Mr. Fogarty also suggested amending C6-20-9, to read:

The Board of Finance shall have authority, by a majority vote of the full Board, to incur any expenses which it deems necessary or advisable in connection with any hearing before it or for the investigation of requests for appropriations and may employ experts to assist it in such investigation, **provided, however, that it may only conduct investigations into matters in which are within the direct jurisdiction and responsibility of the Board.** The Director of Administration may, in his or her sole discretion, but shall not be required to, provide internal audit department personnel to the Board of Finance for the purposes of conducting any such investigation. Expenses incurred by the Board of Finance pursuant to this section shall be paid by the Office of Administration on warrant issued by the Chairperson of the Board of Finance and countersigned by the Clerk of the Board of Finance.

A motion to amend the previous motion to include the additional change above was made, seconded and approved by unanimous voice vote.

Vote No. 16 – As this item was already acted upon under another number, a motion to withdraw this item was made, seconded and approved by unanimous voice vote.

Vote No. 17 – Messrs. Sandak and Fogarty stated there were a series of pension recommendations that concluded that the Charter was inconsistent with state law and/or collective bargaining agreements, both of which overrule the Charter. Amending the pension section would require a specialized law firm, would be very technical in nature and very time-consuming.

Mr. Fogarty spoke with city employees who advised that the system currently works even with these outdated provisions in the Charter. Mr. Sandak stated that the Commission should be cautious about tinkering with these sections because if not done correctly, it could create some harm.

Mr. Sandak suggested informing the BOR that the Commission has identified issues in the Pension section, but could not take them up in an adequate and professional manner due to the short time frame. However, the items are substantive and worthwhile to address. Ms. McManus added that the Commission should recommend to the BOR that it empanel another charter revision commission to look at pensions some time prior to the next mandated charter review.

Vote No. 18 – Upon motion duly made and seconded, the Commission voted unanimously to reconsider Vote No. 18.

Mr. Fedeli moved to Vote on 17, 18, 20 and 29 as one vote, with the recommendation that the items be permanently tabled and referred back to the BOR with the recommendation outlined above. The motion was seconded and approved unanimously.

Vote No. 30 – Mr. Fogarty stated that this item was previously taken up. Upon motion duly made and seconded, the item was withdrawn by unanimous voice vote.

Vote No. 31 – Mr. Fogarty stated that this is consistent with state law. A motion to recommend no change was made, seconded and approved by unanimous voice vote.

Vote No. 32 – Mr. Fogarty stated that this is clear in the Charter. Mr. Sandak stated this charge is quizzical in nature. Mr. Grebey moved to take no action; said motion was seconded and approved by unanimous voice vote.

Vote No. 34 – The Commission previously agreed that counsel should review the entire charter to ensure that its anti-discrimination provisions comply with state law. Mr. Sandak stated the Commission initially wanted a general statement to this effect.

Mr. Fogarty stated that political discrimination, which is a category of non-discrimination, is however permissible in certain offices (e.g., the Mayor's office). This explains the dichotomy in the anti-discrimination provisions between unclassified and classified sections.

The Commission wants the Charter to reflect Stamford's commitment to anti-discrimination. Mr. Fogarty also confirmed that gender identity and expression is included in the state statutes.

Vote No. 37 – Mr. Sandak stated that there is an inconsistency in the language. It currently reads:

No obligations of the City shall be authorized for any capital project not included in the capital projects budget as finally recommended by the Mayor. Upon the request of the Mayor, the Board of Finance *may amend* the capital projects budget to increase the amount appropriated or the amount of obligations which may be authorized for any project previously authorized if such increase is, in the opinion of the Board of Finance, necessary for the completion of the project, or to add new capital projects. (Referendum 11-7-1995)

However, before any such action can be taken, an advisory opinion of the Planning Board shall be obtained. When the Board of Finance adopts an amendment adding a project to the capital projects budget, or increasing the expenditures or the obligations which may be authorized on account of any project, such amendment shall be submitted to the Board of Representatives. If the Board of Representatives adopts it, the capital projects budget shall be deemed amended accordingly. Not later than five days after such adoption, the amendment to the capital projects budget shall be filed in the Office of the Town and City Clerk and public notice thereof shall be given.

Mr. Sandak explained that in fact, in Paragraph 1 above, the Board of Finance may NOT amend the capital budget – it can only make a recommendation. The decision, in the second paragraph, is up to the Board of Representatives. The charge is to change the word “amend” in

the first paragraph. Mr. Sherer stated that the Committee recommended that the BOF should not *approve* prior to BOR approval, just offer a recommendation.

Upon motion duly made, the recommendation to re-word Section C8-20-7 was approved by unanimous voice vote.

Vote No. 40f – A motion to withdraw this item was made, seconded and approved by unanimous voice vote.

Vote Nos. 52 –Mr. Fogarty suggested language for the Description that states:

“The following boards and commissions shall contain 5 members who shall serve for four-year terms coinciding with the term of the Mayor: Police and Fire Commission.

The Commission previously approved the concept of this change.

Vote No. 54 – Mr. Freccia stated that historically if the Mayor didn’t send names down, individuals would sit on commissions forever. This change will put the onus on the mayor to act, and gives the Mayor the opportunity to submit names to the BOR that did not come from the political committees. Upon motion duly made and seconded, the item was approved unanimously.

Vote Nos. 65 and 66 – Mr. Freccia recommended amending C5-30-2 by specifying and designating that the Director of Operations shall aid and support the WPCA in carrying out those responsibilities in Items 5, 9, 10, 1, 12 and 18. This revision should partially remedy the conflict of responsibilities between the Office of Operations and the statutory intent for the WPCA as an independent entity and allow the BOR to designate organization and management by ordinance.

Mr. Fogarty stated he recommends making a “Section A” that incorporates the first 15 enumerated responsibilities of the Director of Operations (which do not refer to the WPCA), and then creating a “Section B” that reads: “The Director of Operations shall be responsible for aiding and supporting the Water Pollution Control Authority in its performance of the following functions,”, and then listing Items 5, 9, 10, 11, 12 and 18 above from Section A.

The Charter sections would now read:

“Sec. C5-30-2. - Public Works Functions.

(a) The Director of Operations shall be responsible for overseeing the following public works functions of the Office of Operations:

(1) Through (20) remain as written in current Charter.

New Section:

(b) The Director of Operations shall be responsible for aiding and supporting the Water Pollution Control Authority in its performance of the following functions,:

(1) List ONLY existing items in (a) above Nos. 5, 9, 10, 11, 12 and 18.

Vote No. 66 – Mr. Fogarty stated that C6-160-1 be amended as follows:

The Water Pollution Control ~~Commission~~ **Authority** shall consist of five members to serve overlapping terms of three years, to be appointed by the Mayor and approved by the Board of Representatives in accordance with this Charter.

Section C6-16-2 Definitions would be deleted in its entirety.

Section C6-16-3 Powers and Duties would be amended to read:

The Water Pollution Control ~~Commission~~ **Authority** shall have **all of the powers and duties as provided in Chapter 103 of C.G.S. as may be amended from time to time and as may be amended by ordinance adopted by the City of Stamford. It should coordinate its activities with the Director of Operations and the City of Stamford to perform its functions.**~~the power to enter upon and take and hold by purchase, condemnation or otherwise, the whole or any part of any real property or interest therein which it determines is necessary or desirable for use in connection with any sewerage system, and to enter into and fulfill contracts, including contracts for a term of years, with any person or any other City or municipalities to provide or obtain sewerage system service for any sewage, and may make arrangements for the provision or exchange of staff services and equipment with any person or any other City or municipalities, or for any other lawful services. The Water Pollution Control Commission may establish rules for the transaction of its business.~~

Sections C6-16-04, 5, and 6 would be eliminated in its entirety.

Mr. Freccia amended the Description in the Ballot Sheet to read: “Recommend establishing a new and separate Charter section recognizing the WPCA as an entity that exists by State statute and organized and managed by city ordinance. The WPCA shall, along with the aid and support of the Director of Operations, carry out its duties.”

A motion to adopt the above changes was made, seconded and approved by unanimous voice vote.

Vote No. 72 –A motion to recommend No Change to the item was made, seconded and approved by unanimous voice vote.

Vote No. 74 – A motion to recommend reducing the size of the BOR to 20 was made and seconded.

Mr. Williams stated that a fair amount of testimony from BOR leadership was heard, and while on the surface a body of 40 people may seem excessive, the size does not really represent an issue nor is it a challenge to the operation or efficiency of the Board. In light of this, along with the limited likelihood that it will go any further, he is not in favor of the recommendation.

Ms. McManus stated that most cities and towns with 300,000 to 800,000 have 20 people, and she believes the larger number hinders progress. She is in favor of the recommendation.

Mr. Robins stated that the Commission should not be second-guessing the BOR and that the public and all 40 members of the BOR should weigh in on this issue.

Mr. Fedeli recommended giving a more specific method to reduce the numbers, such as electing only one representative from each district. The current wording is too easily dismissed as being symbolic in nature. Mr. Freccia stated he agrees with Mr. Fedeli, and is in favor of limiting the number of representatives to one per district (because redistricting was just done).

Mr. Jachimczyk amended the motion by rewording the Description to read: Reduce the size of the BOR to one representative per current district commencing with the election of 2013. Said motion was seconded.

Ms. Nabel stated that the size affords opportunity for people to participate in the democratic legislative process. The number of people is not impeding its work, and if anything is slowing it down, it might be the number of procedures that are being carried over from charter to charter.

Mr. Freccia stated that if this passes, it will affect other sections of the charter.

Mr. Sandak noted that no one other than commission members and Mr. Fred Flynn came forward to support this recommendation.

Mr. Fedeli stated that he has been troubled from the onset of this process that the power that the BOR holds over this process limits the process. It limits the effectiveness to make effective change in government. If the Commission feels, as a board, that this is true, and that this process would be better served by providing alternative routes to ballot other than the BOR, this is as much a symbolic vote as any to take it up. He would like to take this to the State and ask them to put forward a piece of legislation to look at this. It would be nice to have something indicative of the issue and ask them how they could implement this change if the BOR is required to approve it.

Mr. Sandak stated will vote against it only because he does not have knowledge enough to know that the current system is not working. It certainly is a large board, but he does not believe that the case has been made that other than theoretically there is a lot of people compared to other legislative bodies that in fact it is causing difficulty. If the votes were being impeded by the number, or there was an inability to get a quorum, then that would be a reason. If he is pressed by anybody for a reason, he cannot articulate a case.

The motion was approved by a vote of 8-5-0 (Commissioners Fedeli, Freccia, Grebey, Jachimczyk, Lucas, McManus, Okun and Robins in favor; Commissioners Gwozdzowski, Nabel, Sandak, Sherer and Williams opposed).

Vote No. 77 –A motion to replace the word “meeting” with the word “election” was made, seconded and approved unanimously.

Vote No. 82 – This matter was discussed at the May 2, 2012 meeting.

Mr. Fogarty recommended adding language at the end of C1-40-5: To the extent permissible under applicable State law, the BOR shall endeavor to schedule the referendum on any proposed charter amendments or revisions to coincide with the general election at which either the mayor, state officials or federal officials are to be elected.

A motion to approve was made, seconded and approved by unanimous voice vote.

Vote No. 86 – Mr. Freccia submitted revised language that reads (after friendly amendments by Messrs. Sandak and Williams) a: “Recommend creating an Office of Planning & Economic Development, headed by a new cabinet level position, the Director of Planning & Economic Development, who shall be responsible for the administration, supervision, and performance of all administrative municipal functions related to land Use and Economic Development including but not limited to planning, zoning, zoning appeal and enforcement, environmental protection, economic development, community development and traffic planning. The Building Dept. remains under the Office of Operations.”

Mr. Freccia noted that this came from the Mayor’s office. Ms. McManus questioned whether this was not too much under one department.

Mr. Fedeli stated that the Mayor’s argument persuaded him in that this will increase the level of collaboration, and there is a lot of support staff and division heads under the Director.

Mr. Sandak also liked the concept, and did note that there is a possibility that there will be an additional position created as a result.

Upon motion duly made and seconded, this item was approved by unanimous voice vote.

Vote No. 110a – Legal counsel reported that per State Statute, the Board of Ethics is already provided with subpoena power. A motion to withdraw this item was made, seconded and approved by unanimous voice vote.

Vote No. 111 – Mr. Fogarty stated that while it is possible to do this, the process would be cumbersome because there are minority representation laws in effect, and Stamford would have to start over with a whole new Bd of Ed (existing unexpired terms would quickly run afoul of State law). You would have a percentage of the Board seated under the old rules and another percentage under the new laws.

Mr. Sandak noted that it could be done, but it would be quite complicated as Stamford would have to abandon the election process for a petition candidate process. Ms. McManus moved for a no change recommendation; said motion was seconded and approved unanimously.

Vote No. 112 – Ms. McManus moved for a no change recommendation; said motion was seconded and approved unanimously.

Fire Service Votes:

Vote No. 113 – Mr. Sandak stated that this item recommends no change to the districts and boundaries in the charter. Mr. Sandak moved the item; said motion was seconded.

Mr. Fedeli asked how you could have one fire department if the boundaries remain.

Mr. Sandak stated that the Committee recommends there be a single department and the various districts. Items 113, 114, 115, 115a and 116 are the components to provide for this concept and for a single fire chief over all fire services in the City of Stamford.

Mr. Fedeli stated that the Committee did not assign responsibility for designing a fire plan in the City of Stamford. Mr. Sandak stated that the Commission never had this as a charge.

Mr. Grebey stated that this in fact does institute a plan (See Vote No. 115). Mr. Sandak confirmed that the Committee is not providing charter language that designates the entity that will develop the plan. Mr. Sandak added that he believes this is a management issue and should come from the administration to the boards.

Mr. Williams stated he is concerned with the high threshold for changing the districts, and this could be a hindrance in achieving a single department. The districts function like land grants and were not put together with a focus on maximizing safety. Mr. Sandak stated that by giving the Fire Chief the right to oversee the districts, the concept of boundaries changes.

Mr. Robins stated the plan really centers on the unity of control through the Fire Chief. Mr. Grebey stated a lot of time was spent on discussing the Fire Commission, or a new Commission, but a lot came down to the fact that Charter language regarding the fire commission now is very specific; and the Fire Commission is not really creating policy. The Fire Commission is a volunteer board without expertise in fire planning. The Director of PSH&W and the Fire Chief have the expertise.

Mr. Freccia confirmed that the current Fire Commission is not qualified to make policy decisions, and it is rare to find a Fire Commissioner who has firefighting experience.

Mr. Freccia asked about the word "status" in the second sentence in the jurisdiction section. To him, this word is vague enough to cause concern. The current section C5-40-3(d) reads:

Jurisdiction. The services of the Fire and Rescue Department under the control of the Chief shall be limited to the City Fire Service District, except in the case of an emergency. **Nothing in this Charter shall be construed to affect the organization, status or property of the Volunteer Departments of Stamford.** The Fire Service Districts are indicated on the map of Fire Service Districts, prepared by the City Engineer, dated January 21, 1977 and on file in the Office of the Town and City Clerk of the City and shall delineate the fire service boundaries of the respective regular and Volunteer Fire Departments. Changes in Fire Service Districts may be made by ordinance adopted by a two-thirds' vote of the total membership of the Board of Representatives with the advice of the City Fire and Rescue Chief and the respective Chief of the Volunteer Fire Department affected.

Ms. McManus stated she is supporting the recommendation but does not support assigning someone in the Charter to come up with a plan. This is a management issue. These recommendations give the administration and the boards a good foundation on which to begin working.

Mr. Fedeli stated that the way the recommendation reads, any mayor and any fire chief could in effect destroy the volunteer fire companies. If that is the stated goal of the Committee, he does not believe this plan does it. The proposal relies too much on intent.

A motion to move the question was made, seconded and FAILED by a vote of 6 -6-1 (Commissioners Grebey, Gwozdzowski, Jachimczyk, Nabel, Okun and Sherer in favor;

Commissioners Freccia, Lucas, McManus, Robins, Sandak and Williams opposed; Commissioner Freccia abstaining).

Mr. Robins stated that part of the Fire Chief's job description will be to maintain the volunteer function in the City.

A motion to move the question was made, seconded and approved by a vote of 11-1-1 (Commissioners Fedeli, Grebey, Gwozdzowski, Jachimczyk, Lucas, McManus, Nabel, Okun, Robins, Sherer and Williams in favor; Commissioner Sandak opposed; Commissioner Freccia abstaining).

Vote No. 113 was approved by a vote of 10-2-1 (Commissioners Grebey, Gwozdzowski, Jachimczyk, Lucas, McManus, Nabel, Okun, Robins, Sandak and Sherer in favor; Commissioners Fedeli and Williams opposed; Commissioner Freccia abstaining).

Vote Nos. 115 – Mr. Grebey offered a friendly amendment, changing “etc.” to “assignments of personnel and allocation of other resources.”

Mr. Fedeli offered an amendment to delete “assignments of personnel” whereby the career firefighters would report to a Stamford Fire supervisor, not the volunteer person/chief in charge of a particular fire house. He will not vote on a plan that would have a career veteran firefighter reporting to a temporary volunteer chief. Mr. Fedeli stated he also doesn't understand how the City could install equipment in fire houses that the City does not own. It could be very expensive if the City had to find locations to house its equipment. Mr. Fedeli expressed concern that this recommendation is too much down the middle and ultimately no one will back it.

Mr. Robins stated that the Volunteer Chief could change the Chief in charge, if there was a younger, relatively inexperienced chief in charge at a particular time.

Mr. Grebey stated that some of the equipment in the volunteer houses is owned by the City. The volunteer chiefs said they would be open to lending their equipment to the City if it is necessary. Regarding the Vine Road and SEMS equipment, it is his understanding that this equipment would not necessarily be moved; they would put the proper personnel in the volunteer houses rather than deploying a second fire company for a district. Currently, there is animosity between the two groups and segregation within the fire houses. The Committee believes this is a management issue, and if the chiefs fail to manage these issues, the chiefs are insubordinate.

Mr. Sandak stated that the Incident Command System currently in place would not change. The person in charge would be the Incident Commander, not necessarily the chief. The Committee's intent is that whoever is in charge at the volunteer house at the time would be the person in charge of the fire, all subject to the Fire Chief and the two Assistant Fire Chiefs.

Mr. Grebey stated that the highest ranking person on duty in that fire house at any given moment – whether volunteer or career firefighter – ultimately are under the jurisdiction and responsibility of the Chief of that station.

Mr. Fedeli moved the amendment; i.e.,” This recommendation would create a single fire department with a single chief with jurisdiction over all fire services training, standard operating

procedures, ~~assignments of personnel~~ and allocation of other resources citywide. Said motion was seconded.

Mr. Sandak surveyed all commissioners for their input.

Mr. Fedeli stated he wants a fire plan developed by a fire professional that can put forward the best fire service for the City. He is willing to support the proposal if the following language is removed: "This recommendation would grant (subject to the supervision and direction of the Chief) the chiefs of the volunteer companies primary firefighting responsibilities in their fire districts and primary responsibility over the personnel and equipment assigned to their fire districts. Utilization of all resources, career and volunteer, is under the direction of the Chief."

Mr. Sandak clarified Mr. Fedeli's motion. The motion is to accept the Committee's recommendation (#115) by deleting "assignments of personnel." The motion was seconded and FAILED by a vote of 6-6-1 (Commissioners McManus, Jachimczyk, Gwozdzowski, Fedeli, Sherer and Williams in favor; Commissioners Sandak, Robins, Lucas, Sandak, Nabel, Grebey and Okun opposed).

The main motion, Vote No. 115, was approved by a vote of 10-2-1 (Commissioners McManus, Robins, Okun, Gwozdzowski, Jachimczyk, Grebey, Lucas, Sherer, Nabel and Sandak in favor; Commissioners Fedeli and Williams opposed; Commissioner Freccia abstaining).

Vote No. 116 – Mr. Grebey amended the Description by adding "under the supervision of the Chief and Assistant Chief for Volunteer Services" at the end.

Ms. McManus clarified that in that the volunteers are being named a "priority," the aim is to get more volunteer firefighters over career firefighters. Upon motion duly made and seconded, the item was approved by a vote of 11-0-2 (Commissioners McManus, Robins, Okun, Gwozdzowski, Jachimczyk, Grebey, Lucas, Sherer, Nabel, Williams and Sandak in favor; Commissioners Freccia and Fedeli abstaining).

Vote No. 116(a) – Mr. Freccia stated that the word "status" is vague in the following sentence:

Jurisdiction. The services of the Fire and Rescue Department under the control of the Chief shall be limited to the City Fire Service District, except in the case of an emergency. Nothing in this Charter shall be construed to affect the organization, **status** or property of the Volunteer Departments of Stamford.

Mr. Grebey moved that when this section is re-written to include the new provisions, the word "status" be eliminated. Said motion was seconded and approved by voice vote (Commissioner Freccia abstaining).

Vote No. 116(b) – New addition to charge: Mr. Williams moved to amend the requirement for a 2/3 vote of the BOR to change a fire district to a simple majority. Said motion was seconded.

Ms. McManus was concerned that undue influence could be put on the board, especially by union members. The motion was approved by a vote of 10-2-1 (Commissioners Freccia, Grebey, Gwozdzowski, Jachimczyk, Lucas, Nabel, Robins, Sandak, Sherer and Williams in favor; Commissioners McManus and Okun opposed; Commissioner Freccia abstaining).

Mr. Sandak stated that there will be a global change that all references to Stamford Fire & Rescue Department will be changed to Stamford Fire Department. Mr. Sherer pointed out C5-40-3 (a) and (b) refers to “paid employees” and “sworn members” and that during drafting, this may be a place to define all volunteer and career firefighters as being part of the Stamford Fire Department.

Vote No. 129 – Mr. Sandak stated that this extends the jurisdiction of the current Fire Commission to cover the Stamford Fire Department, which will consist of career and volunteer staff.

The motion was amended to include changes below to C6-90-1(1) to read:

(1)Except for the appointment or removal of the Fire and Rescue Chief, the Commission shall have the sole power of appointment and promotion of sworn **career** members after consideration of any recommendations made by the Fire and Rescue Chief and in accordance with the provisions of this Charter.

Upon motion duly made and seconded, the item was approved by a vote of 12-0-1 (Commissioners Freccia, Grebey, Gwozdzowski, Jachimczyk, Lucas, Nabel, Robins, Sandak, Sherer, McManus, Okun and Williams in favor; Commissioner Freccia abstaining).

Vote No. 140 and 141 – Mr. Freccia read draft language for #140, which the Committee asked counsel to prepare: “All citizens of the City of Stamford, CT are guaranteed the following rights, **subject to state law**:

- I. Fair and accessible government
 - a. Access to records, information
 - b. Accessibility of municipal employees, elected officials
 - c. Reasonable and timely ability to conduct business with the city
- II. The ability to participate in government
 - a. Appointed boards and commissions, committees
 - b. Public access to meetings, public comment
- III. Ethical conduct of city government
 - a. Works in tandem with the Ethics Code
- IV. The right to appeal
- V. Notice of action and reasons
 - a. Transparency as to the decisions or actions of government
 - b. ~~Written notice of action, decision or change in government policy, procedures, etc.~~ **Timely notice in accordance with city law.”**

Mr. Sandak stated that he doesn’t know what the reference to “written notice of changes in government policy” means. Mr. Fedeli stated that counsel will guide the Commission on the actual language. He added that sometimes a citizen needs a written response. Said motion was seconded and approved by unanimous voice vote.

Mr. Sandak stated that the written notice section carves out a new right; Mr. Fedeli stated it was never his intention to provide new rights. Mr. Grebey suggested an amendment to Vb. to read: “Timely notice in accordance with city law.” This amendment was moved, seconded and approved unanimously.

Mr. Jachimczyk stated that with regard to access to information, citizens are already entitled to information under FOI. Mr. Sandak moved to add "subject to state law," at the end of the introductory statement. Mr. Jachimczyk moved this amendment; said motion was seconded and approved 12-1-0. (Commissioner Okun opposed).

The main motion, the Citizens Bill of Rights preamble, was moved, seconded and approved by unanimous voice

Vote No. 141a – Mr. Fedeli stated this is a three-part issue: 1) include the Citizens Service Bureau in the Charter, preventing its defunding; 2) have the Customer Service Director assume the role of ombudsman; and 3) have the ombudsman/Customer Service Director report to the Mayor. This is the mechanism to enforce the preamble language just approved.

A motion to approve Part 1 (include the Citizens' Service Bureau in the Charter, preventing its defunding) was made, seconded and approved by unanimous voice vote.

Vote No. 141b - A motion to approve Part 2 (have the Customer Service Director incorporate the role of ombudsman to deal with citizens' complaints not related to service) was made and seconded.

Ms. Okun stated she is not certain that this is really needed; there is already a process in place for complaints. Mr. Freccia noted that Laure Aubuchon unveiled the soon-to-be 311 system that is an online method of citizen service inquiry and resolution. It is a management tool for the Mayor to determine what kind of requests/complaints is being made, the resolution of them, etc. Mr. Freccia noted that it is the mayor's position (per Laure Aubuchon) that this will more than adequately promote good service to the citizens, and that an ombudsman reporting to the Mayor is unnecessary.

Mr. Jachimczyk stated that Hoboken, NJ (where this system was modeled after) is small and may not be suitable for Stamford. Mr. Fedeli stated that the 311 system is a software update to an existing system that provides a dashboard for the Mayor. The system is not adequate for fielding non-service-related requests. It is software, not someone who can advocate for a citizen to get help with a complaint.

Upon motion duly made and seconded, Vote No. 141b FAILED by a vote of 5-8-0 (Commissioners Fedeli, McManus, Nabel, Sandak and Williams in favor; Commissioners Freccia, Grebey, Gwozdzowski, Jachimczyk, Lucas, Okun, Robins and Sherer opposed).

Vote No. 141c – Upon motion duly made and seconded, Vote No. 141c FAILED by a vote of 2-11-0 0 (Commissioners Fedeli and Nabel in favor; Commissioners Sandak, Williams, Freccia, Grebey, Gwozdzowski, McManus, Jachimczyk, Lucas, Okun, Robins and Sherer opposed).

Vote No. 99a – Mr. Fogarty reviewed the impeachment proceedings section and determined Charter Section C1-90-1 is probably infirm and could create a legal challenge if it was used. 1) The word "impeachment" should be deleted and replaced with the term "removal." 2) Removal should be done upon charges approved and adopted by the BOR. 3) The removal should be after a hearing on the charges and if $\frac{3}{4}$ vote in favor of removal, then the removal will take place. 4) There is no standard of proof, which is necessary ("clear and convincing evidence in something less than a criminal matter"). 5) The rights of the person being charged (e.g., to compel witnesses, hear the charges, right of notice) should be enumerated. 6) The prosecution should either be left up to the BOR or the Charter could mandate that the BOR designate an

attorney to act as prosecutor.

A motion for a new charge, 99A, was made and seconded to adopt the suggestions listed above. Said motion was seconded and approved by unanimous voice vote.

Upon motion duly made and seconded, upon a recommendation from the committees of "No Change Recommended, the following items were approved unanimously: Vote Nos. 2, 3, 145, 146, 147, 4, 5, 8, 148, 11, 12, 150, 151, 152, 153, 154, 162, 161, 80, 87, 15, 78, 99, 163, 48, 53, 55, 122, 123, 69, 94, 57, 59, 62, 60, 91, 58, 89, 90, 82, 84, 144, 93, 98, 164, 72, 75, 76, 111, 112, 117, 118a, 118b, 119, 120, 43, 31, 32, 135, 141b, 141c, 113, 114, 155, 156, 157, 158, 159, 160, 18, 17, 20, 22, 23, 24, 25, 26, 27, 28 and 29.

General

Chair Sandak stated that the Commission should discuss whether it wants to allow for reconsideration on any and all items by any Commissioner after the public hearing. This process is fair, but it is inconsistent with Robert's Rules and an amendment to the Commission's rules would be required to effect this.

Robert's Rules requires the motion to be from the prevailing side and at the same meeting that the vote was taken.

Ms. McManus moved that notwithstanding Robert's Rules and previously-adopted rules, the Commission accept any motions for reconsideration before the Draft Report is submitted to the Board of Representatives.

A discussion ensued whether a member who was not present during the initial vote could then vote to reconsider a matter. The Commission agreed that the absent person cannot vote on reconsideration, but could vote on the issue.

Mr. Freccia and Ms. Okun felt that if the item was not brought up by the public, then the Commission should not reconsider items. Mr. Grebey felt that the Commission should not be lobbying absent members. Commissioners could have the public come and comment on the item at the public hearing, which would then open it up for reconsideration.

The motion to amend the rules of order by allowing reopening of any vote passed on a tie vote of 7-6-0 (Commissioners McManus, Lucas, Gwozdzowski, Fedeli, Williams, Sandak and Jachimczyk in favor; Commissioners Robins, Sherer, Okun, Grebey and Freccia opposed).

Scheduling of next meeting of full Commission

The Commission will meet after the public hearing (it will be noticed for 8:00 p.m.).

The full Commission will also meet on Wednesday, May 16, 2012 at 7:00 p.m.

Adjournment

The meeting was adjourned at 12:05 a.m.

Submitted by,

Jay Sandak & Vincent Freccia, Co-Chairs

This meeting is on [video](#)