

MINUTES OF SPECIAL CHARTER REVISION MEETING

(14TH CHARTER REVISION COMMISSION)

WEDNESDAY, MAY 27, 1987

19TH BOARD OF REPRESENTATIVES

STAMFORD, CONNECTICUT

A Special Meeting of the 19th Board of Representatives of the City of Stamford, Connecticut, was held on Wednesday, May 27, 1987, pursuant to a "Call" issued by President Sandra Goldstein, in the Legislative Chambers of the Board, 888 Washington Boulevard, Stamford, CT.

The meeting was called to order at 9:00 p.m. by President Sandra Goldstein, after both political parties had met in caucus.

INVOCATION was given by Clerk of the Board Annie M. Summerville.

PLEDGE OF ALLEGIANCE TO THE FLAG was led by President Sandra Goldstein.

ROLL CALL was taken by Clerk Annie M. Summerville. There were 30 members present and 10 absent. Absent were Reps. Lyons, Heins, Santy (excused), D. Martin (excused), Esposito (excused), Tooher, Signore (excused), Glover (excused), T. Martin, and DeRose.

The Chair declared a quorum.

PRESIDENT GOLDSTEIN read the Call of the Meeting: "Pursuant to Section 202 of the Charter of the City of Stamford, a Special Meeting is called to consider and act upon the final Report of the 14th Charter Revision Commission and the recommendations of the Charter Revision Committee for Wednesday, May 27, 1987, 7:30 p.m. in the Legislative Chambers."

MACHINE TEST VOTE: After test votes were taken by President Goldstein, the machine was in good working order.

PRESIDENT GOLDSTEIN introduced Virginia Caputo, the Board's new secretary.

MR. BLUM, on behalf of the Board, wished Gerry Rybnick a happy 88th birthday.

CHARTER REVISION COMMITTEE PRESENTATION: Maria Nakian & Claire Fishman,
Co-Chairpersons

PRESIDENT GOLDSTEIN commended Mrs. Nakian and Mrs. Fishman and their entire Committee of dedicated workers, Reps. Rubino, Summerville, Lyons, Maihock and Pavia, on the extraordinary job done throughout the entire process. President Goldstein also commended the Charter Revision Commission and David Schropfer, Chair, for the extraordinary job and a document that was the most complete ever received since she has been on the Board. President Goldstein said the Board will host a reception, prior to the June 1st meeting, to say "thank you" to the Charter Revision Commission.

PRESIDENT GOLDSTEIN turned the meeting over to Claire Fishman, Co-Chairperson of the Charter Revision Committee.

MRS. FISHMAN said the Charter Revision Committee met on May 20th in the Government Center. Present were Maria Nakian, Claire Fishman, Richard Lyons, Annie Summerville and Nick Pavia. Also, present were David Schropfer, Chairman, of the Charter Revision Commission. Tom Lombardo and Judy Fishman. Bill Cahill, Chairman of the Parks Commission was also present.

The Committee looked over the work that the Commission had done and they took a vote to accept the Commission's recommendations 5 in favor and 0 against and no abstentions.

Mrs. Fishman said that at the time of the 200th anniversary of the Constitution, which was an exercise in compromise, the proposed Charter also represents a exercise in compromise; a great deal of give and take. Mrs. Fishman said the dedication of the members of the Commission was truly exceptional.

Mrs. Fishman said that interspersed throughout the document, there are blue pages of explanation which should be read to answer many questions that pertain to the changes.

Mrs. Fishman Moved to accept the Charter Revision Commission's recommendations as presented to the Board. Seconded.

PRESIDENT GOLDSTEIN explained the process for voting. She said we will proceed by use of a "rolling motion" which is to approve. It will be done page by page so that everyone has the opportunity to address any page. By State Statutes, we must have a majority vote of the entire membership, which is 21 votes, either approve the entire document presented or reject the entire document or reject individual provisions; additions can not be made to the document presented. If there is a vote to reject a certain section, the old section will come into effect. The Chair will call out a page, if there are no hands, she will proceed to the next page. If the pages are not recorded in these Minutes, there were no changes made on the document presented by the Charter Revision Commission. The document is dated May 16, 1987 and has inserts on blue pages explaining the reasons and comments on the charter changes.

MRS. McINERNEY - Page 7 - Moved to amend the motion and reject Section 1-60-5 Financial and In-kind Assistance as proposed by the Commission. Seconded.

Mrs. McInerney said that the Mayor has the power through the budgetary process to include any of the non-profit organizations when making his appropriations. She felt it was important that the old section remains because it gives credence to the history of the community, and allows for appropriations to the library.

MRS. MAIHOCK said she agreed with Mrs. McInerney on this item. Mrs. Maihock said that many possible worthy causes would apply for assistance which could result in considerable increases in our taxes.

PRESIDENT GOLDSTEIN called for a vote on deleting Section 1-60-5; reverting to the previous charter language. DEFEATED 20 no and 10 yes votes.

*Corrected
see
attached
to minute*

CHARTER REVISION COMMITTEE: (continued)

MS. SUMMERVILLE - Page 32 - Moved to reject Section 5-30-2 Sworn Members of the Department (re Special Police) as proposed by the Commission. Seconded.

MR. LIVINGSTON quoted from the paragraph, "The Police Commission may limit the powers of a member of the special police unless the Chief of Police certifies the member has the same psychological and physical requirements, education, and training as a member of the regular police force." Mr. Livingston said this language should be for all policemen. He said to require the specials to be exceptional to our regulars would not be in good judgement. He said that all the police should be qualified. Mr. Livingston said that for the special police to go through such a rigorous examination and this not be required for the Police Department is wrong. He said that although we cannot change anything now, we should reject it.

MR. ZELINSKI said that he was in agreement with Rep. Summerville's motion. He said that he has a problem with the new wording that Rep. Livingston alluded to. He said that in the future, a Police Commission could by means of this new wording, could eliminate some or all of the special officers of the city; and that concerned Mr. Zelinski. Mr. Zelinski quoted from a letter from the Police Commission to the Charter Revision Commission, "Subsequently, the Police Commission established a training program in excess of 300 hours and later a State statute was passed requiring all police officers, both regular and special officers, to receive 520 hours of training to be certified and further, to receive 40 additional hours every three years to maintain certification." He said State statute Section 7-294.a which deals with that and Section 7-294.d which concurs with the Police Commission's appraisal. Mr. Zelinski stated that the State statutes cover the training, this would be a duplication and this could be a possibility of a future Police Commission, for whatever reason there may be, to eliminate the Stamford Special Police force and thus deprive the citizens of Stamford of having a special police force. He strongly urged his colleagues to amend this and have this section go back to the original wording which is satisfactory.

MR. BLUM said he objected to some of the new language in this section. He said years ago, the specials were appointed to do duties outside of police work. Mr. Blum said that if it were meant for specials to be regular policemen why are they not paid equal pay? He said according to the language in this section, the Commission wants exactly the same amount of hours that a regular policeman would have. He said that special police should be set aside from the regular policemen. He said that it was inappropriate; specials are specials and regulars are regulars.

MRS. NAKIAN said the Charter states that there shall be a special police force and adding any other sentence to this paragraph changes that. There will be a special police force. She said that while the special police receive the same training as the regular police, because they are doing this part-time, it takes them a longer time; up to five years at times. She said that during that time they have all the regular powers of police; the right to arrest, carry a gun, etc. This says that the Police Commission has the right to give them a duty that is commensurate with their level of training. She said that this language is safeguarding the city. We are making sure the duties go with the training they have had.

CHARTER REVISION COMMITTEE: (continued)

MRS. McINERNEY said that she would agree with the points made by Mrs. Nakian. She said that any person wearing a city uniform and allowed to carry a gun, and allowed to arrest criminals and help police in the apprehension of criminals, creates a certain liability for the city. She said that she believes the regular police when hired, go through the same type of series of testing, psychological and physical requirements, education and training and to aspire any less for any group would be wrong on the part of the city. As public officials, we have to protect the public and it is up to us that we have the best qualified and best trained people that we can have. This adds protection for the city and caring for the liability that could be created by hiring somebody and putting them in a situation to handle something that they are not capable of at the particular point in time.

MR. WIDER said that what bothered him, is that the specials should not have to take the training every two years. He said the specials are trained before they can get a badge. He was in favor of deleting the new language and going back to the old language.

MR. BIANCARDI Moved the question. Seconded. Carried.

PRESIDENT GOLDSTEIN stated that in order to make change to the Commission's recommendation, you need 21 votes. That is what State statutes say. You may have a simple majority for a motion, but if 21 votes are not received, the motion has been defeated.

MRS. McINERNEY asked that President Goldstein read the State statute section.

PRESIDENT GOLDSTEIN read as follows: "Within 15 days after receiving the final report, the appointing authority by a majority vote of its entire membership shall either approve the proposed charter, revised charter or reject the same or separate provisions thereof." The majority of the whole is 21 members.

President Goldstein proceeded to a vote on the motion to delete the changes proposed in section 5-30-2. DEFEATED 17 yes and 13 no votes.

MRS. MAIHOCK - page 36 - Qualifications of the Director of Health. She said she was not in favor of having a person as Director of Health who was not a licensed physician. She said Stamford has a diversified population which has a potential to make our citizens vulnerable to possible serious health problems. Also, the increase of AIDS should be kept under careful medical surveillance. She felt that the community needs a physician as health director to assure the best possible health protection to the residents of the city.

Mrs. Maihock Moved to delete the new Section 5-50-3 and reinstate the old language. Seconded.

MRS. BEGEL agreed with Mrs. Maihock. She said it was very important to have the Director of Health with a medical degree.

MR. BOCCUZZI said that he would speak against the motion. He said that state statutes require that the health director be licensed but is not required to be a physician. He said that the human beings in Stamford are no different from human beings in any other cities. He said that as long as the word

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Attachment
to Minutes*

CHARTER REVISION COMMITTEE: (continued)

MR. BOCCUZZI: (continuing) "may be" is there, it gives the city a chance, if possible, to hire a physician as health director. He said the salary of \$60,000 for becoming a physician is not that much. He said that it will be difficult to get a licensed physician. He said that a person hired under state statutes can carry out the duties and maintain the health department to work in a way beneficial to the city; there is a physician on staff in the Health Department to advise. Mr. Boccuzzi said to have the qualifications stating that you have to be a licensed physician makes it hard to get someone,

MRS. BROMLEY said she would like to speak against the motion. She said from some of the comments made pertaining to this motion, a great tribute is being made to Dr. Gofstein. He was extraordinary. She said that a degree in public health gives that person the necessary intellectual tools to deal with the health problems of the community as well as the administrative functions. She said that much of the job is not strictly medical in nature; testing water, septic tanks being adequately crushed; many jobs are included in this department. She said that whoever becomes health director will be assisted by doctors where there is need of specific medical expertise.

MR. BLUM said that he would be comfortable to know that the health director be a member of the medical community. He said that the health directors in Stamford have been doctors, and feels that we should have this qualification for director of health.

MS. FISHMAN said that Mr. Boccuzzi said all that she wanted to say.

MR. PAVIA Moved the question. Seconded. Carried.

PRESIDENT GOLDSTEIN called for a vote to delete Section 5-50-3 regarding qualifications of Director of Health and insert the old language. DEFEATED by a vote of 16 no and 14 yes votes.

MR. CLEAR - page 39 - Section 5-70-1 Director of Parks and Recreation -
Mr. Clear Moved to delete section 5-70-1. Seconded.

Mr. Clear said he believed that there are other avenues that can be pursued to shore-up some of the overlaps between the Department of Recreation and the Parks Department without changing the existing charter. This could be handled through the Parks and Recreation Committee and the Board of Representatives.

MR. BURKE said that he could not vote to delete this section but would like to see part of it deleted but this was not in our province. He said that he would have take this section.

MR. RUBINO Moved the question. Seconded. Carried.

MR. LIVINGSTON asked for a Point of information. He said that if he understood correctly, we can change an entire paragraph but cannot change a sentence?

CHARTER REVISION COMMITTEE: (continued)

PRESIDENT GOLDSTEIN stated that you can make a motion to delete any recommendation. You cannot insert new wording.

MR. LIVINGSTON asked if a particular sentence be deleted?

PRESIDENT GOLDSTEIN said yes; if something arises, we could clarify.

MR. BURKE asked for a Point of order. He said the reason there is nothing before the Board, is that this is a new slant. He thought that as originally advised, we must take the whole recommendation or not take it; we cannot take a paragraph out or a word out or a sentence; it was all or nothing.

PRESIDENT GOLDSTEIN said that you cannot make a change by adding; you can delete.

MRS. McINERNEY said she agreed with Mr. Burke and would challenge the Chair's ruling. Mrs. McInerney said that it was not made clear at the beginning of the meeting that we could delete one sentence; we could delete an entire section.

PRESIDENT GOLDSTEIN said that it says that you can reject the same or separate provisions thereof. "Separate" is the operative word.

MR. BURKE said that "provisions" is the word. Section 5-70-1 is a separate provision in its entirety.

MR. RUBINO said that he thought both Mr. Burke and President Goldstein are correct. He said that the way he reads the statute, is that you can delete, accept or reject changes and it certainly could be one word, or one sentence depending on what the change is, but several sentences are changed in 5-70-1 and he did not think that you could accept 9/10th of them. He thought in 5-70-1 you either accept the change or reject it.

PRESIDENT GOLDSTEIN said the motion before the Board is to delete the entire section. There is nothing unclear about the motion.

MR. LIVINGSTON asked a clarification on the motion if it fails; can you go back and delete a particular sentence?

PRESIDENT GOLDSTEIN said that she would confer with the Parliamentarian.

MR. DONAHUE stated that if someone did not want to grant the Parks and Recreation Department, the care and control of all trees and shrubs within the limits of any public road, they could make a motion to remove that because it is a provision of this section that was passed on by the Commission. He said the danger is that the larger concept is that two departments will be combined and in removing that provision of a new Parks and Recreation department, there may be no language in the old charter that adequately provides for that service to be accomplished. He stated that he was using this as an example and did not want to say that there would be no means of taking care of trees in a public access.

Mr. Donahue continued that one would have to be very careful about the sentence removed and would have to look at the old wording which, in truth, would be removed by accepting the new provision in total; you may remove something in one sentence that could become unworkable. He said that he thought that any sentence can be removed sent as a provision of the charter.

CHARTER REVISION COMMITTEE: (continued)

PRESIDENT GOLDSTEIN said that if a motion is defeated, and then by deleting a particular word, it will undo what has just been done; it would be an improper motion. All things have to be weighted before a motion is made to delete a particular line.

MR. LIVINGSTON wanted some further clarification. He asked if a motion is approved or defeated, does one have the right to go back?

PRESIDENT GOLDSTEIN said that would have to be done on an individual basis. As it exists, you can change a section, or a part of a section, but if taking it out, impacts the charter so it no longer makes sense, the Chair will have to rule accordingly.

President Goldstein called for a vote to delete section 5-70-1 which, in effect, combines the Recreation and Parks Departments. DEFEATED by 14 no and 13 yes votes with one abstention.

MR. ZELINSKI Moved the question to accept the original motion to accept the recommendation of the Charter Revision Committee of the Board; what is left of the document. Seconded.

PRESIDENT GOLDSTEIN said that this requires a two-thirds vote to pass. She called for a vote to move the question; that is the motion. DEFEATED by 17 no and 12 yes votes with one abstention; proceeding now to the main question which is the approval of the document.

MR. BLUM - page 41 - Section 5-90-3 Rules and Regulations - Mr. Blum asked if this section took away the Board of Representatives' approval on salary increases?

MS. FISHMAN said the only changes in this section were three words; the "director" instead of "he," "classified" instead of "civil," and "director" instead of "he." The rest of the section is the original language of the charter as it is now.

MR. BOCCUZZI asked if this section in any way affects the pay plan that was approved by the Board for the Mayor, cabinet, etc.? He asked if this section is approved, does the pay plan still exist?

MS. FISHMAN said that there is no change; this is how it is at the present. She said this deals with the classified service not the unclassified personnel.

MRS. NAKIAN said there is a place in the Charter that makes provisions for the Board of Finance and the Board of Representatives to have input into the pay plan for the mayor, cabinet, department heads and all unclassified employees.

PRESIDENT GOLDSTEIN asked if the Co-Chairs could find in the Charter, the section that would answer Mr. Blum's and Mr. Boccuzzi's questions. Someone said that it was on page 26.

MR. BLUM said the Board of Representatives has to ratify contracts. He said that when there is a pay plan for the unclassified employees, we should ratify the pay plan.

CHARTER REVISION COMMITTEE: (continued)

MRS. MAIHOCK - page 58 - 5-110-1 Office of Assessment - Mrs. Maihock said that it was not in the best interest of the city for an non-elected official to assume the important power of appointment previously held by the Mayor. Mrs. Maihock was referring to the Commissioner of Finance appointing the assessor.

MRS. BEGEL referred to the letter received from Frank Kirwin. He stated why it should remain the autonomous body that it is. It has been functioning that way since 1978, and making this department a branch of the Finance office would serve no useful purpose. The function of the office is equity among all taxpayers; it is not a financial section; it is ruled under state statutes and that is what they follow. The office reports to the mayor.

Mrs. Begel Moved to delete section 5-110-1 and reinstate old language as in original charter. Seconded.

MRS. McINERNEY said she would support the motion to delete this section. She echoed Mrs. Begel's sentiments. She further added that the entire proposal is a dangerous one which would effect changes in the operations of that department. In her opinion, it is crucial to retain impartiality in the tax assessor's office. The office must be free to serve all the taxpayers in a manner of equality of justice and fairness. To move this department, would possibly create a politicized department which could create chaos. She did not know whether this would be legal under state statutes. It should be deleted.

MS. FISHMAN said that this does not change anything that is governed by state statutes. This change is purely administrative. She said the freedom of action is not compromised by this change. She said the reason for the change is for the personnel working in the department have a home to be supervised.

MR. LIVINGSTON said that that office has been provided for. He agreed with Mrs. Begel's and Mrs. McInerney's remarks. He said that we should go back to the original language.

MR. PAVIA Moved the question. Seconded. Carried.

PRESIDENT GOLDSTEIN called for a vote on the motion to delete section 5-110-1 which puts the office of the assessor under the purvey of the Commissioner of Finance. DEFEATED 16 yes and 10 no votes.

MR. BURKE made a motion to Move the entire question. Seconded.

PRESIDENT GOLDSTEIN said the question was moved a short time ago and not enough time has past to move the question again.

MR. CLEAR asked a point of information. He wanted to know if we were mandated to have 21 members present at the end of the meeting.

PRESIDENT GOLDSTEIN replied that a meeting cannot be held without 21 people present.

CHARTER REVISION COMMITTEE: (continued)

MRS. McINERNEY asked if a motion has been made to move the question and seconded, is this debatable?

PRESIDENT GOLDSTEIN replied that it was not. The Chair determines whether enough time on the same question has elapsed to consider the question again.

MRS. McINERNEY said she would like to challenge the Chair's opinion.

MR. LIVINGSTON asked for a Point of information. He asked that the Chair take into consideration the way the meeting has been progressing.

PRESIDENT GOLDSTEIN said she will consider Mr. Livingston's suggestion. She said the question is on moving the question. She proceeded to a vote. APPROVED by a vote of 22 yes and 5 no votes.

PRESIDENT GOLDSTEIN said the main motion before the Board is to accept the entire document as proposed to the Board. President Goldstein explained the vote. She said that if 21 votes are not received then everything that the Charter Revision Commission has done will be defeated and the people of the city will not have a chance to vote on any of the issues.

President Goldstein proceeded to a vote on the approval of the document proposed by the 14th Charter Revision Commission. APPROVED 21 yes and 7 no votes.

MS. FISHMAN Moved that the proposed questions for the Charter be put on the November ballot. Seconded.

PRESIDENT GOLDSTEIN called for a vote on the proposed questions for the Charter be placed on the November ballot. APPROVED 26 yes and 2 no votes.

PRESIDENT GOLDSTEIN thanked the Co-Chairs Mrs. Nakian and Mrs. Fishman, the entire Committee and the Commission for a job well done.

The Record will note that Reps. Zelinski, Biancardi and Mollo left the meeting prior to the end of the meeting.

ADJOURNMENT: There being no further business to come before the Board, upon a motion made, seconded and carried by voice vote, the meeting was adjourned at 10:30 p.m.

By Anne A. Kachaluba
Anne A. Kachaluba, Acting Administrative
Assistant and Recording Secretary
19th Board of Representatives

APPROVED:

Sandra Goldstein
Sandra Goldstein, President
19th Board of Representatives

(Note: A copy of the document will be attached to these Minutes for the official files and in the Town Clerk's office)

SG:ak
Enclosures

*All
corrections
attached
to Minutes*

STAMVOTE - ATTENDANCE

20:59:13

05-27-1987

NO	NAME
1	PRS BEGEL, ROSANNE
2	PRS NAKIAN, MARIA
3	PRS PIA, THOMAS
4	PRS BIANCARDI, VICTOR
5	PRS MC GRATH, PATRICIA
6	N/P LYONS, RICHARD
7	N/P HEINS, WILLIAM
8	PRS RYBNICK, JERRY
9	PRS MOLLO, FRANK
10	PRS BURKE, THOMAS
11	N/P SANTY, JEANNE-LOIS
12	N/P MARTIN, DAVID
13	PRS RUBINO, JAMES
14	N/P ESPOSITO, STANLEY
15	PRS MAIHOCK, AUDREY
16	PRS PAVIA, NICHOLAS
17	PRS MC INERNEY, BARBARA
18	PRS BROMLEY, ELLEN
19	N/P TOOHER, JAMES
20	PRS SUMMERVILLE, ANNIE

NOT PRESENT 10

NO	NAME
21	PRS LIVINGSTON, JERRY
22	PRS CLEAR, THOMAS
23	PRS WIDER, LATHON
24	PRS DONAHUE, DONALD
25	PRS PERILLO, MILDRED
26	N/P SIGNORE, S. A.
27	N/P GLOVER, KATIE
28	N/P MARTIN, TERRENCE
29	PRS MORRIS, SCOTT
30	PRS FISHMAN, CLAIRE
31	PRS ZELINSKI, JOHN
32	PRS DUDLEY, JAMES
33	N/P DE ROSE, JOSEPH
34	PRS POWERS, RUTH
35	PRS BLUM, DAVID
36	PRS JACHIMCZYK, DAVID
37	PRS RINALDI, MARY LOU
38	PRS WHITE, W. DENNIS
39	PRS BOCCUZZI, JOHN
40	PRS GOLDSTEIN, SANDRA

PRESENT 30

STAMVOTE - VOTE PROCESSING

05-27-1987

21:00:18

NO	NAME
1	YES BEGEL, ROSANNE
2	YES NAKIAN, MARIA
3	YES PIA, THOMAS
4	YES BIANCARDI, VICTOR
5	YES MC GRATH, PATRICIA
6	N/P LYONS, RICHARD
7	N/P HEINS, WILLIAM
8	YES RYBNICK, JERRY
9	YES MOLLO, FRANK
10	YES BURKE, THOMAS
11	N/P SANTY, JEANNE-LOIS
12	N/P MARTIN, DAVID
13	YES RUBINO, JAMES
14	N/P ESPOSITO, STANLEY
15	YES MAIHOCK, AUDREY
16	YES PAVIA, NICHOLAS
17	YES MC INERNEY, BARBARA
18	YES BROMLEY, ELLEN
19	N/P TOOHER, JAMES
20	YES SUMMERVILLE, ANNIE

N/P 10 N/V 0

test yes

NO	NAME
21	YES LIVINGSTON, JERRY
22	YES CLEAR, THOMAS
23	YES WIDER, LATHON
24	YES DONAHUE, DONALD
25	YES PERILLO, MILDRED
26	N/P SIGNORE, S. A.
27	N/P GLOVER, KATIE
28	N/P MARTIN, TERRENCE
29	YES MORRIS, SCOTT
30	YES FISHMAN, CLAIRE
31	YES ZELINSKI, JOHN
32	YES DUDLEY, JAMES
33	N/P DE ROSE, JOSEPH
34	YES POWERS, RUTH
35	YES BLUM, DAVID
36	YES JACHIMCZYK, DAVID
37	YES RINALDI, MARY LOU
38	YES WHITE, W. DENNIS
39	YES BOCCUZZI, JOHN
40	YES GOLDSTEIN, SANDRA

YES 30 NO 0 ABS 0