



**2011 Charter Committee
Board of Representatives**

John Mallozzi, Co-Chair

Mary Fedeli, Co-Chair

Committee Report

The 2011 Charter Committee of the Board of Representatives meeting, held on Wednesday, May 30, 2012, continued to June 5, 2012, was continued to:

Date: Wednesday, June 13, 2012
Time: 7:00 p.m.
Place: Democratic Caucus Room
888 Washington Boulevard, Stamford, CT

Present were Co-Chairs Mallozzi and Fedeli and Committee Member Reps. Summerville, Taylor, Layton, Day, Savage and Sklover. Excused was Committee Member Rep. DePina. Also present were Co-Chairs of the Charter Commission Freccia and Sandak, Commission Member Sherer; and Reps. DeLuca and Giordano.

Co-Chair Mallozzi called the meeting to order at 7:05 p.m.

Item No.	Description	Invitee(s)
1. C28.011	REVIEW; Draft Report of the 17 th Charter Revision Commission and scheduling of Board of Representative's Public Hearing on the Recommendations.	<u>SEE ATTACHED VOTE RECORD</u>

The Committee then proceeded to go through the Draft Report, beginning with Vote No. 121 (Page 8); Committee actions and comments appear on the attached Draft Report/Vote Record.

Discussion regarding Fire Service Vote Item Nos. 115, 116, 116a, 116b, 128, 129.

Mr. Sandak stated that all of the items go together and create an overall concept of a single fire department made up of career and volunteer firefighters. Mr. Sandak emphasized that semantics is important in that both career and volunteer firefighters are professional – neither group is designated alone as “professional firefighters.”

Co-Chair Fedeli stated that she believes these items should be voted on separately.

There will be a single or “super” chief and two Assistant Chiefs (the titles will be determined later). One Assistant Chief will be for volunteers and one will be for career. The Super Chief will have full jurisdiction over training, deployment of equipment and manpower.

The volunteer stations will retain their autonomy. If a career firefighters is assigned to a volunteer firehouse, that career firefighter will report to the volunteer chief in charge of the firehouse to which s/he is assigned.

Vote No. 116a deals with the word “status” with regard to the volunteers. Ms. Taylor stated that she is not in favor of removing the word “status.” She stated that the “status” of the volunteers *as volunteers* is no different that the status of career firefighters as members of a union.

Mr. Sandak replied that there have been at least nine lawsuits in recent years, the vast majority of which arose as a result of claims that the rights of the volunteer fire departments were being violated pursuant to the *language of the current charter*. The Commission recommends removal of the word “status” because in fact this charter change does change the “status” of the volunteers, and to not acknowledge this opens the door to future lawsuits. Mr. Sandak stated that if the word “status” remains in the language, it will be a disservice in that clearly the status of the volunteers has changed.

Mr. Sandak reviewed the history of the volunteers/city fire departments. The current language bars the Stamford Fire Department (SFD) from entering the volunteer districts unless invited or under emergency conditions. Prior to 2005-06, there were management agreements between the city and various volunteer stations, which defined when SFD could enter the volunteer districts.

The management agreements contained termination clauses, and the City began exercising them in 2005/06. At this point, it became difficult to determine how to provide fire service citywide without violating the charter prohibition against the SFD entering volunteer districts. The system then broke down.

In No. 116, the Commission tried to create a unified, combined service that, to the extent possible, recognizes the autonomy of the volunteer fire departments. He added that the volunteer departments serve a purpose other than fire fighting – they are a part of the neighborhood and they serve a social function. The Commission did not want to lose these other purposes.

Mr. Sklover asked if this plan impacted the volunteer companies’ state charters. Mr. Sandak responded that the charters give the fire companies the right to exist but do not give the fire companies the right to fight fires in the city.

Rep. Fedeli stated that, while she appreciates the amount of work that the Commission did on this issue, the resolution does not appear equal on both sides. She is in favor of one fire chief, but eliminating the word “status” is a cause for nervousness.

Rep. Fedeli also added that she received an email recently where the Commission is recommending that the BOR look to change the taxing districts because, in theory, the whole city will get the benefit of a single fire department. This was not the case with the management agreements. Ms. Fedeli stated that changing taxing districts would be too much change at one time, and this should not be addressed in this charter change.

Rep. Day stated that the word “status” could remain in the Charter in that the word “status” will now take on the meaning of the new language in the Charter. It clearly would not refer back to language that the voters excised. Messrs. Sandak and Freccia disagreed with Mr. Day’s position, and recommended that the item be sent back to commission for reconsideration. Mr. Sandak suggested that the Commission consider qualifying the word “status” to refer to the current language.

Rep. Coppola stated that he generally supports most of the changes, but he wants representation for the volunteers on the fire commission. He stated that the level of trust is low between the city and the volunteers, and a commission structure that included volunteer representation would help this situation.

Mr. Sandak stated that the Commission considered this, including looking at a structure that included SFR commission members, volunteer commission members and neutrals. The consensus was that a structure like this is diametrically opposed to the concept of a single fire department. Rep. Taylor suggested that qualifications be required for membership on the fire commission. Mr. Freccia responded that the fire commission is not broken, it primarily interviews and promotes candidates and rarely hears appeals of disciplinary actions; he added that all of the boards and commissions are composed of citizen volunteers, and the fire commission is no different.

Mr. Coppola stated that the volunteers really want “a right to continue to exist in the Charter.”

(Rep. Layton left the meeting at this time.)

After going through the Commission’s list of Recommended Items, the Commission returned to Vote No. 1 (regarding internal audit).

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| 2. C28.012 | RESOLUTION; concerning Recommendations for Changes to the Draft Report of the 17th Charter | No action |
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Revision Commission.

taken

3. C28.013 RESOLUTION; approving the final report of the 17th Charter Review Commission. **No action taken**

A motion to reconvene after the public hearing on June 19, 2012 at 7:30 p.m. (or immediately following the public hearing, whichever occurs later) to discuss comments made at the public hearing and reconsider any items as a result of public input, was made, seconded and approved by unanimous voice vote.

Upon motion duly made and seconded, the meeting was adjourned at 10:45 p.m.

Submitted by,

John Mallozzi, Co-Chair

This meeting is on [video](#).