

MINUTES OF MAY 5, 197513th BOARD OF REPRESENTATIVESSTAMFORD, CONNECTICUT

A regular monthly meeting of the 13th Board of Representatives of the City of Stamford, Connecticut, was held on Monday, May 5, 1975 in the Board's meeting room on the second floor of the Municipal Office Building, 429 Atlantic St., Stamford, Connecticut.

The meeting was called to order by the President, Frederick E. Miller, Jr., at 9:40 p.m. after both political parties had met in caucus.

INVOCATION: THE PRESIDENT read the Councilmen's Prayer in the absence of Rev. A. Ralph Johnson, who was not able to attend as he was ill.

PLEDGE OF ALLEGIANCE TO THE FLAG: THE PRESIDENT led the members in the Pledge of Allegiance to the Flag.

MOMENT OF SILENCE: A moment of silence was observed to honor the memory of the following:

Thomas Ryan, member of the Patriotic & Special Events Commission
John Stockla, Sr., former member of the Democratic Town Committee
Robert Wynn, student at Rippowam High School

CHECK OF THE VOTING MACHINE: A check of the voting machine was conducted and it appeared to be in good working order.

ROLL CALL: Roll Call was taken by the Clerk, Marilyn Laitman. At that time there were 38 members present and 2 absent. However, one member arrived later bringing the totals to 39 present and 1 absent. The absent member was:

Alfred Perillo (D), 9th District (ill)

ANNOUNCEMENTS

THE PRESIDENT announced the following appointments:

Norman Davidoff to the Steering Committee, Chairman of Legislative and Rules and Parliamentarian

Thomas D'Agostino to the Legislative and Rules Committee and the Environmental Protection Committee

MRS. PERKINS announced she wanted to commend Gregory Scallon who won first prize at St. Basil's Preparatory School for a speech entitled "Morality in Government."

PAGES: Marc Harris, student at Davenport Ridge School
Andy Harris, student at Cloonan Middle School

ACCEPTANCE OF MINUTES

MR. JOHN BOCCUZZI MOVED for the acceptance of the minutes of the regular monthly meeting of April 7, 1975. Seconded and CARRIED.

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SUSPENSION OF THE RULES

MR. DAVIDOFF MOVED for SUSPENSION OF THE RULES to consider a Sense of the Board resolution concerning further development of High Ridge Road in the vicinity of Vine Road. Seconded and CARRIED.

MR. DAVIDOFF then MOVED for the adoption of the following Sense of the Board Resolution: Seconded.

RESOLUTION NO. 1003CONCERNING FURTHER DEVELOPMENT OF HIGH RIDGE ROAD
IN THE VICINITY OF VINE ROAD

WHEREAS, High Ridge Road in the vicinity of the intersection of High Ridge Road with Vine Road is a busy, well-travelled thoroughfare at the present time; and

WHEREAS, High Ridge Road at this location is crossed by numerous school children on their way to school on a daily basis; and

WHEREAS, the residents of that general area have informed the Board of Representatives that they believe there are proposed plans for a quick food restaurant intended to be established at the above location; and

WHEREAS, there is a deep concern for the safety of school children using that area as their safety may be threatened by increased traffic at that location engendered by customers of a quick food restaurant; and

WHEREAS, it is the intention of the Board of Representatives of the City to safeguard and insure the safety of school children at all locations within the City;

NOW, BE IT RESOLVED that as an expression of intent of the Board of Representatives that the health and safety of the public in general and of school-aged children in particular would best be served by avoiding such commercial development on High Ridge Road in the vicinity of Vine Road that would pose the threat of increased traffic at this location as such may endanger the safety and the lives of school children who must cross High Ridge Road at the above location.

MR. LOUGHRAN spoke in favor of the adoption of the proposed resolution. He noted the location in question is on an already heavily travelled road in an intensely developed area. He said he is in possession of petitions signed by 700 concerned citizens opposing the proposed development being considered for this intersection. He said he would turn the petitions over to Mr. Rose, Chairman of the Health & Protection Committee.

MR. ZIMBLER also spoke in favor of the resolution noting that High Ridge Road has already been developed almost to the saturation point. He said he has been besieged with telephone calls from constituents opposing the proposed development.

MRS. HANDLEY noted that she was also in favor of the proposed resolution but said she was concerned about possible liability that would be incurred by the City if this resolution was adopted.

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THE PRESIDENT noted that Mr. Davidoff was not proposing this resolution in his capacity as Chairman of Legislative & Rules Committee.

MR. DAVIDOFF said he was aware of the possible legal jeopardy the City might be in but he said the safety of the children was more important.

THE PRESIDENT noted that it was his understanding that for this establishment to be built at this location there would have to be a hearing before the Sewer Commission.

MR. LOUGHRAN said that insofar as any possible legal consequences associated with the proposed resolution are concerned, the resolution is not binding as it is only a Sense of the Board resolution and noted that it was not directed at any particular establishment.

MRS. PERKINS, MR. CROSBY and MR. SAINBURG also spoke in favor of adoption of the resolution.

The VOTE was then taken on Mr. Davidoff's motion to adopt the proposed resolution and the motion CARRIED.

COMMITTEE REPORTSSTEERING COMMITTEE

The reading of the report of the Steering Committee meeting of April 21, 1975 was waived and appears below:

STEERING COMMITTEE REPORTMeeting held Monday, April 21, 1975

A meeting of the Steering Committee was held Monday, April 21, 1975 in the Democratic Caucus Room, 2nd floor, Municipal Office Building, 429 Atlantic St., Stamford, Connecticut.

The meeting was called to order by the Chairman and President of the Board, Frederick E. Miller, Jr., at 9:45 p.m. The following members were present:

Frederick E. Miller, Jr.
Marilyn R. Laitman
Gerald J. Rybnick
Norman Davidoff
Michael Tresser
Handy Dixon
Alfred Perillo

Leonard Hoffman
Salvan Ross, Jr.
Joseph DeRose
Julius Blois
Matthew Rose
Jerry Livingston
William Flanagan

Also present were Kurt Zimble, Diane Handley and Michael Loughran.

The following matters on the tentative agenda were discussed and acted upon:

(1) Mayor's Appointments:

There were 13 appointments submitted by Mayor Lenz and ORDERED ON THE AGENDA under APPOINTMENTS COMMITTEE. Note: Of the 13 appointments, two appointments,

Dr. Richard Zimmern, Health Commission and William Herrmann, Human Rights Commission, were Held in Committee on April 7, 1975 and were ordered on the Agenda and two other of the appointments, Louis Cavanna, Building Board of Appeals and Irving Slifkin, Sewer Commission, were a second submission and ordered on the Agenda.

(2) Appropriation items

There were 16 fiscal items ORDERED ON THE AGENDA under FISCAL COMMITTEE with those over \$2,000 also being referred to secondary committees.

Note: Fiscal item re: \$2,850 - Board of Education Grant - NOT ordered on the Agenda but referred to Fiscal Committee and Education, Welfare and Government Committee.

(3) Legislative matters

The following eight legislative items on the tentative agenda were ORDERED ON THE AGENDA under LEGISLATIVE & RULES COMMITTEE:

- 1) Final adoption of ORDINANCE AMENDING SECTION 11-7 OF THE CODE OF ORDINANCES - COMMISSION ON AGING - ESTABLISHED: COMPOSITION
- 2) Final adoption of ORDINANCE AMENDING SEC. 11-8 OF THE CODE OF ORDINANCES - COMMISSION ON AGING - MEMBERSHIP, TERMS, COMPOSITION, COMPENSATION
- 3) Final adoption of ORDINANCE AMENDING SEC. 11-9 OF THE CODE OF ORDINANCES - COMMISSION ON AGING - POWERS AND DUTIES
- 4) Final adoption of ORDINANCE AMENDING SEC. 11-10 OF THE CODE OF ORDINANCES - COMMISSION ON AGING - STAFF
- 5) WAIVER OF BUILDING PERMIT FEE - For West Main St. Community Center, Inc.
- 6) Proposed ORDINANCE CONCERNING DESIGNATION OF RESPONSIBILITY WITHIN CITY DEPARTMENTS AND/OR AGENCIES FOR THE USE OF PUBLIC FUNDS AND PUBLIC PROPERTY
Proposal submitted by Barbara McInerney)

(Above also referred to FISCAL COMMITTEE and PARKS & RECREATION COMMITTEE)

- 7) Proposed ORDINANCE CONCERNING TAX EXEMPTION FOR THE FORMER ITALIAN CENTER PROPERTY (NOW OWNED BY THE CITY OF STAMFORD AND KNOWN AS DOROTHY HEROY PARK) LOCATED OFF HIGH RIDGE ROAD
- 8) Proposed RESOLUTION URGING AREA STATE LEGISLATORS TO OPPOSE COMMITTEE BILL 5067 Proposed bill would require that sales by hospital gift shops, thrift shops, coffee shops, etc. be subject to the Comm. retail sales tax

The following items were NOT ordered on the Agenda but referred to or remain in Committee:

- 1) Final adoption of ORDINANCE CONCERNING PAPER SEPARATION -

(Above referred to LEGISLATIVE & RULES COMMITTEE)

- 2) Proposed ORDINANCE AMENDING ORDINANCE NO. 80-20 SUPPLEMENTAL FOR THE ESTABLISHMENT OF CERTAIN PERMIT FEES FOR BUILDING CONSTRUCTION WITHIN THE CITY
(Above referred to LEGISLATIVE & RULES and FISCAL COMMITTEE)
- 3) Proposed ORDINANCE AMENDING SECTION 10-76 and 10-79 OF THE CODE OF ORDINANCES - FAIR RENT COMMISSION - POWERS AND ELIGIBILITY TO FILE COMPLAINTS
(Above referred to LEGISLATIVE & RULES COMMITTEE)
- 4) Proposed ORDINANCE CONCERNING X-RATED MOVIES
(Above referred to LEGISLATIVE & RULES COMMITTEE)
- 5) Proposal for adoption of local RIGHT TO KNOW LAW
(Above referred to LEGISLATIVE & RULES COMMITTEE)
- (4) Public works items
PRIVATE REFUSE COLLECTION PRACTICES WITHIN THE CITY
(Above referred to PUBLIC WORKS COMMITTEE and LEGISLATIVE & RULES COMM.)
- (5) Sewer items
Proposed RESOLUTION AUTHORIZING THE CONDEMNATION OF EASEMENTS THROUGH AND UNDER PROPERTIES OF SALVATORE AND KATHERINE A. TARANTINO, EDWARD M. HELENE FAIRCHILD AND SHIRLEY A. COBLENTZ IN CONNECTION WITH SANITARY SEWER PROJECT 15-7
(Above referred to SEWER COMMITTEE and LEGISLATIVE & RULES COMMITTEE)
- (6) Health & Protection concerns
INVESTIGATION of the accountability for the non-improvement of the traffic safety conditions on Highview Avenue
(Above referred to HEALTH & PROTECTION COMMITTEE)
- (7) Education, Welfare & Government concerns
Proposed RESOLUTION URGING AREA STATE LEGISLATORS TO OPPOSE THE EQUALIZATION OF SCHOOL FINANCING BILL
(Above referred to EDUCATION, WELFARE & GOVERNMENT COMMITTEE)
- (8) Planning & Zoning items
Proposed RESOLUTION URGING THE GENERAL ASSEMBLY AND THE DEPARTMENT OF TRANSPORTATION TO EVALUATE CITY REP. JOHN SANDOR'S PROPOSAL FOR THE IMPROVEMENT OF CONNECTICUT TURN-PIKE INTERCHANGES IN STAMFORD
(Above referred to PLANNING & ZONING COMMITTEE)

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(9) Urban renewal concerns

Proposed RESOLUTION AMENDING THE LAND DISPOSITION CONTRACT BETWEEN THE CITY OF STAMFORD AND THE STAMFORD NEW URBAN CORPORATION

(Above referred to URBAN RENEWAL COMMITTEE)

(10) Environmental protection items1) Proposed REGULATIONS CONCERNING INLAND-WETLANDS

(Above referred to ENVIRONMENTAL PROTECTION COMMITTEE and LEGISLATIVE AND RULES COMMITTEE)

2) State Department of Environmental Protection letter re: Sanitary Sewer Construction, Contract No. 15-7, dated April 15, 1975 from David Emerson, Field Insp., DEP regarding Inland-Wetlands licensing

(Above referred to ENVIRONMENTAL PROTECTION COMMITTEE and SEWER COMMITTEE)

(11) Special Investigating Committee Concerning the Appointment of a Superintendent of Parks

FINAL REPORT - In accordance with Resolution No. 990

COMMUNICATIONS FROM OTHER BOARDS AND INDIVIDUALS

- 1) Mr. Miller read a letter dated 4-16-75 from State Rep. Thom Serrani, 144th District - Informing Board that legislation related to the posting of price signs in gasoline stations has been passed favorably by both houses of the General Assembly

(Above NOTED and FILED)

- 2) Mr. Miller read a letter dated 4-15-75 from James and Joann Giblin, concerning Springdale residents affected by the 15-7 Sewer Installation Project

(Above NOTED and FILED)

- 3) Mr. Miller read a letter dated 4-18-75 from George V. Connors, Jr., Administrative Officer, Sewer Commission concerning proposed Sanitary Sewers for Sunset Street

(Above noted and filed)

There being no further business to come before the Committee, on motion, duly seconded and CARRIED, the meeting adjourned at 10:40 p.m.

Frederick E. Miller, Chairman
Steering Committee

APPOINTMENTS COMMITTEE - Theodore Boccuzzi

MR. THEODORE BOCCUZZI reported that the Appointments Committee met last Thursday in the Municipal Office Building and present were Reps. Tresser, Dixon, Forman, Crosby, Costello, Ravallese, and T. Boccuzzi. Absent were Reps. Martino and DeRose who had other Committee commitments that night. He reported on the following appointments: (Votes are recorded below).

THE PRESIDENT noted that Rep. Truglia had arrived and there were 39 members present.

HEALTH COMMISSIONTerm Expires:

DR. RICHARD ZIMMERN (R) APPROVED
65 Tyler Drive VOTE: 34 yes
(Replacing Dr. Ralph Pesiri 5 no
whose term expired) - Held
in Committee 3-3-75 and 4-7-75)

Dec. 1, 1979

HUMAN RIGHTS COMMISSION

WILLIAM HERRMANN (R) DENIED
16 Oak Street VOTE: 14 yes
(Reappointment) - Held in 25 no
Committee 4-7-75)

Dec. 1, 1977

DR. ANTHONY PLOMITALLO (D) HELD IN COMMITTEE
44 Strawberry Hill Avenue
(Reappointment)

Dec. 1, 1977

DAVID JETTER (D) APPROVED
28 Perry St., Apt. 3B VOTE: 32 yes
(Replacing Ellen Dickerson, 7 no
whose term expired)

Dec. 1, 1977

GOLF AUTHORITY

EDMUND J. CALLAHAN (D) APPROVED
27 Oak Street VOTE: 26 yes
(Replacing John Keenan, 13 no
whose term expired)

Jan. 1, 1978

PARKING AUTHORITY

J. CLYDE O'CONNELL (D) HELD IN COMMITTEE
Barclay Drive
(Replacing Max Friedman, whose
term expired)

Jan. 1, 1978

PLANNING BOARD

MRS. KIM VARNEY APPROVED
91 Barclay Drive VOTE: 32 yes
(Replacing Gilbert Katten, 7 no
whose term expired)

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APPOINTMENTS COMMITTEE: (continued)SOUTHWESTERN REGIONAL PLANNING AGENCYTerm Expires:

JOHN CHIARAMONTE (R)
2 Van Buren Circle
(Replacing J. Louis
Rodriguez, whose term expired)

APPROVED
VOTE: 32 yes
7 no

March 15, 1976

PATRIOTIC AND SPECIAL EVENTS COMMISSION

THOMAS RYAN (R)
15 Brooklawn Avenue
(Reappointment)

NO ACTION TAKEN

Dec. 1, 1979

ZONING BOARD OF APPEALS ALTERNATE

JOHN McNULTY (R)
91 St. Charles Avenue
(Replacing Loren Jaffee,
whose term expired)

APPROVED
VOTE: 22 yes
17 no

Dec. 1, 1979

BOARD OF TAX REVIEW

THOMAS LOMBARDO (R)
52 Coventry Road
(Reappointment)

APPROVED
VOTE: 28 yes
10 no

Dec. 1, 1979

(Note: One member was off the floor at the time of the vote on the above appointment)

BUILDING BOARD OF APPEALS

LOUIS CAVANNA (D)
121 Westwood Road
(Replacing Irving Teitelbaum,
whose term expired) - (Second
Submission)

DENIED
VOTE: 16 yes
23 no

Dec. 1, 1978

MRS. FORMAN requested a five-minutes recess at this time (10:25 p.m.). She said there was a Charter question concerning the next appointment. The Majority and Minority Leader were agreeable to the request.

THE PRESIDENT called the meeting back to order at 10:31 p.m.

MR. THEODORE BOCCUZZI reported that the following appointment is being Held in Committee for further consideration and deliberation:

SEWER COMMISSION

IRVING SLIFKIN (R)
211 Shelter Rock Road,
(Replacing Ed Iacovo,
whose term expired)
(Second Submission)

HELD IN COMMITTEE

Dec. 1, 1975

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SUSPENSION OF THE RULES

MR. DeROSE MOVED for SUSPENSION OF THE RULES to change the order of the agenda and to consider at this time the report of the Sewer Committee. He noted that there were a number of people in the gallery who were particularly interested in this item. Seconded and CARRIED.

SEWER COMMITTEE - Joseph DeRose

MR. DeROSE said the Sewer Committee met jointly with the Legislative & Rules Committee, chaired by Mr. Davidoff, and the Environmental Protection Committee, chaired by Mr. Sainburg, on May 1, 1975 and present from the Sewer Committee were Reps. DeRose, Blois, Cibulskas, Handley, Rose and Perkins. He said also in attendance at that meeting were members of the Board of Finance, including Chairman Paul Callahan, Public Works Commissioner John O'Brien, Sewer Commission Chairman Michael Reppucci, Environmental Protection Board Chairman, Eugene Connolly and City Engineer William Sabia. He reported on the following item:

- (1) Proposed RESOLUTION AUTHORIZING THE CONDEMNATION OF EASEMENTS THROUGH AND UNDER PROPERTIES OF SALVATORE AND KATERINE A. TARANTINO, EDWARD M. AND HELENE FAIRCHILD AND SHIRLEY A. COBLENTZ IN CONNECTION WITH SANITARY SEWER PROJECT 15-7 - For installation of a sanitary sewer line - Board of Finance has not yet acted on proposed resolution but anticipates doing so before this Board's May meeting - (Mayor's letter of 3-6-75) - (Revised resolution submitted in Mayor's letter of 5-5-75)

MR. DeROSE said a concerted effort was made to overcome previous objections raised by several District Board members with regard to Sewer Project 15-7. He said Commissioner O'Brien was extremely helpful in reaching a solution that would be beneficial to the majority of the people. He said the Board of Finance voted earlier this evening to approve the revised resolution which was a result of the May 1 meeting and which was submitted to this Board by the Mayor in a letter dated May 5, 1975. He said the revised resolution authorizes the condemnation of easements through only two properties, that of Salvatore and Katherine Tarantino and Shirley A. Coblentz. He said the Sewer Committee voted 6 to 0 in favor of recommending adoption of the proposed resolution and HE SO MOVED. Seconded by Mr. Davidoff who said the Legislative & Rules Committee concurred.

MRS. HANDLEY said her affirmative vote as a member of the Sewer Committee was made pursuant to a Sense of the Board resolution which will be proposed following the vote on this resolution.

MR. ROSS said he is now in favor of the proposed resolution and noted that his previous objections have been cleared up with the revised proposal.

MR. ZIMBLER said he, too, had been opposed to the original resolution. He said he wanted to thank publicly Commissioner O'Brien and the Sewer Commission for changing the design of the sewer project and urged the Board members to support the revised resolution.

MR. CROSBY also complimented Commissioner O'Brien for his efforts to bring about the change in sewer project and said he was in favor of the resolution.

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MR. D'AGOSTINO requested a ROLL CALL VOTE on the proposed resolution and a sufficient number of members indicated their support for his request.

MR. DeROSE read a letter dated May 2, 1975 from Health Director Ralph Gofstein indicating that the Health Department strongly supports Sewer Project 15-7, in particular the portion that would provide sewers for Swan Lane and Hastings Lane because of the likelihood of septic system failures in that area.

The ROLL CALL VOTE was then taken on the motion by Mr. DeRose to approve the following resolution and the motion CARRIED unanimously: (The Roll Call Vote follows the resolution).

RESOLUTION NO. 1004

AUTHORIZING THE CONDEMNATION OF EASEMENTS THROUGH AND UNDER PROPERTIES OF SALVATORE AND KATHERINE A. TARANTINO AND SHIRLEY A. COBLENTZ IN CONNECTION WITH SANITARY SEWER PROJECT 15-7

WHEREAS, certain easements through and under private property must be obtained by the successful Sanitary Sewer Project known as 15-7; 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 Salvatore and Katherine A. Tarantino and Shirley A. Coblentz, which easements are more specifically described on Schedules A and B annexed hereto, for the purpose of completing the Sanitary and Storm Sewer System known as "Sanitary Sewer Project 15-7".

This Resolution shall take effect upon the date of its passage.

SCHEDULE A

EASEMENT - PROPERTY OF SALVATORE AND KATHERINE A. TARANTINO

Beginning at a point on the southerly street line of Donald Road, as it now exists, at the division line between land of Rose Mary Turpin Et Al. and land of The Grantors, said point being the northwest corner of land of the Grantors, being shown and delineated as lot number 15 on map number 3866 of the Stamford Land Records, thence in an easterly direction along said southerly street line of Donald Road on a curve to the left the radius of which is 613.06 feet a distance of 15.00 feet to a point, thence in a southerly direction through land of the Grantors S 28° 40' 15" W a distance of 229.29 feet to land of Shirley H. Coblentz, thence in a westerly direction along said land of Shirley H. Coblentz N 70° 15' W a distance of 15.18 feet to land of Rose Mary Turpin Et Al., thence in a northerly direction along said land of Rose Mary Turpin Et Al. N 28° 40' 15" E a distance of 231.457 feet to the point or place of beginning, being more particularly shown and delineated on a certain map on file in the City and Town Clerk's Office, Stamford, Connecticut, reference thereto being hereby had and

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entitled "Map Showing Sanitary Sewer Easement and Storm Drain Easement Through Properties Of Salvatore Tarantino Et Al. And Shirley H. Coblentz Stamford, Conn." and certified by William D. Sabia City Engineer. The above described easement lies in Block No. 328 of the Stamford Land Records.

SCHEDULE BEASEMENT - PROPERTY OF SHIRLEY A. COBLENTZ

Beginning at a point on the division line between land of the City of Stamford and land of the Grantor, said point being the northeast corner of land of the Grantor as shown and delineated on map number 5739 of the Stamford Land Records, thence in a southerly direction along said land of the City of Stamford S 19° 20' 30" W a distance of 20.00 feet to a point, thence in a westerly direction through land of the Grantor on the following courses and distances N 70° 38' W a distance of 69.66 feet, N 69° 58' W a distance of 169.06 feet and N 70° 15' W a distance of 218.11 feet to a point, thence in a northerly direction continuing through land of the Grantor N 28° 40' 15" E a distance of 20.25 feet to land of Salvatore Tarantino Et Al., thence in an easterly direction along said land of Salvatore Tarantino Et Al. and land of Edwin M. Fairchild Et Al. each in part on the following courses and distances: S 70° 15' E a distance of 215.02 feet, S 69° 58' E a distance of 168.99 feet and S 70° 38' E a distance of 69.53 feet to the point or place of beginning, being more particularly shown and delineated on a certain map on file in the City and Town Clerk's Office, Stamford, Connecticut, reference thereto being hereby had and entitled "Map Showing Sanitary Sewer Easement And Storm Drain Easement Through Properties Of Salvatore Tarantino Et Al. and Shirley H. Coblentz Stamford, Connecticut" and certified by William D. Sabia City Engineer. The above described easement lies in Block No. 328 of the Stamford Land Records.

THOSE VOTING IN FAVOR:

BLOIS, Julius (D)
BOCCUZZI, John (D)
BOCCUZZI, Theodore (D)
CIBULSKAS, Algird (D)
CLARK, Linda (D)
CONNORS, George (D)
COSTELLO, Robert (D)
CROSBY, Robert (R)
D'AGOSTINO, Thomas (D)
DAVIDOFF, Norman (D)
DeROSE, Joseph (D)
DIXON, Handy (D)
EXNICIOS, Robert (R)
FLANAGAN, William (R)
FORMAN, Barbara (R)
GUROIAN, Armen (D)
HANDLEY, Diane (R)
HOFFMAN, Leonard (R)
KELLY, James (D)
LAITMAN, Marilyn (D)

THOSE VOTING IN OPPOSITION:

THOSE VOTING IN FAVOR: (continued)

LIVINGSTON, Jeremiah (D)
LOUGHRAN, Michael (D)
LOWDEN, Lynn (D)
MARTINO, Vincent (D)
MAYNOR, Frederick (D)
McINERNEY, Barbara (R)
MILLER, Frederick (D)
MORABITO, Joseph (D)
PERKINS, Billie (R)
RAVALLESE, George (D)
ROSE, Matthew (D)
ROSS, Salvan (D)
RYBNICK, Gerald (D)
SAINBURG, Richard (R)
SANDOR, John (D)
TRESSER, Michael (R)
TRUGLIA, Anthony (D)
WALSH, Peter (D)
ZIMBLER, Kurt (R)

MRS. PERKINS MOVED for adoption of the following Sense of the Board Resolution:
Seconded.

RESOLUTION NO. 1005SLEEPY HOLLOW PARK - SEWER PROJECT 15-7

WHEREAS, the Sleepy Hollow Park Comprehensive Development Plan, an engineering study by Greenman-Pederson Associates, defines the flooding problem in the inlands-wetlands; and

WHEREAS, the 15-7 sewer project includes plans to run storm drain water into this inland-wetlands.

BE IT THEREFORE RESOLVED that sewers and storm drain construction should not begin in the third pocket of the 15-7 plan, Gray Farms, Mitzi and Donald Roads, until an environmental impact study is made to determine whether the storm water from this area will further aggravate the flooding conditions in Sleepy Hollow Park.

MRS. HANDLEY said they did consult with Sidney Landau, attorney for the Sewer Commission, and Michael Reppucci, Chairman of the Sewer Commission, and they did get a verbal agreement from Mr. Reppucci that he will make a motion within his Commission to alleviate this situation.

The VOTE was then taken on the motion to approve the Sense of the Board Resolution and the motion CARRIED.

THOSE VOTING IN FAVOR: (continued)

LIVINGSTON, Jeremiah (D)
LOUGHRAN, Michael (D)
LOWDEN, Lynn (D)
MARTINO, Vincent (D)
MAYNOR, Frederick (D)
McINERNEY, Barbara (R)
MILLER, Frederick (D)
MORABITO, Joseph (D)
PERKINS, Billie (R)
RAVALLESE, George (D)
ROSE, Matthew (D)
ROSS, Salvan (D)
RYBNICK, Gerald (D)
SAINBURG, Richard (R)
SANDOR, John (D)
TRESSER, Michael (R)
TRUGLIA, Anthony (D)
WALSH, Peter (D)
ZIMBLER, Kurt (R)

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FISCAL COMMITTEE - Marilyn Laitman

MRS. LAITMAN reported that the Fiscal Committee met on April 30 and present were Reps. Laitman, John Boccuzzi, Forman, Rybnick, Livingston, Crosby, Zimpler, Dixon, Loughran and Enxicios. She reported on the following items:

- (1) \$10,804.86 - LAW DEPARTMENT - Code 110.0901 - Special Professional Services -- For legal services rendered by outside law firm retained to handle three appeals from decisions of the Zoning Board of Appeals - (Mayor's letter of 2-19-75) - (Held in Committee 4-7-75)

MRS. LAITMAN said this is a long outstanding bill incurred by the previous Administration by the Zoning Board of Appeals and it is the considered opinion of the Corporation Counsel's office that it is a fair payment for services rendered. She said the Fiscal Committee voted 9 to 0 to recommend approval and SHE SO MOVED. Seconded by Mr. Davidoff who said the Legislative & Rules Committee concurred and by Mr. Ross who said the Planning & Zoning Committee also concurred by a vote of 4 in favor and 1 abstention. He noted that he had abstained because he had been involved in one of the cases and that he would also abstain on the vote at this time. CARRIED.

- (2) \$5,520.00 - TAX COLLECTOR - Code 146. - Various accounts - To meet estimated expenditures for fiscal year 1974-1975, as follows: (Mayor's letter of 4-2-75)

146.0102 - Part-time help -----	\$1,020.00
146.0103 - Overtime -----	670.00
146.0302 - Stationery -----	800.00
146.0303 - Postage -----	2,500.00
146.0501 - Telephone & Telegraph -----	200.00
146.0801 - Transportation -----	330.00
	<u>\$5,520.00</u>

MRS. LAITMAN said these funds will cover expenses until the end of this fiscal year and noted that inasmuch as this Department plays a crucial role in the Tax Collection's Task Force, the Fiscal Committee voted 9 to 0 to recommend approval of the request and SHE SO MOVED. Seconded by Mr. Livingston who said the Education, Welfare & Government Committee concurred. CARRIED.

- (3) \$389,940.00 - DEPARTMENT OF HEALTH - Code 503.0000 - Women, Infants and Children Program - Grant - From the Food and Nutrition Service through the State Health Department for the local WIC Program which provides food supplements and is currently serving 2,512 participants - For period from January through June, 1975 - (Mayor's letter of 4-7-75)

MRS. LAITMAN said this represents payment by the State for the fully-funded local WIC Program. She said the Fiscal Committee voted 9 to 0 to recommend approval and SHE SO MOVED. Seconded by Mr. Rose who said the Health & Protection Committee concurred. CARRIED.

- (4) \$706.50 - DEPARTMENT OF HEALTH - Code 510.0939 - Early Periodic Screening Diagnosis and Treatment Program - Grant - From the State Welfare Department to provide screening services to children - (Mayor's letter of 3-31-75)

MRS. LAITMAN said this is another payment from the State for this program and noted that this grant is paid in monthly installments. She said the Fiscal Committee voted 9 to 0 to recommend approval of this request and SHE SO MOVED. Seconded.

In response to a question from MRS. McINERNEY, MRS. LAITMAN said this program provides services for children up to the age of 18. She noted the grant was approved approximately a year ago.

The VOTE was then taken on Mrs. Laitman's motion to approve this request and the motion CARRIED.

- (5) \$2,000.00 - BOARD OF EDUCATION - Grant - From the State Department of Education for an Alternate Drug/Alcohol Abuse Education Program for a three-month period from April through June 1975 - (Dr. Carpenter's letter of 3-27-75)

MRS. LAITMAN said this is a new, fully-funded outward bound program for 25 students of the Alternate High School and will be an extension of the drug-alcohol abuse prevention program now taking place in the classroom. She said the Fiscal Committee voted 9 to 0 to recommend approval of this item and SHE SO MOVED. Seconded by Mr. Livingston who said the Education, Welfare & Government Committee concurred.

MRS. CLARK asked that the record indicate that she will abstain from all discussion and voting on this item as well as on Items #6, #7, and #8.

The VOTE was then taken on the motion to approve Item #5 and the motion CARRIED.

- (6) \$203,600.00 - BOARD OF EDUCATION - Grant - From State Aid for Disadvantaged Children to continue SADC Project, Compensatory Instruction for Disadvantaged Students, for fiscal year 1974-1975 - (Dr. Carpenter's letter of 4-9-75)

MRS. LAITMAN said this is a continuation of a remedial reading program benefitting the four middle schools and three high schools. She said it is similar to the one approved and operated during the previous year. She said the Fiscal Committee voted 9 to 0 to recommend approval and SHE SO MOVED. Seconded by Mr. Livingston who said the Education, Welfare and Government Committee concurred.

MR. MORABITO said he would like for the Board of Education and the Department of Health to give progress reports on the grants that are approved so that the Board can be informed if they are accomplishing their purpose and how the money is being spent.

The VOTE was then taken on the motion to approve Item #6 and the motion CARRIED.

- (7) \$3,895.00 - BOARD OF EDUCATION - Grant - From State Aid for Disadvantaged Children to continue SADC Project, Remedial Reading Program, for fiscal year 1974-1975 - (Dr. Carpenter's letter of 4-9-75)

MRS. LAITMAN said this is a grant to provide services similar to those in the previous grant to the parochial schools. She said data supplies determines eligibility. She said Fiscal Committee voted 9 to 0 to recommend approval and SHE SO MOVED. Seconded by Mr. Livingston who said the Education, Welfare & Government Committee concurred. CARRIED.

- (8) \$544,244.00 - BOARD OF EDUCATION - Grant - Under the continuation of Title I of the Elementary and Secondary Education Act to continue the project Aspiration Education for the fiscal year 1974-1975 - (Dr. Carpenter's letter of 4-9-75)

MRS. LAITMAN said this is a continuation of Title I ESEA Project 135-1 and the compensatory instructional programs included in the project are remedial reading in the elementary schools and English as a second language in the elementary schools. She said the Fiscal Committee voted 9 to 0 to recommend approval and SHE SO MOVED. Seconded by Mr. Livingston who said the Education, Welfare and Government Committee concurred. CARRIED.

- (9) \$175,000.00 - PUBLIC WORKS DEPARTMENT - Code 616.0000 - Street Lighting - In order to continue operating for the balance of the fiscal year - (Mayor's letter of 4-2-75)

MRS. LAITMAN said that the Fiscal Committee has been aware of the needs of this account and had hoped by this time a Utility Representative would have been hired to monitor these bills. She said she met in New York with Commissioner O'Brien and Mr. Rich and Mr. Vignola of the Board of Finance to interview a company which specializes in this area. She noted that that was months ago and no action has been taken until recently when two contracts were sent out to two utility representatives. She said the Board of Finance has yet to make a decision. She said this was only one facet of the Committee's recommendation last budget time. She said the other was to have the City investigate the purchase of our own poles. She said the City is now in an untenable position as the bills have been incurred and should be paid. She said the Fiscal Committee voted 9 to 0 to recommend approval of this request and SHE SO MOVED. Seconded by Mr. Rybnick who said the Public Works Committee concurred. CARRIED.

- (10) \$10,000.00 - PUBLIC WORKS DEPARTMENT - Code 655.1501 - Light, Heat and Power - Southfield Neighborhood Facility Maintenance - To meet the increased usage of utilities - (Mayor's letter of 4-2-75)

MRS. LAITMAN said a fuel increase resulted in a projected deficit in this account. She said at budget time last year there had not been a full year of operating experience for this facility and noted that energy savings program is being tried but the program runs from 7:00 a.m. to 9:00 p.m. She said the Fiscal Committee voted 9 to 0 to recommend approval of this item and SHE SO MOVED. Seconded by Mr. Rybnick who said the Public Works Committee concurred. CARRIED.

- (11) \$18,000.00 - RESOLUTION NO. 1006 AMENDING 1974-75 CAPITAL PROJECTS BUDGET BY ADDING THERETO A PROJECT IN THE AMOUNT OF \$18,000.00 TO BE ENTITLED "FIRE DEPARTMENT - NEW AMBULANCE" TO BE FINANCED BY THE ISSUANCE OF BONDS IN SAID AMOUNT - (Mayor's letter of 2-5-75)

MRS. LAITMAN said this would fund a first-line ambulance and rescue vehicle and would replace one that was damaged in an accident. She said at the present time the Stamford Emergency Service has been lending the Fire Dept. their ambulance and they would like to have it returned. She said the Fiscal Committee voted 9 to 0 to recommend approval of the following resolution and SHE SO MOVED. Seconded by Mr. Rose who said the Health & Protection Committee concurred. CARRIED.

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RESOLUTION NO. 1006

AMENDING 1974-1975 CAPITAL PROJECTS BUDGET BY ADDING THERETO A PROJECT IN THE AMOUNT OF \$18,000.00 TO BE ENTITLED "FIRE DEPARTMENT - NEW AMBULANCE" TO BE FINANCED BY THE ISSUANCE OF BONDS IN SAID AMOUNT

BE AND IT IS HEREBY RESOLVED by the Board of Representatives of the City of Stamford in accordance with the City Charter:

1. To adopt an amendment to the 1974-1975 Capital Projects Budget by adding a project in the amount of \$18,000.00 to be known as "Fire Department-New Ambulance."
2. To authorize the financing of said project by the issuance of bonds.
3. That this resolution shall take effect upon enactment.

- (12) \$1,000.00 - RESOLUTION NO. 1007 AMENDING 1974-1975 CAPITAL PROJECTS BUDGET BY ADDING \$1,000.00 TO PROJECT ENTITLED "STAMFORD MUSEUM & NATURE CENTER - DEAD TREE AND BRANCH REMOVAL" TO BE FINANCED BY THE TRANSFER OF SAID AMOUNT FROM THE PROJECT ENTITLED "STAMFORD MUSEUM & NATURE CENTER - NEW ZOO WALKWAY" -- (Mayor's letter dated 3-12-75)

MRS. LAITMAN said this is a resolution amending the 1974-75 Capital Projects Budget by adding \$1,000.00 to the project entitled "Stamford Museum & Nature Center - Dead Tree and Branch Removal" to be financed by the transfer of said amount from the project entitled "Stamford Museum & Nature Center - New Zoo Walkway." She said the Fiscal Committee voted 9 to 0 to recommend approval of the following resolution and SHE SO MOVED. Seconded and CARRIED.

RESOLUTION NO. 1007

AMENDING 1974-1975 CAPITAL PROJECTS BUDGET BY ADDING \$1,000.00 TO A PROJECT ENTITLED "STAMFORD MUSEUM AND NATURE CENTER - DEAD TREE AND BRANCH REMOVAL" TO BE FINANCED BY THE TRANSFER OF SAID AMOUNT FROM A PROJECT ENTITLED "STAMFORD MUSEUM AND NATURE CENTER - NEW ZOO WALKWAY"

BE AND IT IS HEREBY RESOLVED BY the Board of Representatives of the City of Stamford in accordance with the City Charter:

1. To adopt an amendment to the 1974-75 Capital Projects Budget by adding the amount of \$1,000.00 to a project known as "Stamford Museum and Nature Center - Dead Tree and Branch Removal".
2. To finance said project by a transfer of funds from the following accounts in the amount so indicated:
\$1,000.00 - "Stamford Museum & Nature Center - New Zoo Walkway."
3. That this resolution shall take effect upon enactment.

- (13) \$10,291.00 - RESOLUTION NO. 1008 - AMENDING 1974-75 CAPITAL PROJECTS BUDGET BY ADDING THERETO A PROJECT IN THE AMOUNT OF \$10,291 ENTITLED "POLICE DEPARTMENT - GASOLINE STORAGE TANK AND TWO HOSE MARK IV PUMP" TO BE FINANCED BY THE TRANSFER OF SAID AMOUNT FROM THE PROJECT IN THE 1973-94 CAPITAL PROJECTS BUDGET ENTITLED "TOWER TRUCK" - (Mayor's letter of 3-12-75)

MRS. LAITMAN said the Fiscal Committee voted 9 to 0 to recommend approval of the following resolution and SHE SO MOVED. Seconded by Mr. Rose who said the Health & Protection Committee concurred. CARRIED.

RESOLUTION NO. 1008

AMENDING 1974-1975 CAPITAL PROJECTS BUDGET BY ADDING THERETO A PROJECT IN THE AMOUNT OF \$10,291.00 TO BE ENTITLED "POLICE DEPARTMENT - GASOLINE STORAGE TANK AND TWO HOSE MARK IV PUMP" TO BE FINANCED BY THE TRANSFER OF SAID AMOUNT FROM THE PROJECT IN THE 1973-1974 CAPITAL PROJECTS BUDGET ENTITLED "TOWER TRUCK"

BE AND IT IS HEREBY RESOLVED BY the Board of Representatives of the City of Stamford in accordance with the City Charter:

1. To adopt an amendment to the 1974-1975 Capital Projects Budget by adding a project in the amount of \$10,291.00 to be known as "Police Department - Gasoline Storage Tank and Two Hose Mark IV Pump."
2. To finance said project by a transfer of funds from the following account in the amount so indicated:

\$10,291.00 - "Tower Truck", an account in the 1973-74 Capital Projects Budget.
3. That this resolution shall take effect upon enactment.

- (14) CONSIDERATION of an item approved by the Board of Representatives at its December 2, 1974 meeting authorizing transfer of \$7,605.54 from the Law Department - Code 110.0101 Salaries to the Personnel Department - Code 174.0101 Salaries - (Submitted by Marilyn Laitman, 20th District Rep., on 4-18-75)

MRS. LAITMAN said this item will be Held in Committee pending further study. She said the Committee received this past Saturday from the Personnel Dept. an answer to some questions that were posed at the Committee meeting. She said the opinion from the Corporation Counsel has not yet been received and, therefore, regretfully the Committee is not prepared to report on this item but it hopes a complete report will be ready for the June meeting.

MR. HOFFMAN said the Personnel Committee met jointly with Fiscal Committee on this item and concurred with the item being Held in Committee.

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- (15) NOTICE OF INTENT of Representative Salvan Ross, Jr., 15th District, to make a motion to rescind the vote taken on December 2, 1974 authorizing the transfer of \$7,605.54 from the Law Department Code 110.0101 - Salaries - to the Personnel Department Code 174.0101 - Salaries - (Letter dated 4-17-75 from Salvan Ross, Jr., 15th District Rep.)

MRS. LAITMAN said the Fiscal Committee feels that the above item relates to Item #14 and should not be acted upon at this time.

MR. ROSS said he is willing to hold his intended motion pending receipt of further information.

- (16) PROPOSAL TO INCREASE FEE FOR REDEMPTION OF DOGS FROM THE DOG POUND - From \$10 to \$25 - (Submitted for Steering Committee on 3-24-75 from City Reps. Diane Handley and Thom Serrani, 17th District) - (Held in Health & Protection Committee 4-7-75)

MRS. LAITMAN said that due to lack of time the Fiscal Committee did not consider the above item and it will be Held in Committee.

MR. ROSE said the Health & Protection Committee would also hold the item in Committee.

MR. DAVIDOFF said the Legislative & Rules Committee is also holding this item in Committee.

LEGISLATIVE & RULES COMMITTEE - Norman Davidoff

MR. DAVIDOFF reported on the following items:

- (1) ORDINANCE NO. 300 AMENDING SECTION 11-7 OF THE CODE OF ORDINANCES - COMMISSION ON AGING - ESTABLISHED: COMPOSITION - To eliminate restrictive requirements for membership on the Commission on Aging - Approved for publication on 2-3-75 and published on 2-8-75 - (Letter dated 11-18-74 from Anne B. McDonald, Chairman, Commission on Aging) - (Held in Committee 3-3-75 and 4-7-75)

MR. DAVIDOFF MOVED for FINAL ADOPTION of the following Ordinance. Seconded and CARRIED unanimously.

ORDINANCE NO. 300 SUPPLEMENTAL

COMMISSION ON AGING, ESTABLISH COMPOSITION

SECTION 11-7

NOW, BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

1. Section 11-7 of the Code of Ordinances of the City be deleted and the following shall replace it.
2. There shall be a permanent Commission on Aging consisting of nine (9) members, each of whom shall serve with dedication to and interest in the elderly.
3. This Ordinance shall take effect upon enactment.

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- (2) ORDINANCE NO. 301 AMENDING SECTION 11-8 OF THE CODE OF ORDINANCES - COMMISSION ON AGING - MEMBERSHIP, TERMS, COMPOSITION, COMPENSATION - To make conditions of membership on the Commission on Aging comply with applicable Charter provisions - approved for publication 4-7-75 and published on 4-12-75 - (Submitted by Deputy Corporation Counsel on 2-5-75) (Letter dated 11-18-74 from Anne B. McDonald, Chairman, Commission on Aging)

MR. DAVIDOFF MOVED for FINAL ADOPTION of the following Ordinance. Seconded and CARRIED unanimously.

ORDINANCE NO. 301 SUPPLEMENTAL

COMMISSION ON AGING - MEMBERSHIP, TERMS, COM-
POSITION, COMPENSATION

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

1. Section 11-8 of the Code of Ordinances of the City is hereby deleted and the following shall replace it.
- 2a) Initially three members of the Commission on Aging shall be appointed for one year, three members for two years and three members for three years. Thereafter appointments shall be for terms of three years each.
- 2b) Unless otherwise specifically provided for by ordinance, the provisions of the City Charter Chapter 50, Section 501 and 504 and Chapter 70, Section 700-701 and 703-708.1 as well as any other Charter provision applicable hereto shall govern the conditions of membership for the Commission on Aging.
- 2c) Members of the Commission shall serve without compensation except for reimbursement of authorized expenses, subject to appropriations therefore.
- 3) This ordinance shall take effect upon enactment.

- (3) ORDINANCE NO. 302 AMENDING SECTION 11-9 OF THE CODE OF ORDINANCES - COMMISSION ON AGING - POWERS AND DUTIES - To enumerate the powers and duties of the Commission on Aging - Approved for publication 4-7-75 and published on 4-12-75 - (Submitted by Deputy Corporation Counsel on 2-5-75) (Letter dated 11-18-74 from Anne B. McDonald, Chairman, Commission on Aging)

MR. DAVIDOFF MOVED for FINAL ADOPTION of the following Ordinance. Seconded and CARRIED unanimously.

ORDINANCE NO. 302 SUPPLEMENTAL

COMMISSION ON AGING - POWERS AND DUTIES

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

- 1) Section 11-9 of the Code of Ordinances of the City is hereby deleted and the following shall replace it.

- 2a) The Commission on Aging shall have the following powers: To study continuously the conditions and needs of the elderly persons within the City, including, but not limited to conditions of housing, economics, employment, health and recreation.
- 2b) To analyze the services for the elderly provided within the City by both public and private agencies and shall make recommendations to the public, the Mayor and the Board of Representatives regarding the development and implementation of services related to the needs of the elderly.
- 2c) To cooperate with the state and all other agencies regarding the above purposes.
- 2d) To provide such essential services to the elderly as are necessary to carry out the purposes of this ordinance subject to appropriations therefore.
- 2e) To adopt reasonable rules and regulations as may be necessary and keep records of the conduct of its affairs.
- 3) This Ordinance shall take effect upon enactment.

- (4) ORDINANCE NO. 303 AMENDING SECTION 11-10 OF THE CODE OF ORDINANCES - COMMISSION ON AGING - STAFF - To enable the Commission on Aging to employ staff as necessary subject to the appropriations provided - Approved for publication 4-7-75 and published on 4-12-75 - (Submitted by Deputy Corporation Counsel on 2-5-75) - (Letter dated 11-18-75 from Anne B. McDonald, Chairman, Commission on Aging)

MR. DAVIDOFF MOVED for FINAL ADOPTION of the following Ordinance. Seconded and CARRIED unanimously.

ORDINANCE NO. 303 SUPPLEMENTAL

COMMISSION ON AGING - STAFF

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

1. Section 11-10 of the Code of Ordinances of the City is hereby deleted and the following shall replace it.
2. The Commission on Aging may employ a director and any additional staff as may be reasonably necessary to carry out the provisions of this ordinance subject to appropriations therefor.
3. This Ordinance shall take effect upon enactment.

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- (5) WAIVER OF BUILDING PERMIT FEE - For West Main Street Community Center, Inc.
For construction of new facilities - (Letter dated 3-4-75 from Charles Ukkerd, Executive Director, West Main Street Community Center, Inc.)
(Held in Committee 4-7-75)

MR. DAVIDOFF said that the above item will be Held in Committee as the representatives of the West Main Street Community Center were not able to attend the meeting of the Legislative & Rules Committee.

- (6) Proposed ORDINANCE CONCERNING DESIGNATION OF RESPONSIBILITY WITHIN CITY DEPARTMENTS AND/OR AGENCIES FOR THE USE OF PUBLIC FUNDS AND PUBLIC PROPERTY
To regulate accountability for record-keeping practices within each City Department - (Letter dated 1-22-75 from Deputy Corporation Counsel addressed to Internal Auditor - Re: Seaboard Service Invoices - Stamford Park Department.) - (Held in Committee 4-7-75) - (Proposal submitted by Barbara McInerney, 20th District Rep. at Steering on 4-21-75)

MR. DAVIDOFF said the Legislative & Rules Committee has held one meeting on the above item and is awaiting further information and the item is being Held in Committee.

MRS. LAITMAN said the Fiscal Committee concurred with the item being Held.

MR. BLOIS said the Parks & Recreation Committee also concurred.

- (7) Proposed ORDINANCE CONCERNING TAX EXEMPTION FOR THE FORMER ITALIAN CENTER PROPERTY (NOW OWNED BY THE CITY OF STAMFORD AND KNOWN AS DOROTHY HEROY PARK) LOCATED OFF HIGH RIDGE ROAD - For the Grand List of September 1, 1965-
(Acting Mayor's letter of 4-21-75)

MR. DAVIDOFF said the Legislative & Rules Committee recommended waiver of publication of the ordinance referred to above and HE SO MOVED. Seconded and CARRIED.

MR. DAVIDOFF MOVED for FINAL ADOPTION of the following Ordinance, Seconded and CARRIED unanimously.

ORDINANCE NO. 304 SUPPLEMENTAL

TAX EXEMPTION FOR THE FORMER ITALIAN CENTER PROPERTY (NOW OWNED BY THE CITY OF STAMFORD AND KNOWN AS DOROTHY HEROY PARK) LOCATED OFF HIGH RIDGE ROAD, STAMFORD, CONNECTICUT, UNDER PROVISIONS OF SECTION 12-81b OF CONNECTICUT GENERAL STATUTES

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Pursuant to Section 12-81b of the General Statutes of Connecticut, the former property of The Italian Center of Stamford, Inc., an eleemosynary institution, acquired from Neva Bennett, on July 15, 1965, located off High Ridge Road, Stamford, Connecticut, and thereafter used for its charitable purposes, be exempted from taxation on the List of September 1, 1965.

The Commission of Finance be and is hereby authorized and directed to forgive outstanding real property taxes of \$974.64 plus lien fees and interest accrued to the date hereof on said property on the List of September 1, 1965.

This Ordinance shall take effect upon its adoption.

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- (8) RESOLUTION NO. 1009 URGING AREA STATE LEGISLATORS TO OPPOSE COMMITTEE BILL 5067 - Proposed bill would require that sales by hospital gift shops, thrift shops, coffee shops, etc., be subject to the Connecticut retail sales tax of 7%. - (Submitted by Richard Sainburg, 18th District Rep. at Steering Committee meeting on 4-21-75)

MR. DAVIDOFF MOVED that the following resolution be approved. Seconded by Mr. Sainburg who urged all Board members to support this resolution.

MR. HOFFMAN spoke in favor of the adoption of the resolution urging its approval.

The VOTE was then taken on the motion to approve the following resolution and the motion CARRIED.

RESOLUTION NO. 1009

URGING AREA STATE LEGISLATORS TO OPPOSE COMMITTEE BILL 5067

WHEREAS, The Connecticut House of Representatives has under consideration Committee Bill 5067 which proposes that sales by hospital gift shops, thrift shops, coffee shops, etc., which are now tax exempt, be made subject to the Connecticut Retail Sales Tax of 7%, and

WHEREAS, these shops perform a valuable service to the hospitals, their staffs, and their patients, and

WHEREAS, the income from these shops helps defray other hospital costs thus helping to keep fees and charges from escalating further and/or necessitating further monetary support from the state, and

WHEREAS, if this sales tax is imposed, hospital income from these service shops will decline, imposing further financial drain on the hospitals and requiring higher rates and/or increased state funds, and

WHEREAS, some service shops might be forced to close:

NOW, THEREFORE, BE IT RESOLVED that the Stamford Board of Representatives wishes to go on record as requesting all state legislators in both houses who represent any portion of Stamford to vote against said bill if and when it comes before them for consideration.

PUBLIC WORKS COMMITTEE - Alfred Perillo and Gerald Rybnick

MR. RYBNICK said he was referring the following item to Mr. Davidoff for a report from the Legislative & Rules Committee:

- (1) PRIVATE REFUSE COLLECTION PRACTICES WITHIN THE CITY - (Letter dated 3-24-75 from Theodore J. Boccuzzi, 9th District Rep.) - (Held in Committee 4-7-75)

MR. DAVIDOFF said an open meeting was held by the Legislative & Rules Committee and the Public Works Committee. He said a great deal of input was offered at that time and more is expected and the item is being Held in Committee at this time.

HEALTH & PROTECTION COMMITTEE - Matthew Rose

MR. ROSE reported on the following item:

- (1) INVESTIGATION of the accountability for the non-improvement of the traffic safety conditions on Highview Avenue - (Submitted by Diane Handley, 17th District City Rep., on 4-21-75)

MR. ROSE said the Committee is working on the above item. He said because of the heavy schedule of Committee meetings this month the Health & Protection Committee was not able to make an on-site inspection which they will do in the near future. He said additional information from Mr. Weber, Major McDonald and the area residents is forthcoming and the Committee will hold the item in Committee.

MRS. HANDLEY requested to be notified when Health & Protection Committee will meet on this item as she would like to attend.

MRS. MCINERNEY said she has been meeting in the past with the Traffic & Safety Committee and noted that some months ago a problem arose concerning the width of Highview Avenue after the sewerage project was completed and there appears to be one section which is 19 feet across. She said she talked to the Sewer Commission last week and it is her understanding that if the sewerage project was done and the road was not reconstructed with the proper width by the contractor, he is liable for a period of two years. She said, therefore, the City is not responsible for correcting the road but the contractor is and the Sewer Commission is well aware of this and is working on it.

MR. ROSE said he had received complaints about the contractor who was working on Greenwich Avenue and he has been in touch with Commissioner O'Brien who has assured him that the problems would be straightened out.

MR. GUROIAN asked the status of the problem on Lenox Avenue with the erosion of the end of the road.

MR. ROSE said he had thought that problem was supposed to have been taken care of.

MRS. MCINERNEY said that she had contacted a representative upstate concerned with soil conservation problems who is to inspect the area. She said she is of the understanding from the Environmental Protection Board that a study is underway to correct that problem.

PARKS & RECREATION COMMITTEE - Julius Blois

MR. BLOIS MOVED for SUSPENSION OF THE RULES to consider a request for an approval of a fee from the Board of Recreation. Seconded and CARRIED.

- (1) Proposed FEE of \$20.00-For course on Theatrical Costume Design to be held at Ethel Kreskin Barn Theater - (Requested by Supt. of Recreation)

MR. BLOIS MOVED for approval of above fee. Seconded and CARRIED.

MR. BLOIS MOVED for SUSPENSION OF THE RULES to consider request for approval of petition for the Festival of Performing Arts to conduct their annual festival. Seconded and CARRIED.

- (2) Petition No. 396 - PINK TENT FESTIVAL for 1975 - To be held on June 26, 27, 28 and 29 (Letter dated April 23, 1975 from Committee for Performing and Visual Arts, Inc.)

MR. BLOIS MOVED for approval of the above petition. Seconded and CARRIED.

MR. BLOIS MOVED for SUSPENSION OF THE RULES to consider request for approval of petition from Hubbard Heights Golf Club for banner across Atlantic St. Seconded and CARRIED.

- (3) Petition No. 397 - for HUBBARD HEIGHTS GOLF CLUB - To advertise 54th annual Golf Tournament with a banner across Atlantic Street to be posted from June through July 22 - (Letter dated April 29, 1975 from Hubbard Heights Club)

MR. BLOIS MOVED for approval of above petition. Seconded.

In response to a question from MR. THEODORE BOCCUZZI, MR. BLOIS said the proposed starting time for this tournament is 7:30 a.m. and closing time would be 11:30 and he noted that this tournament is open to the public.

The VOTE was then taken on the motion to approve the petition for the Hubbard Heights banner and the motion CARRIED.

MR. CROSBY said he had a petition relating to the increased rates at Sterling Farms for use of the tennis courts. He said there were 190 signatures opposing the rates because they are higher than the rates for other municipal courts.

MR. MARTINO said sand is needed for the bocci courts and requested Mr. Blois to look into this matter.

MR. BLOIS said Mr. Crosby's and Mr. Martino's requests will be taken care of. He also said he wanted to note that he has been receiving letters over the past few months commending the Board of Recreation for their program.

MR. SAINBURG said the numerous signs at the entrance of Sterling Farms are unsightly and suggested that the possibility of one sign with all the required information be investigated by the Parks & Recreation Committee.

EDUCATION, WELFARE & GOVERNMENT COMMITTEE - Jeremiah Livingston

MR. LIVINGSTON reported on the following item:

- (1) RESOLUTION NO. 1010 URGING AREA STATE LEGISLATORS TO OPPOSE THE EQUALIZATION OF SCHOOL FINANCING BILL - As proposed by the State Legislature's Education Committee to the Appropriations Committee - (If said bill is passed the City of Stamford will lose 2½ million dollars) - (Submitted by Marilyn R. Laitman, 20th District Rep. at Steering on 4-21-75)

MR. LIVINGSTON said the Education, Welfare & Government Committee voted to recommend approval of the proposed resolution and HE SO MOVED. Seconded.

MRS. LAITMAN said she and the President went to Hartford to testify against the equalization bill. She thanked Mr. Truglia and the other State Legislators for their help in this matter and noted that the Stamford contingent organized by Mrs. Johnston who attended the hearing was helpful in killing the one feature of the proposed bill that would have been so detrimental to Stamford.

MR. TRUGLIA asked that the record indicate that he would abstain from voting on this resolution.

The VOTE was then taken on the motion to approve the following resolution and the motion CARRIED.

RESOLUTION NO. 1010

URGING AREA STATE LEGISLATORS TO OPPOSE THE EQUALIZATION OF SCHOOL FINANCING BILL

WHEREAS, the 13th Board of Representatives of the City of Stamford is opposed to any attempt to penalize one municipality by a so-called equalization bill without getting input from all concerned citizens and/or their representatives; and

WHEREAS, Stamford and other Connecticut communities are in the midst of budget-making processes and any proposals which would remove funds from a municipality during the 1975-1976 fiscal year would be disruptive and ill-conceived:

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED that the 13th Board of Representatives urges its area State Legislators to oppose Committee Bill #1331 as presented at the public hearing on April 25, 1975; and

BE IT FURTHER RESOLVED that the Board of Representatives urges that all such recommendations in the future be made at a well-publicized hearing to give adequate opportunity for reaction.

PLANNING & ZONING COMMITTEE - Salvan Ross

MR. ROSS reported that the Planning & Zoning Committee met April 30 and present were Reps. Guroian, Rose, Tresser, Sainburg and Ross. He reported on the following item:

- (1) RESOLUTION NO. 1011 URGING THE GENERAL ASSEMBLY AND THE DEPARTMENT OF TRANSPORTATION TO EVALUATE CITY REP. JOHN SANDOR'S PROPOSAL FOR THE IMPROVEMENT OF CONNECTICUT TURN-PIKE INTERCHANGES IN STAMFORD
(Submitted by Armen Guroian on 4-7-75)

MR. ROSS said the Planning & Zoning Committee voted unanimously to recommend approval of the following resolution and HE SO MOVED. Seconded and CARRIED.

RESOLUTION NO. 1011

URGING THE GENERAL ASSEMBLY AND THE DEPARTMENT OF TRANSPORTATION TO EVALUATE CITY REP. JOHN SANDOR'S PROPOSAL FOR THE IMPROVEMENT OF CONNECTICUT TURN-PIKE INTERCHANGES IN STAMFORD

BE AND IT IS HEREBY RESOLVED that the 13th Board of Representatives of the City of Stamford recommends that the Connecticut General Assembly and the

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Department of Transportation seriously evaluate City Representative John Sandor's proposal and/or any variations thereof designed to suggest immediate means of improving traffic conditions at the Stamford's Connecticut Turnpike interchanges.

PUBLIC HOUSING & GENERAL RELOCATION COMMITTEE - Handy Dixon

In response to a question from MRS. MCINERNEY, MR. DIXON said he was aware of the reported deficit of \$250,000 for the Housing Authority for 1974 and would look into it further and report at the next Board meeting.

URBAN RENEWAL COMMITTEE - William Flanagan

MR. FLANAGAN reported on the following item:

- (1) RESOLUTION NO. 1012 - AMENDING THE LAND DISPOSITION CONTRACT BETWEEN THE CITY OF STAMFORD AND THE STAMFORD NEW URBAN CORPORATION - To make the Disposition Contract conform to the plan changes adopted by the Board of Representatives in August, 1973 concerning that portion of the contract that affects the site for the hotel - (Mayor's letter of 4-18-75)

MR. FLANAGAN said this is to make the disposition contract conform to the plan changes that were adopted by the Board of Representatives on September 10, 1973 concerning that portion of the contract that affects the site for the hotel. He said that on May 1 he and Mr. Costello met with Edith Sherman, James Hibben and Zoltan Benyus from the Urban Redevelopment Commission and Robert Rich and Larry Gochberg. He said the Urban Renewal Committee met tonight prior to the Board meeting and voted to recommend approval of the proposed resolution. He said he has a letter from the Corporation Counsel noting that the proposed amendments are consistent with the changes in the renewal plan which were previously approved by the Board of Representatives. He said if this resolution is approved the redeveloper can start construction of the hotel. He said the City will receive \$450,000 for the site rather than the \$225,000 they would have received for the smaller hotel. He said the building will be in the \$12 to \$15 million dollar range and will contribute substantially to the City's tax base and will also provide much needed work for the construction workers. HE MOVED to approve the proposed resolution. Seconded by Mr. Davidoff who said the Legislative & Rules Committee concurred.

In response to a question from MR. GUROIAN, MR. FLANAGAN said there is not a new redeveloper working with F.D. Rich insofar as this project is concerned. He said the City has a contract with Stamford's New Urban Corporation and this is the same group and there are no new partners as far as this project is concerned. He said he does not know if there are going to be any new partners later on.

MR. COSTELLO noted that not only will the construction of this hotel provide new jobs but upon completion it will create many new jobs in other fields.

The VOTE was then taken on the motion to approve the following resolution and the motion CARRIED.

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RESOLUTION NO. 1012AMENDING LAND DISPOSITION CONTRACT BETWEEN THE CITY OF STAMFORD
AND THE STAMFORD NEW URBAN CORPORATION

WHEREAS, the City of Stamford, Connecticut Urban Redevelopment Commission on July 19, 1973 and August 8, 1973 made certain amendments in the Urban Renewal Plan for the Southeast Quadrant (Extended); and

WHEREAS, the Board of Representatives adopted and approved said amendments; and

WHEREAS, the Redeveloper, Stamford New-Urban Corporation, has agreed to said amendments; and

WHEREAS, certain of those amendments shifted the hotel site from Re-Use Parcel 35A to Re-Use Parcel 34; and

WHEREAS, it is now necessary to conform the "Contract for Sale of Land for Private Redevelopment" between the Stamford New-Urban Corporation and City of Stamford, Connecticut Urban Redevelopment Commission, dated July 2, 1968 insofar as the Hotel site is concerned.

NOW, THEREFORE, BE IT RESOLVED THAT in consideration of the mutual premises herein contained, said contract is amended as follows:

1. Article II, Section 2.1, page 5, amend the line reading "33, 34, 35B" to read as follows: "33, 34C and 35 CBD-Industrial.....\$657,700"
2. Article II, Section 2.1, page 5, amend the reference to "35A Motor Hotel" to read "34A Motor Hotel."
3. Article II, Section 2.1, page 5, first full paragraph and second full paragraph, change the reference to Re-Use Parcels "34" and "35B" to read "34B", "34C" and "35" respectively.
4. Article II, Section 2.1, page 6, seventh line, change the reference to Re-use Parcels, "35A" to read "34A".
5. Article II, Section 2.1, page 6, eleventh line, amend the reference to "Parcel 35A" to "34A".
6. Article III, Section 3.10, in the table, amend the line reading "33 & 34" to read as follows:

"33, 34A, 34B and 34CJune 15, 1975"

and amend the line reading "35 & 36B" to read as follows:

"35.....October 15, 1975"

7. Article V, Section 5.1, page 14, in table, amend "(d)" by changing the reference from "and 34" to "34B and 34C"

And add a line "(f)" reading as follows:

"(f)" 35.....50,000"

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8. Article V, Section 5.2, page 14, amend Section 5.2 by substituting therefore the following:

"Section 5.2 Re-Use Parcel 34A.

(a) On re-use parcel 34A, the Redeveloper shall construct a motor hotel of at least 200 rooms.

(b) In the event that the Redeveloper so develops Re-Use Parcel 34A, the minimum construction for the development of Re-Use Parcels 34B and 34C set forth above shall be deemed satisfied, and the Redeveloper's only obligation shall be to suitably landscape Re-Use Parcels 34B and 34C to the satisfaction of the Agency."

9. Amend "Exhibit B, Amended Disposition Map", by substituting a map and table for that portion of Exhibit B showing Re-Use Parcels, 34, 35A and 35B and the table,

This resolution shall take effect upon adoption.

ENVIRONMENTAL PROTECTION COMMITTEE - Richard Sainburg

MR. SAINBURG reported that the Environmental Protection Committee met jointly with Legislative & Rules Committee and the Environmental Protection Board, to discuss the following item:

- (1) Proposed REGULATIONS CONCERNING INLAND WETLANDS - As prepared by the Environmental Protection Board dated 1-20-75 with further changes submitted in letter dated 3-10-75 from Eugene Connolly, Chairman, Environmental Protection Board - (Held in Committee 4-7-75)

MR. SAINBURG said two additional small changes have been made to the regulations and copies of those changes were placed on each member's desk. He said the Environmental Protection Committee voted to recommend approval of the regulations as submitted with the changes that have been submitted and HE SO MOVED. Seconded by Mr. Davidoff who said the Legislative & Rules Committee concurred.

In response to a question from MR. HOFFMAN concerning Section 3.1 of the proposed regulations, MR. SAINBURG said the wording of this section was mandated by State regulations and has to be included or the State will not approve these regulations.

MRS. FORMAN MOVED to AMEND the proposed regulations by adding to Section 5.8 (b) following the word "withdrawal" that "any such withdrawn application may not be resubmitted for a minimum of 90 days". Seconded and CARRIED.

MRS. FORMAN MOVED to AMEND the proposed regulations by adding to Section 6.8 at the end of the paragraph the following:

"All applicants when receiving such notification shall receive information concerning the appeals procedure pursuant to Section 7.1 which follows."

Seconded and CARRIED.

The VOTE was then taken on the motion to approve the amended regulations, which follow, and the motion CARRIED.

MRS. LAITMAN commended the Environmental Protection Committee and the Environmental Protection Board for the fine job they have done in drafting these regulations.

THE PRESIDENT added his personal thanks to the two Committees for the way they have dealt with this very complex matter.

SECTION I - TITLE, AUTHORITY AND PURPOSE

1.1 - These regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the City of Stamford".

1.2 - These regulations have been prepared by the Stamford Environmental Protection Board pursuant to Chapter 440 of the Connecticut General Statutes, 22a - 28 through 28a - 45, Connecticut Public Act 72 - 155 as amended by Public Act 73 - 571 and 74 - 133, known as "The Inland Wetlands and Watercourses Act" of the State of Connecticut and as authorized by Ordinance No. 286 supplemental of the City of Stamford.

1.3 - It is the finding of the Environmental Protection Board that:

- a. The inland wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of ground water; and to the existence of many forms of animal, aquatic and plant life.
- b. It is, therefore, the purpose of these Regulations to protect the citizens of Stamford by making provisions for the preservation, protection, maintenance, and use of the inland wetlands and watercourses.

1.4 - Pursuant to the authority granted in 1.2 the Environmental Protection Board shall issue, issue with modifications, and deny permits for all regulated activities within the City.

1.5 - Inventory of Regulated Areas.

- a. Areas of regulated soil types shall be shown on the Official Inland Wetlands and Watercourses Map.
- b. The Agency and/or its designated agent shall monitor and maintain general surveillance of the regulated areas within the City to ensure that no unauthorized regulated activities occur.
- c. The Agency shall continually inventory inland wetlands and watercourses and update the official map delineating said wetlands and watercourses to be regulated.

SECTION II - DEFINITIONS

As used in these regulations:

2.1 - "Agency" means the Environmental Protection Board of the City of Stamford. (The EPB)

2.2 - "Person" means any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, government agencies or subdivisions thereof.

2.3 - "Soil Scientist" means an individual duly qualified in accordance with standards set by the United States Civil Service Commission.

2.4 - "Material" means any substance, solid or liquid, organic or inorganic, including but not limited to soil, sediment, aggregate, land, gravel, clay, peat, muck, mud, debris, sand, refuse, or waste.

2.5 - "Waste" means sewage or any substance, liquid, gaseous, solid, or radioactive which may pollute or tend to pollute any of the watercourses or wetlands.

2.6 - "Pollution" means harmful thermal effect or the contamination or rendering unclean or impure of any watercourses or wetlands by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any waters.

2.7 - "Rendering unclean or impure" means any undesirable alteration of the physical, chemical, or biological properties of any of the watercourses or wetlands, including but not limited to change in color, odor, turbidity, or taste.

2.8 - "Discharge" means the emission of any water, substance, or material into watercourses or wetlands, whether or not such substance causes pollution.

2.9 - "Remove" includes, but shall not be limited to drain, excavate, mine, dig, dredge, suck, bulldoze, dragline, or blast.

2.10 - "Deposit" includes, but shall not be limited to fill, grade, dump, place, discharge, or emit.

2.11 - "The Act" means section 22A - 36 to 45, inclusive, of the Connecticut General Statutes, as amended by Public Act 73-571.

2.12 - A "regulated area" is an inland wetland or watercourse as defined in the Act.

2.13 - "Regulated activity" means any operation within or use of a wetland or watercourse involving removal or depositing of material, or any obstruction, construction, alteration, or pollution of such wetland or watercourse, except as otherwise indicated in these regulations.

2.14 - "Permit" means the whole or any part of a permit, certificate of approval, or similar form of permission which may be required of any person by the provisions of these regulations or the Act.

2.15 - "Wetlands" means land, including submerged land, not regulated pursuant to sections 22-71 to 77-70, inclusive (Tidal Wetlands Act), of the 1969 supplement to the General Statutes, as amended, (Environmental Protection Act of 1971) which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and flood plain by the National Cooperative Soils Survey, as may be amended from time to time, of the Soil Conservation Service of the United States Department of Agriculture.

2.16 - "Watercourse" means a depression or channel into which a flow of water occurs either continuously or intermittently, rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, public or private, which are contained within, flow through, or border upon Stamford or any portion thereof, not regulated pursuant to sections 22a-28 to 22a-35, inclusive of the 1969 supplement to the General Statutes, as amended.

2.17 - "Swamp" means an area with a water table at or near the surface of the ground throughout most of the year and containing vegetation dominated by an association of trees and/or shrubs recognized as swamp species. Typical examples of swamp species are listed in the booklet titled Inland Wetland Plants of Connecticut, William A. Mering and R. H. Goodwin, Connecticut Arboretum for the Connecticut Department of Environmental Protection. (May 1973)

2.18 - "Marsh" means an area normally covered with shallow water, subject to seasonal variations, that contains an association of herbaceous, soft-stemmed plants recognized as marsh vegetation. Typical examples of marsh species are listed in the booklet titled Inland Wetland Plants of Connecticut, William A. Mering and R. H. Goodwin, Connecticut Arboretum for the Connecticut Department of Environmental Protection. (May 1973)

2.19 - "Bog" means a poorly drained, acidic area containing an accumulation of organic material and characterized by an association of plants recognized as bog species, listed in the booklet titled Inland Wetland Plants of Connecticut, William A. Mering and R. H. Goodwin, Connecticut Arboretum for the Connecticut Department of Environmental Protection. (May 1973)

2.20 - "Department" means the Department of Environmental Protection of the State of Connecticut = DEP.

2.21 - "Commissioner" means the Commissioner of the Department of Environmental Protection of the State of Connecticut = DEP.

2.22 - "City" means the City of Stamford.

2.23 - "The Official Map" means the Stamford inland wetland and watercourses map - as amended - filed with the Town and City Clerk and approved by the Agency.

2.24 - "Leaching" is the action of a liquid percolating through some material and carrying with it the soluble constituents.

2.25 - "Significant impact or major effect" means

- a. Any activity involving the deposition of material that will have a substantial adverse effect on the regulated area or on another part of the inland wetland and watercourse system.
- b. Any activity involving the removal of material that will have a substantial effect on the regulated area or on another part of the inland wetland and watercourse system of the City.
- c. Any activity which substantially changes the natural channel of a watercourse or the limits and/or form of an inland wetland.
- d. Any activity which diminishes substantially the natural capacity of a watercourse or an inland wetland to support desirable biological life, prevent flooding, supply water, facilitate drainage, and provide recreation and open space.
- e. Any activity which would result in degrading a watercourse or the surface or ground water or an inland wetland, such degradation to be measured by the standards of the Water Compliance Division of the DEP, where applicable.

2.26 - "Disturbing the natural and indigenous character of the land" means that the activity will significantly disturb the inland wetland or watercourse by reason of depositing or removal of material, will cause the alteration or obstruction of water flow, or will result in the pollution of the wetland or watercourse.

SECTION III - PERMITTED OPERATIONS AND USES

Section III

3.1 - The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:

- a. Grazing, farming, nurseries, gardening, and harvesting of crops and farm ponds of three acres or less;
- b. A residential home for which a building permit has been issued;
- c. Boat anchorage or mooring;

- d. Uses incidental for the enjoyment and maintenance of a residential property, such property defined as the largest minimum residential lot size permitted anywhere in the city. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include removal from or depositing into of amounts of material which may destroy, alter or divert a wetland or watercourse.
- e. Construction and operation by water companies as defined in Section 16-1 of the Connecticut General Statutes or by municipal water supply systems provided for in Chapter 102 of the Connecticut General Statutes, Sections 7-234 through 7-244 inclusive of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in Sections 25-110 and 25-112 of the Code of General Statutes as amended.

3.2 - The following operations and uses shall be permitted as non-regulated uses in inland wetlands and watercourses, provided they do not disturb the natural and indigenous character of the land:

- a. Conservation of soil, vegetation, water, fish, shellfish, and wildlife;
- b. Outdoor recreation including play and sporting areas, golf courses, field trails, nature study, horseback riding, swimming, skindiving, camping, boating, water skiing, trapping, hunting, fishing and shellfishing where otherwise legally permitted and regulated.

SECTION IV - PERMITTING OF REGULATED ACTIVITIES WITHIN REGULATED AREAS

4.1 - No person shall henceforth conduct a regulated activity in a regulated area of the City of Stamford without first obtaining a permit for such activity from the Agency. Any regulated activity or use legally existing as of the effective date of these regulations shall be exempt therefrom and permitted to continue, provided that no new or additional regulated activity, requiring a license under these regulations, is conducted after this same effective date without such license.

4.2 - The following activities shall be regulated solely by the Commissioner:

- a. Construction and modification of any dam, pursuant to sections 25-110 and 25-112 of the General Statutes, as amended;
- b. Construction or placement of any obstruction within channel encroachment lines, pursuant to sections 25-4a to g of the General Statutes, as amended;

- c. Construction or placement of any structures or obstruction within tidal, coastal, and navigable waters, pursuant to sections 25-7b to e of the General Statutes, as amended;
- d. Diversion of water for public and domestic use, pursuant to sections 25-8 a to e of the General Statutes, as amended;
- e. Discharges into waters of the State, pursuant to section 25-54 1 of the General Statutes, as amended;
- f. All regulated activities undertaken by any department, agency, or instrumentality of the State of Connecticut.

4.3 - If the Agency receives an application to undertake such an activity, the Agency may, in its discretion, review the portions of the application covering activities controlled solely by the Commissioner, or may deem such application incomplete until the Commissioner issues a final decision concerning any related application subject to his jurisdiction.

4.4 - Any permit granted or denied by the Commissioner shall be binding upon the local agency as to matters within the Commissioner's jurisdiction.

4.5 -

- a. The Agency shall establish, amend, or change area boundary maps in accordance with the procedures of the Act (section 4 (b) of Public Act 73-571) and Ordinance No. 286 supplemental of the Code of Ordinances of the City of Stamford. Such maps shall be on file in the offices of the Town and City Clerk and of the Agency and shall be titled "Official Inland Wetlands and Watercourses Map of the City of Stamford". Said map shall be in such form and scale as the Agency may prescribe and shall be used solely for inventory purposes and for determining the locations of properties for which applications are filed pursuant to these regulations.
- b. Such boundary maps may include such reasonable setbacks or margins surrounding designated areas as the Agency may determine to be necessary for the full protection of the inland wetlands and watercourses.

4.6 - Any person who disputes the designation of any part of his land as a regulated area may apply for an exemption from these regulations.

- a. To challenge the classification of all or any part of his portion of land as an inland wetland or watercourse, the applicant may submit a report by a soil scientist that the subject parcel or a part of it does not have a soil type classified by the National Cooperative Soils Survey as poorly drained, very poorly drained, alluvial, or flood plain.

- b. To challenge the classification of any portion or all of a regulated swamp, bog, or marsh, the applicant must present expert testimony in the form of documentation by a professional biologist or ecologist, competent in plant identification, wetland ecology and classification systems, that the area in question is not defined by botanical species as a swamp, bog, or marsh.
- c. The Agency may require any other proof of exemption from these regulations as it deems necessary to make a determination and may request and consider information from any other governmental agency relevant to said request for exemption. The Agency shall grant or deny said exemption within the time limit in these regulations for the Agency to act upon the application and shall notify the applicant of its action in the same manner as provided herein for notification of the Agency's action upon appropriate applications.

4.7 - Article 1 of this section shall not apply to work in a regulated area which is immediately necessary to protect the health, safety, and wellbeing of any person or to prevent imminent damage to personal or real property as determined by an official of federal, state, county or city governments, provided the Agency is given immediate verbal notification and written notification within 48 hours after commencement of the work and within 48 hours of the completion of the work. Such emergency work shall be performed so as to cause the least change, modification, disturbance or damage to the regulated area. Every reasonable effort, as determined by the Agency, shall be made to restore the regulated area to its original, natural condition by the person(s) or agency conducting such necessary emergency work.

SECTION V - APPLICATION PROCEDURES

5.1 - Prior to the submission of any application hereunder, the applicant should consult with Agency staff for the purpose of seeking advice and guidance with respect to the proposed regulated activity and requirements of the application.

5.2 - Any person intending to carry out a regulated activity shall submit an application to the Agency.

- a. Applications must be submitted at least ten (10) days prior to the regularly scheduled meeting in order to be included on the meeting agenda. The application shall be formally received only at a regularly scheduled meeting of the Agency.
- b. No application shall be deemed complete unless it shall be in such form and contain such information as the Agency deems necessary for a fair determination of the issues. The Agency shall inform all applicants of such necessary information without delay. The Agency shall inform all applicants in writing upon the completion of the application.

- c. The information required by the Agency shall be furnished in sufficient copies to permit the Agency to carry out its duties under these regulations. In no case will fewer than three (3) copies be accepted for a final review of an application proposal.
- d. All information submitted in the application shall be considered factual, or in the case of anticipated activity, binding. A knowing failure on the part of the applicant or any of his agents to provide correct information or performance exceeding the levels of anticipated activity shall be sufficient grounds for the revocation of any permit issued under these regulations and/or for penalties to be imposed.

5.3 - Any person submitting an application to the Agency shall give written notification to abutting property owners - return receipt requested - of the nature of the application. In the case of an inland wetland, such notification shall be sent by the applicant to all property owners within 200 feet of the inland wetland area. In the case of watercourses, such notices shall be sent by the applicant to all property owners on both sides of the watercourse, upstream and downstream, within 500 feet of the applicant's parcel. In the case of large tracts where the above requirements would result in no notifications being required, then the nearest abutting property owners on all sides must be notified.

5.4 - All applications shall include the following information in writing and shall be on a form provided by the Agency and available from the Office of the Town and City Clerk and the EPB:

- a. The applicant's name, home and business address, and telephone numbers.
- b. The owner's name (if applicant is not the owner of the property), home and business addresses, telephone numbers, and written consent to the proposed activity set forth in the application.
- c. Applicant's interest in the land.
- d. The geographical location of the property which is to be affected by the proposed activity, including a description of the land in sufficient detail to allow identification of the properties on the Official Map.
- e. Purposes and description of the proposed activity.
- f. Names of adjacent property owners.
- g. Required additional information.

5.5 - Declaratory Ruling: If the Agency finds, on the basis of the evidence before it, that a proposed activity or use does not involve any regulated activity as defined in 2.13 of these regulations, the application shall be dismissed for lack of jurisdiction. This dismissal shall be subject to limitation or revocation by the Agency if it is later shown that a regulated activity or non-permitted use is a consequence of that proposed activity. The Agency shall state in writing its decision to the applicant, and such decision shall be publicised in the usual manner.

5.6 - Summary Ruling: If the Agency finds that a proposed activity is a regulated activity not involving significant impact or major effect on the inland wetland or watercourse as defined in 2.25 of these regulations it may allow the activity with or without conditions after initial review and publication. In order to grant a permit at this stage, the Agency after full review of all pertinent factors, shall issue an opinion presenting its reasons for granting the permit with or without conditions.

5.7 - Plenary Rulings: If the Agency finds that the activity applied for does or may involve a significant or major effect on the inland wetland or watercourse as defined in 2.25 of these regulations, the Agency may request information which may include, but is not limited to, the following:

- a. Site Plan - a map of the proposed use and the property which will be affected. Such map shall be prepared by a licensed surveyor, professional engineer, or professional architect registered in the State of Connecticut, or an adjoining state, provided a substantial portion of the parcel is in said adjoining state. The map shall be drawn at a scale to be determined by the Agency but not less than 200 feet to 1 inch. Detailed information to be included on this site plan shall be requested by the Agency according to its evaluation requirements, and may include, but shall not be limited to, the following:
 - (i) property lines of the real property to be affected, the owners of record of that property and of adjoining properties and the structures existing on the affected property.
 - (ii) areas of proposed changes in use or activity.
 - (iii) locations on or near the affected property of wetlands or watercourses.
 - (iv) locations of all boring and soil samples data obtained by a soil scientist.
 - (v) existing and proposed elevations by contour lines at vertical intervals as required by the Agency.

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- (vi) all existing and proposed drainage structures such as culverts, catch basins, drainage ditches, and dams including complete computations used in arriving at the drainage design.
 - (vii) locations of all existing and proposed waste treatment facilities.
 - (viii) areas where material will be deposited or removed.
 - (ix) location of all existing or proposed construction within a watercourse.
 - (x) significant vegetation.
 - (xi) proposed grading of any earth movement anticipated, by vertical contours as required by the Agency.
 - (xii) existing flood encroachment lines, if any.
- b. A soil sample report prepared and certified by a soil scientist indicating the soil type and location of inland wetlands and watercourses in key to the soil sample locations shown on any map submitted. Soil types shall be identified within the categories established by the National Cooperative Soils Survey of the U.S. Soil Conservation Service.
- c. A biological evaluation of any marsh, swamp, or bog on the affected property indicating:
- (i) dominant botanical species, rare species and forest age classes of vegetation.
 - (ii) habitat value of the affected property for wildlife species.
 - (iii) depth of water table below surface or level of water if inundated.
 - (iv) the date or dates of field inspection done.
- d. Analysis of Material to be deposited or removed. The applicant may be required to describe any materials to be deposited on or removed from the affected property, in terms of volume, composition (biological and/or chemical analysis) and the possibility of erosion or leaching as a consequence of said deposit or removal; precise chemical composition of any toxic materials, whether enclosed in containers, and type of container, if any; an explanation of how material will be protected from erosion and leaching; the source, if material is to be deposited, and site of disposition, if material is to be removed.

e. **Structures.** The applicant shall provide a description of the proposed construction or the erection of structures on the affected property, including layouts, engineering and architectural plans or designs. Such description shall include the purposes of such construction or activity.

f. **Property Owners Affected.** List of abutting property owners and other persons whose rights or interests may or will be affected by the proposed activity. For the purposes of this section the list shall include all property owners receiving notification as provided in 5.3 of these regulations.

g. **Watercourse Characteristics** - If the proposed activity may affect a watercourse lying within, partly within, or flowing through or adjacent to the affected property, the applicant may be required to submit information relative to the present character and the projected impact of the proposed activity upon the watercourse, including, but not limited to:

(i) pH or alkalinity/acidity level.

(ii) turbidity or solids in parts per million.

(iii) bacteria count in total and fecal coliforms per milliliter.

(iv) tests for other biochemical constituents, as specified by the Agency.

(v) flow (if any) in cubic feet per second.

(vi) dates of field determination of these data.

(vii) estimate of change in a. through d. resulting from proposed activity or use.

5.8 - **Public Hearings.** The Agency shall docket all applications for activities involving significant impact or major effect on inland wetlands or watercourses for public hearing. Public hearings are optional for activities not involving significant impact or major effect on an inland wetland or watercourse.

a. All public hearings shall commence not sooner than thirty (30) days nor later than sixty (60) days after receipt of a complete application.

b. No application may be withdrawn after the date for public hearing has been published without written approval from the Agency for such withdrawal.

- c. Notice of the hearing shall be published at least once, not more than thirty (30) days and not fewer than ten (10) days before the date set for the hearing, in a daily newspaper having a general circulation in the City.
- d. All applications, maps and documents relating to this hearing shall be open for public inspection in the Office of the Town and City Clerk and in the offices of the Agency.
- e. Notices of the hearing shall be sent to the applicant and to adjacent and known interested or affected property owners and parties by certified mail, and to the DEP.
- f. Where possible, public hearings shall be completed in a single session. However, the hearing may be continued (to a date certain) where necessary for the full development of the evidence, or for the full and adequate participation of the parties, or for such other substantial purposes.

5.9 - The Agency must submit one copy of the application to the following official agencies or commissions for review. Such submission shall be made at least thirty (30) days prior to the date set for the public hearing, but failure to receive a written review shall not delay the hearing or prejudice the decision.

- a. The Planning Board of the City and the Planning-Zoning Director.
- b. The City Engineer.
- c. The Health Commission of the City and the Health Director.
- d. The Agency may submit one copy of the application to the following agencies or commissions among others:
 - (i) The Fairfield County Soil and Water Conservation District.
 - (ii) The Tax Assessor of the City.
 - (iii) The Department of Environmental Protection.
 - (iv) The Inland Wetland Agency of any municipality whose border lies within 500 feet of any wetland or water-course that may be affected by the proposed activity.

5.10 - Fees.

The Agency hereby adopts the following fees:

Issuance of regulations	\$1.00
Issuance of maps	4.00
Filing	25.00 plus a per acre fee

Where the parcel covered by the application is in excess of the minimum zoning lot size, there shall be in addition to the \$25.00 filing fee, a fee of \$5.00 per acre or any part of an acre which is in excess of the minimum.

The above fees may be amended from time to time by regulations whereby they shall be set at a sum reasonably necessary to cover the costs of issuance of regulations and maps, granting a permit, investigating, inspecting and exercising proper police supervision.

SECTION VI - THE PERMIT

6.1 - The Agency shall issue a written opinion presenting reasons for its action at the time of granting a permit, granting a permit with conditions or limitations, or denying a permit.

6.2 - The Agency may deny a permit with or without prejudice. If a permit is denied with prejudice, the application shall not be resubmitted for a period of 180 days following the date of the denial. If a permit is denied without prejudice, the applicant may modify, amend, or correct his proposal.

6.3 - If a permit is granted with conditions or limitations, and the applicant disputes such conditions or limitations, he may amend, modify, or correct his proposal. Rejection of a modified, amended, or corrected proposal shall be equivalent to the denial of an application for the purposes of Section VII of these regulations.

6.4 - Except as provided in 5.8 of these regulations any applicant may withdraw his application at any time prior to the Agency's final action thereupon for good cause stated in writing to the Agency. Any filing fee paid by the applicant pursuant to these regulations shall not be refunded to the applicant.

6.5 - The Agency, with the written consent of the applicant, may extend the time prescribed in these regulations for action by the Agency. Only one extension of time may be granted for each application.

6.6 - No activity for which a permit or license has been issued pursuant to these regulations shall be conducted upon the subject parcel prior to the effective date or after the expiration of the permit. Any permit issued by the Agency, but under which the authorized activity is not substantially completed within one year from the effective date of said license, shall expire by limitation. Notwithstanding the foregoing period, the Agency, where it deems necessary, may extend the one year limitation for a further period not exceeding one year. Any such extension shall be requested by the applicant, in writing, not later than ninety (90) days prior to the expiration of the original one year period. The Agency may, on its own motion, hold a public hearing upon any request for an extension of time.

6.7 - The Agency may consider the following in making its final decision on all permit applications:

- a. All evidence offered at any public hearing on the character and extent of the proposed activity, on the land involved, and on possible effects of the activity on the subject parcel and on surrounding areas;
- b. Any reports from other local, state or federal agencies;
- c. Additional requested information;
- d. All relevant facts and circumstances, including but not limited to the following:
 - (i) The environmental impact of the proposed action, including effects of the activity on the inland wetland's and/or watercourse's natural capacity to support desirable biological life, to prevent flooding and erosion, to supply water, to control sediment, to facilitate drainage, and to promote public health and safety.
 - (ii) The alternatives to the proposed action including a consideration of those which might enhance environmental quality or have a less detrimental effect, and which could feasibly attain the basic objectives of the activity. This should include but is not limited to the alternative of taking no action, or postponing action pending further study or the alternative of requiring actions of different nature to provide similar benefits with different environmental impacts, such as using a different location for the activity.
 - (iii) The relationship between the short-term uses of the environment and the maintenance and enhancement of long-term productivity, including consideration of the extent to which the proposed activity involves tradeoffs between short-term environmental gains at the expense of long-term losses, or vice versa, and considerations of the extent to which the proposed action forecloses future options.
 - (iv) Irreversible and irretrievable commitments of resources which would be involved in the proposed activity. This requires recognition that the inland wetlands and watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource, and that these areas may be irreversibly destroyed by deposition, filling, and removal of material, by the diversion or obstruction of waterflow, by the erection of structures and by other uses.

- (v) The character and degree of injury to, or interference with, safety, health, or the reasonable use of property which would be caused or threatened. This includes recognition of potential damage from erosion, turbidity, or siltation, loss of fish and other beneficial aquatic organisms, wildlife and vegetation; the dangers of flooding and pollution; and destruction of the economic, aesthetic, recreational and other public and private uses and values of wetlands and watercourses.
- (vi) The suitability of such action to the area for which it is proposed.
- (vii) Measures which could mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards added to the plan to avoid a reduction in the natural function of the inland wetland or watercourse.

6.8 - In the event that the Agency does not schedule a public hearing, the Agency shall render a final decision within sixty (60) days from the receipt of a complete application. The Agency shall notify the applicant by certified mail of its decision within five (5) days of the date of the decision and shall cause notice of its order in issuance or denial of a permit to be published in a newspaper having a general circulation in the City. Failure of the Agency to render a final decision within ninety days from the receipt of a complete application not found to require a public hearing, shall constitute approval of such application.

SECTION VII - APPEAL

7.1 - Any person aggrieved by any regulation, order, decision, or action of the Agency pursuant to these regulations may appeal to the Court of Common Pleas within fifteen (15) days after publication of such regulation, order, decision, or action. All appeals shall follow the procedure outlined in Section 22a-43 of the General Statutes, as amended:

7.2 - The Agency shall notify the Commissioner of any such appeals, and enclose a copy of the regulation, order, decision, or action upon which it is based. The notification shall be on a form supplied by the Commissioner and be forwarded within fifteen (15) days of the commencement of such appeal action.

SECTION VIII - OTHER PERMITS AND LICENSES

Nothing in these regulations shall obviate any requirement for the applicant to obtain any assent, permit, license, authorization required by law or regulation of the Government of the United States, the State of Connecticut or any political subdivision thereof. The obtaining of such assents, permits, licenses or authorizations shall be the sole responsibility of the applicant.

SECTION IX - ENFORCEMENT

9.1 - Application for a permit shall constitute permission for, and consent to, Agency inspections of the site of proposed activity at any reasonable time before or after the granting of a permit. The owner, applicant or their agent shall have the license or permit readily available and posted conspicuously on the property as with a building permit and shall produce it for inspection by the Agency's representative upon request.

9.2 - The Agency shall be authorized to seek such necessary court orders as will permit it to inspect land whereon the Agency has probable cause to believe that a regulated activity involving an inland wetland or watercourse is in progress, and for which no application has been filed.

9.3 - Any person who commits, takes part in, or assists in any violation of any provision of these regulations shall be subject to the penalties provided in Section 22a-44 of the Connecticut General Statutes, and to such other penalties as the law may provide.

9.4 - If the Agency determines that any person is engaging in any regulated activity without a proper permit, or is exceeding the conditions or limitations placed on his permit, or the scope of work as set forth in the application or has obtained a permit through deception or through inaccurate information as to either the activity or its environmental impact, or has engaged or is engaging in any other violations of these regulations or the Act, the Agency and/or its designated agent may:

- a. Issue a cease and desist order to such person, directing him to halt any and all regulated activities or other violations, giving notice to him of his right to a hearing on such order, and informing him that violation of such order may be the basis for court action for fines and damages and/or
- b. Issue notice of a public hearing, including specification of the facts or conduct which warrant such hearing, for the purpose of revoking or suspending any permit whose conditions or limitations have been materially exceeded, or which was secured through deception or through inaccurate information as to either the scope of the activity or its environmental impact, or which is being used in violation of Section VI of these regulations or in violation of any other regulation or statute, and/or
- c. Issue notice of a public hearing for the purpose of determining whether the Commission should bring an action in Superior Court, pursuant to subsection (d) below, for the collection of fines and penalties for violations of any Sections of the Act, or any regulations promulgated thereunder, and/or

- d. Bring an action in Superior Court, pursuant to Section 22a - 44 of the General Statutes, for the collection of all fines and penalties, together with all costs, fees and expenses of such collection, and/or
- e. Bring an action pursuant to Section 22a - 44 of the General Statutes in the Superior Court, in all cases of continuing violation, for an order restraining such continuing violation and for such orders directing that the violation be corrected or removed as the Agency, pursuant to a public hearing, deems necessary and appropriate to the protection of inland wetlands and watercourses, and for the costs, fees and expenses of such action.

9.5 - In the event that the Agency shall suspend or revoke a permit pursuant to Section VI above;

- a. The applicant shall be notified of the Agency's decision by certified mail within five days of the date of the decision;
- b. The Agency shall cause notice of its order in revocation or suspension of a permit to be published in a newspaper having general circulation in the City;
- c. The Agency shall call a public hearing at which the permittee is given an opportunity to show compliance with the requirements for retention of this permit.

9.6 - At all hearings pursuant to this Section, all parties may, subject to the ruling of the Agency, cross-examine witnesses; introduce records, papers, documents, or other evidence into the record; and submit oral arguments and file briefs for the purpose of showing compliance with requirements for retention of a permit.

SECTION X - BOND AND INSURANCE

10.1 - The applicant, upon approval of the permit and at the discretion of the Agency, may be required to file a performance bond in an amount and with sureties and in a form approved by the Agency.

10.2 - The bond and sureties shall be conditioned on compliance with all provisions of these regulations and conditions imposed on permit approval, and shall be in form satisfactory to the Corporation Counsel and in an amount not less than the City Engineer estimates the permitted work will cost.

10.3 - The applicant may be required to certify that he has public insurance against liability which may result from the proposed operation or use covering any and all damages which might occur within three (3) years of completion of such operations, in an amount to be determined by the Agency commensurate with the projected operation. The City shall be named as a coinsured party.

- 10.4 - No permit shall issue until such bond or insurance is provided.

SECTION XI - CONFLICT, SEVERANCE AND LEGAL CONSTRUCTION

11.1 - Where there is a conflict between the provisions of these regulations and those of any other federal, state or local act, charter provision, ordinance, or regulation, the provisions which impose the greatest restriction on use shall govern.

11.2 - The invalidity of any word, clause, sentence, section, part or provision of these Regulations shall not affect the validity of any other part which can be given effect without such invalid part or parts.

11.3 - These Regulations and portions thereof are intended as conjunctive in their construction unless otherwise specifically provided.

SECTION XII - CONFORMITY WITH STATE REGULATIONS

12.1 - All regulations, including regulated area boundary maps, promulgated or amended by the Agency, pursuant to the Act, shall be submitted to the Commissioner not later than ten (10) days after their adoption.

12.2 -

- a. In the event that the Commissioner shall find any part of the Agency's regulation not in conformity, the Commissioner shall issue a notice of non-conformance which shall include:
 - (i) the reasons for holding any part to be nonconforming;
 - (ii) the section or sections whose operation and effect shall be suspended until they shall be amended and resubmitted;
 - (iii) the extent to which the Commissioner shall exercise jurisdiction over the municipal wetlands and watercourses, for their protection, in the interval between the issuance of a notice of nonconformance and the resubmission of amended regulations, including boundary maps.
- b. The Agency shall, pursuant to the provisions for adopting and amending regulations contained in the Act, initiate proceedings to amend such nonconforming regulations within twenty (20) days of the receipt of a notice of nonconformance.
- c. Upon disapproval of any regulations, the Commissioner shall assume jurisdiction over those portions of the regulations as may be necessary to assure continuity of wetland and watercourse regulation in the City. This jurisdiction shall cease upon approval of the regulations by the Commissioner.

- d. Failure of the Commissioner to issue a notice of non-conformance within sixty (60) days of the receipt of such regulations, maps, amendments shall be taken as approval of such regulations.
- e. If municipal regulations were not submitted to and granted approval by the Commissioner in a preliminary form prior to adoption, they shall not become effective until granted final written approval by the Commissioner.

12.3 - All enforcement activities undertaken by the City and all appeals which pertain to the wetlands and watercourses of the State shall be reported, on a form supplied by the Commissioner, to the Commissioner within fifteen (15) days of the commencement of such action.

SECTION XIII - AMENDMENTS

13.1 - These Regulations and the Inland Wetland and Watercourses Map of the City of Stamford may be amended, changed or repealed by majority vote of the Agency after the procedure outlined for the establishment of regulations and boundaries pursuant to Section 22a - 42 of the General Statutes, as amended; the Ordinance of the City of Stamford No. 286 supplemental entitled Establishment of an Environmental Protection Board, enacted June 3, 1974; and/or regulations of the state Department of Environmental Protection, as new information regarding soils, hydrology or botanical species peculiar to the inland wetlands and watercourses of the City become available.

13.2 - Any application filed with the Agency shall be judged according to the regulations in force on the date of filing.

13.3 - All petitions requesting a change in the Regulations or boundaries of regulated areas shall be submitted in writing on a form provided by the Agency, and available at the office of the Town and City Clerk and the Agency.

- a. Such petition shall be considered at a public hearing in the manner prescribed in the Act for the establishment of regulations and boundaries. Such public hearing shall be held within ninety (90) days after receipt of said petition, and the applicant shall be notified of the time and place of the scheduled hearing by certified mail no fewer than ten (10) days prior to the hearing. The Agency shall act upon the changes requested within sixty (60) days after the hearing.
- b. The petitioner may consent to extension of the periods provided in this section for holding hearings and for adoption or denial of the requested change, or may withdraw the petition. The Agency may require a filing fee of Fifty (\$50.00) Dollars to defray the cost of publishing notices required herein.

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SECTION XIV - EFFECTIVE DATE

14.1 - These regulations and any amendments thereto shall become effective in accordance with the provisions of Chapter 440 of the Connecticut General Statutes, Sections 22a-28 through 28a-45, Public Act 73-571, Public Act 74-133 and Ordinance No. 286 supplemental of the City of Stamford.

ERRATA AND ADDENDA ----- INLAND WETLAND AND WATERCOURSES REGULATIONS

March 10, 1975

- 1) 2.11 Page 2 - Rewrite as follows: The "Act" means section 22a-28 through 28a-45 of Chapter 440 of the Connecticut General Statutes, Connecticut Public Act 72-155 as amended by Public Act 73-571 and 74-133, known as "The Inland Wetlands and Watercourses Act of the State of Connecticut"; and includes Ordinance No. 286 Supplemental of the City of Stamford.
- 2) 2.17-2.18-2.19 Page 3 - Correct spelling: MEERING should be NIERING.
- 3) 2.25 a Page 4 - Should read "Any activity involving the depositing or repositioning of material
- 4) 3.1 Page 4 - Add a comma after "crops" in (a). (b) Should read "A residential home (i) for which a building permit has been issued or (ii) on a subdivision lot, provided the permit has been issued or the subdivision has been approved as of the effective date of promulgation of the municipal regulations;
- 5) 3.2 b Page 5 - Add after the words "sporting areas" the word "picnicking".
- 6) 4.1 Page 5 - Becomes 4.1 a. Add 4.1 b - "Pursuant to Section 10 of the Act, any person who commits, takes part in, or assists in any violation of any provision of this act, including regulations promulgated by the Commissioner and ordinances and regulations promulgated by municipalities or districts pursuant to the grant of authority herein contained, shall be fined not more than one thousand dollars (\$1000.) for each offense. Each violation of this act shall be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. The superior court, in an action brought by the Commissioner, municipality, district or any person, shall have jurisdiction to restrain a continuing violation of this act and to issue orders directing that the violation be corrected or removed. All costs, fees and expenses in connection with such action shall be assessed as damages against the violator. The moneys collected pursuant to this section shall be used by the Commissioner to restore the affected wetlands or watercourses to its condition prior to the violation, where possible.
- 7) 4.2 Page 5 - Start sentence "For the purposes of inland wetland and water courses control" the following activities, etc.

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8) 4.7 Page 7 - Add a heading "Emergencies".

9) 5.2 a Page 7 - Change "ten (10) days" to "fifteen (15) days prior to a regularly scheduled ..."etc.

10) 5.3 Page 8 - Change 200 in Line 5 to "five hundred (500) feet and add "of the boundaries of the applicant's parcel containing the inland wetland area". Change 500 in Line 8 to "one thousand (1000) feet". Last sentence should read "In the case of large tracts where the above requirements would not result in notifications "etc.

11) 5.5 Page 9 - and all later headings move up to 5.6, 5.7, etc. In place of current 5.5: Publication of all applications. Within five (5) days of acceptance of all applications submitted the Agency shall publish a listing with sufficient detail to reflect the property affected and the nature of the application so that residents of the City, abutting property owners or others with concerned interest in the application can provide signed, written information relevant to the application (s) for the consideration of the Agency. Thirty (30) days after such publication the Agency shall make a ruling on each application and shall publicize within five (5) days thereof its decision on each application.

12) 5.9 Page 12 - Becomes 5.10. Rewrite as follows: The Agency must submit one (1) copy of every complete application to the following agencies or commissions for review upon formal acceptance by the Agency. Failure to receive a written review shall not delay the hearing or prejudice the decision.

- a. The Planning Board of the City and the Planning/Zoning Director.
- b. The Commissioner of Public Works, City Engineer and Building Inspector of the City.
- c. The Health Commission of the City and the Health Director.
- d. The Agency may submit one (1) copy of the application to the following agencies or commissions among others:
 - (1) The Fairfield County Soil and Water Conservation District.
 - (11) The Tax Assessor of the City.
 - (111) Zoning Board of the City.
 - (iv) Zoning Board of Appeals of the City.
 - (v) The Department of Environmental Protection.
 - (vi) The Inland Wetland Agency of any municipality whose border lies within five hundred (500) feet of any wetland or watercourse that may be affected by the proposed activity.

13) 6.1 Page 13 - Insert after "limitations" on line 3 "granting an extension of time on an existing permit,".

6.2 Page 13 - Change "180 days" to "one year".

14) 9.1 Page 16 - In line 6 eliminate "by the Agency's representative".

15) 10.1 and 10.3 - Page 17. Add following sentence at end of each. "In the event that the activity involves significant impact or major effect the Agency shall require such bond.

10.3 - last line. Correct spelling. "coinsured" should be "co-insured".

16) Title on cover should read "Proposed Inland Wetlands and Water Courses Regulations".

ADDITIONAL ERRATA

----- May 5, 1975

1. Page 5. 3.2 (b) Strike "including"; substitute "such as".
2. Page 9. 5.7 (a) Line 3. Insert the word "landscape" after the word "professional".

AMENDMENTS ADOPTED BY BOARD OF REPRESENTATIVES: May 5, 1975

1. Page 11. 5.8 (b) After "withdrawal" add "Anny such withdrawn application may not be resubmitted for a minimum of 90 days."
2. Page 15. 6.8 Add to end of paragraph, "All applicants when receiving such notification shall receive information concerning the appeals procedure pursuant to Section 7.1, which follows."

ENVIRONMENTAL PROTECTION COMMITTEE (continued)

(2) State Department of Environmental Protection letter re: Sanitary Sewer Construction, Contract No. 15-7, dated April 15, 1975 from David Emerson, Field Insp., DEP regarding Inland-Wetland licensing

MR. SAINBURG said the above item has become a moot print since the amended resolution pertaining to this sewerage project was approved earlier this evening under the Sewer Committee report.

COMMITTEE ON RE-NAMING MUNICIPAL FACILITIES - Algird Cibulskas

MR. CIBULSKAS reported that the Committee on Re-naming Municipal Facilities has started its input meetings with various City departments that will be affected by any proposed guidelines. He said they have already met with the Board of Education and have three meetings scheduled with other departments and are hoping to schedule more in the near future so that a more complete report can be presented next month.

INVESTIGATING COMMITTEE CONCERNING THE APPOINTMENT OF A SUPERINTENDENT OF PARKS - John Boccuzzi and Robert Exnicios

MR. EXNICIOS reported that in the past three months the Special Investigating Committee has had 18 meetings and spent 70 hours listening to testimony. He said the Committee has conducted a survey by mail and has ten to twelve inches of typed testimony to date. He said the Committee is at the present still in the midst of deliberations and the report is not in its final stage as yet. He said the Committee does not feel it is ready to be given to this Board and would like to request adoption of two resolutions that have been placed on each member's desk which would extend the life of the Committee for one additional month. HE MOVED for adoption of following resolution to re-establish the Special Investigating Committee. Seconded.

PROPOSED RESOLUTION

CONCERNING THE RE-ESTABLISHMENT OF A SPECIAL INVESTIGATING COMMITTEE UNDER PROVISIONS OF SECTION 204.2 OF THE CHARTER TO INVESTIGATE CIRCUMSTANCES AND PROCEDURES INVOLVED IN THE APPOINTMENT OF A SUPERINTENDENT OF PARKS

BE AND IT IS HEREBY RESOLVED that a Special Investigating Committee be re-established under the provisions of Section 204.2 of the Charter of the City of Stamford and that the President shall re-appoint the eight members presently serving on said Committee for the following purposes:

1. To investigate the circumstances surrounding the recent appointment of a Superintendent of Parks; and
2. To investigate the procedures followed by the Department of Civil Service in the recruitment and certification of eligible applicants for said position, including the role of the Personnel Commission in said procedures; and

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3. To recommend changes in the procedures of the Department of Civil Service, if changes are deemed to be warranted following said investigation.

BE AND IT IS FURTHER RESOLVED that said Special Investigating Committee make a final report on its findings at the first regular meeting of the Board of Representatives following the re-establishment of said committee.

MR. EXNICIOS said that all eight members of the Committee feel that they are accountable to the people of Stamford and that they have to be responsible members of this Board. He said it is the duty of the Committee to get all the facts. He said the report in its present state could affect persons now involved with the City of Stamford and the Committee does not want its hands tied and until such time as the final report is ready for presentation to the Board, the Committee has to be able to accept all information pertaining to anything to do with the investigation. He said the report has been started and is at present in a very rough stage. He said that due to the pressure of the budget meetings which involve four members of the Special Investigating Committee, deliberation time has been somewhat limited. He said he is of the opinion that the Committee needs this extension to solidify its thinking and to refine its report. He said it is not the intent of the Committee to call any other witnesses at this time. He said the Committee is as anxious to conclude its deliberations as the Board members are to get the report. He said the Committee is not going to seek any additional facts at this time but the Committee must be allowed to listen if any facts are brought to its attention as these could influence the conclusions and the recommendations. He said he is sure most members have read the reports of the Committee's meetings in the Advocate and he said that some of those stories have been very accurate and some are not. He said the co-chairmen have felt that they would not issue any statements because of the delicacy of the matter at hand. He pleaded with the Board members not to rush the Committee and to allow it the time to do a proper job as its findings could affect the professional careers of many people. He said he could assure the Board that by the next Board meeting the Committee would have a report that was suitable for presentation to the Board. He also noted that the Committee has been very frugal and has spent only \$1,725 in the three months it has been in existence.

MR. JOHN BOCCUZZI said the Committee was in existence for two months and then received an additional month's extension. He said he has reams of typed minutes, many exhibits and many letters. He said he is of the opinion that within the three months that if anyone in the City of Stamford felt an unjust charge was levied against them, they had plenty of time to come forth and clear their name by requesting to appear before the Committee. He said that over the course of three months the Committee has had many executive sessions and all has leaked to the press. He said these same Committee members have assured him that they never talk to the press and haven't given out any information. He said the Committee has even gone through the exercise of changing rooms for the meetings to insure more privacy but the leaks to the press have continued. He said he personally feels that any member of that Committee who voluntarily gives information to the press is doing a disservice. He said the members of that Committee have worked hard and that the person or persons who have given information to the press have no respect for this Board. He said he can't be expected to trust the Committee that they will not go out and seek additional information when they will not even abide by the standing rule of the Committee not to give information from executive sessions to the press. He said he has no objections to this Committee fulfilling its obligations to the City of Stamford by submitting

its report next month. He noted that the four Committee members who are also members of the Fiscal Committee have an obligation to the taxpayers as far as the budget is concerned. He said he would request that this Committee be dissolved this evening and that it be given permission to present to the Board at the June meeting a full report. He said he does not see any legal ramifications to this. He said the Committee is working on its report. He said by leaving it open to more witnesses, more interrogation, more minutes that by this time next month someone else will come up with the idea that additional testimony is required. He said the Committee has all the information necessary to make a reasonable, accurate report to this Board. He asked that the Committee be dissolved and given permission to submit a report at the next Board meeting.

MR. EXNICIOS said in answer to Mr. Boccuzzi said that this Committee has made no charges and, consequently, there is no one to come forward to refute such charges. He noted the Advocate has said many things, some right, some wrong but the Committee per se has not made any charges. He asked the Board members if they want the truth to come to the surface or do they want it to be buried. He asked the Board for the time and the power to do the job.

MR. JOHN BOCCUZZI said he didn't imply that the Committee made charges. He said witnesses have made charges involving private citizens in open sessions and there has been ample time for everyone to come forward to defend themselves against these charges.

MR. WALSH said that as a member of the Committee he wholeheartedly agreed with Mr. Boccuzzi. He said the Committee has been meeting for the past three months and every witness possible has been heard. He said he saw no further need for any more witnesses.

MR. FLANAGAN asked if Mr. Boccuzzi were prepared to present a report to the Board this evening.

MR. JOHN BOCCUZZI said he was not prepared.

MR. FLANAGAN said that it would seem to him that when the Committee was formed three months ago it was charged to report to the Board of Representatives and he doesn't see how the Committee can be dissolved until it has completed the task that was assigned to it. He said if the Committee is dissolved, the situation would arise where there were Board members without any status preparing a report. He said he is of the opinion that the Committee would have to stay in existence until its report is delivered to the Board.

THE PRESIDENT said the Committee itself sought a written opinion from Mr. Freedman, the Corporation Counsel, on the question as to whether or not it was proper to extend the life of the Committee. He said at the time the Committee was formed three months ago there was a general understanding that three months would be enough time. He said Mr. Freedman responded in a written opinion saying that it would be proper, it would be legal for the Board to extend the life of the Committee under Section 204.2 of the Charter. He said there is another question and the Committee didn't choose to ask it of Mr. Freedman and he said that is if the Committee failed to have a report ready by May 5th whether or not it would be proper for the Committee to go beyond that date to wind up its affairs by finalizing the report. He said he discussed that question with Mr. Freedman and it appears it would be proper to permit the Committee to meet only to write up a report. He said it has to be realized that the Committee would be on somewhat shaky ground because technically the Committee ceases to exist as of this meeting. He said, however, traditionally on the Board some latitude has been given regarding these reports and he feels it would be reasonable to allow the

Committee to meet just to write the report using the material it now has in its possession.

MR. EXNICIOS said that if the Committee ceases to exist, it would not have the benefits of a secretary for the evening meetings.

THE PRESIDENT noted that that could be taken care of out of the regular Board of Representatives' budget.

MR. GUROIAN said he received a call about a week ago from Mr. Boccuzzi asking whether he would support continuation of the Committee for another month and at no time during that conversation did Mr. Boccuzzi allude to the fact that the Committee would close the door to the possibility of additional information. He said had Mr. Boccuzzi said that he would not have agreed to support the request for extension of the Committee's life for one more month. He said he is of the opinion that if the Board supports Mr. Boccuzzi's request to dissolve the Committee, the Board would be saying that it does not trust its colleagues who are on the Committee because Mr. Boccuzzi has said there is the possibility that they will go out and seek witnesses. He said he thinks that if a person of his own volition wants to come forth and testify, that opportunity should be available as the Committee is obligated to seek the truth and to bring some semblance of honesty and morality into City government.

MR. JOHN BOCCUZZI said he thought he told Mr. Guroian that the Committee wanted the extension just to write the report.

THE PRESIDENT said some people want to extend the life of the Committee for a limited purpose and that is not really possible. He said either you have a Committee in existence under Section 204.2 or you don't.

MR. LOWDEN asked if Mr. Freedman is certain that a report would have any legal status if it is turned in by a non-existent Committee.

THE PRESIDENT said he could not speak for Mr. Freedman. He said when you are talking about turning in a report, you are talking about internal matters relating to this Board. He said nobody is going to try to stop the Board from accepting a report or adopting a resolution. He said that it has to be kept in mind that whatever resolutions might come out of Committee would be recommendations as it appears that the Board does not have the power to remove anyone. He said as a practical matter the dangers are negligible.

MR. LOWDEN said that he was misled and he believes other Committee members were misled by Mr. Boccuzzi's apparent willingness to go along with an extension of the Committee. He said he never felt that there would be any restrictions when the Committee agreed to request an extension. He said if anyone would like to come forth and testify and rebut some of the facts that have come out in the paper for their own defense before the Committee comes to its final opinion, they should have that privilege. He said that he also feels that there are some things that he would like to get cleared up if people would come forth and try to clear them up. He said this is an extremely complex situation and he would like to come out with a report that is fair to everyone. He said he would not like to close the door on possible testimony that would help clear up some of the issues. He said he is not looking to subpoena anyone and promised that he would not push for the subpoena of anyone for the rest of the life of the Committee, but he would like the opportunity to have anyone come in and testify for the record if they so desire.

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MR. JOHN BOCCUZZI said that when he was asked about the extension of the Committee it was simply to write the report. He said he was requested to check with the Democrats to see if they would agree to a one-month extension to write the report. He said this was the original intent of the Committee.

MR. SAINBURG said that the President did give some indications that there might be some doubt as to the validity of the report if the Committee were dissolved.

THE PRESIDENT said Mr. Sainburg's point is well taken because technically either the Committee exists or it doesn't exist, and, in effect, the Committee ends May 5th.

MR. SAINBURG said that inasmuch as there is a particle of doubt he would hate to see a possibility of the three-months' work of the Committee going down the drain and he said it is very important that the Committee be given a full, legal one-month extension. He said it is also not his intention to call any more witnesses or to request any more witnesses. He said the Committee would look very foolish if some witnesses did show up or some of the witnesses requested to reappear and the Committee was forced to say that it could not receive any more testimony. He said it is absolutely essential that anyone be given the opportunity to speak if the need should arise.

THE PRESIDENT said he didn't want to get into the debate but he felt he had to say that the people who want to continue the life of the Committee have to realize that there was a great deal of talk about limiting this investigation to a three-month period and the people on the other side have to realize that it is not possible to have the Committee existing for a limited purpose. He noted that although a three-month period was designated, Mr. Freedman has said that it would be legal to extend the life of the Committee. He said that if the life of the Committee is not extended and if the report is not ready tonight, an iron curtain will not be dropped and the Committee will be permitted to write the report. He said he is sure everyone will agree to that as being a reasonable way to conduct business.

MRS. FORMAN said she can not see how this Committee could be extended without doing it under Section 204.2 of the Charter. She said that if the Board decides to make the Committee a non-Committee, she would feel obligated to present certain preliminary findings that the Committee has been working on all weekend. She said the report is not ready for presentation but rather than have nothing and run the risk of being a non-Committee with no credentials, she would feel obligated to read it at this time.

MR. THEODORE BOCCUZZI spoke in opposition to Mr. Exnicios' motion and in support of the Majority Leader. He said at the time the Committee was created there was a real legitimate concern on the part of members of the Board that this Committee not be created to go on and on for months. He said it has been his experience on this Board that every time a committee is created it has a habit of prolonging itself and going on and on and not meeting any of its objectives. He said the Committee has been charged with a certain amount of responsibility and has met that responsibility head-on and he thinks it is time for the Committee to put to an end some of the things that they have talked about and write up its final report to this Board. He said all persons have had ample opportunity to testify if they so desired. He said the Stamford Advocate has given the Committee more than sufficient coverage and it is amounting to what he thinks is a witch hunt and something that is very unreasonable. He said the Committee has done what it set out to do and it is time to put it to an end and for the

Committee to make its report and present it to this Board next month.

MR. LOUGHRAN said the status of the Committee would be very uncertain should the proposed resolution not be passed. He said there are real trade-offs involved but it is his opinion that the most important aspect is not to jeopardize the work the Committee has done. He said he recommends that the proposed resolution be adopted for the sake of good order and for the sake of insuring that all of the work of the Committee get proper viewing and proper impact.

MR. ZIMBLER said he has been sitting here listening to 45 minutes of petty bickering and parliamentary tricks and he is in a state of disbelief. He said this is probably the biggest thing that most members will have to cope with during their time on the Board. He said the Board is discussing integrity in government and something that may affect lives and careers. He said he can not see how the Committee can be restricted and he said the Committee has to be able to do what it has to do.

MR. COSTELLO said as a member of the Investigating Committee that he doesn't feel Mr. Boccuzzi tried to deceive anyone on the Committee. He said the extension of the Committee was for the sole purpose of writing a Committee report. He said there is a member of the Committee who doesn't have integrity because he runs to the reporter after every meeting. He said having the information from executive sessions in the paper has disturbed him a great deal.

MR. CONNORS said he doesn't see any objection to the Committee meeting to write a final report to be presented at the next meeting.

MR. EXNICIOS said the majority of the Committee who is doing the work would like this resolution passed.

MR. JOHN BOCCUZZI spoke on a Point of Personal Privilege and asked that Mr. Exnicios report the vote that was taken earlier this evening.

MR. EXNICIOS said he is not talking about a vote. He said he said a majority.

MR. JOHN BOCCUZZI said he would like Mr. Exnicios to report what happened in the office prior to this meeting.

MR. EXNICIOS said he didn't mention a vote and said he said the majority of the Committee is of the opinion that they want this resolution passed. He said he resented Mr. Ted Boccuzzi's mention of "witch hunt". He said no member of the Committee has attempted a witch hunt and that the members have been most objective and dedicated and have bent over backwards to be fair to everyone. He said if Mr. Costello has any fragment of evidence of anyone's going to the newspaper, he wished he would bring it out. He said there is no such evidence to his knowledge.

THE PRESIDENT noted that if anybody wished to report on a vote that was taken in the Committee, the Board is entitled to know what the vote was.

MR. JOHN BOCCUZZI said that when the question was asked by Mr. Exnicios to the Committee, he could not muster the votes to approve the two resolutions. He said he thought he had three votes.

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MR. EXNICIOS said he was not talking about a vote.

THE PRESIDENT said it ought to be able to be figured out if there was a vote or not and how people voted. He asked if there was a vote taken in the Committee.

MR. JOHN BOCCUZZI said that there was.

THE PRESIDENT asked what the vote was on.

MR. JOHN BOCCUZZI said it was on whether or not to extend the Committee under the two resolutions and the vote was five to three against the extension.

MR. EXNICIOS said he is not talking about a vote but is talking about the feeling of the members of the Committee as they sit in this meeting.

MR. HOFFMAN said that as the Chairman of the Personnel Committee that proposed the recommendation that this whole matter be investigated he thinks that the Committee ought to be extended so that all facets can be thoroughly explored. He said it has not been a witch hunt. He said if the Committee is to be able to know the whole truth, the life of the Committee must be extended for another month.

MR. ROSS said it is his understanding that there is no majority report at this time.

THE PRESIDENT said there is no final report at all and the motion on the floor at this time is that which was made by Mr. Exnicios to adopt the resolution extending the life of the Committee. He asked Mr. Exnicios if his motion was made on behalf of a part of the Committee.

MR. EXNICIOS said there is no report that the entire Committee has voted on. He said that if the Committee goes out of existence tonight there is a rough draft of the report that he feels is incumbent on some members of the Committee to read to the Board. He said that report would not be final. He said he would have to ask for a recess so that the Committee can get together and read it over and get a report out. He said he would not want to take the chance of being out of existence and coming in with a lame duck report next month.

MR. ROSS said it is his understanding that there are two minority reports then that could possibly come forward. He said he understands that there is a report from the Republican side and one from the Democratic side.

MR. EXNICIOS said he wants to make it very clear that there is no such thing as a Republican or Democratic report. He said what he said is that there is no official report from the Committee as a whole. He said the Committee has been jointly drafting a report and some members have completed their drafts, but others have not seen it. He said a report could be given if this Committee is going out of existence, maybe two.

THE PRESIDENT noted that there is no report unless the Committee voted on it.

MR. JOHN BOCCUZZI said the Committee hasn't had time to check over the draft. He said it was given to some members this evening. He said the Committee has worked on it and a lot of things have been put in the hopper and the report was put on paper. He said the Committee has not come to an agreement on every point as yet. He said the Committee as a whole has not read the report, has not discussed it and has not voted on any part of it to make it officially a Committee report to this Board.

MR. ROSS said that it is his opinion that it would not be in the best interests of all those who are involved to put this Committee in the position of having to present two or three minority reports this evening that have not been thoroughly reviewed and contemplated. He urged the Board to support the extension of the Committee to allow time for a well-planned report.

MR. LOWDEN said he was totally in agreement with what Mr. Ross just said. He said he has his own version of certain sections of the report which no one else has had a chance to read. He said he has not seen the later version of the report of another group of the Committee. He said he has seen nothing from another group and it could very well be that the Committee would come out with fragmentary reports at this time.

MRS. LAITMAN said that as the originator of the resolution creating this Committee she carefully limited its life. She said the deadline is upon the Board and there is no final report, only fragments. She said it is her opinion that the Board has no choice but to extend the life of the Committee for one more month and not to do so would put the Committee in a state of limbo. She said the Committee should be extended so as to legitimize the final report, to satisfy the citizenry of this town and to restore some confidence in the integrity of governmental servants. She said not to do so would put the report in somewhat a state of legal jeopardy and it would have a questionable parentage. She requested that if the Committee is extended that there be no meetings until the budget is voted on so that the four Fiscal Committee members who are on this Committee would be able to concentrate on the budgetary matters.

MR. CROSBY said he would have been delighted if the Committee could have been ready with a report at this meeting. He said the Committee has spent many long hours in meetings. He said the thought of the door being slammed shut after all the hard work that has been put in by the Committee is very disturbing to him. He asked that the Committee not be put in a non-existent spot.

MRS. PERKINS asked if it were possible for a non-existent Committee to take a vote.

THE PRESIDENT noted that that was a good question.

MRS. PERKINS noted that the Committee has not voted on the report and if there is no Committee, then there can be no report. She then quoted from the speech she had referred to earlier, Morality in Government, as follows:

"The great English statesman, Edmund Burke, who was sympathetic to the American cause, said in 1795, 'The only thing necessary for the triumph of evil is for good men to do nothing.'"

MRS. CLARK MOVED THE QUESTION. Seconded and CARRIED.

MR. EXNICIOS requested a ROLL CALL VOTE and a sufficient number of members supported his request.

THE PRESIDENT said the resolution to re-establish the Special Investigating Committee required 27 affirmative votes for passage and would extend the Committee until the June meeting with full powers to subpoena witnesses and take sworn testimony.

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The following ROLL CALL VOTE was taken on the motion to adopt the resolution to re-establish the Special Investigating Committee and the motion LOST by a vote of 25 yes and 14 no:

THOSE VOTING IN FAVOR:

CIBULSKAS, Algird (D)
CROSBY, Robert (R)
DAVIDOFF, Norman (D)
EXNICIOS, Robert (R)
FLANAGAN, William (R)
FORMAN, Barbara (R)
GUROIAN, Armen (D)
HANDLEY, Diane (R)
HOFFMAN, Leonard (R)
KELLY, James (D)
LAITMAN, Marilyn (D)
LOUGHRAN, Michael (D)
LOWDEN, Lynn (D)
MAYNOR, Frederick (D)
McINERNEY, Barbara (R)
MILLER, Frederick (D)
MORABITO, Joseph (D)
PERKINS, Billie (R)
RAVALLESE, George (D)
ROSE, Matthew (D)
ROSS, Salvan (D)
SAINBURG, Richard (R)
SANDOR, John (D)
TRESSER, Michael (R)
ZIMBLER, Kurt (R)

THOSE VOTING IN OPPOSITION:

BLOIS, Julius (D)
BOCCUZZI, John (D)
BOCCUZZI, Theodore (D)
CLARK, Linda (D)
CONNORS, George (D)
COSTELLO, Robert (D)
D'AGOSTINO, Thomas (D)
DeROSE, Joseph (D)
DIXON, Handy (D)
LIVINGSTON, Jeremiah (D)
MARTINO, Vincent (D)
RYBNICK, Gerald (D)
TRUGLIA, Anthony (D)
WALSH, Peter (D)

MRS. LAITMAN asked if it would be in order to have the preliminary report that was mentioned earlier read at this time.

THE PRESIDENT said that if anybody wants to read a report, he will accept the report to be read. He said there doesn't have to be any motion to accept the report. He said it can be just read and received. He noted that a vote on adopting the report is something else.

MR. EXNICIOS said that since the Committee will go out of existence at the end of this meeting, he would like to have a report read into the records that has been put together by the Committee members. He noted that no vote had been taken on it. He said the Committee had full intentions of coming up with a very conclusive report documenting the actions the Committee has taken to date, documenting the Committee's findings, documenting the Committee's conclusions and documenting the Committee's recommendations with regard to both personnel and procedures. He said since the Committee is going out of existence it is incumbent on them to read what had been prepared. He said each member of the Committee should have the opportunity to read his own thoughts if they differ from the ones being read. He said the Committee would not be able to go into the findings or the background of what they have done. He said the report would be limited to conclusions and recommendations. He requested the President to call each Committee member to read his own findings.

MR. THEODORE BOCCUZZI said he was confused and asked if the Board was going to hear a report from the Committee.

THE PRESIDENT said it would not be a report on which there was a vote. He said if members of the Committee want to read a report he would not stop them as he is of the opinion that it would be in order. He said having a report read does not mean that this body is adopting the report.

MR. THEODORE BOCCUZZI said it was his understanding that all members of the Committee have not even had a chance to read the entire contents of the report and it would seem logical to him, therefore, that anything that was read tonight would be the presentation of individuals of the Committee rather than any kind of a Committee report.

MR. TRUGLIA asked if it would be possible for the Special Investigating Committee to become an Ad Hoc Committee with the sole purpose of completing the report.

THE PRESIDENT said that nobody is going to stop the Committee from meeting to compile and complete the report and nobody is going to stop a motion from being made at the June meeting. He said he does not think all this business of reading reports is necessary this evening.

MR. TRUGLIA said that was his point as he would rather have the report presented from the entire Committee than from eight individuals.

THE PRESIDENT noted that if the members want to read reports, the Board will have to listen to those reports.

MR. EXNICIOS said that if the Chair is willing and if his co-chairman is willing, the Committee could meet for five minutes and take a vote. He said a majority might vote to read one report. He said the Committee is still in existence until the end of this meeting.

MR. TRUGLIA said that it would seem to him that the moment the motion to re-establish the Committee failed that Committee no longer existed.

THE PRESIDENT said the Committee can continue to meet only for the purpose of compiling their report. He said that he consulted with Mr. Freedman and it was decided that it would be reasonable to permit the Committee to continue to meet only for the purpose of drawing up their report.

MR. TRUGLIA asked who was giving the Committee permission to continue to meet to draw up the report.

THE PRESIDENT said that the final say on anything on this Board always rests with the majority of this Board and the Chair is never more than the repository of the power which is held by a majority of the Board. He noted that before that last vote was taken there was a good deal of discussion in which it was said that this Committee as far as he was concerned, would have the right to continue to meet to file its report. He suggested that no attempt be made at this point to argue that the whole thing has to be suppressed as of now. He said that was not what he said before the vote and it is not his opinion at the present time. He said if anybody wants to read a report tonight, he will accept it. He said if there is a recess and if the Committee votes on a report and that report is read, then the Board can vote on it tonight.

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MR. TRUGLIA said that it is his understanding that the President is saying that this Committee still exists and has a right to make eight individual reports.

THE PRESIDENT said if an individual wants to read a report tonight, that is his privilege.

MR. TRUGLIA said he wanted to make a motion to establish an Ad Hoc Committee. He said he would be willing to make that motion following the five-minute recess.

THE PRESIDENT said that the Minority Leader has requested a recess.

MR. JOHN BOCCUZZI, Majority Leader, said he was willing to have a five-minute recess and noted that in no way will he suppress a full Committee report next month.

The meeting was then recessed. (12:58 a.m.)

THE PRESIDENT called the meeting to order at 1:24 a.m. He said it appears that the full Committee has not been able to come to an agreement. He said that as far as he is concerned a report, or reports, would be in order at the June meeting. He reminded all of the members of the Board that if they feel the Chair is out of order in accepting a report or permitting someone to speak at any meeting, it is the privilege of any member of this Board to appeal a ruling of the Chair. He said it is a majority of this Board which has the power to control what goes on at these Board meetings. He said he is aware that some of the members of the Special Investigating Committee have misgivings about the legality of reporting at some future date. He said he can understand their concern especially if the report focuses on a particular individual's conduct. He said he is willing to accept a report or more than one report at the June meeting and noted that final authority rests with a majority of this Board. He said he believes the Committee did not come to an agreement during their meeting but he also believes that Mr. Exnicios has a report to make.

MR. EXNICIOS reported that the Committee, which is still duly in existence, had read to it a rough draft of a final report and a vote was taken and the vote was four in favor of this report and four against. He said to the best of his knowledge the four against it did not have a report of their own to submit. He said he would like to have Mrs. Forman read that report at this time.

THE PRESIDENT said inasmuch as the report is not coming from a majority of the Committee, it is not a Committee report. He said it is a report approved by four of the members of the Investigating Committee. He suggested the four people be identified.

MR. EXNICIOS said the four members were Mrs. Forman, Mr. Sainburg, Mr. Crosby and himself, Mr. Exnicios.

MR. BLOIS asked if it would be feasible at this time to recess this meeting and give the Committee two or three weeks and then continue this meeting.

THE PRESIDENT said it might be feasible but he would suggest that in view of what has happened tonight that the Board respect the wishes of these four people who seem to feel that if they can't make this report now, they have no chance to legally make this report in the future.

MR. BLOIS noted that if the Board recessed, it would still be the same meeting.

MR. EXNICIOS said that he would like to speak for the four members who drafted the report. He said he would appreciate the Board members giving them about ten minutes of their time to listen to the report because it is the intention of these four members to release it to the press this evening.

MR. THEODORE BOCCUZZI said he believed Mr. Blois' suggestion was an excellent one and would ask that he put that in the form of a motion. He said to recess to a time and date certain would eliminate a lot of the problems. He said, secondly, he would like to register his strong disapproval of the reading of the report by four Committee members. He said it will be largely misconstrued as a Committee report and he does not think that that is its intention.

THE PRESIDENT said he would accept a motion to adjourn to a date certain.

MR. THEODORE BOCCUZZI MOVED that the Board adjourn to May 19 at 8:00 p.m. Seconded. He noted that a motion to adjourn was not debatable.

MR. EXNICIOS spoke on a Point of Information and asked if it were in order to accept a motion to adjourn in the middle of a report being read.

THE PRESIDENT noted the report was not being read. He said Mr. Boccuzzi's motion was in order. He said it is not a debatable motion.

MR. DIXON said that if this meeting is adjourned to another date what would the status of the Committee be during this period.

THE PRESIDENT said that was not an appropriate question. He said four of the Committee members believe that the Committee does not exist after May 5 and that is why they want to give the report tonight. He said the motion has been made by Mr. Boccuzzi and it is not a debatable motion. He said it was seconded and he was going to proceed to a vote.

MR. LOUGHRAN was recognized on a Point of Information. He asked what the intention of the four members of the Committee would be relative to this motion.

THE PRESIDENT said that was not an appropriate question as it would invite debate over whether or not to adjourn.

A request for a ROLL CALL VOTE was made and a sufficient number of members supported the request.

MRS. PERKINS was recognized for a Point of Clarification. She asked if the Committee was to end May 5th or at the end of the May meeting.

THE PRESIDENT said he did not have the resolution in front of him with the exact language. He said he was not going to permit any more Points of Clarification as they were becoming debates. He said the vote would be taken on the motion to adjourn the meeting to May 19, 8:00 p.m. He said necessary for passage is a majority of those present and voting.

MRS. LAITMAN said she was aware that the President ruled that there would be no more points of clarification but that ruling was making it very difficult to vote. She said it is their understanding that this Committee would still stay in existence until the end of the May 19th meeting.

THE PRESIDENT said he never said that.

MRS. LAITMAN said she questioned the President's ruling.

MRS. FORMAN asked that the resolution adopted last month be read at this time.

THE PRESIDENT said the language is identical to the wording of the resolution proposed at tonight's meeting. He quoted as follows:

BE AND IT IS FURTHER RESOLVED that such Special Investigating Committee make a final report on its findings at the first regular meeting of the Board of Representatives following the re-establishment of said Committee.

MR. ROSS was recognized on a Point of Order. He said the motion to adjourn to a certain time is debatable according to Robert's Rules.

MR. LOUGHRAN asked if the Committee would still be in operation if the meeting were adjourned to May 19.

THE PRESIDENT said he is not obligated to make a statement concerning the meaning of a motion that comes from the floor. He said he does not think it has anything to do with whether or not the Committee still exists.

MR. LOUGHRAN said he thinks it does. He said his concern from the outset this evening was that he did not want to contribute in any way to do anything that would jeopardize all the work of the Committee. He said that if the Committee still exists to the end of the adjourned meeting, then that work will not be jeopardized.

THE PRESIDENT said he does not think it is appropriate for him to rule on that. He said the Board could obviate the problem by hearing the report now.

MR. DIXON said that it is his understanding that the Committee was extended until this meeting and if this meeting is adjourned, then two weeks from now the Board will continue this same meeting.

MRS. LAITMAN said that in Robert's Rules, on page 202, section B, it talks about when the adjournment closes the session in an assembly having regular sessions, which would be the Board of Representatives, and it says if a question was pending at the time of adjournment, it is taken up as the first item under unfinished business. She said she would assume that that would mean this report and she does not see any reason for this report not to be considered. She said the purpose would be to see if there was some kind of agreement among all members of the Committee. She said it would make the work of the Committee far more effective.

MR. CONNORS said the Board frequently adjourns its meetings at budget time. He said it would be the same meeting on the 19th.

MR. GUROIAN said that in his book the Committee is out of existence since today is May 6. He said the Committee has been reduced to a colossal joke on the people of Stamford and on those who supported the Committee in its request for extension of life.

MR. DAVIDOFF, the Parliamentarian, quoted from Robert's Rules, as follows:

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"The effect upon unfinished business of an adjournment is as follows:

"When it does not close the session, the business interrupted by the adjournment is the first order after the reading of the minutes at the next meeting and is treated the same as if there had been no adjournment, an adjourned meeting being legally the continuation of the meeting of which it is an adjournment".

He said according to Robert's Rules, it can be continued on the 19th.

MR. THEODORE BOCCUZZI said the reason for his motion was to hopefully get some kind of a meaningful report from the entire Committee, rather than just a report from four individuals on the Committee. He said if the meeting is adjourned to May 19 it would be the same exact meeting and the Board can take up the business at hand and it would give the eight members of the Committee a chance to sit down, talk, discuss, deliberate and think about some reasonable conclusions for its report rather than the haphazard kind of report that he thinks the Board is going to hear tonight.

MRS. HANDLEY said she would like to go on record as being absolutely disgusted with this motion and she has to interpret this motion as an effort to stifle the report, be it of only four people. She said they should be allowed to give it.

MRS. MCINERNEY said the people of Stamford elected the members as responsible legislators and she feels the Board is letting them down. She urged that the four members be allowed to read the report and then the Board can adjourn and come back and vote on this particular item.

MR. HOFFMAN said the Board is faced with a situation where for three months the Committee has deliberated over the numerous problems that have come before them and they haven't reached any sort of an agreement. He said he doesn't know what is going to come about that is going to make them change their mind in the next couple of weeks. He said the minority report should be heard.

MR. EXNICIOS said he would have to take umbrage with Mr. Ted Boccuzzi again. He said every member has had this report read to them. He said it would be to the benefit of the Board members to hear this report before they read it in the paper.

MRS. LAITMAN said that some people were hoping that if there were an adjournment there would not be any effort to stifle anything but rather it was hoped that there might be some kind of compromise. She asked Mr. Exnicios if there was any purpose to the adjournment in his eyes and if he would then work with the rest of the members of the Committee to have a report ready for the 19th.

MR. EXNICIOS noted that the Fiscal Committee would be meeting up to and including the 12th of this month so nothing would be done in the next week and a half. He said it is his personal opinion that the Committee has ceased to exist. He said there was nothing new in the recommendations and they have been before the Committee for the last week, week and a half. He said some Committee members are on record as totally opposed to some of the recommendations and others feel that they don't like some of the wording. He said it is his opinion that he doubts that a unanimous report would be forthcoming from this Committee and with the short period of time to work on it, he would doubt that it would be any different than it is tonight.

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MRS. LAITMAN said she would like to hear from the rest of the Committee because if they all feel the same way as Mr. Exnicios does, then she would have to say that there would be no purpose in an adjournment.

MR. CROSBY said that when he came in tonight he saw distributed on all the desks part of a testimony taken in the Committee's sessions and he could see right there that something was happening. He said the Committee was voted out of existence tonight as a legal Committee and he feels that while this meeting is still in session, the report should be given.

MRS. FORMAN said that she feels, inspite of the wording of Robert's Rules, that it does not still legally validate the Committee and this is the crucial point. He said if there is any question about the legality of the Committee, she would like the report to come out tonight.

MR. LIVINGSTON MOVED THE QUESTION. Seconded.

Following the voice vote, THE PRESIDENT declared the motion LOST. A division was requested..

MR. HOFFMAN rose on a Point of Information. He said Mr. Rybnick is related to Mr. Barker through marriage and Mr. Connors has a son that works for the City and he is wondering if these votes are legal because of these things. He said these men should have disqualified themselves from voting on this question.

THE PRESIDENT said he wanted to make one statement. He said Mr. Hoffman was entitled to his opinion but he would have to say the same thing that he said with respect to some of the Board members who work in the local school system and that is that the decision as to whether a vote is ethical is left to the individuals who are voting.

The division on the machine was then taken on the motion to limit debate and the motion was LOST by a vote of 17 yes and 22 no.

MR. LOWDEN said he feels that if the Committee is still a legal Committee, there would be a great purpose for having an adjournment. He said the Committee can still come to terms. He said one reason one member of the Committee did not come to terms with the four others who want to read their report is because he had some input and he didn't get a chance to put it in. He said that member has been writing up evidence while the others were writing up conclusions and recommendations. He said he has some of his own and he has not had a chance to study theirs and they have not had a chance to study his. He said he would like to get together with the other Committee members if there is any way to keep the Committee alive. He said there is a very good chance the Committee can come up with a majority report and a possible chance of coming up with unanimity.

MR. JOHN BOCCUZZI said he agrees with Mr. Lowden. He said if the Committee can sit down and talk there will be a report.

MR. SAINBURG suggested that if someone on the prevailing side of the vote that was taken on the resolution to re-establish the Committee would move for reconsideration of that resolution, then maybe the Committee could be legally extended. He said he, too, was concerned about what Mr. Crosby brought up. He said the Committee has been hearing testimony in both open and executive sessions and it was his understanding that all of it was supposed to be kept

within the Committee. He said people are not allowed to come in and distribute the Committee's evidence. He said someone should find out how some of the evidence got out and was put on everyone's table this evening. He said he was very upset about that.

MR. EXNICIOS asked Mrs. Flaherty how the Committee testimony got on everyone's desk tonight.

MRS. FLAHERTY said that Mr. Rybnick brought her the copies of the testimony this afternoon and asked her to put one copy on each member's desk.

MR. EXNICIOS asked Mrs. Flaherty if Mr. Rybnick got the information from her and she said no.

MR. EXNICIOS asked Mrs. Flaherty if she knew where Mr. Rybnick got the information and she said she did not know for sure.

THE PRESIDENT noted that when he was in the State Legislature nothing could be put on the desks without the Speaker's permission. He said maybe the Board is too open with this sort of thing and could use some sort of regulation governing it.

THE PRESIDENT noted there was still a motion to adjourn to May 19 on the floor.

MR. ROSS MOVED an objection to the consideration of the question. He said it does not need to be seconded, is not debatable and is not amendable. He said it takes a two-thirds vote against consideration to sustain objection.

THE PRESIDENT said it is his understanding that Mr. Ross is trying to prevent the Board from voting on the motion to adjourn and if two-thirds sustain that motion, then there would be no adjournment.

There was a request for a ROLL CALL VOTE on Mr. Ross' motion and there was a sufficient number of members supporting the request.

MR. THEODORE BOCCUZZI requested that the President clarify the vote and also noted that the proceedings of the Board have left much to be desired tonight and also noted that if the people in the gallery are going to make comments about the proceedings, he would ask the President to have them escorted from the room.

MRS. LAITMAN said she absolutely agrees with Mr. Boccuzzi's last comment.

THE PRESIDENT said as he understands it Mr. Ross' motion is essentially a motion which delays the Board from voting on the motion to adjourn. He said as far as he is concerned if this motion is carried, a motion to adjourn to May 19 would still be in order.

MR. ROSS said if his motion wins with a negative vote, the Board does not have to consider the motion to adjourn. He said it kills that motion if there is a two-thirds vote against his motion.

THE PRESIDENT said that Mr. Ross means a two-thirds vote for his motion, or a two-thirds affirmative vote.

The VOTE was taken on Mr. Ross' motion and the motion was LOST by a voice vote.

THE PRESIDENT said the motion on the floor is the motion to adjourn to May 19. He said there has been a request for a ROLL CALL VOTE and he ordered the Clerk to call the roll.

The following ROLL CALL VOTE was then taken on the motion to adjourn and the motion LOST by a vote of 16 yes and 23 no:

THOSE VOTING IN FAVOR:

BLOIS, Julius (D)
BOCCUZZI, John (D)
BOCCUZZI, Theodore (D)
CLARK, Linda (D)
CONNORS, George (D)
COSTELLO, Robert (D)
D'AGOSTINO, Thomas (D)
DAVIDOFF, Norman (D)
DeROSE, Joseph (D)
DIXON, Handy (D)
LIVINGSTON, Jeremiah (D)
LOUGHRAN, Michael (D)
MARTINO, Vincent (D)
RYBNICK, Gerald (D)
TRUGLIA, Anthony (D)
WALSH, Peter (D)

THOSE VOTING IN OPPOSITION:

CIBULSKAS, Algird (D)
CROSBY, Robert (R)
EXNICIOS, Robert (R)
FLANAGAN, William (R)
FORMAN, Barbara (R)
GUROIAN, Armen (D)
HANDLEY, Diane (R)
HOFFMAN, Leonard (R)
KELLY, James (D)
LAITMAN, Marilyn (D)
LOWDEN, Lynn (D)
MAYNOR, Frederick (D)
McINERNEY, Barbara (R)
MILLER, Frederick (D)
MORABITO, Joseph (D)
PERKINS, Billie (R)
RAVALLESE, George (D)
ROSE, Matthew (D)
ROSS, Salvan (D)
SAINBURG, Richard (R)
SANDOR, John (D)
TRESSER, Michael (R)
ZIMBLER, Kurt (R)

MRS. FORMAN said that before she read the report she would explain how the Committee had originally planned the report. She said it was to have been presented in four parts. She said the first part was to be how the Committee was set up, who the Committee met with and the time that was spent and so on. She said the second part was to be a series of facts without prejudice and the third part was going to be conclusions and the fourth part, recommendations. She said they have completed the conclusions and the recommendations. She said they have the facts but they are in bad order and are not in an order to be presented and the Committee was hoping to spend the extension in presenting the facts to back up the recommendations and conclusions so that the Board could sift through them and understand exactly how the Committee reached its conclusions. She said at this time she would read what four of the Committee members have agreed upon as to the conclusions and the recommendations. She then read the following report:

CONCLUSIONS

The Investigation Committee has come to the following conclusions:

1. Undue pressure and influence were exerted by the appointed applicant in order to cause his selection.

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2. The Department of Civil Service conducted the examination process in such a manner as to practically guarantee the inclusion of one candidate, preferred by them, in the list of three certified names. This was done by:

- a. Restricting the eligible candidates to only three people with veterans' points.
- b. Rejecting certain eligible applicants who might have edged out the preferred candidate.
- c. Weighting all of the preferred candidate's qualifications as heavily as possible even to the point of giving two years of college credit for a relatively simple home study course actually completed in 5½ months.
- d. Giving extraordinarily light weighting or no weighting to other applicants' qualifications, particularly in regard to pertinent educational achievement.
- e. Interpreting the education equivalence clause in defiance of the proper construction of the English language.
- f. Never publicizing nor allowing the loose interpretation of the equivalence clause to become known thus discouraging from applying potential candidates who did not possess the educational requirement.
- g. Severely limiting the time period for applying.
- h. Failing to advise rejected applicants of appeal procedures.
- i. Failing to clarify to the Parks Commission a possible means of obtaining a new list of certified candidates.
- j. Changing the specifications without approval by the Personnel Commission or review by the Parks Commission in such a way as to eliminate certain potential applicants.

3. The procedures used by the Department of Civil Service in testing, scoring, and record keeping indicate inconsistency, lack of proper control, and a high degree of discretionary authority which appears to have been misapplied. These are evidenced by:

- a. Failure to request proof from applicants of academic credentials.
- b. Failure to retain records of rejected candidates.
- c. Failure to inform candidates of possible appeal procedures.
- d. Withholding from the Parks Commission the procedure for obtaining a new list of certified candidates.
- e. Arbitrary rejection of candidates.
- f. Adding candidates to the examination without Personnel Commission approval.

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- g. Changing job specifications without Personnel Commission approval.
 - h. Failure to inform candidates on the list of eligibles of their standings subsequent to the examination.
 - i. Unilaterally changing official records without notification to those involved.
 - j. Use of poorly written, ambiguous, and misleading specifications.
 - k. Poor judgement in weighting of qualifications so that veterans' points are grossly overemphasized.
 - l. Failure to request monthly reports on probationary office holders as specified in Civil Service Regulations.
 - m. Failure to systematize and use a consistent basis for weighting educational and experience factors in scoring applicants.
 - n. Guilt in violating Civil Service Regulations in presenting applications and resumes to the oral examiners and in not preserving anonymity prior to oral examination.
4. The Personnel Commission completely abdicated its responsibility and supplied neither supervision nor restraint on the actions of the Department of Civil Service. Its activities in this matter have been limited to acting as an apologist for that department.
5. The Parks Commission selected the preferred pre-selected candidate by:
- a. Eliminating one highly eligible candidate for the suppositious reason that he might be using the Stamford job as a wedge in his own city. He would otherwise have been selected, and, if so, this reason would have come out then or during the probationary period. It was not up to the Parks Commission to predetermine this supposition.
 - b. Eliminating the second candidate because he did not live in Stamford and would not move here. Residency was never a requirement, not having been added as a special qualification by the Chairman of the Parks Commission when given the opportunity.
 - c. Failing to follow through with the procedure for getting a new certified list of candidates as had been done previously.
6. Mr. Berube's signed application contained several misstatements. At least one of these, point (a) below, is serious enough to warrant discharge under paragraph 31 of the application. Misstatements are:
- a. Never suspended from a City position.
 - b. Claimed 19 years 9 months as General Foreman with only six years in that position.
 - c. Claimed two years college credit for a home study course which only required 5½ months to complete.

7. The equivalency clause in the job specification is written in such a way as to require college graduation as an absolute prerequisite for the position. This does not imply that we feel that a college education is necessary for proper performance in the job.

8. There are certain indications of criminal actions:

a. Perjury. Inconsistent and contradictory testimony as well as statements as facts which defy the laws of probability and chance indicate massive perjury by several witnesses.

b. Destruction of evidence. Two important tapes are missing and only those tapes. With scores of tapes available it is strange and improbable that only those vital ones should be missing merely by chance.

c. Alteration of official records. There is certain indication that official records may have been altered.

d. Granting of favors to a city official which may have influenced the outcome of this examination.

e. Misuse of city funds. Direct testimony made to a member of this committee indicates misuse of city funds.

f. Conspiracy. Obviously a number of people were involved in a conspiracy to ensure the outcome of this examination and then to cover up that fact.

RECOMMENDATIONS

1. The Investigation Committee recommends that the Parks Commission invalidate the examination and thus vacate the position of Superintendent of Parks, now filled on a probationary status, because of the improper testing procedures used as indicated in our conclusions.

2. The Committee strongly recommends that the Chairman of the Parks Commission at the time of the appointment of the present Superintendent of Parks be removed by the Mayor from the Parks Commission for cause as specified under Section 503 of the City Charter. Cause for such action includes:

a. Negligence of duty in not following proper procedures such as reviewing job specifications and adding special qualifications later imposed.

b. Lack of diligence in actually searching for the best man available.

c. Other causes which are beyond the power of this Committee to determine because of legal restrictions.

We further request the mayor to ask for the resignations of the other members of the Parks Commission for abdication of responsibility.

3. All members of the Personnel Commission at the time of the appointment in question shall be removed by the mayor under Section 731 of the City Charter for neglect of duty.

4. The Committee recommends that the mayor direct the Personnel Commission to remove the Director of Civil Service under Section 733 of the City Charter. This section specifies removal for "incompetency, misconduct or neglect of duty."
5. The Department of Civil Service shall be ordered to conduct a new examination for the position of Superintendent of Parks using new specifications featuring clear, unequivocal and unambiguous use of the English language.
6. The next Charter Revision Commission should recommend a proposal to increase the number of members of the Personnel Commission from three to five.
7. The Department of Civil Service shall make the following changes in its procedures, forms and other documents:

RECOMMENDATIONS FOR PROCEDURAL CHANGES

1. Job Announcements

- A. Ambiguous headings, such as "open, competitive promotional", shall be eliminated.
- B. The cutoff date for all administrative positions shall be no less than six weeks from announcement date.
- C. The term "negotiable" as it relates to salary range shall be clarified.
- D. A clear, consistent formula for substitution of years of experience for education and vice versa shall be established and made part of all job announcements.

2. Job Specifications

- A. All specifications containing the equivalency clause shall be rewritten so that they are clear and unambiguous.
- B. All specifications for original appointments shall be approved by the hiring authority and signed by all members.
- C. All specifications for vacated positions shall be approved by the hiring authority.
- D. All changes made in the job specifications by the Department of Civil Service shall be approved by the hiring authority.

3. Applications and/or Applicants

- A. The word "war" shall be eliminated in all reference to veterans' points.
- B. All information and references on application forms shall be reviewed before appropriate credit is given.
- C. All applicants for all positions shall receive proper application forms.

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- D. All applications and resumes submitted to the Department of Civil Service shall be kept for a minimum of two years.
- E. Forms to be sent to all rejected applicants indicating reason for rejection and outlining appeals procedure shall be set up.
- F. Forms sent to applicants indicating rejection or acceptance shall be signed by the Personnel Director and the Chairman of the Personnel Commission.

4. Credits

- A. Consistent and equitable rules for weighting all qualifications shall be established.
- B. A system for crediting education and experience shall be established so as to eliminate the disproportionate weight now given to veterans' points.

5. Procedures

- A. The Department of Civil Service shall furnish the hiring authority with a written outline of all pertinent regulations and procedures, including the method for setting up the job specifications, the method of hiring, the method of rejecting and the method for getting additional names.
- B. After reviewing the applications submitted for job openings, the Personnel Commission shall sign them noting acceptance or rejection.

6. Personnel Records

- A. All notations and entries on the personnel records shall be initialled and dated.
- B. All censures, reprimands and suspensions shall be made a permanent part of personnel records for all employees while they are employed by the City of Stamford.

7. Record-Keeping

- A. All City department, boards and commissions shall submit a complete set of all minutes to a Record Room which shall be set up within the Municipal Office Building. A Record Clerk shall be in charge and shall be in the Record Room at all times. A receipt shall be given upon delivery to the Record Room of each set of minutes. No minutes shall leave the Record Room. All persons seeking information shall sign a daily log and note the minutes being reviewed. All minutes shall be kept on file for no less than three years.

MRS. FORMAN said this is what the Committee has up to this point. She said they still have to present all the facts that led up to the recommendations and conclusions.

MR. THEODORE BOCCUZZI asked Mrs. Forman to re-read the preface to the report where she said something about the facts.

MRS. FORMAN said that there were to be four parts of the report and the first part was how the Committee was set up.

MR. THEODORE BOCCUZZI interrupted Mrs. Forman and asked her to read from the report she read from initially.

MRS. FORMAN said she was not reading that part. She said she was just explaining how the Committee was set up. She said the second part was a compilation of all the facts gleaned from all the reams and reams of testimony. She said it hasn't been put in any order ready for presentation although the Committee knows what these facts are. She said this is what is not ready for tonight. She said this is what the Committee felt they would like to have had extra time to present in a readable form in an order to go along with the conclusions and recommendations.

MR. THEODORE BOCCUZZI said he would like to go on record that he was in favor of the spirit of the investigation but he would like to register his strong disapproval of the way this entire report was handled. He said he was led to believe that much of the content of the report would be factual but the report contained words such as "guilt", "failure to do so", and "poor", which are loaded with certain kind of values and certain judgments which he feels is a misuse of the responsibility that the Committee was charged with and that is why he is objecting very strongly to the way the report was given. He said the Board could have accomplished what it wanted to by making this report the report of the majority of the Committee so that the four members who have not had a chance to participate in giving their thoughts to the Committee would have a chance to do so. He said it was a very partial kind of report, very one-sided and other members were not given a chance to participate.

MR. LOWDEN noted that Mrs. Forman was not reading from the basic text of the evidence. He said that is a rather lengthy document. He said what she was reading was four peoples' conclusions and recommendations. He noted that conclusions are not simply facts, but what you read into them or how you put them together and what comes out. He said there is a large section that comes before this in the report they were planning and he said if one was to read it from beginning to end, the conclusions might be a little bit more palatable in some cases.

MR. THEODORE BOCCUZZI said he would agree with Mr. Lowden and that's why he would ask that each of these charges be documented and substantiated with facts rather than the kinds of conclusions that were given tonight.

MRS. LAITMAN requested that every member of this Board receive a copy of that report exactly as it is, even though it is the report of only four members.

MR. JOHN BOCCUZZI said some people are misinterpreting something very important. He said part of the recommendations and part of the conclusions are agreeable to the other four members. He said this is in no way a private report. He said there are recommendations in the report that was read that are his recommendations. He said the only problem is that the Committee did not finalize the report and take a vote. He said it should be understood by this Board that some of the recommendations and some of the conclusions were suggested and are agreeable to the other four members. He said the final wording has not been agreed upon by all eight members.

MR. ROSS MOVED that the conclusions and recommendations be sent to the Mayor and the Corporation Counsel for action. Seconded.

THE PRESIDENT noted that the sending of the report is just a physical act and doesn't imply anything else but that sending the reports to the Mayor and the Law Department for action does imply that the Board has made a value judgment about the report.

MR. THEODORE BOCCUZZI said it is his recollection that just before the report was read it was with the understanding or with the idea that there were not recommendations to be made, that this was just a report given to this Board, that the Board was not to adopt the report, that it was the sole intent of this group to read the report to the Board, that it was not a majority report, nor a minority report, just something that the four members felt they needed to do and had to do and that it was not up to this Board to accept, reject or adopt these recommendations. He said it was his further understanding, although it wasn't spelled out specifically, that next month the eight-member Committee would have a more complete report with input from the four other members of that Committee, filled with further recommendations, filled with further conclusions. He said it would not be appropriate at this time to send these recommendations to the Mayor or to the Corporation Counsel. He said he would further observe that when the Board does hear the full report next month, perhaps it will be the recommendation of the Board at that time to forward this information to the Mayor and to the Corporation Counsel. He said not enough of the Committee members were involved in the final conclusions.

THE PRESIDENT said the Board has before it a report subscribed to it by four members of the Committee. He noted that by listening to the report doesn't mean the Board has taken any action on this report. He said he does not agree that Mr. Ross' motion would be out of order. He said he does agree that if the Board approves Mr. Ross' motion, the Board has gone in the direction of approving the report to some extent.

MR. THEODORE BOCCUZZI said he is of the opinion that the Board would be approving the report to the full extent if the Board approves Mr. Ross' motion.

MR. LOUGHRAN suggested Mr. Ross consider changing his motion to the effect that this Board would accept the report as read tonight as a preliminary report with the complete report to be made at an adjourned meeting on May 19 so that the Board would have the benefit of the report read this evening and also the benefit of all the work that Mr. Lowden did and Mr. Boccuzzi and the other members of the Committee.

MR. ROSS said there is nothing in his motion that would prevent another motion from being made later on when additional material is submitted.

MR. EXNICIOS said he had in front of him 17 pages of the facts, the evidence. He said the Committee has not taken the time to vote on that portion of the report tonight. He said these 17 pages substantiate a lot of the conclusions that were reached in the report read tonight.

MRS. FORMAN said that before she read the report she intentionally outlined what the four sections of the report were and she feels that the recommendations and the conclusions are valid. She said the facts should go along with the report and she thinks it would be only fair for the Board members to see the

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facts as well as who the report is going to be sent to. She said she would hope the Committee could spend this month clearing up the facts and presenting them in an order that could substantiate the conclusions and recommendations.

MR. THEODDRE BOCCUZZI said that in the interest of impartial reporting he would like to have Mr. Exnicios read the facts just as he had the conclusions read.

MR. JOHN BOCCUZZI said the second draft of these facts is not an official document and to have it read to the Board now would not serve the purpose. He said when the final copy is done, copies will be made and distributed to the Board members for their perusal. He said he has no objections to sending a report to the Mayor or anyone else but he would like to have a final document that would be presented to this Board, accepted and then sent to the proper places.

MR. GUROIAN said the very people who voted to destroy the possibility of an extended life for this Committee now are pleading for time.

MR. DIXON said it appears that the Board is now regarding this report as the final report. He said he would like some clarification as to whether or not a final report is forthcoming and when.

THE PRESIDENT said he does not think it was anybody's intention to consider this as any type of a report except what it is, a report from four people, and then Mr. Ross made a motion to go further and send this report with a request that action be taken by the Mayor and the Corporation Counsel.

MR. DIXON said he thinks this report should be laid to rest until the final report comes in.

MR. EXNICIOS said it is his understanding that this Committee has ceased to exist and, therefore, the only report coming out of the Committee will be the one signed by only four members. He said the Committee is no longer in existence.

THE PRESIDENT noted that if this Board wants to listen to a report at the June meeting it can do so if a majority of the Board wants to.

MR. EXNICIOS said that the Committee that did the work is no longer in existence. He said that anyone can give a report at the next meeting but that this Committee has ceased to exist and that any report given after this is not from the Committee.

MR. DIXON said that the full intent of Mr. Exnicios in making the report has been a little misleading in his thinking. He said he is now led to believe that any further report will be ruled unofficial and yet the Board hasn't heard the official report as what was heard was only a partial report.

MR. MARTINO said he wanted to make sure that every member of the Committee receives at least from him the proper credit for a good work which he deduces has been done from the report that has been read. He said he would love to have the other four members get together with the four who have offered a report and give the Board a final report in three or four weeks.

MR. ZIMBLER said he recalled that Mr. Lowden made a statement a few hours ago that there was one member, at least, of the four who were not party to this initial report who was sympathetic with most of the conclusions in this report that was presented. He asked for additional clarification on that.

MR. JOHN BOCCUZZI said he thinks Mr. Lowden was speaking in regard to the work he had in progress. He said he thinks Mr. Lowden should have the right to answer that question.

MR. LOWDEN said he was referring to himself. He said he has sympathy with the thrust of a good bit of what was given on that side. He said there are specifics that he does not agree with. He said many of his recommendations are very similar, some more serious. He said his main objection with the report given tonight was that he did not have time to study it and that he still has some input. He said he thinks the Committee can get together and come up with a final report.

MR. LOUGHRAN said that based on the Parliamentary's ruling earlier that if this meeting were adjourned, the Committee's life would be sustained until the completion of this meeting that after the vote on Mr. Ross' motion another motion to adjourn so that a final Committee report could be completed by a viable Committee would be in order.

MR. GURIOIAN said the recommendations of the four Committee members should be forwarded to the Administration of this City and should be dropped in their laps. He said that the Administration should decide whether these recommendations should be acted upon and should face the music of the public. He said the time has come to put an end to this charade and dump it in the Mayor's hand.

MR. ZIMBLER spoke on a Point of Inquiry and noted that he had voted on the prevailing side of the motion to adjourn and he asked if it would be in order for him to move for reconsideration of that question.

THE PRESIDENT said it would be but noted there is another motion on the floor and that should be considered first.

MR. JOHN BOCCUZZI said that according to Mr. Guroian's interpretation if Mr. Ross' motion is approved the Committee would not have to submit another report.

THE PRESIDENT said it is feasible that the Board would have another report to send on to the Mayor for action. He said he does not think that sending on one report precludes the possibility of another report.

MR. HOFFMAN MOVED THE QUESTION. Seconded and CARRIED.

There was a request for a ROLL CALL VOTE and a sufficient number of members supported the request.

At the request of the President, MR. ROSS restated his motion that the report be sent to the Mayor and the Corporation Counsel for action. He said nothing in his motion precludes any other action that the Board might take on this report or any other report.

MRS. LAITMAN spoke on a Point of Clarification. She asked how the Board can vote to send this report to the Mayor and the Corporation Counsel for action when the Board members haven't had a chance to read it over. She suggested that the motion be that the report just be sent to the Mayor and the Corporation Counsel.

THE PRESIDENT said the question has been moved and there can be no debate.

MR. ROSS suggested that the wording of his motion be that the report be sent to the Mayor and the Corporation Counsel for any action they deem proper.

THE PRESIDENT said that's the motion the Board is voting on.

MR. DIXON spoke on a Point of Information and asked if the Board can properly do this without first having received or adopted the report.

THE PRESIDENT noted that the Board received it when it heard it. He said the motion has an implication that there is something in the report that this Board is of the opinion requires action. He said by this motion the Board sort of adopts the report read by Mrs. Foxman. He reminded the Board that the question has been moved. He said it has been decided to take a ROLL CALL VOTE and the motion has been clarified.

MR. THEODORE BOCCUZZI spoke on a Point of Clarification. He said as far as he is concerned it has not been clarified. He said it is his opinion that by what the President just said that there are implications here that this Board has adopted this report and he suggested that that is completely erroneous.

THE PRESIDENT said he did not say the report has been adopted. He said all the Board had done was to receive the report and if the Board approves Mr. Ross' motion then he is of the opinion that the Board has taken action similar to adopting the report.

The following ROLL CALL VOTE was taken on Mr. Ross' motion and the motion CARRIED by a vote of 24 yes and 8 no:

THOSE VOTING IN FAVOR:

CROSBY, Robert (R)
DAVIDOFF, Norman (D)
EXNICIOS, Robert (R)
FLANAGAN, William (R)
FORMAN, Barbara (R)
GUROIAN, Armen (D)
HANDLEY, Diane (R)
HOFFMAN, Leonard (R)
KELLY, James (D)
LAITMAN, Marilyn (D)
LOUGHRAN, Michael (D)
LOWDEN, Lynn (D)
MARTINO, Vincent (D)
MAYNOR, Frederick (D)
McINERNEY, Barbara (R)
MILLER, Frederick (D)
MORABITO, Joseph (D)
PERKINS, Billie (R)
RAVALLESE, George (D)
ROSS, Salvan (D)
SAINBURG, Richard (R)
SANDOR, John (D)
TRESSER, Michael (R)
ZIMBLER, Kurt (R)

THOSE VOTING IN OPPOSITION:

BOCCUZZI, John (D)
BOCCUZZI, Theodore (D)
CLARK, Linda (D)
CONNORS, George (D)
COSTELLO, Robert (D)
DIXON, Handy (D)
RYBNICK, Gerald (D)
WALSH, Peter (D)

MR. LOUGHRAN MOVED that this meeting be adjourned to 8:00 p.m. on May 19 in order to receive the complete Committee report and that this report be regarded as a preliminary report. Seconded.

MR. THEODORE BOCCUZZI spoke in opposition to the motion and noted that the Board has already voted on this question once this evening. He said the Committee has ceased to exist and a report has been heard and that for all intents and purposes it is just about over and he is not of the opinion that there is a willingness or an intention on the part of four members of the Committee to get together with the other four people to make any kind of a report. He said he doesn't see any reason to adjourn as it would serve no purpose. He said if the Committee does intend to make a report it might as well be done at the next regular monthly meeting and there is no need to have a special meeting on the 19th.

MR. LOUGHRAN said the reason for the suggestion for the adjournment is so that there would be no question as to the legality of the Committee and so that the Committee could make a viable and legal report. He said it seems ridiculous to him to have only four people report from the Committee after they all have put so much work into it.

MR. WALSH spoke on a Point of Personal Privilege. He said all four did have input on the report and that it was just that all of the Committee couldn't get together on some of the wording.

MR. DIXON said he is a bit confused. He said the Committee was dissolved on May 5 and this is May 6 and now the preliminary report was made on May 6. He said he does not know if that was a legal report or not.

THE PRESIDENT said that at this point each member has to decide for himself what to think about the status of the Committee.

MR. EXNICIOS said that the Committee ceases to exist after tonight. He said he did not say that any member of the Committee would not be willing to meet with any other former members of the Committee. He said that anything that would be forthcoming would not be an official report.

MRS. PERKINS quoted from the minutes of the April meeting of the Board which noted that the President said that the Committee will be finished at the regular May meeting of the Board. She noted that it didn't say May 5.

MR. DIXON said that if this meeting is adjourned to May 19 it would be the same meeting.

MR. DAVIDOFF, the Parliamentarian, noted that the motion to adjourn can be repeated if there has been any intervening business though it be simply progress in the debate and he said that this same motion can be brought up any number of times.

MR. GUROIAN said it has got to be accepted that the Committee is dead. He said he does not see any point in a May 19th meeting. He said it is up to the Mayor to decide whether or not to implement the recommendations.

MRS. CLARK MOVED THE QUESTION. Seconded and CARRIED.

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The VOTE was then taken on Mr. Loughran's motion to adjourn to May 19 at 8:00 p.m. and the motion CARRIED.

The meeting was then adjourned to May 19 at 8:00 p.m. (Time - 3:20 a.m.)

Sally Flaherty

Sally Flaherty
Administrative Assistant and
(Recording Secretary)

APPROVED:

Frederick E. Miller, Jr.
Frederick E. Miller, Jr., President
13th Board of Representatives

NOTE: Above meeting was broadcast in its
entirety over Radio Station WSTC.

SF/dm