

CITY OF STAMFORD

19TH CHARTER REVISION

COMMISSION

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CLEMON WILLIAMS

SPECIAL MEETING REPORT **Thursday, August 10, 2023** **6:00 p.m.** **Meeting Held Remotely**

Chair Lombardo called the meeting to order at 6:03 p.m.

In attendance were Chair Lombardo, Vice Chair Larobina, and Commissioners Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, Michelson, Pramberger and Williams. Absent or excused were Commissioners Kolenberg, Martinez, McMullen, and Pioli. Also present were Attorneys Mednick and Roberts. Chair Lombardo confirmed that a quorum was present.

1. **Acceptance of minutes from: 01/11/23, 01/28/23, 02/08/23, 03/25/23, 04/29/23, 05/06/23, 05/10/23, 05/24/23, 05/30/23, 07/29/23, 08/01/23**

A motion to take up the acceptance of the minutes from the end of the agenda was made, seconded, and approved by a vote of 8-1-1 (Comms. Lombardo, Bilicznianski, Bowser, Halpern, Lane, Loeb, Pramberger and Williams in favor; Comm. Michelson opposed; Comm. Camporeale abstaining). It was noted that corrections to the minutes had previously been sent to the Clerk which need to be incorporated in the final minutes.

Motions to approve the following draft minutes were made, seconded, and approved with no objections. January 11, 2023, January 28, 2023, February 8, 2023, March 25, 2023, April 29, 2023, May 6, 2023, May 10, 2023, May 24, 2023, May 30, 2023, July 29, 2023, and August 1, 2023.

2. **¹Consider deletion of requirement for public Hearings:**
 - a. **Sec. C1-50-1 and -3 (Condemnation and Land disposition)(PA 23-205)**
Attorney Roberts noted that this language was already deleted as a result of PA 23-205 and is not relevant.
 - b. **Sec. C8-20-1 (Multilateral Budget Hearings)**
Attorney Mednick noted that this language was added by the Commission.
 - c. **Sec. C8-30-1(c)(1) (Initial Capital Budget Hearing)**
Attorney Mednick noted that this language was added by the Commission.
 - d. **Sec. C8-30-10(b)(4) (Amendment of Capital Budget) (Deleted at last CRC Meeting)**

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Attorney Mednick noted that this language was already deleted by the Commission.

e. Current Sec. C8-20-2/Proposed Sec. C8-20-2(e)(1) Department Estimates for Capital Projects. Joint Public Hearing.

Attorney Mednick noted that this language is currently in the Charter.

f. Current C8-30-9/Sec. C8-30-1(c) Joint Public Hearings by the Board of Finance and Board of Representatives.

Attorney Mednick noted that this language is currently in the Charter.

Attorney Mednick noted that these items are all listed as a result of the request in Board of Representatives [Resolution 4224](#) to “review the concern over the multi-board public hearings.”

A motion to retain subsections b, c, e, and f was made, seconded, and approved by a vote of 9-2-0 (Comms. Lombardo, Bilicznianski, Bowser, Camporeale, Halpern, Lane, Michelson, Pramberger and Williams in favor; Comms. Larobina and Loeb opposed).

3. ²Sec. C6-30-004: Decision not to be made on same day as close of public hearing

A motion to delete Sec. C6-30-004 was made, seconded, and approved by a vote of 10-0-0 (Comms. Lombardo, Larobina, Bilicznianski, Camporeale, Halpern, Lane, Loeb, Michelson, Pramberger, and Williams in favor).

4. ³Sec. C6-30-4: Rep. Ley’s request pertaining to Master Plan adoption

Attorney Roberts noted that Representative Ley wanted to add language essentially indicating that the master plan may be amended and that the master plan may be considered to be the city’s plan of conservation and development in accordance with state general statutes.

Commissioners discussed whether this change is necessary and if it barred by PA 23-205. This proposal does not eliminate a current public hearing. It correlates the master plan with the State requirement for the plan of conservation and development.

Attorney Roberts noted that the City has sent the Master Plan to Hartford as its plan of conservation and development, but that is not specifically memorialized in the Charter. This would permit an entire new plan for conservation and development.

A motion to reject this change was made, seconded, and approved by a vote of 10-0-0 (Comms. Lombardo, Larobina, Bilicznianski, Camporeale, Halpern, Lane, Loeb, Michelson, Pramberger, and Williams in favor).

5. ⁴Sec. C6-40-2; C6-40-3; and C6-40-4: Additional issue from Rep. Ley.

Attorney Roberts noted that this item is withdrawn as a result of PA23-205.

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6. **⁵Sec. C6-120-3: Request from Rep. Ley regarding the addition al “school purposes” to the “other uses” subject to this provision.**

Committee members discussed whether this change was necessary.

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

7. **⁶Transition/Sunrise Provisions: Approach?**

Commissioners noted that there is currently no draft language for a sunrise provision.

A motion to have a sunrise provision which includes the definition section of owner and landowner and zone and the petition filing requirements, as follows [previously C6-30-001 (a) (1) and (3) and C6-30-002 (a), (c), (d), (e), and (f)], was made and seconded.

Sec. C6-30-001. Definitions.

(a) Whenever used in this Division 3:

(1) “Owner” and “Landowner” shall mean, as applied to a building or land, includes any part owner, joint owner in survivorship, tenant in common or joint tenant of the whole or of a part of such building or land, which shall include ownership in whole or in part of a unit in a common interest community or condominium, all as it appears on the Land Records of the City.

(3) “Zone” shall mean a specific contiguous geographic area bearing the same Zoning Map designation notwithstanding the fact that other properties located within the City may have the same Zoning Map designation.

Sec. C6-30-002. Petition Requirements.

The provisions of this subsection shall apply to all petitions circulated and filed pursuant to Secs. C6-30-7, C6-30-8, C6-40-5, C6-40-6 and C6-40-9 of this Charter.

(a) Petitions may be signed by a duly authorized representative, officer or agent of any entity owning such building or land. In the event the land is owned in trust, a petition may be signed by the trustee(s) authorized to act on behalf of the trust.

(c) Petition signatures shall be accompanied by the printed name and address of any signatory thereof and the date such signature was added to the petition.

(d) The Town and City Clerk shall provide, at any time upon request, the names and addresses of all owners of privately-owned property within the area included in the proposed amendment to the Master Plan, the Zoning Map or Zoning Regulations and the privately-owned land located within five hundred (500) feet of the borders of any such area.

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(e) Such petitions shall be filed simultaneously with original to the Town and City Clerk and a copy filed with the Planning Board or Zoning Board, as applicable, and the signatures shall be verified by the Town and City Clerk. In the event the Town and City Clerk determines that the petition does not contain sufficient signatures or is otherwise invalid, the Town and City Clerk shall contemporaneously provide a written explanation of any deficiencies to the person(s) submitting such petition and shall post the same on the City website.

(f) Such petitions shall be verified within ten (10) days of filing.

The provisions relating to condemnation would not be included in the section. The goal is to have the sunrise provision as easy as possible to get in and to have the least objection in Hartford.

The sunrise provision would have to include language such as "if legally permissible" or "if Public Act 23-205 is repealed or found invalid". There would also need to be a severability clause.

This definition of Zone is not consistent with the Zoning regulations and would only apply to the petition process.

The motion was approved by a vote of 11-0-0 (Comms. Lombardo, Larobina, Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, Michelson, Pramberger, and Williams in favor).

8. **⁷Sec. C6-00-3: Further discussion and review of appointment and removal provisions**

- a. **Rank choice voting or plurality voting on Mayoral Nominees**
- b. **Review alternate approaches to appointment process and default (180 days)**

Commissioners reviewed the proposed language submitted by Attorney Mednick:

Sec. C6-00-3. Appointment and Removal

(a) **Nominations by the Mayor.** The Mayor shall submit to the Board of Representatives, nominations of members to each appointive Board or Commission to fill each vacancy where a term of office has expired or in the event of a vacancy. 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 vote 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,

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Majority and Minority Leaders of the Board of Representatives at least sixty (60) 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 ("City Clerk's Notice"). The time-line for submission by the Mayor shall commence with the City Clerk's Notice.

(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) **Original Submission.** Within one hundred and twenty (120) days following City Clerk's Notice; or,

(ii) **Subsequent Submissions.** 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.~~ until a nominee is approved or the Mayor fails to nominate with the time-frame established in this subsection and subsection (i), above. The only limitation on the Mayor's appointment authority is set forth in Sec. C6-00-3(a)(3), below.

(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(a)(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, ~~taking into account~~ including the original submission.

(3) Default by the Mayor to Submit a Nomination: Shift of Appointment Authority Defaults to the President of the Board of Representatives. In the event the Mayor ~~shall fail~~ fails 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 City Clerk's Notice under Sec. C6-00-3(a)(1) ~~("default by")~~ the Mayor, ~~then, during~~ shall be in default and the ~~one-hundred and twenty (120) day period following default~~ appointment authority shall vest in the President of the Board of Representatives ("Default by the Mayor").

(3)(4) Appointment Authority Shifts to the President of the Board of Representatives. Upon a Default by the Mayor, the President of the Board of Representatives shall ~~be required~~ have one hundred (120) days in order 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)~~(5) 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 by the Mayor ~~as set forth in sub-section (3), above~~; then, ~~each~~ following the ~~Mayor and submission of a petition by five (5) members of the President, Majority Leader and Minority Board of Representatives.~~ each member of the Board shall be entitled to nominate a successor ~~appointees~~ appointee for concurrent consideration of such nominees and at the next Regular Meeting of the Board, subject to approval by the vote of a plurality of the members of the Board of Representatives, until such time as a nominee is approved.

~~(5)~~(6) 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)~~(7) 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.

Attorney Mednick noted that the title of subsection 5 is incorrect.

Under this language the Mayor has 30 days from the date of the effective date of the Charter to nominate replacements for holdovers.

Commission members discussed:

- Whether Board members should have the ability to nominate
- Whether this new language is too complicated
- The current language is clear, but doesn't mandate the President exercise their authority
- It needs to be clear that the Town Clerk is responsible for maintaining the list of board and commission members and their terms
- The language needs to be revised

A motion to have counsel come back with amended language regarding appointments to have the Mayor have 120 days, and then the Mayor and the President of the Board of Representatives have only 120 days, and then any member of the Board of Representatives can propose someone, with election by a majority, and to have the transition period be by January 15th of the year subsequent to the effective date of the Charter was made, seconded, and approved by a vote of 8-0-2 (Comms. Lombardo, Camporeale, Halpern, Lane, Loeb, Michelson, Pramberger, and Williams in favor; Comms. Larobina and Bilicznianski abstaining)

9. ⁸Sec. C2-10-3: Further discussion of Counsel for Board of Representatives.

Attorney Mednick noted that he had tried to clean up this language as follows:

Sec. C2-10-3. Legal Assistance and Investigatory Functions

(1) **Staff Counsel to the Board of Representatives.** The Board of Representatives may (a) appoint or engage Counsel, subject to ~~ana professional services~~ agreement ~~for a term~~ (“Outside Counsel”); or ~~years~~, (b) employ Counsel (“Staff Counsel”), upon approval by a majority vote of those present and voting. ~~Said Counsel shall be an attorney admitted to practice law in this State and shall have been a member in good standing of following submission by the bar~~ President of the ~~State of Connecticut for at least five (5) years; and, has been actively practicing law in Connecticut for at least five (5) years. Such Counsel shall have such duties as the Board shall determine~~ of Representatives. In the event Counsel is employed by the Board of Representatives such Counsel shall receive compensation as fixed by the Board of Representatives which shall be in an amount no greater than a Deputy Corporation Counsel of equal experience and any adjustments based upon any applicable agreements. (“Staff Counsel”). Staff Counsel shall have experience and background in legal matters generally associated with local legislative bodies. The appointment or retention of Outside Counsel by the Board of Representatives shall be exempted from the provisions of Sec. C5-50-2(k) and any Ordinances adopted thereunder.

(2) Funds for Investigation.

(a) **Authority to Commence Investigation and Incur Expenses.** The Board of Representatives shall have authority, by a majority vote of its entire membership, to incur any expenses which it deems necessary or advisable, in connection with any investigation authorized under Sec. C2-10-2(12) of this Charter.

(b) **Expenses Binding on the City.** Expenses so incurred shall be paid by the Office of Administration on warrant issued by the Mayor and countersigned by the Clerk of the Board of Representatives.

(c) **Authority to Appropriate Funds.** The Board of Representatives may, by a majority vote of its entire membership, appropriate funds to cover expenses incurred pursuant to this Section without request for such appropriation by any officer of any department of the City, other than the Board of Representatives.

(3) Legal and Other Professional Assistance.

(a) **Retention of Outside Counsel, Experts, Professional Advisors and Consultants. Execution of Agreement.** The Board of Representatives may incur expenses and the President of the Board may execute all agreements approved by a majority vote of those present and voting (following submission by the President) for the retention of Outside Counsel, and professional experts, advisors and consultants (“Other Professional Advisors”), where such services

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are necessary or convenient to the performance by the Board (or its Committees) of its legislative functions and duties as prescribed by this Charter or under Law.

(b) Role of Outside Counsel. Outside Counsel may be retained for the purpose of:

(i) rendering opinions pertaining to legislative function, legal and procedural matters; (ii) advising the Board during hearings and other proceedings before the Board; and, (iii) appearing in any proceeding, case controversy or appeal on behalf of or before the Board.

(c) Expenses Binding on the City. Expenses for Outside Counsel and Other Professional Advisors so incurred shall be binding upon the City and be paid by the Office of Administration on warrant issued by the Mayor and counter-signed by the Clerk of the Board of Representatives.

(d) Consultation with the Corporation Counsel. Prior to any vote on the retention of Outside Counsel, the President shall consult with the Corporation Counsel for the sole purpose of ensuring there are no legal, ethical or positional conflicts between the Outside Counsel and the City.

(e) Budget for Outside Counsel and Other Professional Advisors (“Professional Services Budget”). The Board of Representatives shall adopt and forward to the Mayor its proposed annual Professional Services Budget, in accordance with the procedures and timetable established for other City Departments. The Mayor’s budget shall include, and the Boards of Finance and Representatives shall appropriate for support of the Professional Services Budget an amount not less than the Professional Services Budget for the prior fiscal year, unless the Board of Representatives requests a lesser amount. In furtherance of the authority to retain Outside Counsel and Other Professional Advisors in the event there are insufficient funds in the Professional Services Budget available for the retention of Outside Counsel and Other Professional Advisors, the Board of Representatives may, by Resolution approved by a majority vote of those present and voting, appropriate or transfer monies to pay the fees and costs of such purposes

Transition Provision. In the budget for the Fiscal Year immediately following approval of this provision, the Professional Services Budget shall be no less than (000,000.00) Dollars.

Committee members discussed this item. Items discussed included the following:

- If this person is an employee, they should be in the Pay Plan, rather than in the Attorneys’ Union, otherwise they could only be dismissed for cause
- Is the transition provision necessary?

A motion to have counsel come back with amended language adding the requirement that an employee be in the Pay Plan and deleting the transition provision was made, seconded, and approved by a vote of 11-0-0 (Comms. Lombardo, Larobina, Bilicznianski, Bowser, Camporeale, Halpern, Lane, Loeb, Michelson, Pramberger, and Williams in favor).

10. ⁹Sec. C3-10-4: Further discussion of compensation for Acting Mayor

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Attorney Mednick noted that he had tried to clean up this language as follows:

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 ~~the/or~~ Clerk of the Board of Representatives, and ~~/or~~ 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, the Majority Leader, or ~~the~~ Minority Leader, in 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 half of the Board of Representatives but shall in no case exceed in proportion the per diem rate of the Mayor's~~ salary ~~of the Mayor~~. If the time period is greater than a thirty (30) day period said compensation will ~~be~~ equal a per diem rate ~~basedbase~~ on the ~~Mayor's~~ Mayor's salary. Said compensation will begin on the first day the Acting ~~Mayor~~ Mayor's assumes the duties of the role, and end on the day when the Mayor returns to duty.

A motion to amend the proposed language to have the compensation for the first 30 days be approved by resolution of the Board of Representatives was made, seconded, and approved by a vote of 7-4-0 (Comms. Lombardo, Larobina, Bilicznianski, Bowser, Camporeale, Loeb, and Williams in favor Halpern, Lane, Michelson, and Pramberger opposed).

Commissioner Lombardo adjourned the meeting at 8:58 p.m.

Respectfully submitted,
Thomas Lombardo, Chair

This meeting is on [video](#).