

CITY OF STAMFORD 17TH CHARTER REVISION COMMISSION

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MINUTES OF MEETING

Tuesday, June 26, 2012

7:00 p.m. – Legislative Chambers, + 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 Commissioners Fedeli, Gwozdziowski, Jachimczyk, Lucas, McManus, Nabel, Okun, Robins, Sessa, Sherer and Williams. Excused was Commissioner Grebey. Also present were Stephen Fogerty, Esq., counsel to the Commission; BOR Charter Committee Co-Chairs Mary Fedeli and John Mallozzi; and Rep. Harry Day.

Public Comment

There were no members from the public present to speak.

Mr. Sandak explained that the BOR Charter Committee (BOR) held a public hearing on this Commission's [Draft Report](#) on June 19th. The BOR Committee met after the public hearing and made a recommendation to the full Board, which held a Special Meeting on June 25th (last night) (see [attached minutes](#) of meeting). The purpose of tonight's meeting is to review the BOR recommendations/responses to the Commission's Draft Report. The Commission can choose to accept each BOR recommendation, reject and/or affirm the recommendations or modify its Draft Report. At the conclusion of tonight's meeting, a Final Report will be issued. After the Final Report is submitted, the Commission will no longer exist.

Mr. Sandak stated that the Commission will go through the BOR's response to the Draft Report (see [attached resolution](#)). Thereafter, per the Commission's rules, any member can move any other item for reconsideration.

Vote No. 70 – Mr. Sandak reported that the BOR questioned whether the Commission meant to include constables in the prohibition to holding more than one elective office. Ms. McManus stated that the Commission was primarily interested in barring dual membership on the BOE, BOF and BOR. While the Commission did intend to include constables, she wants to see this on the ballot and if exempting constables will get it on the ballot, she is in favor of excluding them. Mr. Sandak responded that he did not know if this was a deal breaker for the BOR. Mr. Sandak added that he can distinguish between other elective offices and constables in that the role of constable does not involve decision-making but is a ministerial process.

Upon motion duly made and seconded, the Commission voted to **affirm** its recommendation **with the condition that constables be excluded from the list of citywide offices that would ban dual-office holding** by unanimous voice vote.

Bonding. Mr. Sandak stated that in general, the bonding items were rejected by the BOR. The BOR agreed with the Commission's concept that the BOF should deal with fiscal matters, and the BOR felt that the bond items were counter to that concept.

Vote No. 37 – Mr. Sherer moved to **withdraw** this proposal; said motion was seconded and approved by unanimous voice vote.

Vote No. 39 – Mr. Sherer moved to **withdraw** this proposal; said motion was seconded and approved by unanimous voice vote.

Vote No. 40a – Mr. Sandak noted that this is the procedure that the City currently uses regarding the actual issuances of bonds that have been previously authorized. Mr. Sherer noted that under State statute, the BOR can delegate this responsibility to the administration, so there is no harm in eliminating this from the Commission's list of recommendations.

Upon motion duly made by Mr. Fedeli and seconded by Mr. Sessa, the Commission voted 11-1-0 to **affirm** its earlier decision (Commissioner Gwozdzowski opposed).

Vote No. 40b – Mr. Sherer stated that the BOR felt that this was in keeping with the position that the BOF should be the ultimate fiscal entity.

Upon motion duly made by Ms. McManus, the item was seconded and **affirmed** by unanimous voice vote.

Vote No. 42 – Mr. Sherer stated that this item totally eliminated the BOF from the process.

Upon motion duly made and seconded, the Commission voted to **withdraw** this item by unanimous voice vote.

Vote No. 46 – Ms. Fedeli stated that there are already rules of the board that accomplish this. Upon motion duly made and seconded, the Commission voted unanimously to **affirm** its earlier vote.

Vote No. 47 – Ms. Fedeli stated that there was a lot of discussion on this item, but ultimately the BOR felt that it would be too difficult to implement. Upon motion duly made and seconded, the Commission voted to **withdraw** this recommendation by a vote of 10-2-0 (Messrs. Sessa and Robins opposed).

Vote No. 130 – Mr. Mallozzi explained the history of this item, noting that it provides the BOR with some control over the actions of boards and commissions. Further, it provides consistency by allowing ordinance-created commissions to be eliminated by ordinance.

Commissioner McManus moved to affirm the Commission's earlier recommendation, noting that the Commission intended for boards and commissions that are established by the voters to remain in existence until the voters decide to eliminate them.

Upon motion duly made and seconded, the Commission voted to **affirm** its earlier recommendation by a vote of 11-1-0 (Commissioner Okun opposed).

Vote No. 6 – Upon motion duly made and seconded, the Commission voted unanimously to **withdraw** this recommendation.

Vote No. 7 - Ms. Fedeli stated that the BOR was concerned that this provision could escalate into large amounts of money within large departments, increasing the possibility of an administration adding positions to an approved budget without board approval.

Upon motion duly made and seconded, the Commission voted unanimously to **withdraw** this recommendation.

Vote Nos. 56, 83 and 86 – Mr. Sandak stated that there was a good faith disagreement among members of the BOR Committee regarding combining land use and economic development. Some members felt planning and economic development are basically incompatible. Further discussions were held regarding which role would take precedence as urban planning may want to go in a different direction than economic development. Mr. Sandak noted that these are persuasive arguments. Further the Commission's intent was to facilitate people working together on an administrative level; some members of the BOR felt this was a management issue, and there was no reason that this could not happen right now (i.e., a charter change is not necessary).

Mr. Freccia noted there were only five members present at the BOR Committee meeting, so he questions the thoroughness in vetting this concept. Mr. Sandak responded that Mr. Harry Day, the BOR's Land Use Committee Chair, was present, and Mr. Day is very well informed on land use issues.

Ms. Nabel moved to **affirm** the Commission's earlier votes (Nos. 56, 83 and 86); said motion was seconded and approved by a vote of 11-1-0 (Commissioner Sandak opposed).

(Note: Mr. Williams arrived at this time.)

Vote No. 74 – A motion to **affirm** the Commission's earlier vote was made, seconded and approved by a vote of 11-2-1 (Commissioners Nabel and Gwozdzowski opposed; Commissioner Williams abstaining).

Mr. Fedeli stated that this is an example of an item the Commission may want to refer to the State for future legislation.

Vote No. 97 – Mr. Sandak stated that the Commission was trying to create consistency, but in reality it does not work. The City has numerous small easements, e.g., for utility work, and it would be too cumbersome for each of these to require BOR approval. Further, Atty. Capalbo stated that from his point of view, not allowing small easements to be granted quickly through the Law Department would considerably slow down construction in the City.

Upon motion duly made and seconded, a motion to **withdraw** this recommendation was made, seconded and approved by unanimous voice vote.

Vote No. 141a – Mr. Day stated that the BOR felt that there was no necessity to include the Citizen’s Service Bureau in the charter; further, the BOR is trying to reduce the number of items that would be on the ballot this November.

Ms. Gwozdzowski stated she is opposed to eliminating this recommendation; the citizens of Stamford deserve this. Mr. Fedeli noted that this item will receive more affirmative votes than any other on the ballot.

Upon motion duly made and seconded, a motion to affirm the Commission’s earlier recommendation was made, seconded and approved by a vote of 11-2-0 (Commissioners Lucas and Okun opposed).

Vote No. 116b – Ms. Fedeli stated that this is a very, very important issue that affects every citizen and could affect property taxes. She stated that it should remain a 2/3 vote.

Mr. Sessa stated that the 2/3 vote requirement contributed to creating the current mess in the fire services. This is crucial to the plan, and is the stick that will make people come to the table.

Mr. Robins stated that it is a big stick, and that is what is wrong with making it a simple majority. A big change could happen by a simple majority of the BOR.

Mr. Williams stated that he was in favor of this and does not see why a public safety matter would have such a high barrier.

Mr. Sandak stated that he does not believe that the success and/or failure of a single fire department is going to rise or fall by the number of districts. The actual number of districts will become a management issue in the single fire plan. He doesn’t think the district lines will have any consequence once the single fire plan is implemented.

Ms. McManus stated that we need to encourage volunteers, and the BOR should be able to shrink the volunteer districts if they are unsuccessful.

Mr. Fedeli stated that this issue is the only way you can achieve harmony – if the single chief plan goes forward. He confirmed that there are 28 representatives from city districts and 12 from volunteer districts.

Mr. Freccia stated that getting 21 votes on the BOR is a significant undertaking on controversial issues and requires working across the aisle.

A motion to withdraw this recommendation was made, seconded and failed by a vote of 3-9-1 (Commissioners Okun, Robins and Sandak in favor; Commissioners Gwozdzowski, Nabel, Lucas, McManus, Jachimczyk, Fedeli, Sherer, Sessa and Williams opposed; Commissioner Freccia abstaining).

A motion to **affirm** the Commission’s earlier recommendation was made, seconded and approved by a vote of 9-3-1 (Commissioners Sessa, Lucas, Nabel, Sherer, Gwozdzowski, Jachimczyk, Williams, McManus and Fedeli in favor; Commissioners Okun, Robins and Sandak opposed; Commissioner Freccia abstaining).

Vote No. 131 – Ms. Fedeli questioned whether the Commission’s intent was to eliminate the 1995 department restructuring. The Commissioners generally felt that was not the intent, and that this was recommended to clarify the definition of an *Office* and a *Department* for purposes of permitting transfers of funds. Mr. Fogerty noted that the terms were inconsistently used throughout the charter.

A motion to **withdraw** this recommendation was made, seconded and approved by unanimous voice vote.

Vote No. 39 – Mr. Sherer noted that again the BOR felt this is a fiscal matter appropriately handled by the BOF.

A motion to **withdraw** this recommendation was made, seconded and approved by unanimous voice vote.

Vote No. 116a – Mr. Sandak stated that if the citizens vote to have a single fire department, leaving the word *status* is broad enough to mean that the current rights and obligations of the volunteer departments (as they exist right now in the current charter) will be carried over to the new charter. In fact, their current status will change, and Mr. Sandak wants this to be open and transparent to all.

Mr. Sandak stated he is concerned that leaving the word *status* in the charter will be the Achilles heel of the new structure because some judge will say “how can they [the volunteer departments] maintain their current *status* and at the same time have the new structure.” If you are going to have a new structure, the old status needs to be deleted. Further, this language has been involved in at least four lawsuits over the years (the word *status* has no legal definition).

Mr. Sherer suggested qualifying the word *status* by adding “within the current structure of this Fire Plan.”

Mr. Sandak stated that the volunteers want this word to remain. There is no intent to affect their charters, just wanted to bring them into the department for organizational purposes. He wants them to remain as a distinct entity within the Fire Department. Mr. Sandak stated that the general consensus was that “their status from being separate from SFR will change.” Their status as a volunteer department will not change. It will be within the substructure within the new SFD.

Mr. Day noted that this word has a huge amount of meaning because of the failure to keep this word in here. We need to keep the word in there. Ms. Fedeli stated that if the word *status* is removed, a lot of good will disappears.

Ms. McManus stated that the Commission should just make the best decision possible; it should not be trying to keep a small group of people happy.

Mr. Freccia stated it is clear to him that this word is important to a lot of members of the BOR. He would hate to see another period of time pass where Stamford is not given the opportunity to fix a problem. This is going to be a change – the status will be changed, and it will happen.

A motion to retain the word **status with qualifying language** that states that the volunteer status refers to their status under the as contemplated under Vote No. 115, was made and seconded.

A motion to move the question was made, seconded and approved by a vote of 9-2 (Messrs. Sandak and Lucas opposed).

The main motion (i.e., to retain the word **status with qualifying language** that states that the volunteer status refers to their status under the new structure as contemplated under Vote No. 115) was **approved** BY A VOTE OF 11-1-1 (Mr. Lucas opposed; Mr. Freccia abstaining).

Mr. Fedeli moved to include Questions 115, 116a-c, 128 and 129 merged into a single item in the Final Draft Report. Mr. Sessa seconded the motion.

Mr. Fedeli suggested that the Commission combine all the fire votes into one vote for the Final Report so that the BOR is not able to undercut the plan by allowing this word to remain. Mr. Fedeli stated that keeping them separate allows for something akin to a line item veto on the various parts of the plan. If it is not presented as a package, you are allowing the BOR to dilute what the Commission is trying to do. The package is essential, and it will be more difficult for the BOR to reject the entire package.

Mr. Sandak was opposed to restructuring the Final Report at this point in time; Mr. Fogerty stated that while the issue would require further research, he was inclined to agree with Mr. Sandak. Rep. Day noted that with all meetings on videotape, the intent of the word *status* will be much clearer in any future litigation. Ms. Nabel noted that the Commission should think very carefully as four of the fire-related proposals have been accepted by the BOR; the entire package could receive renewed scrutiny and this move may jeopardize the entire plan. Mr. Williams agreed, adding that the items were approved in a certain manner and to now present them publicly in a completely different format could be seen as being less than transparent. Mr. Sherer felt that it could appear the Commission is issuing a challenge to the BOR, and he feels this would be a mistake. Mr. Fedeli stated that this was his intent – to challenge the BOR to put the plan in its entirety to the voters. Mr. Sandak stated that this will be perceived as confrontational by the BOR, and the Commission has been trying not to be confrontational with the BOR. Mr. Sandak stated that putting the questions forward as a single item may not be a bad idea, but it should have been done much earlier in the process.

The motion was defeated by a vote of 2-10-1 (Commissioners Fedeli and Jachimczyk in favor; Commissioners Sandak, Lucas, Robins, Sessa, Williams Gwozdzowski, McManus, Sherer, Okun and Nabel opposed; Commissioner Freccia abstaining).

Vote No. 110 – The BOR suggested that the qualifications of membership of this Board be determined by ordinance. Mr. Day added that the BOR felt the 2-year limitation for members that were on the RTC or DCC may not work in Stamford.

Mr. Jachimczyk moved to **affirm** the Commission's earlier decision; said motion was seconded and approved by a vote of 12-1-0 (Commissioner. Sherer opposed).

Mr. Sandak asked if any Commission members had any other items they wanted to reconsider.

Mr. Sandak stated that this was an awesome group of fellow commissioners, and the Commission performed exemplary public service. He thanked everyone for their service.

Adjournment

The meeting was adjourned at 10:15 p.m.

Submitted by,

Jay Sandak & Vincent Freccia, Co-Chairs

This meeting is on [video](#).

DRAFT