

September 16, 1957

1701

A Special Meeting of the Board of Representatives of the City of Stamford, Conn. was held on Monday, September 16, 1957, in the Auditorium of the Burdick Junior High School, Forest Street.

The meeting was called to order by the President, Mr. George V. Connors, at 8:30 P.M.

Mr. Connors read the following "Call" of the meeting:

Sept. 11, 1957

I, George V. Connors, President of the Board of Representatives of the City of Stamford, pursuant to Section 202 of the City Charter, hereby call a SPECIAL MEETING of the members of this Board, to be held:

MONDAY, SEPTEMBER 16, 1957, AT 8:00 P.M. IN
THE AUDITORIUM OF BURDICK JUNIOR HIGH SCHOOL,
FOREST STREET, STAMFORD, CONN.

in regard to the following:

- (1) Public hearing on report of the Charter Revision Commission regarding petition for a 42 hour work week by City Firemen.
- (2) Meeting of the Board of Representatives, with recommendations to the Charter Revision Commission for changes, if any, in their recommendations for proposed Charter amendment, submitted to this Board at its September 9, 1957 meeting.
- (3) Executive session with members of the Charter Revision Commission.
- (4) Approval or rejection of proposed Charter amendment, as contained in final report of the Charter Revision Commission, and determine whether such proposed Charter amendment shall be submitted to the electors for approval or rejection at a general election or a special election warned and held for that purpose.

GEORGE V. CONNORS,
President
Board of Representatives

Enclosure: Proposed Charter Amendment

CHARTER AMENDMENT, IN ACCORDANCE WITH PUBLIC ACT #465 OF THE GENERAL ASSEMBLY, SUBMITTED TO BOARD OF REPRESENTATIVES AT THEIR SEPTEMBER 9, 1957 MEETING BY THE CHARTER REVISION COMMISSION:

NOW THEREFORE BE IT RESOLVED that Chapter 44 of the Charter of the City of Stamford be amended as follows:

"The work week of all permanent paid members of the Stamford Fire Department shall be an average work week of not more than forty-two hours, computed over a period of one fiscal year, based on a schedule of three tours of days of ten hours each, followed by three days off, followed by three tours of nights of fourteen hours each, followed by three days off, followed by three tours of days, and so on, unless otherwise prescribed by the Fire Chief and confirmed by the Board of Public Safety, and that any time spent in an emergency in excess of any regularly assigned or schedule work week in connection with any actual fire or con-

September 16, 1957

flagration, including time spent going to, working at or returning from any actual fire, or any other work or duty classified as an act of mercy, shall not be included in computing such average work week, and that all authorized extra duty shall be compensated for as overtime at the same rate of pay received by the members of the Fire Department for work done during the regular established hours, and there shall be no diminution in the weekly earnings of the members of the Stamford Fire Department as a result of the adoption of this amendment and there shall be no lessening of existing rights and privileges of the members of said department, and that this Act shall take effect on the first day of the fiscal year next following its approval."

MR. CONNORS: "Have all members received the 'Call' of the meeting?"

There were no members who had not received the "Call".

MR. CONNORS: "We will now have the roll call."

ROLL CALL was taken by the Clerk. There were 25 present and 15 absent at the calling of the roll. However, three members arrived shortly thereafter, changing the roll call to 28 present and 12 absent. The absent members were: William Brett, Irving Snyder, Mary Bankowski, George Georgoulis, Charles Gilbert, Robert Lewis, Robert Findlay, Paul Plotkin, William Murphy, Helen Peatt, John DeForest and John Lilliendahl.

MR. CONNORS read the following opinion from the Corporation Counsel, which had been previously requested by the Board:

OFFICE OF THE CORPORATION COUNSEL

September 16, 1957

Board of Representatives
City Hall
Stamford, Conn.

Dear Board Members:

This is in response to your request for an opinion as to whether electors residing in other than the "A" and "B" Tax Districts would be eligible to vote in a referendum on the 42 hour work week for City Firemen.

In determining whether or not the question of the 42 hour work week shall be submitted to the electors for approval or rejection at a general or special election, the Board of Representatives is operating under the provisions of Public Act No. 465 of the General Assembly, Session of 1957.

Any referendum under this Act must necessarily be conducted in accordance with procedures therein set forth.

Section 5 thereof states in part:

"Such proposed charter amendment or amendments, shall become effective, on a date or dates to be specified therein, if approved by a majority of the town, city or borough electors voting thereon at a general election or if approved by a majority equal to at least fifteen percent of the electors of the town, city or borough as determined by the last com-

September 16, 1957

1703

pleted registry list of such town, city or borough at a special election."

It would appear that the quoted language makes all electors eligible to vote in any referendum conducted under the provisions of Public Act No. 465.

Very truly yours,

John M. Hanrahan,
Corporation Counsel

MR. CONNORS: "The public hearing is now the first order of business. Is there anyone in the audience that would like to speak in favor of this Charter amendment? If so, please state your name and who you represent."

The first speaker was Andres Suchocki, President of the Firefighter's Local, and employee of the Fire Department of the City of Stamford. He spoke briefly on behalf of the 42 hour work week for the City Firemen.

The second speaker was John Hogan, Chairman of the Wage and Hour Committee of the Firefighter's Local. He also spoke in favor of the proposed Charter amendment regarding the 42 hour work week for the City Firemen.

MR. CONNORS: "Are there any other persons in the audience who would like to speak in favor?"

There being no further speakers, the second item of the Call was taken up.

MR. BRADBURY called attention to the figures on the second page of the Charter Revision Commission report (dated Sept. 3, 1957) third paragraph from the bottom of the page; namely, the figure of \$310,668,820. (Note: This report was presented to the Board of Representatives at the September 9, 1957 meeting and is printed in the Minutes of that meeting)

MR. BRADBURY: "On the basis of this three hundred and ten million dollar figure, the Charter Revision Commission has calculated the increase in tax rate that would accrue. I submit that if the additional expense would be borne by the A and B tax Districts only, that the Grand List for those Districts alone should be used as the basis for making the calculation in the increase in taxes. If that is the case, according to the latest Grand List, the total for Tax Districts A and B would amount to some \$187,819,000., which, if divided into the total increase cost, would amount to considerably over one mill increase as against the .0006 as proposed in the Charter Revision Commission report."

MR. CONNORS: "Are there any further questions?"

MR. KAMINSKI: "The calculation to which Mr. Bradbury makes reference was not made by the Commission. It was made by Mr. Morrissey. The question was put to the Commissioner of Finance' office as to how they arrived at this figure. I am not prepared to go into the formula which was used, but that particular night the representative from the office of the Commissioner of Finance told us that any formula used would have to use the total Grand List. In the allocation, it is definitely being made to only the A and B Tax Districts."

MR. RAITERI spoke in reference to the Charter amendment, where it begins with:

"-----unless otherwise prescribed by the Fire Chief and confirmed by the Board of Public Safety....."

2414

September 16, 1957

MR. RAITERI: "I am wondering why that term was used?"

MR. KAMINSKI: "I meant to make a recommendation for a change in the resolution at this point, and in view of this question, I think I will. Number one, the question as put by Mr. Raiteri: 'Why did we make that provision?' Well, we took into consideration the fact - first, we felt that legislating hours wasn't entirely correct in itself. Second, we felt that if there were some unforeseen circumstances in the immediate future, or the distant future, that in order to change these hours, it would require another Charter amendment. Now, we felt that the manner in which this resolution was worded, that the Fire Chief and the Board of Public Safety would certainly have to have good and sufficient reason before attempting to change these hours. That is my answer to Mr. Raiteri's question.

"Now, with regard to this same particular paragraph. Mr. Chairman, if you read the resolution, and I will read it up to the point where I would like to offer a change:

(Mr. Kaminski read the resolution, stopping at the point before where it says:

".....unless otherwise prescribed by the Fire Chief and confirmed by the Board of Public Safety.....")

"Well, taking a second look at this, we felt that (this was not the entire Commission because I just had the opportunity to talk with a few of the members)....we felt that this one sentence could be misconstrued, as meaning that they would have the right to alter the 42 hours as such. In view of that, Mr. Chairman, I would suggest that we insert just before the sentence: 'unless otherwise prescribed...' another sentence, which would read:

'....a tour of duty herein described shall be considered in force on the effective date of this Act.'

MR. KAMINSKI explained that this would draw a distinction between a tour of duty and the 42 hour work week.

A question of punctuation arose and there was some discussion as to how it should be done.

MR. RHOADES: "The only consideration there that appeals to me directly is, there does have to be some emergency provision. I feel at the moment that I am in the middle of an attack of Asiatic Flu and if this spreads to the Fire Department, there would have to be emergency provisions to cover. Now, is there anything else that comes in there that would cover this? There are emergency provisions? If there are, it would seem to me that you would not need this language at all. If there aren't, you certainly do."

MR. MACRIDES: "I have a suggestion for another clause that we might put in there. In place of: 'unless otherwise prescribed by the Fire Chief and confirmed by the Board of Public Safety' I wonder could we put: 'except that the Fire Chief may, for good and sufficient reasons, prescribe otherwise, subject to confirmation by the Board of Public Safety'."

MR. FREDERICKS: "I think probably the thing that we need to get is the reason for this particular: 'unless otherwise prescribed' which is a definite change from the original resolution. It would seem to me that probably the reason is highlighted in the 6th full paragraph on page 2, where they are talking about additional personnel necessary. If the additional personnel is not available, it would result in a deficit in the Fire Department. What I had in mind on that, is that I don't

want to see this become a political football. I think it is agitation to change tours of duty, or agitation to change hours. If the reason be additional personnel, I think the approach therefor should be something with a time limit -- say, a year after the effective date of this Act, if additional personnel is not available in order to meet that particular problem. Because, this can happen: We have found a situation in the City of Stamford where we are not getting as full police protection as certain members of this Board deem advisable. The question has come up as to the budget appropriation for additional personnel. The Board of Public Safety and Chief Kinsella have made recommendations for additional personnel. In the various *swaddlings* of our budget, we find the number of additional personnel dropped off. Without a time limit, I am fearful we would find exactly the same situation insofar as the Firemen are concerned. I think that it should be (if that is the reason back of it) that this Board should consider amending this resolution and provide for giving the Fire Chief, with confirmation by the Board of Public Safety, the right to change the tours of duty for a period of one year after the effective date of this Act. I think that would be appropriate. Otherwise, I am afraid we hamstring this department, and render innocuous a Charter revision, if it is enacted."

MR. KAMINSKI: "The question was whether or not the decision on inserting that clause was based on the fact that we may run into some difficulty in acquiring the personnel. The answer is 'No'. The answer is, as I stated in answer to Mr. Raiteri's question, is that we recognize that in the event there were some unforeseen circumstances -- some reasons which we can't anticipate now -- we have no definite reason, except to provide some method of changing, other than having to go to referendum. Now, if the Board should feel, as Mr. Fredericks has stated, that it may become a political football in some sense, in view of the fact that the power to change is delegated to a Board of the City, perhaps as an alternate suggestion -- this is a personal suggestion -- that to allay that fear, we may consider using the words: 'unless otherwise prescribed by Ordinance' which would allow us a shorter period of time and much easier method, in the event of necessity to change."

Mr. Kaminski's suggestion met with favor from several members of the Board.

MR. KAMINSKI: "Mr. President, we have considered the question to which Mr. Fredericks refers, and it is that this thing could be tossed around and it wouldn't do anything to the 42 hours, but the question of moving men around in the police and fire forces by the whim or desire of any politician -- we considered that at great length, and frankly, we thought that we had come up with the answer, but, if the fear still remains, I think then the best thing to do is to make those changes that I just recommended."

MR. FREDERICKS said he thought Mr. Kaminski's change and Mr. Macrides were exactly the same as far as intent was concerned. He stated that Mr. Baker had a suggestion which he thought might take care of the problem.

MR. BAKER: "I think the situation would be taken care of, if after the words: 'and so on' this phrase were inserted:

'provided, however, that individual tours of duty within the regularly assigned total of 42 hours may be modified as the circumstances warrant, by Ordinance enacted by the Board of Representatives'."

MR. NOLAN objected to this, saying it would be allowing the Board of Representatives to change this by Ordinance.

MR. VITTI said he thought this was already becoming a political football and that we were right back at the 40 yard line again.

September 16, 1957

MR. RAITERI brought up the question of how it would be handled if it turned out that in the beginning there would not be enough personnel to take care of the work, then it would naturally follow that it would require overtime for anything over the 42 hour work week. Then, if this were handled by Ordinance, every time the Department required a change to accommodate circumstances beyond their control, it would require it to be done by Ordinance, which would be very time consuming. He said he thought it better to add to the suggested change in the Charter amendment, after " and confirmed by the Board of Public Safety" the following words:

"and by the Board of Representatives".

MR. FREDERICKS said he thought Mr. Raiteri's point as to the time element on the Ordinances was well taken. He said: 'I think the confirmation by the Board of Representatives would protect the thing that I am worried about. I think that confirmation by the Board of Representatives could be taken care of in, say, 30 days time. We wouldn't need an Ordinance that had to be published, etc.'

MR. GEORGIOULIS: "As far as I'm concerned, the people of Stamford are the ones to make the decision as to whether or not the Firemen should work a 42 hour work week or not. Then, if the Board of Public Safety have to work this out, it will be up to them and the Firemen to do that part of it. I am opposed to the tour of duty, but I'm in accord with the rest.

"Let them get together and decide what tours of duty they will work and let the people of Stamford decide about the 42 hour work week. And, as far as Ordinances are concerned, I don't think it should ever again come back to our Board. Our job is to get the question before the people as to whether the Firemen are going to work a 56 hour week or a 42 hour week." Mr. Georgoulis stated that various unions are now negotiating for a 30 to 35 hour work week. He said: "This is something that we can't stop. But, I don't think this Board should be allowed to dictate a thing like this by Ordinance. We should not take away the executive power of the Fire Department over their personnel."

MR. RAITERI MOVED the following change be inserted in the Charter amendment, after the words: '.....unless otherwise prescribed by the Fire Chief.....' the following:

".....the Board of Public Safety and confirmed by the Board of Representatives....."

MR. FREDERICKS MOVED TO AMEND this by changing it to read as follows:

"...unless otherwise prescribed by the Fire Chief and the Board of Public Safety, subject to confirmation by the Board of Representatives....."

MR. RAITERI accepted the change in wording to his motion. Mr. Fredericks seconded Mr. Raiteri's motion and it was CARRIED unanimously by the 28 members present.

MR. FREDERICKS MOVED that the Board recess, to resume the meeting at the 3rd portion of the "Call" regarding executive session with members of the Charter Revision Commission. Seconded by Mr. Milano and CARRIED unanimously.

The recess was over at 9:30 P.M. and the Board resumed the session, after a second roll call, as it was noted there were additional members of the Board now present.

ROLL CALL was again taken by the Clerk. At this second calling of the roll, there were 30 present and 10 absent. The following members were absent: William Brett, Irving Snyder, Mary Bankowski, Robert Lewis, Robert Findlay, Paul Plotkin, William Murphy, Helen Peatt, John DeForest and John Lilliendahl.

MR. KAMINSKI: "Mr. Chairman, the Commission met for a brief moment and agreed to accept the amendment as made by Mr. Raiteri and also a change, along the lines that I had suggested previously. Now, I will read the resolution as it reads in its entirety."

RESOLUTION NO. 263

AMENDING CHAPTER 44 OF THE CHARTER OF THE CITY OF STAMFORD, CONNECTICUT, REGARDING PERMANENT PAID MEMBERS OF THE STAMFORD FIRE DEPARTMENT GOING ON A 42 HOUR WORK WEEK, TO BE SUBMITTED TO THE ELECTORS, FOR APPROVAL OR REJECTION, AT THE NEXT GENERAL ELECTION, TO BE HELD NOVEMBER, 1957

NOW THEREFORE BE IT RESOLVED that Chapter 44 of the Charter of the City of Stamford be amended as follows:

The work week of all permanent paid members of the Stamford Fire Department shall be an average work week of not more than forty-two hours, computed over a period of one fiscal year; said work week shall be based on a schedule of three tours of days of ten hours each, followed by three days off, followed by three tours of nights of fourteen hours each, followed by three days off, followed by three tours of days, and so on, unless otherwise prescribed by the Fire Chief, by the Board of Public Safety, subject to the confirmation of the Board of Representatives, and that any time spent in an emergency in excess of any regularly assigned or schedule work week in connection with any actual fire or conflagration, including time spent going to, working at or returning from any actual fire, or any other work or duty classified as an act of mercy, shall not be included in computing such average work week, and that all authorized extra duty shall be compensated for as overtime at the same rate of pay received by the members of the Fire Department for work done during the regular established hours, and there shall be no diminution in the weekly earnings of the members of the Stamford Fire Department as a result of the adoption of this amendment and there shall be no lessening of existing rights and privileges of the members of said department, and that this Act shall take effect on the first day of the fiscal year next following its approval.

MR. MACRIDES: "Isn't that poor grammar, that set-up with the commas? Shouldn't there be an 'and' in between 'as prescribed by the Fire Chief AND by the Board of Public Safety, subject to....'."

MR. KAMINSKI: "Right -- you are correct."

MR. KAMINSKI: "Mr. Chairman, that is the report of the Charter Revision Commission on this next step." (No. 4 on the "Call")

CHAIRMAN: "Thank you, Mr. Kaminski. Are there any questions?"

MR. RAITERI said he objected to a change Mr. Kaminski had included, after the semicolon:

"...said work week shall be based on a schedule of three tours of days of ten hours each...."

MR. RAITERI: "What is the purpose of that?"

September 16, 1957

MR. KAMINSKI: "Mr. Raiteri, the attempt there is to confine specifically the proposed change to the 42 hour schedule proper. Now, what we are trying to do is to separate the thought of the 42 hours and the tour of duty. In other words, this resolution, unless we made that separation, could be read as meaning that the Fire Chief, the Board of Public Safety, by confirmation of the Board of Representatives, that we could change the 42 hours, which we simply don't want to be read into this sentence."

MR. RAITERI: "If you don't want the amount of hours changed, to be worked by the Fire men, then how do you propose to take care of the situation when you don't have enough personnel to enable them to work a 42 hour week? How are you going to cover that when there is a lack of personnel?"

MR. KAMINSKI: "I have recognized the confusion injected into this particular part of the resolution previous to the time that Mr. Raiteri made his suggestion regarding his amendment, and that is, the fact that we are confusing the emergency work with the 42 hour work week. Now, you have three factors involved here -- in one you have the 42 hour work week -- and we don't want to, by the amendment of Mr. Raiteri's, to have this misconstrued that, by the action set forth in his amendment, that we should be able to alter the 42 hour work week. What we wanted to accomplish there was, to be able to alter the schedule for the tour of duty. Now, if the resolution is passed as it is now, went into effect, and we found ourselves without additional personnel, the resolution also takes care of that too, wherein it provides that the Fire Chief is able to pay overtime pay, and that would be done in this manner: That he would live up to the intent of this Act up to the point where he will put the men on a 42 hour work week, based on the schedule as it is in the Act now. If he should find himself short of personnel, at the time that this goes into effect, this Act also provides that he could pay the men outside of their regular tour of duty (as it says in this Act) and work them on an overtime basis. So, when we tried to inject this emergency clause relative to the inability to get the additional personnel, I think we confused the entire matter. That is something separate from the 42 hour work week and schedule provided in the Act."

MR. RAITERI: "I don't believe we have the power to ask a Fireman to work any extra hours in addition to the 42 hour week."

MR. KAMINSKI: "Actually, Mr. Chairman, I believe the Act as it was read in its entirety, the word 'emergency' is used in connection with acts of mercy and I am sure the Act would provide the Chief with the power of working the men on extra duty, over and above the tour as described, because the Act reads that:

'and that all authorized extra duty shall be compensated for as overtime at the same rate of pay received by the members of the Fire Department for work done during the regular established hours,'"

MR. GEORGIOULIS suggested that after the words: "....by the Board of Public Safety subject to the confirmation of the Board of Representatives...." that the following two words "and that" be eliminated, starting a new sentence with "Any".

MR. FREDERICKS: "Mr. Georgoulis, if it is an emergency, you have to read first to see whether it is in connection with fire or conflagration. I don't think you could get your point by crossing out 'and that' in there. If you take your act of mercy and your emergency, and go down to where it says: 'and that all authorized extra duty'. Now, it does not say: 'all such authorized extra duty'. You are saying: 'and that any time spent', but if you pick out the 'and that' the time spent in emergency specifically refers to two factors."

There was a great deal of discussion at this point between Mr. Fredericks and Mr. Georgoulis regarding the interpretation of this portion and how it should be

worded.

MR. KAMINSKI: "Mr. Chairman, we haven't given any consideration to the inclusion of the Personnel Commission, primarily because, if I remember correctly, going through the Act where it sets up the Police Department's 40 hour week, there is no reference to the Personnel Commission. Now, the question has been brought up as to whether or not the Personnel Commission's prerogatives, as written into the Civil Service rules, will supersede the wording of the Charter -- I don't agree with that, but I think that whatever we write into this thing would probably supersede any of the Civil Service rules. Frankly, the thought occurred to me just a few moments ago about including the Civil Service Commission. If I, as an individual, could think of any valid reason, I would have no objection to the inclusion, as an individual. However, I don't know how the Commission would feel about this. I think if there were valid enough reasons set forth, that we could probably bring that point out."

CHAIRMAN: "Are there any further questions?"

MRS. ZUCKERT: "I MOVE, Mr. President, the acceptance of the report, as presented by the Charter Revision Commission."

MR. FREDERICKS: "I second the motion." (applause)

MR. NOLAN: "We are not in the Executive session at this time. Therefore, the motion is out of order."

MR. FREDERICKS: "The Agenda is inaccurate. There is no provision under the law which provides for an executive session with the Charter Revision Commission, is there?"

MR. NOLAN: "No, there is no provision for their sitting in at our meeting."

MR. FREDERICKS: "They are not sitting in. Mr. Kaminski's a member of this Board."

CHAIRMAN: "Well, the reason this was written up this way was because we would have to receive their report anyway, and we knew they were going to be here."

MR. FREDERICKS: "But, Mr. Nolan raises a point on the executive session with them."

CHAIRMAN: "That's right, but there is no problem. Are there any further questions?"

VOTE taken on Mrs. Zuckert's motion and CARRIED unanimously by the 30 members now present.

MR. FREDERICKS MOVED that the matter of the Charter revision be referred to referendum and submitted to the electors for approval or rejection at the next general election, to be held in November. Seconded by Mr. Kelly.

MR. VITTI requested a roll call vote be taken and so MOVED. Seconded by Mr. Milano.

It was requested that the Secretary read Mr. Fredericks' motion.

MRS. FARRELL: "Mr. Fredericks moved that the Charter revision be referred to referendum and submitted to the electors for approval or rejection at the next general election to be held in November, 1957. Seconded by Mr. Kelly."

MR. FREDERICKS: "I would like to amend my own motion by adding: 'and that the whole Charter amendment be published in full, at least once, in a newspaper having circulation in this City.'"

1710

September 16, 1957

MR. NOLAN: "Within the prescribed time."

MR. FREDERICKS: "Statutory time."

MR. HUIZINGA: "Don't you think, because this is a matter of record and it has got to be done right -- don't you think there should be something in your motion to signify that this Charter revision refers to the 42 hour work week of the Firemen?"

MR. FREDERICKS: "All right."

CHAIRMAN: "Would you like to re-state that, Mrs. Farrell, please?"

MRS. FARRELL: "No." (laughter)

MRS. FARRELL: "Mr. Fredericks moved that the Charter revision amendment, regarding permanent paid members of the Stamford Fire Department going on a 42 hour work week, be referred to referendum and submitted to the electors for approval or rejection at the next general election to be held November, 1957, and that the proposed Charter amendment be published at least once in a newspaper having circulation in this City within the prescribed statutory time."

CHAIRMAN: "Did everyone hear that? Mr. Vittti moved for a roll call vote. Are there any objections to that?"

The Clerk called the roll, and the vote was unanimous (30 in favor.

MR. FREDERICKS: "I MOVE that we adjourn."

CHAIRMAN: "Before we adjourn, I think we should thank the members of the Charter Revision Commission, seeing that they are not members of our Board. Would you move on that, Mr. Fredericks, please?"

MR. FREDERICKS: "I can't -- I'm a member of it."

MRS. MITCHELL MOVED that the members of the Charter Revision Commission be thanked for their efforts in getting such quick action on this matter. Seconded by several voices and CARRIED by a unanimous vote.

MR. FREDERICKS: "I now MOVE we adjourn." Seconded by Mrs. Zuckert and CARRIED unanimously.

Respectfully submitted,

George V. Connors
George V. Connors,
President
Board of Representatives

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