

CITY OF STAMFORD

19TH CHARTER REVISION

COMMISSION

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CLEMON WILLIAMS

SPECIAL MEETING REPORT **Monday, August 1, 2023** **5:00 p.m.** **Meeting Held Remotely**

1. **Call to Order** - Chair Lombardo called the meeting to order at 5:06 p.m.
2. **Roll Call** - In attendance were Chair Lombardo, and Commissioners Bilicznianski, Bowser, Camporeale, Halpern, Kolenberg, Lane, Loeb, McMullen, Michelson, Pioli, Pramberger and Williams; Absent or excused were Commissioners Larobina, and Martinez. Also present were Attorneys Mednick and Roberts. Chair Lombardo confirmed that a quorum was present. Comm. Pioli left the meeting at 6:29 p.m. and rejoined at 7:30 p.m.; Comm. Kolenberg left the meeting at 7:05 p.m.

3. Review of Board of Representatives [Resolution 4224](#)

The Commission then proceeded to discuss the items contained in the [Resolution 4224](#) not previously discussed in the order on the resolution as follows:

¹Sec C6-00-3 - Revise Sec. C6-00-3 (Boards and Commissions, Appointment and Renewal) as follows: If the Mayor complies with the timing requirements for submission of nominees and the BOR rejects all nominees submitted in a timely way by the Mayor, at the end of the 120-day period following the City Clerk's Notice the BOR will select a nominee by ranked-choice voting from all of the Mayor's nominees. If the law does not permit ranked-choice voting, then by plurality.

Attorney Mednick stated that he is not sure if there is authority to use ranked choice voting in this process and it would be complicated to put in at this point. It needs to be made clear that if the Mayor complies with her timing requirements she does not lose her appointing authority. The Mayor's clock should begin again if the Board rejects a nominee. The current draft has no provision to allow this to go back to the beginning if the clock runs out.

The provision regarding the Town Clerk providing notice to the Mayor was added to the proposed Charter.

A motion to hold this for Attorney Mednick and Comm. Larobina to revise was made, seconded, and approved by a vote of 9-3-0 (Comms. Lombardo, Halpern, Kolenberg,

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Lane, Loeb, Michelson, Pioli, Pramberger and Williams in favor; and Comms. Bilicznianski, Camporeale, and McMullen opposed).

²Sec. C1-50-1 Revise Sec. C1-50-1 entitled “Condemnation for Municipal Purposes” in order to assess and comply with the provisions of §158(3) of P.A. 23-205.

Sec. C1-50-3 Revise Sec. C1-50-3 entitled “Acquisition and Disposition of Real Estate in order to assess and comply with the provisions of §158(4) of P.A. 23-205.

Review §158(2) of P.A. 23-205 and determine which provisions of the Proposed Revised Charter, if any, require modification.

Review §158(1) of P.A. 23-205 and determine which provisions of Division 3 of Part 6 of the Proposed Revised Charter, if any, require modification.

A motion to accept the above 4 recommendations which would require the removal of provisions barred under P.A. 23-205 was made, seconded, and approved by a vote of 13-0-0 (Comms. Lombardo, Bilicznianski, Bowser, Camporeale, Halpern, Kolenberg, Lane, Loeb, McMullen, Michelson, Pioli, Pramberger and Williams in favor)

³Sec. C1-10-2 - Add a definition of “Ordinance” to the Charter.

Attorney Mednick noted that he had requested this because he had omitted a definition of ordinance from the proposed draft. It was noted that ordinance is defined in state statute.

A motion to approve this recommendation was made, seconded, and approved by a vote of 12-1-0 (Comms. Lombardo, Bilicznianski, Bowser, Camporeale, Halpern, Kolenberg, Lane, Loeb, Michelson, Pioli, Pramberger and Williams in favor; Comm. McMullen

⁴Sec. C8-30-10(b)(4) - Modify proposed Sec. C8-30-10(b)(4) to the following effect: “In the case of any proposed amendments of the capital budget in excess of (a threshold amount), the Board of Finance and the committee of jurisdiction of the Board of Representatives shall conduct joint Public Hearing upon such proposed amendment and a final Public Hearing not later than two (2) Days prior to any final votes on the amendment. Each of the Boards shall conduct additional Public comment sessions at each meeting prior to action on any proposed amendments or other business before the said Boards.”

Attorney Mednick noted that the Chair of the Board of Finance had noted that there are frequent amendments to the capital budget. There could be a threshold amount to trigger this in or the charter or the threshold could be set or modified by ordinance. It was noted that the City receives many large grants which amend the capital budget. Joint public hearings require a lot of planning.

A motion to delete section C8-30-10(b)(4) was made, seconded, and approved by a vote of 6-5-1 (Comms. Lombardo, Camporeale, Kolenberg, McMullen, Pramberger and Williams in favor; Comm. Bowser, Halpern, Lane, Loeb, and Michelson opposed; Comm. Bilicznianski abstaining).

⁵Sec. C3-10-14 - Add to Sec. C3-10-14 the following: “The Mayor, on behalf of and in the name of the City, shall act as the principal representative of the City in intergovernmental relations and affairs with the federal and state governments, other municipalities and regional agencies. During the state legislative session and any

² Video Pt. 1 Time Stamp 00:53:23

³ Video Pt. 1 Time Stamp 00:57:29

⁴ Video Pt. 1 Time Stamp 01:07:26

⁵ Video Pt. 1 Time Stamp 01:27:08

special sessions, the Mayor shall immediately report to the Board of Finance and Board of Representatives, all legislative matters and proposals which may impact the governance of the City, whether introduced by the City or otherwise. On matters introduced by the City the notice shall be, at least, simultaneously with submission or in accordance with the provisions of Ordinance.”

Commissioners discussed that this is very broad language and it is not clear how it would be enforced. There should be someone in the Administration responsible for tracking legislation and notifying the Board, particularly when conflicts are created. The Mayor can't be expected to report on every conversation regarding legislative matters and may handcuff the Mayor in negotiations, such as for school construction reimbursement. There needs to be transparency.

A proposal was made to amend the proposed language as follows:

“The Mayor, on behalf of and in the name of the City, shall act as the principal representative of the City in intergovernmental relations and affairs with the federal and state governments, other municipalities and regional agencies. During the state legislative session and any special sessions, the Mayor shall immediately report to the Board of Finance and Board of Representatives, all legislative ~~matters~~ items and proposals which may impact the governance or financial wellbeing of the City, whether introduced by the City or otherwise. On matters introduced by the City the notice shall be, at least, simultaneously with submission or in accordance with the provisions of Ordinance.”

A motion to approve the recommendation to change Section C3-10-14 with the proposed amendments was made, seconded, and approved by a vote of 10-2-0 (Comms. Lombardo, Bowser, Camporeale, Halpern, Lane, Loeb, McMullen, Michelson, Pramberger, and Williams in favor; Comms. Bilicznianski and Kolenberg opposed).

⁶Change the Charter in order to give the BOR appointment authority for a majority of the members of the Planning Board, EPB, Zoning Board, and the Zoning Appeals Board by the Board, as vacancies on the Board may arise.

Attorney Mednick noted that this raises several legal issues, notably that modifying the structures of the Planning Board and Zoning Board would impact a central portion of the Special Act and might also be barred under P.A. 23-205.

A motion to reject this recommendation was made, seconded, and approved by a vote of 11-0-0 (Comms. Lombardo, Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, McMullen, Michelson, Pramberger, and Williams in favor).

⁷Change the Charter from a 2/3rds to 3/5ths vote to override a Mayoral veto.

Comm. McMullen stated that there has never been an override of a Mayor's veto in the history of Stamford. Attorney Mednick noted that most communities have a 2/3 override provision.

A motion to reject this recommendation was made, seconded, and approved by a vote of 9-2-0 (Comms. Lombardo, Bilicznianski, Bowser, Camporeale, Halpern, McMullen, Michelson, Pramberger, and Williams in favor; Comms. Lane and Loeb opposed).

⁶ Video Pt. 1 Time Stamp 01:55:15

⁷ Video Pt. 1 Time Stamp 02:00:14

⁸Sec. C2-10-3 - Review and revise Sec. C2-10-3 in order to clarify that the intent of hiring in-house counsel is to provide staff expertise to address land use appeals in addition to general assistance to the Board of Representatives. Eliminate the reference to the outside counsel budget of the Corporation Counsel; however, the provision would be effective upon passage.

Attorney Mednick stated that he believes the intent of this recommendation was to eliminate the reference to the outside counsel budget because it was an unnecessary distraction. The intent of the provision was not to be an alternate counsel to the city's attorney but to provide legal assistance for the legislative body. With the transfer authority that is granted in this provision, you don't really need to have a guaranteed amount of money. The Board of Representatives might need a lawyer to advise it on the appropriate parameters for consideration when the land use appeals come to the Board, and so in-house counsel has to have land use background.

A motion to approve this recommendation was made and seconded,

A motion to amend this recommendation to include a reduction in the Corporation Counsel budget by the cost of the in-house counsel since Corporation Counsel will no longer need to provide support to the Board of Representatives was made and seconded. It was noted that this reduction could be done as part of the budget process. The motion to amend was withdrawn.

A question was raised as to whether this section creates a conflict with C5-20-3 which provides that the Corporation Counsel is counsel to the Board of Representatives, because there are now two sections which state who is counsel for the Board of Representatives, one of which provides for a full time attorney just for the Board of Representatives. Mr. Mednick stated that there is no conflict because Corporation Counsel remains the attorney for the entire corporation (the City) and the need for an attorney for the legislature only applies in the event of a legal or policy conflict with Corporation Counsel.

A motion to approve this recommendation was made, seconded, and approved by a vote of 11-0-0 (Comms. Lombardo, Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, McMullen, Michelson, Pramberger, and Williams in favor).

⁹Consider adding a transition provision that would establish an effective date for items that are covered by P.A. 23-205, in the event the law is repealed by the General Assembly.

Commissioners discussed this item. Items discussed included the following: Creating the sunrise provision is a lot of work and that if the Public Act were overturned, a new charter commission could be created to address that. This could be a simple way to clarify which provisions would go into effect if the public act were overturned. The public could be educated on this. The sunrise provision could be limited to the definition of landowner. The Land Use Committee should meet to review this provision.

Attorney Mednick noted that drafting a sunrise position is challenging.

A motion to table this recommendation was made, seconded, and approved by a vote of 10-1-0 (Comms. Lombardo, Bilicznianski, Bowser, Halpern, Lane, Loeb, McMullen, Michelson, Pramberger, and Williams in favor; Comm. Camporeale opposed).

The Commission took a 10 minute recess at this point.

⁸ Video Pt. 1 Time Stamp 02:06:00

⁹ Video Pt. 1 Time Stamp 02:24:13

¹⁰Sec. C6-00-3 - Modify Sec. C6-00-3 pertaining to the appointment of Board and Commission members in order to clarify and to simplify the process.

Attorney Mednick noted that this was previously addressed in the first vote and will be coming back after review.

¹¹Sec. C6-210-3 - Reconsider transfer of fair rent functions back to social services commission.

Chair Lombardo noted that the Social Services Commission had recommended that this provision be left as it currently is. Commissioners discussed suggestions to include these functions in a housing commission. The objection to this change was that people who are being evicted might be deprived of the social services support they might need.

Attorney Mednick stated that the Commission has created a Housing Commission, which has three different powers and duties, one of which is exercise the powers given to fair rent commissions. This proposal would send that power back to the Social Services Committee. So the Housing Commission would have the function to promote and encourage development and continued availability of affordable housing and comprehensive housing policies and goals. It would have a policy function only. This recommendation would restore the Social Services Commission as having an additional regulatory power in addition to its investigatory powers regarding discriminatory practices.

A motion to approve this recommendation was made, seconded, and approved by a vote of 4-0-8 (Comms. Lombardo, Bilicznianski, McMullen, and Williams in favor; Comms. Bowser, Camporeale, Halpern, Lane, Loeb, Michelson, Pioli, and Pramberger abstaining).

¹²Secs. C1-70-3; C1-80-1; C6-210-1, et seq. - Changing the Board of ethics from being appointed by the mayor and the board of representatives to become elected officials by the people. Their terms should run like the mayor and board of representatives.

Commissioners discussed that the Board of Ethics is supposed to be a non-political Board and should not be subject to a political process like a campaign.

A motion to reject this recommendation was made, seconded, and approved by a vote of 12-0-0 (Comms. Lombardo, Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, McMullen, Michelson, Pioli, Pramberger, and Williams in favor).

¹³Sec. C6-40-1 - Include consideration of protecting the state's historic, tribal, cultural and environmental resources among the duties of the Zoning Board

Attorney Roberts stated that this would change the scope of the Zoning Board and the Commission has already rejected similar items as beyond what they can do under the 1953 framework. Consideration of historic, cultural and environmental resources is already incorporated in the Zoning regulations

A motion to approve this recommendation was made, seconded, and FAILED by a vote of 0-12-0 (Comms. Lombardo, Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, McMullen, Michelson, Pioli, Pramberger, and Williams opposed).

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¹¹ Video Pt. 2 Time Stamp 00:04:09

¹² Video Pt. 2 Time Stamp 00:24:45

¹³ Video Pt. 2 Time Stamp 00:32:17

¹⁴Recommend postponing vote on charter revision until 2024.

Commissioners discussed that this is a Board of Representatives decision and did not take it up.

¹⁵The BoR President may only nominate candidates for all committee memberships, subject to majority vote by the full BoR.

Commissioners discussed that this is a Board of Representatives decision and should be addressed by Board rules.

A motion to reject this recommendation was made, seconded, and approved by a vote of 12-0-0 (Comms. Lombardo, Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, McMullen, Michelson, Pioli, Pramberger, and Williams in favor).

¹⁶Reduce the size of the BoR from 40 to 20 representatives with only one representative from each district.

Reduce the size of the Board of Representatives from 40 members representing 20 districts to 26 members representing 13 districts.

Commissioners noted that these recommendations had previously been discussed and discussed whether reducing the size of the Board would make it more functional. Mayor Martin supported this; Governor Malloy did not. Neighborhoods should have their own representation.

A motion to reject both of these recommendations was made, seconded, and approved by a vote of 11-1-0 (Comms. Lombardo, Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, McMullen, Michelson, Pioli, and Williams in favor; Comm. Pramberger opposed).

¹⁷What is the magnitude of change that the charter revision is willing to make at the request of the City of Stamford Legal counsel?

Commissioners discussed that they did not understand this and did not take it up.

Sec. C8-30-10(b)(4) - Delete the requirement for a joint public hearing in its entirety. Because:

- a) Both boards have ample opportunity for the public to participate and the public has made its views known quite well on various mid-year capital items. The turf fields at Stamford High is an example - the parents used our existing means of public participation to make their views well known.**
- b) There's only one joint public hearing between the two boards now, during budget season. They're extraordinarily difficult to schedule and the revised charter already requires two more.**

Commissioners noted that this was previously addressed in the fourth vote.

¹⁸Sec. C8-20-9(b) - Charter revisions propose to remove the 5% cap on the Rainy Day Fund. This cap should stay in place. The City has many reserve funds besides the Rainy Day Fund. The school construction fund is a prominent example. Through long practice and custom, monies put into the Rainy Day Fund are effectively untouchable.

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Conversely, monies put into other reserve funds eventually gets spent, and hence why we should cap the Rainy Day Fund. The ratings agencies look at our total reserves, not just the Rainy Day Fund.

Commissioners had an extensive discussion about the implications of removing the cap. The rating agencies might expect a higher fund balance. Mr. Freedman has recommended that the cap be retained.

A motion to approve this recommendation (to restore the 5% cap) was made, seconded, and approved by a vote of 7-3-2 (Comms. Lombardo, Bilicznianski, Camporeale, Loeb, McMullen, Pioli, and Pramberger in favor; Comms. Halpern, Lane, and Michelson opposed, Comms. Bowser and Williams abstaining).

¹⁹Change the budget process from annual to biennial

Attorney Mednick explained that while there is 2 year planning, the mil rate must be approved on an annual basis. There were conflicting opinions about this expressed by City officials.

A motion to retain the annual budget process was made, seconded, and approved by a vote of 12-0-0 (Comms. Lombardo, Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, McMullen, Michelson, Pioli, Pramberger, and Williams in favor).

²⁰Add a Division of Diversity, Equity and Inclusion (“DEI”) and create a Cabinet-level Director of DEI (this item was duplicated in the resolution)

Commissioners discussed that a DEI Commission has already been recommended by the proposed Charter. A cabinet level position under the Charter would have to be filled. A director position is only filled if it is funded.

A motion to reject the recommendation to create a cabinet level position was made, seconded, and approved by a vote of 9-2-1 (Comms. Lombardo, Halpern, Lane, Loeb, McMullen, Michelson, Pioli, Pramberger, and Williams in favor; Comms. Bilicznianski and Camporeale opposed; Comm. Bowser abstaining).

²¹Change the swearing-in date for incoming Mayors from early December to early January (this item was duplicated in the resolution)

Attorney Mednick noted that many larger cities are moving toward a longer timeframe from the election, but it usually applies to other branches as well. Prior Mayors did not support this.

A motion to retain the swearing in date as December 1st was made, seconded, and approved by a vote of 9-3-0 (Comms. Lombardo, Bowser, Halpern, Lane, Loeb, McMullen, Michelson, Pioli, and Williams in favor; Comms. Bilicznianski, Camporeale and Pramberger opposed;).

²²Separate the Office of Operations’ regulatory functions from its operational functions

Commissioners noted that this item is too vague.

¹⁹ Video Pt. 2 Time Stamp 01:28:12

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²¹ Video Pt. 2 Time Stamp 01:38:52

²² Video Pt. 2 Time Stamp 01:47:32

A motion to reject this item was made, seconded, and approved by a vote of 12-0-0 (Comms. Lombardo, Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, McMullen, Michelson, Pioli, Pramberger, and Williams in favor).

Do not make any changes in the mayoral appointments process

Commissioners noted that this was previously addressed in the first vote and will be coming back after review.

²³Create a seven-person Pension Fund Management Board (1 each from BOR, BOF, Director of Administration, and 4 mayoral appointees), with each Pension Board having 1 ex officio member

Commission members discussed that the City has 5 different pensions and these people can't sit on the Boards the way this is worded. This would also violate collective bargaining agreements.

A motion to reject this item was made, seconded, and approved by a vote of 11-1-0 (Comms. Lombardo, Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, Michelson, Pioli, Pramberger, and Williams in favor; Comm. McMullen opposed).

²⁴Simplify the Land Use permitting process by eliminating administrative silos

Commissioners noted that this item is too vague.

A motion to reject this item was made, seconded, and approved by a vote of 12-0-0 (Comms. Lombardo, Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, McMullen, Michelson, Pioli, Pramberger, and Williams in favor).

²⁵Require leaders of professional departments (e.g., Engineering) to have administrative experience as well as technical experience

Commissioners noted that these requirements are in the civil service rules and would be included in a job description.

A motion to reject was made, seconded, and approved by a vote of 12-0-0 (Comms. Lombardo, Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, McMullen, Michelson, Pioli, Pramberger, and Williams in favor).

²⁶Create a Cabinet-level Director of Operations Management position to review and update each department's practices and procedures

Commissioners noted that this item is too vague and that the Commission decided not to add positions in the Charter.

A motion to reject this item was made, seconded, and approved by a vote of 11-0-1 (Comms. Lombardo, Bowser, Camporeale, Halpern, Lane, Loeb, McMullen, Michelson, Pioli, Pramberger, and Williams in favor; Comm. Bilicznianski abstaining).

²⁷Sec. C3-10-4 - 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/or Clerk of the Board of Representatives and/or the Town Clerk. In the event of absence from the City or temporary disability of the Mayor, the President of the Board of Representatives, the Majority Leader, or Minority Leader, in

²³ Video Pt. 2 Time Stamp 01:49:39

²⁴ Video Pt. 2 Time Stamp 01:51:35

²⁵ Video Pt. 2 Time Stamp 01:51:15

²⁶ Video Pt. 2 Time Stamp 01:55:50

²⁷ Video Pt. 2 Time Stamp 01:59:11

that order, or if none of the foregoing shall have agreed to assume the duties of the Mayor, 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. half of the per diem rate of the Mayor's salary.~~ If the time period is greater than a thirty {30} day period said compensation will be equal a per diem rate base on the Mayor's salary. Said compensation will begin on the first day the Acting Mayor's assumes the duties of the role, and end on the day when the Mayor returns to duty.

It was noted that some of the language shown in red on the resolution (as it was submitted to the Charter Committee), was already approved by the Commission, and the only change requested is the language in red above. Commissioners discussed whether it is appropriate to include the order in the Charter. For example the Minority Leader may represent a small proportion of the Board. It should be up to the Board to decide, as is currently within the Board rules. [There was also a scrivener's error noted – the word "to" needs to be added after the word "equal"]

A motion to approve this recommendation was made, seconded, and approved by a vote of 10-2-0 (Comms. Lombardo, Bilicznianski, Bowser, Camporeale, Halpern, McMullen, Michelson, Pioli, Pramberger, and Williams in favor; Comms. Lane and Loeb opposed).

Chair Lombardo adjourned the meeting at 10:45 p.m.

Respectfully submitted,
Thomas Lombardo, Chair

This meeting is on video ([Pt. 1](#) and [Pt. 2](#))