

CITY OF STAMFORD

19TH CHARTER REVISION

COMMISSION

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JEANETTE BILICZNIANSKI
CYNTHIA BOWSER
KAREN CAMPOREALE
SUE HALPERN
FRANCES LANE
MICHAEL LAROBINA

Thomas Lombardo, Chair
Michael Larobina, Vice Chair
Jackie Pioli, Clerk

Members
STEVEN LOEB
ALEX MARTINEZ
J.R. MCMULLEN
SHELLEY MICHELSON
ANTHONY PRAMBERGER, JR.
CLEMON WILLIAMS

MEETING REPORT

Wednesday, May 10, 2023
7:00 p.m.
Meeting Held Remotely

Call to Order - Chair Lombardo called the meeting to order at 7:00 p.m.

Roll Call - In attendance were Chair Lombardo, Vice Chair Larobina, and Commissioners Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, Martinez, McMullen, Michelson, Pramberger, and Williams. Commissioners Kolenberg and Pioli were excused. Also present were Attorneys Mednick and Roberts.

Pledge of Allegiance - Commissioner Camporeale led the Pledge of Allegiance.

Public Comments – Mike Papa spoke about the need to allow more public participation in the democratic process.

Communications and Correspondence – Chair Lombardo reported that there were no external communications

Finance Committee report. Commissioner Michelson reported that the Committee has finished up with all of the charges to the Committee as follows:

Charge 69 – [Charge §8.a; Require the Mayor to call a meeting of the Chairs of all pension trusts and OPEB quarterly to share best practices.] The Committee felt that meetings could be called at any time and recommends that the Commission not move forward with this charge.

A motion to dispense with Charge 69 was made, seconded, and approved by a vote of 13-0-0 (Commissioners Lombardo, Larobina, Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, Martinez, McMullen, Michelson, Pramberger, and Williams in favor).

Charge 70 – [Charge §8.b; §§ C7-10-1, et seq; Review how frequently providers are compared.] There was no consensus among committee members on how frequently this review should be made, and recommends that the funds decide how frequently to make this review and that the Commission not move forward with this charge.

A motion to dispense with Charge 70 was made, seconded, and approved by a vote of 12-1-0 (Commissioners Lombardo, Larobina, Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, Martinez, Michelson, Pramberger, and Williams in favor; Rep. McMullen opposed).

Charge 71 – [Charge §8.c; § C7-10-2; Provide the Mayor the authority to appoint a trustee for each pension fund.] The Mayor already has this authority and the committee recommends that the Commission not move forward with this charge.

A motion to dispense with Charge 71 was made, seconded, and approved by a vote of 13-0-0 (Commissioners Lombardo, Larobina, Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, Martinez, McMullen, Michelson, Pramberger, and Williams in favor).

The committee also received a suggestion to increase the Custodians Pension Trust Fund board to include a member of the paraprofessionals and a member of management. The committee had no interest in doing that, since custodians are 99% of the assets and there might be a conflict with DOL rules and recommends that the Commission not move forward with this charge.

A motion to not move forward with increasing the Custodians Pension Trust Fund was made, seconded, and approved by a vote of 11-2-0 (Commissioners Lombardo, Larobina, Bilicznianski, Camporeale, Halpern, Lane, Loeb, McMullen, Michelson, Pramberger, and Williams in favor; Commissioners Bowser and Martinez opposed).

The Committee also reviewed the current language of Sec. C7-30-2 and recommends the following change (shown in red) noting that the fund already has a way to deal with this situation:

Sec. C7-30-2. - Composition of Fund.

The Fund shall consist of all monies received from the following sources:

- (a) All appropriations, gifts, or bequests made to the Fund from public or private sources, and all net income resulting from the investment of the Fund;
- (b) A contribution by each classified employee of the City who is a member, until the employee shall have completed thirty-three (33) years of service, of three percent of the employee's salary, which contribution shall be collected as deductions from pay and transmitted by the Director of Administration at the end of each month, to the Fund;
- (c) All compensations for services that remain unclaimed by any classified employee for a period of one year after the same shall have become due, ~~but the Fund shall return any such amount to the City if the claim to it shall be established by the employee or legal representative of the employee~~ Fund;
- (d) An annual appropriation by the City, as determined by the Board of Finance and approved by the Board of Representatives, on the basis of an actuarial survey made at the direction of the Board of Finance not more than five years prior to the date of the appropriation, to be at least equal in amount to the sum of the contribution made by members under (b) for the preceding calendar year;
- (e) Such additional appropriation by the City, if any is necessary, sufficient with the balance of the Fund at the end of any calendar year, to make the Fund at least equal to the sum of the contributions previously made by all the then existing members who are not then in receipt of benefits from the Fund, plus interest at the rate of two percent per annum, compounded annually on such contributions;

(f) Any sum which the Board of Finance, within its discretion, causes to be paid in lieu of the contribution of any classified employee who shall have entered the armed forces of the United States.

A motion to approve this item was made, seconded, and approved by a vote of 13-0-0 (Comms. Lombardo, Larobina, Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, Martinez, McMullen, Michelson, Pramberger, and Williams in favor).

Land Use Committee Report. – Commissioner Loeb reported that the only item remaining for the Committee was the proposal to include a new provision regarding the Land Use Boards not acting on the same day as holding a public hearing, as shown below:

Sec. C6-30-004. Decision Not to Be Made on Same Day as Close of Public Hearing

Any action of the Planning Board, the Zoning Board, the Zoning Board of Appeals, or the Environmental Protection Board which requires a public hearing shall not be acted upon on the same date as such public hearing; ~~except in the case of a public emergency as defined by Law.~~ As a consequence, such actions shall be taken at the next regularly or specially scheduled meeting of the board or commission.

A motion to approve this language, removing the phrase “: except in the case of a public emergency as defined by Law” was made, seconded, and approved by a vote of 12-0-1 (Comms. Lombardo, Larobina, Bowser, Camporeale, Halpern, Lane, Loeb, Martinez, McMullen, Michelson, Pramberger, and Williams in favor; Comm. Bilicznianski abstaining).

Elected Officials Committee Report. Commissioner Pramberger stated that he believed there were discrepancies between what the Commission had approved and the language provided by Attorney Mednick, as follows:

The Commission had requested Attorney Mednick amend the language regarding the public notice requirements to include provisions for review of the requirements by the Board of Representatives. Attorney Mednick noted that the language currently reads as follows [language struck out in green was moved to another section] as follows:

(17) "Public Notice" means a notice published or posted on the official City website and such electronic or other media as may be required by Law, this Charter or Ordinance. Such notice shall also be ~~and notification~~ given to at least one local news media, including, but not limited to, print, electronic and broadcast media. ~~A public notice of a meeting or a hearing shall state the time and place thereof, and shall be published at least once not more than thirty days nor less than three days prior to the meeting or hearing unless otherwise provided in this Charter;~~

(a) “Public Notice” specifically includes matters where “publication” was required under the prior Charter; or, as may continue to be required by the General Statutes.

(b) The content of Public Notice shall be specifically as set forth in this Charter; or, as otherwise required by Ordinance, which shall be reviewed and revised by the Board of Representatives from time-to-time). The content of a Public Notice shall comply with the requirements of the General Statutes, if any and shall include a summary description of all matters so noticed.

(c) In the event the requirement of the Charter or Ordinance is more stringent than the requirements of the General Statutes, then the Charter or Ordinance shall prevail.

A motion to amend this language to include language that “the Board of Representatives enact an ordinance with additional public notice requirements for all city boards, commissions, and departments, and review the same on a biannual basis,” was made, seconded and approved by a vote of 13-0-0 (Comms. Lombardo, Larobina, Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, Martinez, McMullen, Michelson, Pramberger, and Williams in favor).

Chair Pramberger stated that the Commission had approved the following language regarding the temporary absence or disability of the Mayor, which differs from the draft provided by Attorney Mednick¹:

Sec. C3-10-4. - Temporary Absence or Disability of the Mayor.

In the event the Mayor is or intends to be absent from the City for a period of forty-eight (48) hours or more, the Mayor shall give written notice to that effect to the President and ~~for~~ the Clerk of the Board of Representatives, and ~~for~~ the Town and City Clerk. In the event of absence from the City or temporary disability of the Mayor, the President of the Board of Representatives, ~~or in the President's absence or disability, the Majority Leader, or the Minority Leader, that order, thereafter~~ such member as the Board of Representatives shall designate, shall exercise the power of the Mayor, except that until such absence or disability of the Mayor has continued for thirty (30) days, the Acting Mayor shall not have power to appoint or remove officers or employees. The financial compensation for the Acting Mayor shall be determined by the Board of Representatives but shall in no case exceed in proportion the salary of the Mayor. If the time period is greater than a 30 day period said compensation will equal a per diem rate based on the mayor's salary. Said compensation will begin on the first day the Acting Mayor assumes the duties of the role, and end when the Mayor returns to duty.

Commission members determined that since this language had previously been approved, no vote was necessary.

City Departments Committee Report. Commissioner Williams stated that there was no report.

Appointed Boards and Commissions Committee Report. Commissioner Larobina stated that there was no report.

¹ The draft presented by Attorney Mednick had the following language:

Sec. C3-10-4. - Temporary Absence or Disability of the Mayor.

In the event the Mayor is or intends to be absent from the City for a period of forty-eight (48) hours or more, the Mayor shall give written notice to that effect to the President and ~~for~~ the Clerk of the Board of Representatives, and ~~for~~ the Town and City Clerk. In the event of absence from the City or temporary disability of the Mayor, the ~~President or in the President's absence or disability, the Majority Leader~~ of the Board of Representatives; or in the ~~President's absence or disability~~ absence of the Majority Leader, the Minority Leader of the Board of Representatives; or, thereafter, such member as the Board of Representatives shall designate, shall exercise the power of the Mayor, except that until such absence or disability of the Mayor has continued for thirty (30) days, the Acting Mayor shall not have power to appoint or remove officers or employees. The ~~compensation~~ salary for the Acting Mayor shall be determined by the Board of Representatives but shall in no case exceed in proportion the salary of the Mayor. If the time period is greater than a thirty (30) day period said salary will equal a per diem rate based on the Mayor's salary. Said compensation will begin on the first day the Acting Mayor assumes the duties of the role, and end on the day when the Mayor returns to duty.

Commission members noted that there had previously been suggestions made to change the language for the Appointment and Removal section. The Commission then proceeded to review the proposed language below, which had been submitted by Attorney Mednick (language in green was moved to proposed Sec. C6-00-2(d)(3)):

Sec. C6-00-3. Appointment and Removal.

(a) Nominations by the Mayor. The Mayor shall submit to the Board of Representatives, ~~at its first meeting after its organizational meeting,~~ nominations of members to each appointive Board or Commission ~~or other similar appointive position,~~ to fill each vacancy where a term of office has expired or in the event of a vacancy. ~~The Mayor shall also submit to the Board of Representatives at such meeting nominations of alternate members of the Planning Board, the Zoning Board and the Zoning Board of Appeals to fill any vacancies on a "panel of alternates" where an alternate member's term of office has expired. No nomination to such appointive Boards, Commissions, positions or "panel of alternates" made by the Mayor shall become effective until approved by the Board of Representatives. Provided, however, if a nomination to any such appointive Board, Commission, position or "panel of alternates" made by the Mayor shall not have been approved or rejected by the Board of Representatives for a period of ninety (90) days, then such nomination shall thereupon become effective, having been deemed to have been approved by the Board of Representatives through its inaction. Provided further, however, if the Mayor shall fail to submit a nomination to the Board of Representatives within one hundred and twenty (120) days after the expiration of a Board or Commission or alternate member's term of office, then, at any time during the one hundred and twenty (120) day period thereafter, the President of the Board of Representatives may nominate and the Board of Representatives may approve a successor to fill the position. Provided further, however, if said Board of Representatives shall fail to act within the allotted time period, the Mayor shall again be empowered to nominate an individual to fill the vacancy and the Board of Representatives shall have ninety (90) days to approve or reject such nomination as set forth above. As used herein, the term "Boards or Commissions" may include, but are not limited to, other similar appointive positions or "panel of alternates" as may be provided elsewhere in this Charter or defined by Ordinance. Unless otherwise set forth in this Charter the approval of a nomination shall be by a Majority Votes of the Board of Representative~~

(1) Role of the Town and City Clerk: Notice. The Town and City Clerk shall notify the Mayor and the President, Majority and Minority Leaders of the Board of Representatives at least thirty (30) days prior to the end of the term of any member of an appointive Board or Commission; or, within forty-eight (48) hours of the creation of a vacancy on a Board or Commission for any other reason. The time-lines set forth in this section shall commence with the notice from the Town and City Clerk.

(2) Submission of Nomination. The Mayor's nomination(s) for a member of a Board or Commission shall be submitted to the Board of Representatives, as follows:

(i) Within one hundred and twenty (120) days following notice from the Town and City Clerk; or,

(ii) In the event a Mayoral nomination is rejected by the Board of Representatives the Mayor shall submit a nomination to the Board of Representatives within thirty (30) days of such rejection, whether the nominee is a resubmittal or new nominee and may continue to do so within the one hundred and twenty (120) days permitted under this section.

(iii) **Transition Provision.** Within thirty (30) days from the effective date of the revisions to this section of the Charter; the Mayor shall submit nominations for all vacant and hold-over positions on the Boards and Commission at the time. In the event the Mayor fails to submit a nomination within thirty (30) days) the authority shall default to the procedures set forth in Sec. C6-00-3(c)(3) and (4), as the case may be.

Notwithstanding the foregoing, the Mayor may not submit the same name more than two times for the Board or Commission for which the nominee was rejected.

(3) Failure of the Mayor to Submit a Nomination: Appointment Authority Defaults to the President of the Board of Representatives. In the event the Mayor shall fail to submit a nomination to the Board of Representatives within the time allotted in Sec. C6-00-3(a)(2), above; or, a position remains vacant for a period of one hundred and twenty (120) days from the notice of the Town and City Clerk under Sec. C6-00-3(a)(1), then, during the one hundred and twenty (120) day period thereafter, the President of the Board of Representatives shall be required to nominate and the Board of Representatives shall act upon the President's nomination of a successor to fill the position. In the event the Board rejects the nomination of the President, the President may submit another nominee within thirty (30) days of such rejection.

(4) Failure of the President to Submit a Nomination. Appointment Authority Defaults to the Mayor, President, Majority and Minority Leaders of the Board of Representatives. In the event the President shall fail to submit a nomination to the Board of Representatives within one hundred twenty (120) days following the default of the Mayor as set forth in sub-section (3), above; then, then each of the Mayor and the President, Majority Leader and Minority may nominate successor appointees for concurrent consideration of and subject to the approval of a plurality of the members of the Board of the Board of Representatives, until such time as a nominee is approved.

(5) Failure of the Board of Representatives to Act: Deemed Approved. In the event a nominee to any such Board or Commission shall not have been approved or rejected by the Board of Representatives for a period of sixty (60) days from the date of submission by the Mayor or any other appointing authority, then such nomination shall thereupon become effective, having been deemed to have been approved by the Board of Representatives through its inaction.

(6) Term for Which Appointee Shall Serve. Any nominee who shall be appointed to fill any vacancy or expired term hereunder shall only serve for the balance of the term that was either vacated or not filled in a timely manner.

Sec. C6-00-4. Expiration of Terms of Office.

(a) The term of each appointive Board or Commission member or relevant position shall expire on the first (1st) day of December first of the final year of the term, subject to continuance in office for a period of six (6) months or until a successor has been approved by the Board of Representatives, whichever occurs first or otherwise deemed approved to serve pursuant to Sec. C6-00-3(a)(5)t. In the event there is an “alternate” member on the Board or Commission said “alternate” shall replace the member following the expiration of a term for the purposes of conducting business. The member whose term has expired may remain on the Board or Commission; however, may only participate in a meeting in the absence of an “alternate” member; or, where the “alternate” is not available to participate in a meeting.

Sec. C6-00-11. Limitation of Service.

On and after first (1st) day of December 2024, no person shall be appointed to a term on any Board or Commission if at the time of the commencement of such new term such person shall have served twelve (12) consecutive years on such Board or Commission or, if during the subsequent term, said appointment would result in service in excess of said limitation of service. This limitation of service shall be applied to the time served by incumbent members of Boards and Commissions at the effective date of this provision. Moreover, the time served by a person filling a partial term shall be counted toward the limitation of service. Any person whose term ends due to this provision may be reappointed to such Board or Commission after a lapse of one (1) year.

A motion to amend Sec. C6-00-3 to include the following language “Notwithstanding the foregoing, the Mayor may not submit the same name more than two times for the board or commission, for which the nominee was rejected.” was made, seconded, and approved by a vote of 13-0-0 (Comms. Lombardo, Larobina, Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, Martinez, McMullen, Michelson, Pramberger, and Williams in favor).

A motion to amend Sec. C6-00-3(a)(1) to require the Town Clerk to notify the Mayor at least 60 days prior to end of a member’s term and the 120 days for the Mayor to make a nomination begins at the time of the notice, was made, seconded, and approved by a vote of 13-0-0 (Comms. Lombardo, Larobina, Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, Martinez, McMullen, Michelson, Pramberger, and Williams in favor).

A motion to delete Sec. C6-00-11 was made, seconded, and approved by a vote of 11-0-2 (Comms. Lombardo, Larobina, Bilicznianski, Camporeale, Halpern, Loeb, Martinez, McMullen, Michelson, Pramberger, and Williams in favor; Comms Bowser and Lane abstaining).

A motion to approve the proposed language, as amended, was made, seconded, and approved by a vote of 11-0-2 (Comms. Lombardo, Bilicznianski, Camporeale, Halpern, Lane, Loeb, Martinez, McMullen, Michelson, Pramberger, and Williams in favor; Comms. Larobina and Bowser abstaining).

Public Hearing Date

A motion to hold the public hearing on May 24th was made, seconded, and approved by a vote of 13-0-0 (Comms. Lombardo, Larobina, Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, Martinez, McMullen, Michelson, Pramberger, and Williams in favor).

A motion to adjourn the meeting at 10:32 pm was made, seconded, and approved by unanimous voice vote.

This meeting is available on [video](#).