

MINUTES OF APRIL 2, 197312TH BOARD OF REPRESENTATIVESSTAMFORD, CONNECTICUT

A Regular monthly meeting of the 12th Board of Representatives of the City of Stamford was held on Monday, April 2, 1973 in the meeting room of the Board, second floor, 429 Atlantic Street, Municipal Office Building, Stamford, Connecticut.

The meeting was called to order by the President, George V. Connors, at 9:20 P.M. after a Caucus by the respective parties.

INVOCATION - Given by Rev. Ralph Buongervino, Sacred Heart Church.

MOMENT OF SILENCE:

A moment of silence was observed in memory of Father Bertram Parent, St. John's Church, recently deceased, who had given the Invocation at the January 8, 1973 Board meeting.

Prayers were offered for the speedy recovery of Mrs. Edith Sherman, Representative from the 11th District, who was rushed to the hospital today; also for Mr. John Canavan, Deputy Commissioner of Public Works and Earl Mehan an employee in the Public Works Dept. who are both confined to the hospital recuperating.

PLEDGE OF ALLEGIANCE TO FLAG - The President led the members in the Pledge of Allegiance to the Flag.

PAGE: Dannell Malloy acted as Page for the evening. Because of the lateness in starting the meeting, the two Pages from the 5th District were excused.

ROLL CALL was taken by the Clerk. There were 37 present and 3 absent. The absent members were:

Edith Sherman (R), 11th District
Gerald Fox, Jr. (D), 12th District
Bertram Friedman (R), 13th District

ACCEPTANCE OF MINUTES: Meeting of February 13, 1973
Meeting of March 5, 1973

The Minutes of the above meetings were accepted.

CHECK OF VOTING MACHINE:

A check of the voting machine was conducted and found in good working order.

COMMITTEE REPORTS:

The reading of the report of the Steering Committee was waived and appears below:

STEERING COMMITTEE REPORT

Meeting held Monday, March 19, 1973

Minutes of April 2, 1973

A meeting of the Steering Committee was held on Monday, March 19, 1973 in the Board of Representatives' Caucus Room, Municipal Office Building, 429 Atlantic Street, Stamford, Connecticut.

The meeting was called to order by Mr. Heinzer, acting as temporary Chairman, until the arrival of Mr. Connors, shortly after. Those present were: Matthew Rose, Edith Sherman, Charles Heinzer, John Colasso, Joseph Morabito, Gerald Fox, Robert Exnicios, Thomas Morris, Barbara Forman, Lois Pont-Briant, Marilyn Laitman, Jeremiah Livingston, George Ravallese and George Connors.

The following matters were discussed and acted upon:

(1) Appointments

All appointments held in Committee at the March 5th Board meeting were ORDERED ON THE AGENDA under APPOINTMENTS COMMITTEE. Also, the appointment of Dr. Bert Ballin as a member of the Health Commission, was ORDERED ON THE AGENDA.

(2) Additional Appropriations:

All appropriations held in Committee at the 3/5/73 Board meeting were ORDERED ON THE AGENDA under FISCAL COMMITTEE and referred to other Committees concerned.

Other items which were approved by the Board of Finance at their meetings held February 22, 1973 and March 8, 1973 were ORDERED ON THE AGENDA and referred to the Committees concerned.

Another item, not yet approved by the Board of Finance was ORDERED ON THE AGENDA and REFERRED TO THE FISCAL COMMITTEE, as follows:

- (13) \$46,609.80 - Resolution - CONCERNING STATE OF CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT - (Being application for Grant) --- (Mayor's letter of 3/16/73 - Received 3/20/73) --- Note: Mayor's letter also requests a resolution amending the 1971-1972 Capital Projects Budget, PUBLIC WORKS DEPARTMENT - New Construction (Material handling improvements for the Multi-Purpose Incinerator) which resolution has not yet been approved by the Board of Finance.

(Above also referred to LEGISLATIVE & RULES COMMITTEE)

- (3) Ordinance (for final adoption) - TAX EXEMPTION FOR PROPERTY OWNED BY STAMFORD DAY NURSERY ON PALMER'S HILL ROAD - (Adopted for publication 2/5/73; published 2/12/73 - Held in Committee 3/5/73)

ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE

- (4) Proposed Ordinance - CONCERNING GRANT OF EASEMENT FOR ROAD PURPOSES BY THE CITY OF STAMFORD TO SHIRLEY H. COBLENTZ AND FRANCES COBLENTZ (Mayor's letter of 2/20/73 - Approved by Board of Finance 3/8/73)

ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE

Minutes of April 2, 1973

- (5) Proposed Ordinance - AUTHORIZATION OF THE SALE OF A STRIP OF LAND (Containing 581 sq. ft.) located on HILLDALE AVENUE IN THE CITY OF STAMFORD TO ELFRIEDA BROCKLEHURST - (For the sum of \$1,411.00, based on current assessment) - (Approved by Board of Finance on 3/8/73 Mayor's letter of 2/27/73)

ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE

- (6) Proposed Ordinance - AUTHORIZATION OF THE SALE OF A STRIP OF LAND (containing 1,120 sq. ft.) located on HILLDALE AVENUE IN THE CITY OF STAMFORD, TO JOHN J. MORRIS - (Mayor's letter of 2/1/73) -- (For the sum of \$2,739.00 based on current assessment) - (Approved by Board of Finance on 2/8/73)

ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE

- (7) Proposed Ordinance - ESTABLISHING A FLOOD ENCROACHMENT LINE FOR PROPERTY OF SALLY D. WEBB UNDER PROVISIONS OF SECTION 7-147 OF THE GENERAL STATUTES OF THE STATE OF CONNECTICUT - (Requested in letter of 3/11/73 from Louis A. Casale, Jr., Chairman of Flood & Erosion Control Board)

ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE)

- (8) Mayor's letter dated 3/13/73 - Requesting reconsideration of amendment to Ordinance No. 246, concerning "Minimum Housing Standards" which was given final approval at Special Board meeting held 7/24/72, by deleting Section 18-36 which refers to "Owner Occupancy"

ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE

- (9) Letter dated 3/12/73 from Municipal Code Corporation (firm who did the recodification of the Charter and Code of General Ordinances), advising that they have sold all but 2 bound copies of the Code books (Note: there are 100 unbound books which are storing according to their contract, binders were not ordered for these books at the time the contract was let. The price of these binders are \$5.70 each, if ordered for 100 copies - Single binders are \$14.95 each) -- (Price for 100 Binders would be \$570.00)

ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE

- (10) Proposed CONSUMER PROTECTION ORDINANCE (Creating a Consumer Protection Commission for the City, consisting of 3 members) - (Presented by the women members of the Board of Representatives: Marilyn Laitman, Barbara Forman, Lois Pont-Briant, Edith Sherman, Kim Varney and Billie Perkins at Steering Committee meeting held 3/19/73)

ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE

- (11) Proposed SEWER COMMISSION ORDINANCE (Presented by Charles J. Heinzer, III

MR. HEINZER asked to have the above proposed Ordinance placed on the Agenda. However, he did not have it in writing and said he would have it ready in time for the Legislative & Rules Committee meeting and would present it at that time.

ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE

Minutes of April 2, 1973

- (12) VERGED ORDINANCE NO. 101 SUPPLEMENTAL entitled: "APPROVING THE ESTABLISHMENT OF A TRANSIT DISTRICT SUBJECT TO CERTAIN CONDITIONS" which was adopted by the Board on 3/5/73 and presented to the Mayor for his signature on 3/7/73 and vetted by him in letter dated 3/13/73)
(See Section 204.1a of Charter, which provides the Board may adopt said Ordinance over the Mayor's veto by a two-thirds vote of the MEMBERS PRESENT at this or any meeting held within 40 days thereafter.)

ORDERED ON AGENDA under LEGISLATIVE & RULES COMMITTEE

- (13) Mayor's letter of 3/20/73 requesting the appointment of a 10th Charter Revision Commission - (Pursuant to Section 7-188 of the Connecticut General Statutes --- Note: See previous resolutions Nos. 556 and 557 adopted by the Board of Representatives on 4/1/68, which appointed a 9th Charter Revision Commission, which finally went to Referendum on November 4, 1969)--- (135 Proposals were submitted to the Board of which 33 received final approval for submission to the Voters)

Above also referred to EDUCATION, WELFARE & GOVERNMENT COMMITTEE

- (14) Letter from Sewer Commission, dated 3/13/73 concerning Castlewood Park Homeowner's Association request for inclusion in the Long Ridge force main sewer system and enclosing a list of scheduled sewerage priorities

ORDERED ON AGENDA under SEWER COMMITTEE

- (15) Letter from Edward A. Connell, Supt. of Parks & Natural Resources, dated 3/19/73 -- Requesting new park on easterly side of Washington Blvd. between Bridge Street and Forest Lawn Avenue be named: "SERGEANT VINCENT MICHAEL HOBAN MEMORIAL PARK" in honor of the first member of the armed forces from Stamford to die in World War II

ORDERED ON AGENDA under PARKS & RECREATION COMMITTEE

There being no further business to come before the Committee, on motion, duly seconded and CARRIED the meeting adjourned at 9:20 P.M.

vf

George V. Connors, Chairman
Steering Committee

APPOINTMENTS COMMITTEE:

MR. THEODORE RUCCUZZI, Chairman, gave his Committee report. He said the Committee held two meetings this month, one on the 29th and another this evening. Present at the first meeting were: Representatives Costello, Forman, Tresser, Perillo, Rose and the Chairman. Present at this evening's meeting were: Representatives Costello, Dixon, Forman, Tresser, Rose, Emiclos Flanagan and the Chairman. He reported on the following appointments. The vote is recorded below:

PLANNING BOARD:

SAMUEL BERNSTEIN (D) VOTE: 21 yes
355 Cascade Road 16 no
(Replacing Tim Curtin, whose term expired

Term Ending:
Dec. 1, 1977
(Held in committee 2/5/73
and again on 3/5/73)

BOARD OF ETHICS:Term Ending:

MAURICE J. BUCKLEY (D)
325 Bayberrie Drive
(Reappointment)

HELD IN COMMITTEE
(Held in Committee 2/5/73
and again on 3/5/73)

June 1, 1977
(5 yr. Term)

GOLF AUTHORITY:

JUNIUS McKEITHAN (R)
164 Franklin Street
(Reappointment)

VOTE: DENIED--
13 yes
24 no

Dec. 1, 1976

PLANNING BOARD:

EDWARD J. BANKOWSKI (D)
203 Hubbard Avenue
(Replacing Samuel Bernstein, whose term expired)

VOTE: 21 yes
16 no

Dec. 1, 1976

ZONING BOARD:

JAMES BOSILEVAS (D)
341 Oaklawn Avenue
(Replacing Sam Gold, whose
Term expired)

VOTE: 20 yes
17 no

Dec. 1, 1975

HUBBARD HEIGHTS GOLF COMMISSION:

ANTHONY MAMMONE (D)
44 Maple Avenue
(Replacing Clem Miner, whose
term expired)

VOTE: 22 yes
15 no

Dec. 1, 1977
(5 yr. term)

HEALTH COMMISSION:

DR. BERT BALLIN (D)
Stone Hill Drive
(Reappointment)

VOTE: 21 yes
16 no

Dec. 1, 1977

The following appointment was brought up under suspension of the rules:

TRANSIT DISTRICT:

ANTHONY MASCIARELLI (D)
31 Bradley Place

(Second submission -
previously denied on
3/22/73 - Special Meeting)

March 23, 1975
(2 yr. term)

VOTE: 21 yes
16 no

FISCAL COMMITTEE:

MR. JOHN BOCCUZZI, Chairman, said the Fiscal Committee met Wednesday, March 28th, there being nine members present. He reported on the following items:

Minutes of April 3, 1973

- (1) \$9,807.37 - BOARD OF REPRESENTATIVES - (Mayor's letter of 2/15/73) for the following: (REDUCED by Board of Finance from \$10,757.37)

Code 106 1106 - Charter & Code of General Ordinances -----	\$9,407.37
Code 106.0104 - Overtime-meetings -----	250.00
Code 106.0501 - Telephone & Telegraph -----	150.00
	<u>\$9,807.37</u>

MR. BOCCUZZI MOVED for approval of the above items. Seconded by Mr. Miller who said the Legislative & Rules Committee also approves this. CARRIED unanimously.

- (2) \$9,845.00 - BOARD OF EDUCATION - (To be received by the City as a State Grant under Public Act No. 101, Occupational Training Program "Career Education In-Service Training and Curriculum Development") -- (Letter dated 2/15/73 from Supt. of Schools, Dr. Reigh Carpenter)

MR. BOCCUZZI explained that this is a 100% Grant. He asked Mrs. Laitman to explain what it is for.

MRS. LAITMAN said this is a 100% prepaid Grant given by the State and will service 3,100 children in the middle schools of Stamford. She said the information contained in Dr. Carpenter's letter is incorrect and gave the new figures. She said this is for the purpose of a workshop and the end result will be a curriculum guide for teaching career education involving all the disciplines - English, Science, Mathematics and incorporating it into the curriculum. She said the 1st item called "Budget" the workshop for 1 to 15 hours - 48 people will be taught --- \$5,400.. and Consultants will get \$470 for the total figure and the new charge for "Equipment" --- the item of \$3,975 will be used to purchase film strips projectors. She said all of this equipment will refer back to the Stamford public schools so that each middle school will receive in addition to the film strips, two film strip projectors which will be kept in the Guidance Office of the Career Education Office and there will be no printing of the curriculum Guide under this Grant and no meals at all and no workshop expenses were granted by the State.

MR. BOCCUZZI said the Fiscal Committee approved this item and he SO MOVED. Seconded by Mr. Miller who said the Education, Welfare & Government Committee concurs in approval. CARRIED unanimously.

- (3) \$64,000.00 - HEALTH DEPARTMENT - Housing Code Enforcement Task Force (Being a Grant from the State Department of Community Affairs for the 1972-1973 fiscal year, allocated as follows: (Mayor's letter of 2/20/73)

Code 513.0101 - Salaries -----	\$50,889.00
Code 513.0120 - Employee Benefits -----	5,828.00
Code 513.0301 - Postage & Stationery -----	450.00
Code 513.0401 - Printing -----	833.00
Code 513.0501 - Telephone -----	240.00
Code 513.0801 - Transportation -----	5,760.00
	<u>\$64,000.00</u>

Minutes of April 2, 1973

MR. BOCCUZZI said this is a 100% Grant from the State Department of Community Affairs for the fiscal year 1972-1973. He turned this over to Mrs. Pont-Briant.

MRS. PONT BRIANT said on June 6, 1972 this Board passed a resolution allowing the Code Enforcement Task Force to apply for a Grant. (Resolution No. 825) She said they applied for \$114,137.00 and the State reduced this to \$64,000 and the contract was signed January 22, 1973, granting the Code Enforcement Task Force this money and was for the fiscal year 1972-1973. SHE MOVED for approval of the Grant. Seconded by Mr. Rose, who said the Health & Protection Committee concurs. CARRIED unanimously.

- (4) \$24,000.00 - DEPARTMENT OF PUBLIC WORKS - Code 634.1803 Circuit Court House Maintenance and Alterations (which amount has been received from the Town of Darien (\$8,000.00) and Greenwich (\$16,000) and has been deposited in the General Fund, representing their share of the cost of furnishings for the addition to the Circuit Court House - (Mayor's letter of 2/28/73)

MR. BOCCUZZI said the money received from Darien and Greenwich has been put into the General Fund of the City of Stamford as their share towards the expenses of the Court House which they also use. MR. BOCCUZZI MOVED for approval of this appropriation. Seconded by Mr. Lenz, who said the Public Works also concurs in approval. CARRIED unanimously.

- (5) \$3,500.00 - DEPARTMENT OF PUBLIC WORKS - Code 635.1501, Division of Land and Building Maintenance, Yard #1 - Light, Heat & Power -- (Mayor's letter of 2/8/73)

MR. BOCCUZZI MOVED for approval of the above. He explained that when they converted from oil to gas it was with the idea that the maintenance on the furnace and heating system would be lower and it ended up being about four times as much as the cost of oil, so they ended up with a deficit. He said this was done prior to Mr. Cooper coming into office who has made efforts to try and conserve heat.

MR. LENZ seconded the motion, saying the Public Works Committee also approve this item. CARRIED unanimously.

- (6) \$7,000.00 - OFFICE OF CORPORATION COUNSEL - Code 110.0901, Professional Services - (REDUCED from \$12,000.00 by the Board of Finance on 3/8/73) - (Mayor's letter of 2/28/73)

MR. BOCCUZZI said this is mostly for two searches done by outside attorneys for the office of the Corporation Counsel, one being the Goodbody property which came to \$4,250 and the other for Stevens School transaction which came to \$2,425. He MOVED for approval of the appropriation.

Seconded by Mr. Miller who reported that the Legislative & Rules Committee concurs in approval.

MR. ROOS asked why work has to be let out when we now have a full time attorney in the Corporation Counsel's office.

Minutes of April 2, 1973

MR. BOCCUZZI explained that the full time Assistant Corporation Counsel was hired about three weeks ago and was not here at the time of either of these searches and these matters came up a time when the load on the Corporation Counsel's office was heavy and there was no one free to look into these two particular searches at the time and this is the reason why he had to give the work to outside attorneys.

VOTE taken on item #6. CARRIED unanimously.

(7) \$30,000.00 - AUTHORIZING THE FILING OF AN APPLICATION FOR THE ESTABLISHMENT AND OPERATION OF A CENTRALIZED YOUTH SERVICE BUREAU UNDER STATE GRANT CATEGORY 3:4:6 OF THE CONNECTICUT CRIMINAL JUSTICE PLANNING ADMINISTRATION - (Mayor's letter of 2/15/73)

MR. BOCCUZZI said the Fiscal Committee DENIED this Grant by a 3-4-2 vote.

MR. IACOVO MOVED that this item be sent back to Committee for further study.

MR. BOCCUZZI accepted the motion.

MR. MILLER (Reporting for the Legislative & Rules Committee) said they did not approve this item either.

MR. EXNICIOS spoke in opposition to moving this back into Committee. He said the Committees have had this for two months and it has been thoroughly investigated and the 9 members of the Fiscal Committee sat there for an hour listening to Mr. Ritchie and asked him all the questions that anyone could think of and the vote was negative. He said he sees no purpose in sending this back to Committee and going through what has been thoroughly investigated and thinks this Board should vote on it tonight, either yes or no.

MRS. LAITMAN said she supports Mr. Iacovo and it is true that this has been discussed at two meetings for the reason that they asked Mr. Ritchie for additional information at the first meeting which he later presented to them. She said Mr. Ritchie has attempted to get the information the Committee requested from Hartford, but nothing has been put in writing and she would like this held until they can get a definitive answer from Hartford.

MRS. FORMAN said in the Mayor's letter, the third paragraph -- it mentions the application amounts to \$30,000.00 but the City of Stamford's share would be \$1,125.00. She asked what amount are we discussing?

MR. BOCCUZZI said the Grant is for \$30,000.00 but the City's share is \$1,500 and that is the actual moneys we will have to put into it --- have some "In Kind" money that we have to put into it, but the money for salaries will all come out of the Grant.

MR. LIVINGSTON said he wants to know what Mr. Iacovo's reasons are for holding this in Committee, because he did not attend the Fiscal Committee meeting.

MR. IACOVO said because there is a question as to whether Federal funds have to be funneled through this Bureau and he would like the question answered before we vote one way or the other.

Minutes of April 2, 1973

MR. KNAPP said he is a member of both the Fiscal Committee and the Legislative and Rules Committee and at both meetings he asked Mr. Ritchie if anything came down in writing from the State and he said that they would not put anything in writing — that they gave him a sort of "half and half" answer on the telephone, but would not put anything in writing. He said he sees nothing to gain by sticking this back in committee.

MR. BOCCUZZI said perhaps Mr. Ritchie will be able to get a signed statement stating that all funds will have to come through this central bureau.

MR. HEINZER said the last thing he wants to see is a statement saying that all funds have to go through one agency in order to go to all of our youth services, and would rather he did not get that kind of a statement.

MR. CAPORIZZO MOVED THE QUESTION. Seconded and CARRIED.

Machine vote taken on the question and LOST by a vote of 17 yes and 19 no.

MR. BOCCUZZI MOVED for approval of the request. He said he was making this motion, even though it was denied by the Fiscal Committee, in order to clarify the matter. LOST by a vote of 18 yes and 19 no.

(8) \$10,000.00 Resolution No. 888 - Authorization to file a pre-application and formal application to ACTION (a Federal Agency) for a Grant in the amount of \$10,000 to be used for a volunteer Programs Coordinator Program--
(Mayor's letter of 2/16/73)

MR. BOCCUZZI MOVED for approval of the following resolution. Seconded by Mr. Miller, who reported it has been approved by the Legislative & Rules Committee and the Education, Welfare & Government Committee.

MR. EXNICIOS said this has nothing to do with the City whatsoever, as they are getting their "in kind" services from the United Way and we are merely acting as a vehicle for them to file.

VOTE taken on the following resolution. CARRIED by a vote of 25 in favor and 11 opposed:

RESOLUTION NO. 888

AUTHORIZATION TO FILE A PREAPPLICATION AND FORMAL APPLICATION TO ACTION (a Federal Agency) FOR A GRANT IN THE AMOUNT OF \$10,000.00 TO BE USED FOR A VOLUNTEER PROGRAMS COORDINATOR PROGRAM

WHEREAS: The City of Stamford, Connecticut desires to establish a Volunteer Programs Coordinator Program, and

WHEREAS: funding is available through a Federal Agency (ACTION) for the said Program, and

WHEREAS: at the present time, there is no central clearinghouse in the City, in reference to volunteer programs and information, and

(Resolution No. 888- cont'd.)

WHEREAS, by establishing and operating a central clearinghouse, the volunteer or volunteer group can be matched more effectively and efficiently to the City's need, and

WHEREAS: the Federal Agency (ACTION) has required both a pre-application and a formal application to be submitted regarding said Grant

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED BY THE BOARD OF REPRESENTATIVES OF THE CITY OF STAMFORD, CONNECTICUT, that the filing of a preapplication and a formal application for a grant in the amount of \$10,000.00 for a Volunteer Programs Coordinator Program is approved.

- (9) \$11,327.04 PENSION for Mrs. Margaretta Burke, widow of deceased Fireman David Burke, in order to provide her with an annual pension of \$2,115.00, effective February 23, 1968 (Fireman Burke retired on October 15, 1953 and died on February 23, 1968 -- See Mayor's letter of 3/5/73)

MR. BOCCUZZI explained that this pension is actually only for \$2,115.00 for a year. He said apparently Mr. Burke obtained an Alabama divorce which later turned out to be invalid as Connecticut does not recognize a divorce obtained in Alabama, and Mrs. Burke took it to Court and then Mr. Burke died. He said in a pre-trial conference with Judge Hanrahan, he ruled that Mrs. Burke was still legally the wife of Fireman David Burke, so therefore on his passing, she is entitled to his pension as his widow. He said the reason for the large amount of \$11,327.04 is because it is retroactive back to February 23, 1968, but after this payment is made, the yearly payment will then become \$2,115.00.

MR. BOCCUZZI MOVED for approval of the appropriation. Seconded and LOST by a vote of 18 yes and 19 no.

MR. HEINZER said he would like to change his vote from yes to no and having changed it, would like to request a reconsideration. He said if Mr. Boccuzzi will read carefully he will find that Judge Hanrahan said that the City MUST pay this pension.

THE PRESIDENT said this is correct.

MR. HEINZER said this is a Court Order and we can't ignore it.

MR. BOCCUZZI (referring to the Mayor's letter of 3/5/73) said Judge Hanrahan recommended that the City pay to Mrs. Burke the pension as the widow of Fireman David Burke as the divorce was invalid.

MR. MILLER pointed out that apparently the real problem was that this attempted divorce showed that Mr. Burke had no opportunity to participate in any way in the divorce proceedings in Alabama and that was the problem.

MR. BOCCUZZI once more explained the circumstances. He said that was the reason why the Judge ruled the divorce to be invalid. He said Mr. Burke died on February 23, 1968, but had previously retired October 15, 1953 and

received his pension from that date until his death and now the widow is picking up the pension from the date of his death, because she is legally entitled to the widow's pension.

MR. HEINZER said the Judge has made a ruling and the City is bound by that ruling, for the reason that the Judge indicated what would happen if this is taken to Court, and if we wish to force this to go to Court so that our Corporation Counsel has to appear in Court and the City has to spend money on a losing battle and look like a bunch of fools, because we have been capricious with this. He said he still wished to MOVE FOR RECONSIDERATION.

THE PRESIDENT RULED Mr. Heinzer's motion to be in order. Seconded.

MRS. PONT BRIANT spoke for approval of the motion because it would certainly be decided in Court that the City would have to award this pension anyway.

MR. HEINZER said this will lose unless someone who voted "no" is willing to make the motion to reconsider and if not, forget it.

MR. RUSSBACH said he objects to reconsideration of the vote when first of all it was a machine vote and is not recorded and is stricken before the reconsideration is asked for. He said he believes this to be totally improper and should not happen and the only time there should be a reconsideration of the vote is when there has been a roll call vote and there is a record of how everyone voted.

MR. GUROIAN said Mr. Heinzer said we have been capricious and he thinks that Mr. Heinzer is also being capricious with Robert's Rules of Order.

MR. HEINZER rose on a point of personal privilege. He said he just offered to withdraw his motion and let somebody who voted "no" to make the motion.

MR. MILLER asked the President if Mr. Heinzer's motion is withdrawn.

THE PRESIDENT said yes and that somebody else will have to make the motion to reconsider.

MRS. PONT BRIANT rose on a point of personal privilege. She said we must assume that if a Representative says he voted a certain way that we should believe him to be honest and she for one is willing to take his word for it.

MR. BOCCUZZI said he thinks the Board is wasting a lot of time on this particular item - that there is no doubt in the minds of the members of the Fire Commission, and one of whom happens to be a lawyer, that Mrs. Burke will in the end get her pension and that the City will have to pay it. He said all the Board is doing is to make a three ring circus out of a situation that he is sure Mrs. Burke had no intention of creating. He urged that the Board get on with the business at hand and stop this foolish debate.

MR. ROSE said he can see no reason why this Board should try to create a problem and force the City to go to Court and spend more money when it is not necessary.

MR. DIXON MOVED FOR RECONSIDERATION. Seconded.

MR. RUSSBACH said he objects to this method and that it is illegal.

THE PRESIDENT asked Mr. Dixon if he voted on the prevailing side. He replied that he was.

MR. RUSSBACH said he still objects to the way this is being done - that a vote cannot be reconsidered when it has been removed from the voting machine and no longer shows how the vote was taken, and if the vote has been a roll call vote with a record of how everyone voted, it would be O.K., but not now.

MR. HEINZER said Robert's Rules of Order are merely for a guide and the purpose of holding that a member who voted on the prevailing side merely to facilitate legislation and not so holy that they can stand up by themselves, but are for a purpose, so that when an issue comes up and is voted down, they can't keep bringing it up forever as a dilatory tactic and that's the reason for the rule. In this case, he said there is a good chance that the Board might reverse itself and for that reason we should not deprive ourselves of the opportunity to reconsider just because of the rules.

MR. MORRIS said since we started this meeting at 9:20 instead of 8 o'clock and everyone appears to be very much confused, possibly it would be a good idea to adjourn the meeting to next month and SO MOVED. Seconded.

VOTE taken on the motion to adjourn. LOST by a vote of 11 yes and 24 no.

VOTE taken on the motion to reconsider. CARRIED by a vote of 21 yes and 14 no.

VOTE taken for the second time, under reconsideration, of item No. 9 on the Agenda. LOST by a vote of 22 in favor and 14 opposed. (2/3rds vote required).

- (10) \$1,200.00 MAYOR'S OFFICE - Code 108.0801, Emergency Bus Transportation (As a result of the Connecticut Company Bus strike, covering period March 8, 1973 to June 30, 1973)

MR. BOCCUZZI explained that the Committee REDUCED this from the \$8,100.00 requested, to \$1,200.00 representing 12 days at \$100 a day which is exactly the amount owed the bus company by the City of Stamford. HE MOVED for approval of the reduced amount. Seconded by Mr. Miller, who said the Education, Welfare & Government Committee approved this reduced item. CARRIED by a vote of 32 yes and 1 no.

- (11) \$50,000.00 Resolution No. 889 - Amending 1972-1973 Capital Projects Budget by adding a Project in the above amount to be known as "POLICE DEPARTMENT - COMPLETION OF MOBILE STATUS SYSTEM" and appropriation therefor, to be financed by the issuance of bonds - (Mayor's letter of 10/31/72)

MR. BOCCUZZI MOVED for approval of the following resolution. Seconded by Mr. Rose, who said the Health & Protection Committee concur in approval. CARRIED by a vote of 36 in favor and 1 opposed:

RESOLUTION NO. 889

AMENDING 1972-1973 CAPITAL PROJECTS BUDGET BY ADDING
PROJECT TO BE KNOWN AS "POLICE DEPARTMENT - COMPLETION
OF MOBILE STATUS SYSTEM" AND APPROPRIATION OF \$50,000.00
THEREFOR

BE AND IT IS HEREBY RESOLVED by the Board of Representatives
of the City of Stamford, in accordance with the provisions of Section
611.5 of the Stamford Charter, to amend the 1972-1973 Capital Projects
Budget by adding thereto a Project to be known as "POLICE DEPARTMENT-
COMPLETION OF MOBILE STATUS SYSTEM" and appropriation of \$50,000.00
therefor, to be financed by the issuance of bonds.

- (12) \$4,530.40 PENSION, Police Sgt. Albert Morris, effective Oct. 14, 1972,
based on annual pension of \$6,321.50 or 50% of his annual
salary of \$12, 643.00 - (Mayor's letter of 2/5/73)

MR. BOCCUZZI said the Fiscal Committee had a lengthy discussion with the Police Commission, Major McDonald and Chief Kinsella on this pension and was an Executive session of the Fiscal Committee. He said the Committee tried to find out if there were any grounds for the accusations made and although there were a lot of complaints, no one actually signed any papers so they had no actual case to bring to Court according to the State Attorney's office. He said the Fiscal Committee voted 3 in favor, 3 opposed and 3 abstentions.

MR. RUSSBACH MOVED for approval of the request. Seconded. LOST by a vote of 28 no and 6 yes.

- (13) \$46,609.80 Resolution No. 890 - CONCERNING STATE OF CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT - (Being application for a Grant) - (Mayor's letter of 3/16/73)

(Note: Mayor's letter also requests a resolution amending the 1971-1972 Capital Projects Budget, PUBLIC WORKS DEPARTMENT - New Construction (Material handling improvements for the Multi-Purpose Incinerator) which resolution has not yet been approved by the Board of Finance, and appears on their April 12, 1973 agenda)

MR. BOCCUZZI MOVED for approval of the following resolution. Seconded by Mr. Miller who said the Legislative & Rules Committee concurs. CARRIED by a vote of 31 in favor and 1 opposed:

RESOLUTION NO. 890

CONCERNING STATE OF CONNECTICUT DEPARTMENT
OF ENVIRONMENTAL PROTECTION GRANT

BE AND IT IS HEREBY RESOLVED by the City of Stamford, that

The Mayor of the City of Stamford is authorized to file an application with the State of Connecticut, Department of Environmental Protection in connection with a grant for the purchase of

(Resolution No 890- cont'd.)

certain equipment incident to land fill and the Multi-Purpose Incinerator as described in a certain letter from the Commissioner of Public Works to the Mayor, dated March 6, 1973.

- (14) \$10,000.00 BOARD OF RECREATION - Balance remaining from \$17,894.40 requested 1/8/73 of which only \$7,894.40 was approved at that time--To operate a Swimming Program at WEST HILL HIGH SCHOOL evenings and Saturdays from 1/2/73 through 5/26/73-- (Mayor's letter of 12/8/72) - (See Minutes of 1/8/73, page 9502-03)

MR. BOCCUZZI explained that his Committee held a balance of \$10,000 remaining in the above request of which a portion - \$7,894.40 was approved back in January 8, 1973 by this Board. He said he is now MOVING for approval of the balance of \$10,000 which was held in Committee at that time. In the meantime, he said a new man is taking over the Board of Recreation and has submitted in a letter dated May 26, 1973 a request for an appropriation of \$19,612.00 which is now pending before the Board of Finance. He said many programs were initiated by the Board of Recreation which were not anticipated at the beginning of the year, and they are now short of funds and asked that we bring up this request under suspension of the rules in advance of the approval by the Board of Finance. He said the Fiscal Committee thought it would be better for us to release the \$10,000 that was held in Committee back in January which would then enable the Board of Recreation to continue with their programs without interruption and will give them time to appear before the Board of Finance on the new request contained in their letter of 5/26/73. He said he wishes to state that if this \$10,000 is approved tonight, it should be deducted from the request now pending before the Board of Finance and he and Mrs. Pont-Briant will see to it that the Board of Finance is so notified, so it can be reduced by them from \$19,612.00 to \$9,612.00. HE MOVED for approval of the \$10,000.00 held in Committee back in 1/8/73.

MR. KELLY seconded the motion and said the Parks & Recreation Committee concurs in approval. CARRIED UNANIMOUSLY.

- (15) Concerning request in Mayor's letters of 10/4/72 and 10/12/72 to provide benefits for six employees who are not included in the Group Insurance Plan as follows:

Commission on Aging Director	Quintard Center Assistant Director
Commission on Aging Secretary	Quintard Center Driver
Quintard Center Director	Fair Rent Director

MR. BOCCUZZI said they have received a letter from Mr. George Aretakis, Commission of Finance, on the question of the insurance benefits as above outlined in which he claims there was no appropriation for and all that was asked for was that we cover these people by insurance and the figure that came out was dug out by the Fiscal Committee - amounting to \$705 per year apiece, but in the actual request, no mention was made of what this would cost. He said at the time this was before the Board, the President thought it was an appropriation, but the Commissioner of Finance disagrees

with him and thinks the vote of 24 in favor and 14 opposed should have been considered as a vote in favor; however, the President ruled it required a two-thirds vote to carry. He said he is bringing this up now because Mr. Connors also received a letter asking that the vote be declared a vote in favor, not requiring a two-thirds vote.

MR. HEINZER said this should be considered an appropriation and handled the same way that all appropriations are handled for the reason that we appropriate funds for insurance and is in the account and he is asking for approval to add these benefits for 6 more people. However, he said when we add extra people, we are appropriating further funds, because if there was a surplus in the account it would have gone back to the General Fund and when we approve the expenditure for new people to receive insurance benefits, we are, in effect, appropriating money, so therefore it required a two-thirds vote to carry. He said he does not see how it could be any other way and just because the money is there, does not mean it is not an expenditure of funds which must be treated as an appropriation because it is money being spent that would otherwise go back to the General Fund.

THE PRESIDENT said he felt the same way, but was told he was wrong.

MR. HEINZER said the President was correct in ruling that it was an appropriation and therefore required a two-thirds vote to carry.

MR. BOCCUZZI said if the President is not willing to change the wording of the Minutes himself personally, saying that it was not an appropriation, either he will have to ask for a Corporation Counsel's opinion in order to touch all bases.

THE PRESIDENT said that is exactly what the Corporation Counsel said-- that he thought the President could change the Minutes and he told him he can't, unless the members of the Board agree to change the Minutes.

MR. MILLER asked the President if the Corporation Counsel told him he could change the Minutes.

THE PRESIDENT replied he did, but he did not think he by himself had the power to change the way the Minutes now read.

MRS. LAITMAN said this should have been brought up before the Minutes were accepted.

MR. HEINZER objected, saying it is not a question of changing the Minutes, but changing the action taken by this Board --- the Board acted not to appropriate the money.

THE PRESIDENT said he does not feel that he has the power to change the Minutes without the approval of the entire Board of Representatives, which is the reason why Mr. Boccuzzi brought this up tonight. He said he felt it should be considered as an appropriation and needed a two-thirds vote to carry.

MR. FLANAGAN asked if it would take just a simple majority vote to authorize the President to change the Minutes now.

MR. HEINZER said if you could do that, then every time an appropriation failed to be approved, all you had to do is bring it up later and have a majority vote to change the Minutes to say it was passed and you can't do it.

Minutes of April 2, 1973

Several members asked if we have the letter from the Corporation Counsel.

MR. EXNICIOS rose on a POINT OF ORDER. He said three people are talking at once and there is absolutely no order.

MR. EXNICIOS MOVED FOR ADJOURNMENT.

THE PRESIDENT called for a vote on the motion for adjournment. LOST.

MR. RYBNICK said with permission of this Board may we ask the Mayor to make another request and present it once more in order to clarify the whole situation, and SO MOVED. Seconded, and CARRIED with a few no votes.

LEGISLATIVE & RULES COMMITTEE:

In the absence of Mr. Fox, Chairman, and Mrs. Sherman, MR. MILLER gave the report for the Committee. He said the Legislative & Rules Committee met Thursday evening, March 28th with the following present: Mrs. Sherman, Mr. Schade, Mr. Knapp, Mr. Heinzer, Mr. Miller and Mr. Russell. He said they considered the following:

- (1) Ordinance (for final adoption) - TAX EXEMPTION FOR PROPERTY OWNED BY STAMFORD DAY NURSERY ON PALMER'S HILL ROAD - (Adopted for publication 2/5/73; published 2/12/73 - Held in Committee 3/5/73)

The above was held in Committee.

- (2) Proposed Ordinance - CONCERNING GRANT OF EASEMENT FOR ROAD PURPOSES BY THE CITY OF STAMFORD TO SHIRLEY H. COBLENTZ AND FRANCES COBLENTZ - (Mayor's letter of 2/20/73 - Approved by Board of Finance 3/8/73)

The above was held in Committee.

- (3) Proposed Ordinance - AUTHORIZATION OF THE SALE OF A STRIP OF LAND, (Containing 581 square feet) LOCATED ON HILLDALE AVENUE IN THE CITY OF STAMFORD TO ELFRIEDA BROCKLEHURST --- (For the sum of \$1,411.00 based on current assessment) -- (Mayor's letter of 2/27/73 - Approved by Board of Finance 3/8/73)

MR. MILLER MOVED for publication of the following proposed Ordinance. Seconded and CARRIED unanimously:

PROPOSED ORDINANCE

AUTHORIZATION OF THE SALE OF A STRIP OF LAND 581 SQUARE FEET ON HILLDALE AVENUE IN THE CITY OF STAMFORD TO ELFRIEDA BROCKLEHURST

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

In conformity with Section 488 of the Stamford Charter and notwithstanding any provisions of Chapter 2, Section 2-24 to 2-27 inclusive, of the Code of General Ordinances of the City of Stamford, the conveyance from the City of Stamford to Elfrieda Brocklehurst of the following described property:

Minutes of April 2, 1973

ALL that certain piece, parcel or tract of land situated in the City of Stamford, County of Fairfield and State of Connecticut, bounded and described as follows:

NORTHERLY 5.551 feet, more or less, by land of the City of Stamford;

EASTERLY 81.588 feet, more or less, by land now or formerly of Elfrieda Brocklehurst, et al;

SOUTHERLY 12.5 feet, more or less, by land of the City of Stamford; and

WESTERLY 84.074 feet, more or less, by Hillandale Avenue

Containing 581 square feet, more or less.

Is hereby authorized for the sum of One Thousand Four Hundred Eleven Dollars (\$1,411.00) as the fair market value of said property based on the current assessment of said property on file in the Tax Office of the City of Stamford.

The Mayor of the City of Stamford is hereby authorized and empowered to act for the City of Stamford and to execute and deliver all documents necessary to transfer title to such above described property to grant the conveyance aforesaid.

This Ordinance shall take effect from the date of its enactment.

- (4) Proposed Ordinance - AUTHORIZATION OF THE SALE OF A STRIP OF LAND (Containing 1,120 square feet) LOCATED ON HILLANDALE AVENUE IN THE CITY OF STAMFORD, TO JOHN J. MORRIS ---- (Mayor's letter of 2/1/73) -- (For the sum of \$2,739.00 based on current assessment) - (Approved by Board of Finance on 2/8/73)

MR. MILLER MOVED for publication of the following proposed Ordinance. Seconded and CARRIED unanimously:

PROPOSED ORDINANCE

AUTHORIZATION OF THE SALE OF A STRIP OF LAND 1,120 SQUARE FEET ON HILLANDALE AVENUE IN THE CITY OF STAMFORD TO J. JOSEPH MORRIS

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

In conformity with Section 438 of the Stamford Charter and notwithstanding any provisions of Chapter 2, Sections 2-24 to 2-27 inclusive, of the Code of General Ordinances of the City of Stamford, the conveyance from the City of Stamford to J. Joseph Morris of the following described property:

ALL that certain piece, parcel or tract of land situated in the City of Stamford, County of Fairfield and State of Connecticut, bounded and described as follows:

NORTHERLY 12.5 feet, more or less, by land of the City of Stamford;

EASTERLY 75.5 feet more or less, by land of JOHN J. MORRIS, Et. Al;

Minutes of April 2, 1973

SOUTHERLY 19.8 feet, more or less, by land now or formerly of LAURA SWEENEY, and

WESTERLY 80.5 feet, more or less, by Hillandale Avenue containing 1.120 square feet, more or less.

Is hereby authorized for the sum of Two Thousand Seven Hundred Thirty-Nine Dollars (\$2,739.00) as the fair market value of said property based on the current assessment of said property on file in the Tax Office of the City of Stamford.

The Mayor of the City of Stamford is hereby authorized and empowered to act for the City of Stamford and to execute and deliver all documents necessary to transfer title to such above described property to grant the conveyance aforesaid.

This Ordinance shall take effect from the date of its enactment.

- (5) Proposed Ordinance - ESTABLISHING A FLOOD ENCROACHMENT LINE FOR PROPERTY OF SALLY D. WEBB UNDER PROVISIONS OF SECTION 7-147 OF THE GENERAL STATUTES OF THE STATE OF CONNECTICUT - (Requested in letter of 3/11/73 from Louis J. Casale, Jr., Chairman of Flood & Erosion Control Board)

MR. MILLER MOVED for publication of the following proposed Ordinance. Seconded and CARRIED unanimously:

PROPOSED ORDINANCE

ESTABLISHING A FLOOD ENCROACHMENT LINE FOR PROPERTY OF SALLY D. WEBB UNDER PROVISIONS OF SECTION 7-147 OF THE GENERAL STATUTES OF THE STATE OF CONNECTICUT

BE IT ORDAINED BY THE CITY OF STAMFORD THAT in accordance with Section 7-147 of the GENERAL STATUTES OF THE STATE OF CONNECTICUT that a Flood Encroachment Line is hereby set on certain property owned by SALLY D. WEBB located on the southerly side of Farms Road in Stamford, Connecticut, said Flood Encroachment line being located and described as follows:

Commencing at a point on the southerly line of Farms Road, which point is 71.57 feet as measured westerly along the southerly line of Farms Road from the intersection of the westerly line of land now or formerly of A. Varick Stout, Jr., with the southerly line of Farms Road, and running thence through land of SALLY D. WEBB the following courses and distances:

South 21° 04' 30" east 494.7 feet to a point; thence South 26° 13' 10" east 296.51 feet; thence South 43° 10' 10" east 154.94 feet; thence South 13° 13' 30" west 95.54 feet; thence South 22° 22' 20" east 125.64 feet; thence South 23° 36' 40" east 161.06 feet; thence South 85° 22' 20" east 109.49 feet to land of the State of Connecticut, which latter point is 447.64 feet as measured by various courses and distances along land of the State of Connecticut from a point in the southerly line of said land now or formerly of A. Varick Stout, Jr., marked by the intersection therewith of the westerly line of the land of the State of Connecticut.

This Ordinance shall take effect upon its adoption.

Minutes of April 2, 1973

- (6) Mayor's letter dated 3/13/73 - Requesting reconsideration of amendment to Ordinance No. 246, concerning "MINIMUM HOUSING STANDARDS" which was given final approval at Special Board meeting held 7/24/72, by deleting Section 18-36 which refers to "Owner Occupancy"

MR. MILLER said this was DENIED by the Legislative & Rules Committee by a tie vote of 3-3. He said by approving this would result in repealing the amendment to the Ordinance concerning one and two family homes.

MR. MILLER MOVED this on the floor for discussion. Seconded and CARRIED.

MR. MILLER said the report of the Legislative & Rules Committee is that they do not recommend this favorably.

MRS. LAITMAN MOVED for approval to reconsider the proposed deletion of Section 18-36. Seconded. LOST by a vote of 10 yes and 21 no (Machine vote taken).

- (7) Letter dated 3/12/73 from Municipal Code Corporation, firm who did the recodification of the Charter and Code of General Ordinances, advising that they have sold all but 2 bound copies of the Code books. (Note: There are 100 unbound books which they are storing according to their contract. Binders were not ordered for these books at the time the contract was let. The price of these binders are \$5.70 each, if 100 copies are ordered - Single binders cost \$14.95 each --- Price for 100 binders would be \$570.00)

MR. MILLER said we have been advised that all but 2 of the bound copies of the Charter and Code books have been sold. He said the Legislative & Rules Committee decided that they wanted to go along with the purchase of more binders. HE MOVED that we request the Mayor to initiate an appropriation of \$570 in order to purchase these additional binders. Seconded and CARRIED unanimously.

- (8) Proposed CONSUMER PROTECTION ORDINANCE (Creating a Consumer Protection Commission for the City, consisting of 3 members) -- (Presented by the women members of the Board of Representatives at Steering Committee meeting held 3/19/73)

The above matter was held in Committee for further study.

- (9) Proposed SEWER COMMISSION ORDINANCE - (Presented by Charles J. Heinzer, III)

MR. MILLER said there were five members of the Committee present and the vote was 4 in favor with one abstention. He yielded the floor to Mr. Heinzer, who can discuss the proposed Ordinance.

MR. HEINZER apologized for not getting this to the members sooner. However, he said we have been working on it for over six months and finally got it into the best form which they believe will serve the best interests of the City without causing too many problems in converting. He said according to the State Statute we can name any Board or existing Board as the Sewer Authority, or may even create a Board. He said what his Ordinance does in effect for the purpose of authority, it designates this Board of Representatives as the Authority, and then goes on to create a Sewer Board whose powers and duties shall be those delegated by us to that Board, and the intention is that they

Minutes of April 3, 1973

will perform all of the administrative duties that the old Sewer Commission did, excepting that we will be the Authority. He said for those who think this might result in extra work for us, it shouldn't. He said if the members will look at the resolution it delineates the things that we expect this new Sewer Board to do and the Sewer Authority (which is this Board) reserves the right to review all actions taken by the Sewer Board. He said this Board is the representative of the people of this City and it behooves us never to give away that power.

MR. THEODORE BOCCUZZI said he has a couple of comments. He said it bothers him to think that we established the Sewer Commission sometime in 1952 and here we are in a couple of minutes willing to abolish that whole thing with an Ordinance which he believes was conceived within the last couple of weeks. He said he thinks there are a lot of legal questions involved and we should get some kind of an opinion from the Corporation Counsel and is highly impractical to ask the Board of Representatives to become a Sewer Authority and raises the question as to how many of us there are on this Board who have any expertise in this field. He said it also raises the question of many other things, such as contracts and what happens to all of the contracts that the Sewer Commission has entered into over the past 20 years. He said there are too many questions that have to be answered and so many points that need to be raised, that he would like to see this studied further for at least a month so we can look into the ramifications of this a little further and have these questions answered. He said the first thing he would like to see is some kind of an opinion from the Corporation Counsel as to whether or not this is a legal action on our part. He said he can't imagine this Board becoming a Sewer Authority --- it will entail public hearings, etc.

MR. HEINZER said as far as hearings are concerned, those things can be delegated by resolution and secondly we have a Corporation Counsel's ruling --- the one that we got two months ago when we first proposed this Ordinance which proves in itself that this was not conceived in a week's time, but has been in the works for almost a year. He said we have a ruling which says that we can do this and is part of the ruling which came to this Board two or three months ago, which said that we couldn't amend the old Ordinance but we certainly can create a new Board. He said this Board would be the Authority in name only, and the Administrative functions would be carried on by the Sewer Board and any time it becomes a problem to us, we will delegate that to them, always reserving the right to review. He said we can't delegate the whole thing to them, because we tried it once and in doing so, we knocked ourselves out of a Review Authority and the only way we can hold on to the authority to review, which we can do as representatives of the citizens of this City is by this method of naming ourselves the Authority and then forming a Board that does all the work.

MR. THEODORE BOCCUZZI said the thing that worries him is that we are trying to become an Administrative agency and this Board is not administrative, but is the legislative branch of the City government and it is the Mayor who has the administrative responsibilities in these areas -- NOT the Board of Representatives, and this is so stated in the Charter.

MR. HEINZER said nevertheless we are delegating the administrative functions.

MR. BOCCUZZI disagreed saying we are making ourselves the Administrative Agency which is NOT our responsibility.

MR. HEINZER said "No - no".

MR. BOCCUZZI said that is his point of view and is the very reason why he is asking that we send this back to Committee for a great deal more study and much more investigation and he is sure that he is not the only one on the Board who has these very serious concerns.

MRS. FORMAN said she has not really had enough time to give this proper study, but some of the things that have occurred to her is the fact that there are always going to be decisions and times when our Board disagrees with other City Boards and when we say we don't want to be rubber stamps, by the same token we should not expect an appointed Board to be one either. She asked if we are opening a "Pandora's Box" by this Ordinance and if we start this, where do we stop when we disagree with the actions taken by other Boards? She said she thinks our controls come in when we vote on appointments to these Boards and thereby control the make-up of these Boards. She said she feels this is setting a very bad precedent and thinks it could be held for further study.

MR. GAMBINO said there are a lot of things in this that he does not understand and would like to second Mr. Boccuzzi's motion and thinks it ought to go back to Committee.

MR. MILLER said this is being proposed for PUBLICATION tonight and as far as legal authority for doing this is concerned, we can abolish the Sewer Commission to which Mr. Bromley seems to agree. He said perhaps the Ordinance does need some more work, but it is only being proposed for publication this evening.

MR. THEODORE BOCCUZZI said what we are doing this evening ---- and if it does need that kind of work, on which point we all seem to agree, then he thinks it would be a serious mistake to even publish it this evening.

MR. RUSSBACH said all powers that the Sewer Commission enjoys at the present time, they will still enjoy ---- we are taking away none of the powers of the Sewer Commission, and the Resolution and the Ordinance explain that very explicitly --- all we are doing is maintaining the ultimate review authority over actions of the new Sewer Board -- they lose no powers and do the same things they did before, except there is a check and balance system in the ultimate authority of the Sewer Board, which shall be the Board of Representatives, so nothing is changed at all and he believes this should be made very clear.

MRS. PONT BRIANT seconded the motion for publication. She said let the people know what we are trying to do and they can advise their constituents whether they are with us or against us and the only way we will be able to get "feed back" is by publication and in the past we have published things which occupied many lines in the Advocate and held them for three and four months and studied them in Committee. She said we should get it before the public so they will know what we are about then take it from there.

MRS. VARNEY said she agrees with Mrs. Pont-Briant and definitely supports Mr. Heinzer and his proposed Ordinance. She said she believes that the Sewer Commission is the only one that there is no appeal from their decisions and other Boards and Commissions have that built in appeal from their decisions.

Minutes of April 2, 1973

MR. BOCCUZZI (John) asked the Chairman if we vote for publication tonight, do we have to hold a public hearing? Also, if we do have to hold it, who has the authority to call it and who is going to conduct the hearing.

MR. HEINZER said it would be just like any other Ordinance - the "L & R" will have it. He said he will promise a hearing if this is what Mr. Boccuzzi wants.

MR. FLANAGAN said he fears that the whole subject of sewerage in the City of Stamford can become a political football if the Board of Representatives has the ultimate say on where sewers are going to be placed, the timetable on it, and no matter what you say, that it won't happen, he said he assures you that it will, when it comes up to election time and somebody says "How many miles of sewerage did you get for your District?" then you'll feel the political pressure, and that is why you need an autonomous Board like we now have. He said if this is approved for publication, then we should definitely have an open, public hearing.

MR. RAVALLIESE said he believes we should hold this in Committee because half of the members never got a chance to study it - but let's look at it and then put it in for publication, because if we try to push it through we will have nothing but problems.

MR. KNAPP said he believes this Board has received a letter from CONA which has a membership of many homeowners in this City, and they are very much in favor of this Ordinance.

MR. GUROIAN said he supports Mr. Heinzer, and the Sewer Commission has flaunted its powers in the face of the Castlewood Home Owners and is not responsive and does not reflect the wishes of the people or the representatives of the people who are seated here.

THE PRESIDENT said a vote must now be taken on the first motion --- to hold this in Committee. Machine vote taken and LOST by a vote of 15 yes and 20 no.

MR. RUSSBACH moved the question on the motion to publish. Seconded and CARRIED.

VOTE taken on publication of the Ordinance. CARRIED by a vote of 26 yes and 8 no.

The resolution and Ordinance follows:

RESOLUTION NO. 891

CONCERNING POWERS & DUTIES OF SEWER BOARD (Formerly Sewer Commission)

BE IT RESOLVED BY THE BOARD OF REPRESENTATIVES OF THE CITY OF STAMFORD THAT:

The Sewer Board shall have the following powers and duties:

1. To plan and design or cause to be designed additions to the sewage collection and treatment systems of the City.
2. To prepare budgets and make requests for appropriations for capital sewer projects and for operating funds.

Minutes of April 2, 1973

3. To advise the Mayor and the public works commissioner on the selection of professional service and on the selection of contractors for projects.
4. To determine the amounts and methods of payment for any assessments.
5. To establish and to amend from time to time, a table of priorities for the construction of additions to the collection system.
6. To make requests to the Board of Representatives for condemnations of property and easements where necessary to the successful completion of a project.

BE IT FURTHER RESOLVED that the Sewer Board shall retain the same employees under their existing status who are presently employed or assigned to the Sewer Commission and that all projects presently in progress under the jurisdiction of the Sewer Commission are transferred to the Sewer Board.

The Sewer Authority reserves the right of review over all actions of the Sewer Board.

PROPOSED ORDINANCE

AN ORDINANCE OF THE CITY OF STAMFORD, CONNECTICUT, PROVIDING FOR THE REPEAL OF SECTIONS 21-36 through 21-40 OF THE CODE OF ORDINANCES OF THE CITY OF STAMFORD AND DECLARING SAME TO BE NULL AND VOID AND OF NO EFFECT

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Section 1. That sections 21-36 through 21-40 of the Code of Ordinances, City of Stamford, Connecticut, is hereby repealed and declared null and void and of no effect.

Under the authority granted by the Connecticut General Statutes, Chapter 103, Section 7-246; the Board of Representatives is hereby designated the Sewer Authority for the City of Stamford.

BE IT FURTHER ORDAINED THAT:

A Sewer Board be created under the powers granted by Sections 40 and 204 of the Stamford City Charter which shall consist of five (5) members. Each member shall serve for a term of five (5) years and until his successor is appointed and qualified, except that the original appointments shall consist of one member to serve until April 15, 1974, one to serve until April 15, 1975, one to serve until April 15, 1976, one to serve until April 15, 1977, and one to serve until April 15, 1978.

The provisions of Sections 500 through 509 of the Charter shall govern the manner of appointing and removing sewer members, the filling of vacancies, the appointment of a clerk of the sewer board, the custody of records and the holding of meetings.

The powers and duties of the Sewer Board shall be those delegated to it from time to time by resolution of the Board of Representatives.

This Ordinance shall take effect from the date of its enactment.

- (10) Concerning Vetced Ordinance No. 262 Supplemental entitled: "APPROVING THE ESTABLISHMENT OF A TRANSIT DISTRICT, SUBJECT TO CERTAIN CONDITIONS" (Adopted by the Board of Representatives on 3/5/73 and presented to the Mayor for his signature on 3/7/73 and vetoed by him in letter dated 3/13/73) - (See Section 204.1a of Charter, which provides the Board may adopt said Ordinance over the Mayor's veto by a 2/3rds vote of the MEMBERS PRESENT at this or any meeting held within 40 days thereafter.

MR. MILLER said #10 we don't have to worry about any more now that we have a Transit District.

- (11) Mayor's letter dated 2/20/73 requesting the appointment of a 10th Charter Revision Commission - (Pursuant to Section 7-188 of the Connecticut General Statutes ----- Note: See previous Resolutions No. 556 and 557 adopted by the Board of Representatives on 4/1/68, which appointed the 9th Charter Revision Commission, which finally went to Referendum on November 4, 1969(--- (135 proposals were submitted to the Board, of which 33 received final approval)

MR. MILLER said this is being held in Committee. He said there was some expression of interest in having Charter Revision, but it was felt better to hold it in Committee.

PARKS & RECREATION COMMITTEE:

MR. KELLY, Chairman, reported on the following matters:

- (1) Letter from Edward A. Connell, Supt., Parks & Natural Resources, dated 3/19/73 Requesting new park on easterly side of Washington Blvd., between Bridge Street and Forest Lawn Avenue be named: "SERGEANT VINCENT MICHAEL HORAN MEMORIAL PARK" in honor of the First member of the armed forces to die in World War II from Stamford

MR. KELLY MOVED for approval of the above request. Seconded.

MR. KNAPP said this was in his and Mr. Colasso's District and was their recommendation to the Parks Department, who have approved. He said they are in receipt of Mr. Tony Pia's approval and the resident home owners of the area, and he heartily recommended that this receive the Board's approval.

VOTE taken on above and CARRIED unanimously.

- (2) PETITION NO. 377 - Request in letter dated 3/20/73 from Mr. Albert Benevelli, parade Chairman, ANNUAL PARADE ON JUNE 27, 1973 of the SPRINGDALE FIRE DEPARTMENT

MR. KELLY MOVED for approval of the above request, under suspension of the rules. Seconded and CARRIED unanimously.

- (3) CONSUMER'S PROTEST MARCH on MARCH 31, 1973 (Saturday)- PETITION NO. 376

MR. KELLY said he has the above petition which was granted in advance, by the President, Majority Leader and Minority Leader, pending full Board approval, for a Rally at Scalzi Park and march, originating at the Old Town Hall, which was a consumers protest against the sky rocketing cost of food, using the title P.R.I.C.E. (price rise is consumer's enemy). MR. KELLY MOVED

for confirmation of approval given earlier by the Board officers. Seconded and CARRIED.

MR. KELLY said he has two other requests, as follows, which were ORDERED HELD for the next Steering Committee meeting:

- (1) Approved by the Park Commission at their March 14th meeting - and recommended for approval by the Board of Representatives: To designate City-Owned tract at the southeast corner of TRESSER BOULEVARD, and GREENWICH AVENUE, as "ROTARY CLUB PARK", with the Stamford Rotary Club agreeing to defray the costs and construction of this park.
- (2) Also approved by the Park Commission at their March 14th meeting - TO CHANGE THE NAME OF "SLEEPY HOLLOW PARK" to (?) "EXCHANGE PARK" The Exchange Club of Stamford has agreed to defray the costs of developing the perimeter of this Park with the understanding that the interior wetland position is to remain untouched.

SPECIAL COMMITTEES:

URBAN RENEWAL COMMITTEE:

MR. ROOS, Chairman, said he has a lengthy report and will just pick the high spots of it:

Bid opening on April 17th for widening and extension of BROAD STREET up to Clark's Hill from Grayrock to Grove - Construction to start May 1st on this.

WILLOW STREET GARAGE - Construction - progress report expected in May.

YMCA SWIMMING POOL - Been completed, as well as concrete floor for hand-ball courts, etc.

101 BROAD STREET - Tenants moving into building with several of the floors now occupied.

GTE BUILDING - Approximately 85% complete according to the contractor; over 200 construction men now working on this structure and finishing landscaping on the plaza deck. Building scheduled for occupancy - May 1973.

EXPANSION OF ST. JOHN'S TOWERS - A private development in the Renewal area - There were 48 families, 17 single householders and 9 roomers who now remain to be relocated.

MR. MILLER said we thank Mr. Roos for his Report. However, there are some people in Stamford who are not so happy about the Urban Redevelopment Commission and he presented a statement from some of our citizens:

"We are deeply concerned about reports of the developing clash between two of Stamford's important agencies - the Zoning Board and the URC. This clash has been brought about by the substantial

Minutes of April 2, 1973

changes in Stamford's Urban Renewal Plan which have not been submitted to the Zoning Board or the Zoning Board of Appeals for approval --- specifically, the maximum heights of the GTE's headquarters and 101 Broad Street, which were increased considerably by the URC in executive session, in violation of Stamford's existing zoning regulations.

The URC policy of assuming that the Urban Renewal area is not subject to city-wide zoning regulations is not only contrary to common sense and reason, but is contradicted by the URC's own staff counsel in a detailed opinion rendered on the subject.

We are now informed that this clash has reached such proportions as to cause the Zoning Board to meet privately in recent weeks with two committees of the Board of Representatives - the Urban Renewal and the Planning & Zoning Committees - in an attempt to prevent further usurpation by the URC of functions which belong to the Zoning Board.

To its credit, the Zoning Board has acted without fanfare in order not to jeopardize progress of the Urban Renewal Project. However, at this time there is increasing concern that no action is being taken and that the URC will continue to treat the Renewal Area as an autonomous province, not subject to the Zoning regulations which are in force throughout the rest of the City.

This attitude not only appropriates to the URC powers that it should not have, but also deprives the people of Stamford of their legitimate rights to public hearings, with advance notice and the right of appeal.

Because we feel that recent decisions by the Corporation Counsel have demonstrated his political loyalty to the Mayor, rather than to the people of the City of Stamford, we are bringing this matter to the attention of the Board of Representatives, which, as an elected body has shown itself to be more responsive to the citizenry.

We are asking the Board of Representatives to call on its Urban Renewal and Planning & Zoning Committees to report on their meeting with the Zoning Board and make known their findings. If their findings are not conclusive, we would suggest that this Board either direct them to return next month with specific findings, or establish a Special Committee to look into this situation and report back to the Board at their next regular monthly meeting.

If the Board of Representatives then feels as we do, that the URC has gone beyond its legitimate rights in making these planning changes, then we urge that the Board take such action as will reestablish the authority of the Zoning Board and the Zoning Board of Appeals in these matters without endangering the lawful progress of Urban Renewal.

Signed by: Mrs. Lillian Filardo
Martin P. Levine
Co-Chairman of the
Democratic Action Committee

Minutes of April 2, 1973

MR. MILLER MOVED that the above be referred to the Steering Committee for further action, with the hope that the Steering Committee would refer it to the two Committees mention - the URC Committee and the Planning & Zoning Committee.

MR. RUSSELL, Chairman of the Planning & Zoning Committee, said his Committee had hoped to have a meeting last week, but it was impossible to meet because of conflict with the meetings of other Committees and also the fact that some committees are so large - 9 and 11 members - which makes it next to impossible to get all the members together for a meeting.

He said the tone of this letter would indicate that there is information that the Committee has not received or which has not been given to the Board. He said he would like to point out that at the last Board meeting, the Planning and Zoning Committee reported and it did spell out the feeling of the Zoning Board and the discrepancy of what was going on between the URC and the Zoning Board. He said he believes his report did say that there was at this moment an agreement between the Building Department, through the Zoning Board and the URC, that in the future an changes that might possibly involve Zoning interpretations would be discussed first before they become a fact. He said this was taken care of sometime during last November.

He said he would also like to point out that his Committee has also had some correspondence with the Corporation Counsel and also obtained copies of the State Statutes to which he refers, giving the reasons for his decision. He said also that a previous Corporation Counsel rendered a decision on this matter.

He said the Committee hopes to meet within the next two weeks and finally try to resolve this, because there is a legal interpretation and not just what the Committee would want. He said even the Zoning regulations themselves are a little ambiguous as to just where a height starts ---- in one part of town it starts with ground level and in other parts of town you can build a ten car garage and then start counting. He said they will have to have an interpretation of the State Statutes from the Corporation Counsel.

MR. MILLER said the Democratic Action Committee evidently takes issue not only with Mr. Bromley but also with his predecessor, Mr. D'Andrea, and there might be people in Stamford who believe that it really was Mr. D'Andrea who opened the "Pandora's Box" with his decision which seems to indicate that the URC can become an enclave which is not adhering to all the Zoning regulations that bind the rest of the City.

HOUSE COMMITTEE:

MR. RYBNICK, said he has complaints of certain members who have been having trouble parking in the rear of this building on nights when they have Committee meetings. He said he took the matter up with John Strat and Mr. Cooper has, too, and we are arranging to have the bar up in the parking lot on every night that there is a meeting and the only time the bar will be down is when there are no meetings scheduled on the calendar.

COMMUNICATIONS FROM THE MAYOR:

MR. COSTELLO said he has in his possession a letter from the Mayor dated March 19, 1973, which he believes all members of this Board has received.

Minutes of April 2, 1972

He said before going into its contents, he would like to say that in his three terms on the Board of Representatives, he has never taken it upon himself to degrade or humiliate another member of this Board. He said he does not believe that any members of this Board who personally attacked the name of another member belongs on this Board. He said in the Mayor's letter he states "There are two members of your Board who are anti Tresser." I consider it to be a cowardly act to accuse someone and not name them when the entire Board knows that the Mayor is referring to Mr. Gambino and myself. He said to quote the Mayor's letter, word for word: "There are two members of your Board, who, to put it charitably are anti Tresser."

MR. COSTELLO said he considers this statement to be a defamation of character of both Mr. Gambino and himself. Furthermore, he said, they expect to get a public apology from the Mayor. In closing, he said, he wishes to make it perfectly clear that he values the respect and friendship of ALL members of this Board.

RESOLUTIONS:

MR. LIVINGSTON said he would like to present a resolution supporting the meat boycott during the first week of April. HE MOVED for approval of the following resolution. Seconded and CARRIED unanimously.

RESOLUTION NO. 892

IN SUPPORT OF THE MEAT BOYCOTT DURING THE FIRST WEEK OF APRIL

BE AND IT IS HEREBY RESOLVED by the Board of Representatives of the City of Stamford, that we hereby support the boycott of meats during the first week of April.

OLD BUSINESS:

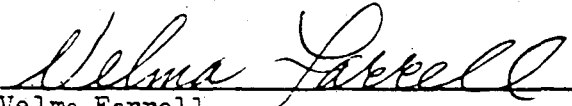
Apology from Sterling Farms Golf Authority

MR. GUROLIAN asked if this Board is in receipt of a letter from the above named Golf Authority apologizing to Mr. Kelly regarding his "alleged" attempt to "incite a riot" at Sterling Farms. He was told that no such letter has been received.

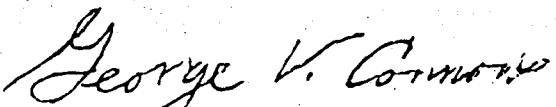
MR. GUROLIAN said he wants the record to show that the Golf Authority has not rendered an apology to Mr. Kelly as of today.

ADJOURNMENT:

There being no further business to come before the Board, on motion, duly seconded and CARRIED, the meeting was adjourned at 12:40 A.M.


Velma Farrell
Administrative Assistant
(Recording Secretary)

APPROVED:


George V. Connors, President
12th Board of Representatives

Note: The above meeting was broad-
cast over Radio Station WSTC
until 11 P.M.

VF