

MINUTES OF THE 11th BOARD OF REPRESENTATIVES-
STAMFORD, CONNECTICUT

(Special Meeting held Friday, September 24, 1971)

A Special Meeting of the 11th Board of Representatives of the City of Stamford was held on Friday, September 24, 1971, pursuant to a "Call" from the President, Charles J. Heinzer, III, in the meeting room of the Board, second floor, Municipal Office Building, 429 Atlantic Street, Stamford, Connecticut.

The Meeting was called to order by the President at 8 P.M.

GEORGE RUSSELL, Temporary Clerk, called the roll. There were 31 Members present and 9 absent.

The absent Members were:

Alphonsus Donahue (D) 1st District
Handy Dixon (D) 2nd District
Edward Dombroski (D) 3rd District
Frederick Miller (D) 3rd District
Richard F. Comerford, Jr., (D) 7th District
William Murphy (D) 6th District
Richard Bieder (D) 11th District
Sidney Sherer (R) 16th District
Kim Varney (R) 16th District

"CALL" OF MEETING:

THE PRESIDENT read the following "Call" of the meeting:

September 21, 1971

TO: All Members of 11th Board of Representatives
FROM: Charles J. Heinzer, III, President
SUBJECT: "Call" of Special Meeting on Various Matters approved by
Board of Finance at their adjourned Meeting held Tuesday,
September 21, 1971

I, CHARLES J. HEINZER, III, President of the 11th Board of Representatives of the City of Stamford, pursuant to Section 202 of the Stamford Charter, hereby call a SPECIAL MEETING of said Board of Representatives for:

FRIDAY, September 24, 1971

At the Municipal Office Building, 2nd Floor,
429 Atlantic Street, Stamford, Connecticut,

at 8:00 P.M.

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for the following purposes:

- (1) \$254,370.00 - BOARD OF EDUCATION - To be used to finance a special Milk Program in the Schools - (Requested in letter from Benjamin R. Reed, Asst. Supt.-Business, dated 9/16/71)
- (2) \$ 62,883.42 - BOARD OF EDUCATION - In order to close out the 1970-1971 CAFETERIA Program operation through August 31, 1971 - (Requested in letter from Miss Helen A. Tobin, Acting Supt. of Schools, dated 9/14/71)
- (3) Resolution - Authorizing EASEMENTS by condemnation, through and under certain private properties in order for a successful completion of SANITARY SEWER PROJECT KNOWN AS SECTION 13-2, which is required to build the HIGHVIEW AVENUE - SPRINGDALE Sewer Project - (Mayor's letter of Aug. 18, 1971)

CHARLES J. HEINZER, III
President,
11th Board of Representatives

THE PRESIDENT called for the report of the Fiscal Committee.

FISCAL COMMITTEE:

MRS. PONT BRIANT, Chairman, reported that the Fiscal Committee met here at 7 P.M. with Mr. Reed from the Board of Education, with all nine Members of the Committee present. She reported on the following items:

- (1) \$252,308.00 - BOARD OF EDUCATION - To be used to finance a special milk program in the schools - (Requested in letter from Benjamin R. Reed, Asst. Supt.-Business, dated 9/16/71)- REDUCED from the \$254,370.00 which appears on the Agenda.

MRS. PONT BRIANT said the selling price per unit will be four cents, under the mandated limit of the wage-price freeze. She said there is income from student milk sales of \$94,300. She said adult milk sales will be at 15¢ per unit as it has been in the past, totalling \$6,750., with Federal reimbursement of Two Million, Five Hundred Thousand units at Three Cents -- \$75,000 with a total income of \$176,050. She said where the free milk, mentioned above, the cost is greater, so "free milk" is not, in essence "free" milk, but are costing the City approximately 4-1/2¢. She said the expenses of the program are the purchase of milk, Two Million, Five Hundred Forty-Five Thousand Units at 0.735 cents; salaries for 35 employees to handle this milk - small elementary schools, one employee; large elementary, two employees; high schools, approximately two or three employees, for an average of two to three hours per day, averaging out approximately \$3.25 an hour. For repairs and maintenance cost on the milk coolers - \$1,200 - total

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expenses: \$252,308.00 which is the amount of appropriation.

She said this program will result in a net cost to the City of \$76,250.

SHE MOVED for approval of this request, with the following. She said they have requested that the Board of Education ask, in writing, of Washington, to be allowed to increase the sale price of milk. She said at this time there is nothing in writing, from either the State or from Washington. She said they would prefer that they sell the milk for 10¢ at which time the program would break even to the City. She explained that the income from this will go into the General Fund which is the reason why we have to expend the entire appropriation.

MR. EXNICIOS seconded the motion.

MR. SCOFIELD said as far as he can find out there have been no real problems in having student Councils or collecting the money in the classrooms as they have done year after year. He questioned why we should have to pay Cafeteria workers for only a Milk Program. He asked the Chairman if she has a separate cost for the employees.

MRS. PONT BRIANT said the salaries for the employees are \$64,051.00. She said there are 35 employees, who will receive the milk, take the cash, maintain the records, take an inventory and clean the milk cooler. She said the Committee has requested that they look into the matter of getting volunteers, particularly in the elementary schools, where perhaps the milk count may be taken in the morning and the money paid at that time for which they will receive slips, so there would be no problem in picking it up.

She explained that they have taken the employees back on a seniority basis per the Cafeteria contract, and are paying them in accordance with the Personnel Department, at the contractual price.

THE PRESIDENT suggested the Committee answer the question as to why it is necessary to have the Cafeteria workers instead of volunteers.

MRS. PONT BRIANT said they claim it is not feasible to work with volunteers and there is also a problem with the Contract, since some of the PTA Council don't wish to send volunteers in or to handle this and felt it was much more feasible to work with the salaries employees.

MR. GUROIAN handed the following statement in and requested that it be printed in the Minutes:

"Mr. President:

The issue at hand is whether this Board condones deficit spending and does it intend to circumvent the Charter which prohibits our supporting same.

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When we mention deficit spending we are talking about a deficit of \$140,000 in 1968-69; \$205,000 in 1970-71; \$62,000 in addition to a carry-over from 1968-69 of \$188,000, or over a Half Million Dollars of deficit spending.

My understanding is if we give the Board of Education what they are asking for we are in fact giving them the green light to launch another Cafeteria Program. Here is a quote from the Board of Education to verify that statement. "The Board of Education however said the Cafeteria could open if funds were appropriated by various Boards".

The Board of Education has been asked to submit an itemized list of expenses and projected defect before appropriation of funds."

If has not been done. In other words we are asked to rejuvenate a Cafeteria Program which has been a colossal financial and food dispensing flop. Without the decency of some kind of assurance that it won't happen again.

How can I cast a YEA vote for those I represent, under such circumstances? I can't!

MR. TRUGLIA requested a RECESS at 8.30 P.M. which was granted.

THE RECESS being over, Mr. Truglia presented a petition signed by some 618 persons that they concur with the Milk Program.

MR. EXNICIOS said he wants to clarify one statement which concerns the price fixing charge for milk. He said it was brought out in the Committee Meeting that we bought milk and sold it last year at a loss, and this year we are paying more for the milk - the bid came in at a higher price, and we have been told that it must be sold for the same price as last year. He said on this basis, they have asked the Board of Education to please write to the State to plead our case and show them that we are losing more money this year than last year, because we could not raise the price.

He said he wants to reiterate that the "free" milk this year is costing Stamford \$6,270.00 which is the difference between the 3¢ we get from the Federal Government and the 7-1/3 cents that we must pay for it.

He said Mr. Reed pointed out that if the milk can be kept for a period from one to two weeks, the contract reads that the dealer will lower his delivery - in other words, it is not a fixed number of units that he must deliver a day for this price. He said he, for one, would like to see some documentation, because it has been his experience on this Board that many things have been told to us that turn out to not actually be the true facts.

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MR. SCOFIELD MOVED to AMEND the motion to REDUCE the appropriation to \$188,257.00 thus reducing the original request by \$64,051.00 - the cost of the labor involved - on the basis that it has been working out the last few days very effectively and for ONLY a Milk Program, we should not have to hire people to do this job. Seconded.

THE PRESIDENT called for a second RECESS at 8.35 P.M

THE RECESS being over, the meeting was called to order.

MRS. PONT BRIANT said during the Fiscal Committee Meeting, they spoke about eliminating part of the appropriation. She said the cost to the City remains the same unless they do two things - increase the sale price of the milk and also regulate the employees better. She said there are many problems under the Union Contract which are now under discussion - if we delete the salary amount, we may open the City to a lawsuit or to a stronger stand by the Union when they go to Court, and if it is not necessary to spend the money it will not be spent. She said she would like for the money to stay where it is, with the stipulation that if volunteer help can be obtained, that it will be, and not go against any contracts at this time.

MR. CONNORS asked how can we expect the faculty to go in violation of a contract, when we could end up in a lawsuit as the previous Speaker has stated? He said he thinks we are asking for a lot of trouble asking volunteers to do this work - it hasn't worked in other Communities and won't work here. He said he is opposed to Mr. Scofield's amendment.

After some further debate, Mr. Scofield WITHDREW HIS MOTION.

VOTE taken on the motion to approve the \$252,308.00 appropriation.
CARRIED with one "no" vote.

- (2) \$62,883.42 - BOARD OF EDUCATION - In order to close out the 1970-1971 CAFETERIA Program operation through August 31, 1971
(Requested in letter from Miss Helen A. Tobin, Acting Supt. of Schools dated 9/14/71)

MRS. PONT BRIANT said this appropriation is to pay for outstanding bills that are unpaid and does not establish any funds for any Cafeteria Program for this school year - just to pay bills that are outstanding and long overdue. SHE MOVED for approval of the above request! Seconded.

MR. BITETTO said if this is approved tonight that a letter be sent to the Corporation Counsel to proceed with any enforcement of the Charter upon any person or persons who perpetrated this loss in overspending in violation of the Charter. He said he feels it is entirely something that is a precedent that has been established and it should be stopped and the people that are responsible for it should be called to account for it. HE MOVED for approval of what he just stated.

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THE PRESIDENT asked Mr. Russell to take the Chair at this time so that he could speak on the motion.

MR. RUSSELL assumed the Chair and recognized the Speaker.

MR. HEINZER said several years ago - in 1965 or 1966, the Board of Finance and the Board of Representatives thought it would be a good idea if they didn't have to fool around every year with a Budget item for a Cafeteria and directed the School Board to proceed with a Cafeteria Program that would be self-sustaining - they would collect their own money, spend it on food and have their own - a sort of Authority. He said the profits from this in the early states went to buy books and other things of that nature. He said he never felt this way of handling it was proper under our Charter for any agency to collect money and appropriate it for its own use - it should be returned to the General Fund. He said and that is how we got into this deficit thing, because the School Board had been doing this on their own - collecting its own money, and using that money to buy further supplies. He said he prevailed upon them to come in with the full amount for the milk program - to finance the program, pay for the milk and everything that was necessary, and every penny that comes in on that program now will go into the General Fund to finance other programs for other City needs. He said he thinks we are now on the right track and he argued hard for this the other night and thinks this answers Mr. Bitetto's question -- that it was not their fault that they go into this deficit, but was the fault of the City Boards back six or seven years ago, who asked them (the School Board) to run a program that way, in violation of not only State laws, but our own Charter.

MR. BOYLE said then this being the case, this Board has a just right to ask that a plan be adopted to not having a deficit for next year.

MR. RUSSBACH said he has sat here for about three years and complained loudly about the continual deficits in this Cafeteria Program. He said he would like to say that a deficit is a deficit, no matter how arrived at and would suggest that if you did this in any other type of business, you would have a pink slip and be bounced out on Broadway. He said he thinks it is about time that the Board of Education realizes that they have a responsibility to the taxpayers of this City to not violate the Charter by engaging in deficit spending and not running programs in the red and then letting us know later on after everything has been paid out and it is too late and we find our backs against the wall. He said they are always saying that if you fail to approve this that little kids are going to suffer, which he thinks is a lot of "hog wash" because if they can plant \$27,000 worth of trees outside the High School, that they can also find a few bucks for the Cafeteria deficit.

MR. CLARK said after just seeing this Board spend over \$250,000.00 for a "FREE" Milk Program which he doubts that they will ever get back, and after having been a former member of the Board of Education, he knows that the philosophy there is that when you get it, you spend it, and return NOTHING.

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He said, but of course this can't be true, because we just got a communication from the Board of Education saying that they are returning \$3,300 from their Operating Budget of last year, and he thinks that this is a very good time to do this because if they can trade \$3,300 for over \$252,000 that it is a pretty good deal.

MRS. PONT BRIANT said as far as the appropriation we just passed, there is the stipulation that the income SHALL go into the General Fund.

She said the cost to the City will not be \$252,000 but approximately something more like \$76,000.

MR. BITETTO said he still wants action on the motion that he made and he feels that the Charter has been violated and a crime has been committed so to speak, and he feels that we should get to the bottom of it and once and for all set a precedent so that we can establish proper and orderly budgeting of the taxpayer's money. He said he wants this letter sent to the Corporation Counsel requesting that he proceed with the necessary investigation of this matter.

MR. JOHN BOCCUZZI said the fact remains that the appropriation before us now is to take care of the deficit for last year. He said he has before him a list of vendors who gave a service for a certain price to the City of Stamford and now wants to be paid. He said the City of Stamford is obligated to pay for the supplies and services received from these vendors.

MR. EXNICIOS said he believes that we have a motion on the floor that should either be seconded and discussed or disposed of.

THE PRESIDENT asked what motion it was.

MR. EXNICIOS said he refers to Mr. Bitetto's motion.

THE PRESIDENT said we have a motion before this Board to approve the \$62,883.42 appropriation and there is no other motion, and any other motion is out of order and will have to be held.

MR. GUROIAN said he is getting the distinct feeling that this Board is caving in and he feels that the issue at hand is whether this Board is going to condone deficit spending and does it intend to circumvent the Charter, which prohibits us allowing deficit spending.

He said we are talking about a deficit of \$40,000 in 1968-69 and \$205,000 in 1970-71 and \$62,000 as a carry-over from 1968-69 of \$188,000 or, over a HALF MILLION DOLLARS. He said if we give the Board of Education what they are asking for that we are backing them up with a green light to launch another Cafeteria program. He quoted from the Board of Education itself "The Board of Education said the Cafeteria Program could re-open if funds were approved by various boards." He said the Board of

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Education has been asked to submit an itemized list of expenditures and projected deficit before appropriating of funds and it has not been done, despite Mr. Boccuzzi's assurance that it might be.

MR. BOCCUZZI said he thinks that Mr. Guroian had better get his facts straight - that he was speaking about the appropriation for the deficit and didn't recommend that we open up another Cafeteria Program without a new budget and am not condoning a new Cafeteria Program, but spoke strictly on the question before us.

After considerable further debate, MR. RUSSBACH MOVED THE QUESTION.
Seconded and CARRIED.

VOTE taken on the main question - Item #2 on the Agenda. CARRIED by a machine vote of 25 yes and 6 no.

MR. BITETTO MOVED that this Board, through a letter to show the sense of this Board, the irresponsibility of person or persons in the Cafeteria Program of the Board of Education, that are responsible for this deficit spending according to or contrary to the Charter and he feels that at this time we should send a letter to the Corporation Counsel to investigate this matter. Seconded.

MR. CLARK said since this is a Special Meeting of this Board and only three items are mentioned in the Call of the meeting, he wants to raise the question as to whether or not this motion is germane.

THE PRESIDENT said he will allow the motion since it is in reference to Item #2 on the Agenda for this evening.

THE PRESIDENT called for a vote on Mr. Bitetto's motion. CARRIED with two "no" votes.

- (3) Resolution No. 774 - Authorizing EASEMENTS by condemnation, through and under certain private properties in order for a successful completion of SANITARY SEWER PROJECT KNOWN AS SECTION 13-2, which is required to build the HIGHVIEW AVENUE-SPRINGDALE Sewer Project -
(Mayor's letter of 8/18/71)

MR. BITETTO said the Sewer Committee met with the Health & Protection Committee and the Legislative & Rules Committee and approved the following resolution. HE MOVED for approval of the resolution.

Seconded by Mr. Chirimbes, Chairman of the Legislative & Rules Committee, who said his Committee concurs in approval. CARRIED unanimously:

RESOLUTION NO. 774

AUTHORIZING THE CONDEMNATION OF EASEMENTS THROUGH AND UNDER PROPERTIES OF FONCIA, INC., WILBUR COUTERMASH, et al, FRANCESCA DEDDA, et al, SEALTEST FOODS (DIVISION OF KRAFTCO CORP.) FRANK

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MERCEDE, NICHOLAS MERCEDE, JOHN MERCEDE AND FRANK MERCEDE, D/B/A
HIGH CLEAR ASSOCIATES, LUCA J. CAPPIELLO, et al, MARIE S. FESTO,
HARRY J. LOCKWOOD, et al, MARIE A. VIVONA, ANTHONY CACCABELLO,
WALTER GRABOWSKI, et al, RALPH CASTELLI, MARIA MUCCOLI, HOWARD R.
QUICK, et al, SEBASTIAN CARDILLO, et al, JOHN E. O'NEILL, et al,
WILLIAM T. MURPHY, HERMAN H. KAPLAN, et al, AND ELOISE QUINN, IN
CONNECTION WITH SANITARY SEWER PROJECT 13-2

WHEREAS, certain easements through and under private property must be obtained for the successful completion of the sanitary sewer project known as Section 13-2; and

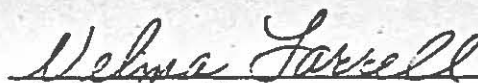
WHEREAS, the Sewer Commission has to date been unable to obtain said easements on a voluntary basis:

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED as follows:

That authority be granted empowering the City of Stamford on behalf of the Sewer Commission to condemn easements through and under properties of FONCIA, INC., WILBUR COUTERMASH, et al, FRANCESCA DEDDA, et al, SEALTEST FOODS (DIVISION OF KRAFTCO CORP.), FRANK MERCEDE, NICHOLAS MECERDE, JOHN MERCEDE AND FRANK MERCEDE D/B/A HIGH CLEAR ASSOCIATES, LUCA J. CAPPIELLO, et al, MARIE S. FESTO, HARRY J. LOCKWOOD, ET AL, MARIE A. VIVONA, ANTHONY CACCABELLO, WALTER GRABOWSKI, et al, RALPH CASTELLI, MARIA MUCCOLI, HOWARD R. QUICK, et al, SEBASTIAN CARDILLO, et al, JOHN E. O'NEILL, et al, WILLIAM T. MURPHY, HERMAN H. KAPLAN, et al, AND ELOISE QUINN, which easements are more specifically described in Schedules A through T annexed hereto, for the purpose of completing the Sanitary and Storm Sewer System known as "Sanitary Sewer Project 13-2".

ADJOURNMENT:

Upon motion, duly seconded and CARRIED, the Meeting was adjourned at 9.25 P.M.


Velma Farrell
Administrative Assistant
(Recording Secretary)

APPROVED:


Charles J. Heinzer, III, President
11th Board of Representatives