

MINUTES OF SEPTEMBER 2, 197513TH BOARD OF REPRESENTATIVESSTAMFORD, CONNECTICUT

A regular monthly meeting of the 13th Board of Representatives of the City of Stamford, Connecticut, was held on Tuesday, September 2, 1975 in the Board's meeting room on the second floor of the Municipal Office Building, 429 Atlantic Street, 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: Given by Fr. Robert G. Pohley of St. Mary's Church

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

ROSH HASHANAH

MR. DAVIDOFF wished all members of the Jewish faith who live in Stamford a healthy and happy new year.

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. There were 38 members present and 2 absent. The absent members were:

Jeremiah Livingston (D), 5th District  
Billie Perkins (R), 18th District

ACCEPTANCE OF MINUTES:

MR. JOHN BOCCUZZI MOVED for the acceptance of the minutes of the regular meeting of August 4, 1975. Seconded and CARRIED.

MR. JOHN BOCCUZZI MOVED for the acceptance of the minutes of the special meeting of August 18, 1975. Seconded and CARRIED.

COMMITTEE REPORTS:STEERING COMMITTEE

The reading of the report of the Steering Committee meeting of August 18, 1975 was waived and appears below:

STEERING COMMITTEE REPORTMeeting held Monday, August 18, 1975

A meeting of the Steering Committee was held Monday, August 18, 1975 in the Democratic Caucus Room, second floor, Municipal Office Building, 429 Atlantic Street, Stamford, Connecticut.

Minutes of September 2, 1975

The meeting was called to order by the Chairman and President of the Board, Frederick E. Miller, Jr., at 9:20 p.m. following a Special Meeting of the Board. The following members were present:

Frederick E. Miller, Jr.  
John Boccuzzi  
Marilyn Laitman  
Leonard Hoffman  
Salvan Ross  
Barbara Forman  
Joseph DeRose  
Matthew Rose

Michael Tresser  
Robert Exnicios  
William Flanagan  
Gerald Rybnick  
Norman Davidoff  
Handy Dixon  
Julius Blois

Also present were Alfred Perillo, Anthony Truglia, Diane Handley and Thomas D'Agostino.

The following matters on the tentative agenda were acted upon:

(1) Mayor's appointments

The four appointments on the tentative agenda which were submitted by the Mayor were ORDERED ON THE AGENDA under APPOINTMENTS COMMITTEE.

(2) Appropriation items

There were nine fiscal items on the tentative agenda which were ORDERED ON THE AGENDA under FISCAL COMMITTEE with those over \$2,000 being referred to a secondary committee.

(3) Legislative matters

The following 12 legislative items were ORDERED ON THE AGENDA under LEGISLATIVE & RULES COMMITTEE:

1. Final adoption of ORDINANCE CONCERNING DESIGNATION OF RESPONSIBILITY FOR THE USE OF PUBLIC PROPERTY AND PUBLIC FUNDS  
(Above also referred to FISCAL COMMITTEE)
2. METHOD USED BY CITY FOR NOTIFICATION TO TAXPAYERS OF DELINQUENT TAXES
3. Final adoption of ORDINANCE PROHIBITING SELF-SERVICE GASOLINE STATIONS
4. Proposed ORDINANCE ESTABLISHING A UNIFORM MILL RATE FOR TAXATION OF MOTOR VEHICLES
5. Proposed ORDINANCE CONCERNING DISCLOSURE OF CIVIL SERVICE PRACTICES
- 6.. Final adoption of ORDINANCE CONCERNING PRIVATE REFUSE COLLECTION PRACTICES
7. Proposed ORDINANCE CONCERNING THE SHOWING OF X-RATED MOVIES
8. Proposed ORDINANCE CONCERNING AUTHORIZATION OF EASEMENT FROM THE CITY TO HELCO FOR UNDERGROUND FACILITIES TO SERVICE THE BELL ST. GARAGE

9. Proposed ORDINANCE CONCERNING TAX EXEMPTION FOR FAITH TABERNACLE BAPTIST CHURCH PROPERTY LOCATED AT 84 WALLACE STREET
10. Proposed ORDINANCE CONCERNING TAX EXEMPTION FOR MIRACLE FAITH, INC., PROPERTY LOCATED AT 62 VALLEY ROAD
11. Proposed ORDINANCE CONCERNING REMOVAL OF MOTOR VEHICLES FROM PRIVATE PROPERTY
12. LETTER CONCERNING PROPOSED SETTLEMENT REGARDING RENTAL OF PARKING LOT LOCATED ON THE CORNER OF ATLANTIC STREET AND BELL STREET

(Above also referred to FISCAL COMMITTEE)

(4) Park and recreational items

The following two items on the tentative agenda were ORDERED ON THE AGENDA under PARKS & RECREATION COMMITTEE:

1. PETITION - AMERICAN ITALIAN ASSOCIATION - For Columbus Day Parade on October 12, 1975
2. PETITION - VETERAN'S DAY CELEBRATION COMMITTEE - For Veteran's Day Parade on November 9, 1975

(5) Personnel concerns

The following three items on the tentative agenda were ORDERED ON THE AGENDA under PERSONNEL COMMITTEE:

1. Proposed RECOMMENDATION TO BE SUBMITTED TO THE PERSONNEL COMMISSION CONCERNING POLICY FOR COMPENSATING RETIRING DEPARTMENT HEADS AND/OR ADMINISTRATORS FOR UNUSED SICK LEAVE AND VACATION TIME
2. INQUIRY INTO CIRCUMSTANCES CONCERNING CERTAIN APPOINTMENTS WITHIN CIVIL SERVICE
3. COLLECTIVE BARGAINING CONTRACT BETWEEN THE CITY AND THE MUNICIPAL EMPLOYEES ASSOCIATION

(Above also referred to FISCAL COMMITTEE)

Appearing on the tentative agenda but NOT ordered on the agenda was an item concerning the consideration of proposed revision of the Civil Service Regulations. This item was referred to the Personnel Committee. Also appearing on the tentative agenda but NOT ordered on the agenda was an item concerning a proposed recommendation concerning procedure to be followed by the Director of Personnel in seeking a salary increase.

(6) Planning and zoning concerns

The following item on the tentative agenda was ORDERED ON THE AGENDA under PLANNING & ZONING COMMITTEE:

1. PETITION - Acceptance of extension of HIGHLINE TRAIL as a City Street



(7) Public housing matters

The following item on the tentative agenda was ORDERED ON THE AGENDA under PUBLIC HOUSING & GENERAL RELOCATION COMMITTEE:

1. TAX ABATEMENT FOR MARTIN LUTHER KING APARTMENTS

(8) Communications from the Mayor

The following item on the tentative agenda was ORDERED ON THE AGENDA under COMMUNICATIONS FROM THE MAYOR:

1. REPORT - from Mayor Frederick P. Lenz, Jr., regarding recommendations included in final report of Special Investigating Committee which was submitted on 8-18-75 pursuant to Resolution No. 1014.

No other items were ordered on the agenda for the September 2, 1975 meeting of the Board.

Other items discussed included the following:

1. Letter addressed to Steering Committee from Melvin Stern, Chairman of the Human Rights Commission, concerning the establishment of a uniform mill rate for the taxation of motor vehicles - noted and filed.
2. Request for street lights on LaNell Drive and McIntosh Court - Referred to Planning & Zoning Committee and Health & Protection Committee.
3. Problems concerning Highview Avenue - Referred to Health & Protection Committee and to Sewer Committee.
4. Problem concerning Winter Street - Referred to Health & Protection Committee
5. Request for trees to be planted along Grove Street- Referred to Urban Renewal Committee
6. Problems concerning people in the community who are unable to help themselves and responsibility of City public agencies to render assistance to them - Referred to Health & Protection Committee. The suggestion was made that Rep. McInerney, who submitted this matter, should bring the specific problems to the attention of the Committee.
7. Request from Registrars of Voters that they be included in City pension plan - Referred to Legislative & Rules Committee.

There being no further business to come before the Committee, on motion, duly seconded and CARRIED, the meeting was adjourned at 10:05 p.m.

Frederick E. Miller, Jr.,  
Chairman, Steering Committee

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SUSPENSION OF THE RULES

MR. THEODORE BOCCUZZI MOVED for SUSPENSION OF THE RULES so as to consider Item #3 under Legislative & Rules Committee. Seconded and CARRIED.

LEGISLATIVE & RULES COMMITTEE - Norman Davidoff

MR. DAVIDOFF reported on the following item:

- (3) Final adoption of ORDINANCE PROHIBITING SELF-SERVICE GASOLINE STATIONS WITHIN THE CITY OF STAMFORD - Approved for publication 8-4-75 and published 8-8-75 (Submitted by Wayne Konitshek, President, Stamford Gas Dealers Association, in petition dated 6-19-75)

MR. DAVIDOFF said the Legislative & Rules Committee voted to hold this item until re-drafted to provide for dual service stations and minimum requirements for those employed to dispense gas or the supervision thereof. He said the vote in Committee was Reps. Davidoff, Flanagan, Walsh, Handley and D'Agostino voting for holding the item and Rep. Maynor voting against holding the item in Committee. He said the Committee felt it wanted to hold the item for safety reasons and the members wanted to strengthen the ordinance by adding a provision whereby those who pump gasoline are given instruction by the Fire Marshall and are required to be at the vehicle during the entire time gasoline is being pumped.

MR. MORABITO MOVED that Item #3 be taken out of Committee. Seconded.

MR. RAVALLESE request the vote be taken by a Roll Call and a sufficient number of members supported his request.

MR. LOUGHRAN said he was in favor of the ordinance being held in Committee to allow the Committee to make additional provisions to insure the safety of the citizens of Stamford.

The following ROLL CALL VOTE was taken on the motion to take Item #3 out of Committee and the motion CARRIED by a vote of 30 in favor and 8 opposed:

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)  
D'AGOSTINO, Thomas (D)  
DeROSE, Joseph (D)  
DIXON, Handy (D)  
EXNICIOS, Robert (R)  
GUROIAN, Armen (D)  
HOFFMAN, Leonard (R)  
KELLY, James (D)  
LAITMAN, Marilyn (D)

THOSE VOTING IN OPPOSITION:

CROSBY, Robert (R)  
DAVIDOFF, Norman (D)  
FLANAGAN, William (R)  
FORMAN, Barbara (R)  
HANDLEY, Diane (R)  
LOUGHRAN, Michael (D)  
McINERNEY, Barbara (R)  
WALSH, Peter (D)

THOSE VOTING IN FAVOR: (continued)

LOWDEN, Lynn (D)  
MARTINO, Vincent (D)  
MAYNOR, Frederick (D)  
MILLER, Frederick (D)  
MORABITO, Joseph (D)  
PERILLO, Alfred (D)  
RAVALLESE, George (D)  
ROSE, Matthew (D)  
ROSS, Salvan (D)  
RYBNICK, Gerald (D)  
SAINBURG, Richard (R)  
SANDOR, John (D)  
TRESSER, Michael (R)  
TRUGLIA, Anthony (D)  
ZIMBLER, Kurt (R)

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MR. BLOIS said he would like to get the record straight. He said he thinks the foremost thought of the gasoline dealers who have proposed this ordinance is safety. He said that the Fire Marshall delivers on a yearly basis to every service station within the City rules and regulations pertaining to safety features. He said one of these regulations provides that the dispensing devices in a service station must be at all times under the control of a competent operator. He said the Legislative & Rules Committee has written to the Corporation Counsel and a couple of flaws in the first proposed ordinance have been pointed out. He said he has another ordinance proposal that he feels will satisfy the questions raised by the Corporation Counsel with respect to the grandfather's clause, the definition of a service station and the penalty provisions. He then read the proposed ordinance and then HE MOVED FOR FINAL ADOPTION of the ordinance. Seconded.

MR. RAVALLESE request a Roll Call Vote and a sufficient number of members supported his request.

MR. MORABITO said he spoke with his insurance agent who told him there is not much difference in the insurance rates between a self-service and a full service gasoline station. He said the burden of proof in the case of accident is on the person who was hurt. He said if anyone is to be injured at a service station, he would rather be injured at a full service station because he would not be doing the pumping and he would be in his own car which would be much safer.

MR. LOUGHRAN asked what impact the ordinance read by Mr. Blois would have on the existing dual service station in Stamford.

MR. BLOIS said the only way he can answer that is to quote the state statute that says there should be a competent operator at the nozzle at all times.

MR. LOUGHRAN said he favors the ordinance as it is now written and noted that it will have the impact of closing down the existing dual service stations and that everyone should be aware of that fact.

MR. BLOIS said the intent of this ordinance is not to close down anyone who is in business today.

MRS. LAITMAN asked if the proposed ordinance would eliminate the existing self-service station and the dual station. She said it was not clear.

MR. BLOIS said he thought it was perfectly clear that what is being requested is that no self-service stations be allowed to come into Stamford. He said the law is very clear that someone should be right at the nozzle while gasoline is being dispensed.

MRS. LAITMAN asked how, under the state statute that was quoted, have the existing self-service and dual service station been permitted to operate. She also asked if there have been any accidents at either of these stations.

MR. BLOIS said he does not know if there have been any accidents at these stations. He said this ordinance is for the future and he is sure that it is not the intent of this proposal to put anybody out of business. He said the Corporation Counsel said that if the grandfather clause was eliminated, the Board could approve this ordinance and not be in any trouble.

MRS. LAITMAN again asked if this ordinance is passed, would the existing self-service stations be closed.

MR. BLOIS said he doesn't know how to answer that because he did not draft the proposed ordinance.

THE PRESIDENT said that if the proposal does not have the grandfather clause, at the very least any totally self-service station would be illegal.

MRS. McINERNEY said that listening to this discussion she has come to realize that the law-making procedure has become somewhat of a fiasco. She said the Board is not legislating on the merits of the issue or on concern for the citizens of Stamford. She said it seems the Board is being unduly influenced by the pressures being brought to bear by a special issue group. She said it is time the "politicians" stand up and fight for the good of their constituencies and not any lobby group. She said many of the gas station owners have voiced concern over the safety measures at self-service stations and deem this ordinance necessary to insure the health and welfare of the citizens and yet, knowing that other safety points are being considered by the Legislative & Rules Committee, it appears that the Board members are refusing to wait to have this ordinance redrafted to include further safety measures. She said it seems that the power and pressure of the gas station owners are clouding the members' mind and affecting their sound judgment. She asked how can safety be justified as the reason for passing the ordinance when the members refuse to wait to have more safety controls over gas stations. She asked how the members can vote for this when they know that in doing so, they will be forcing the City of Stamford into the courts by defying federal laws pertaining to restraint of trade. She said the Board will also be denying the consumer the opportunity to save a few pennies on gas if he so wishes. She said what the Board is doing is drafting legislation by using shotgun tactics. She said she would hope that the Board's attempts to legislate controls over municipal affairs will be as strong as the Board's intention to regulate private enterprise. She said if the Board does not listen to the recommendations of the Legislative & Rules Committee and the Corporation Counsel and proceeds to vote favorably for the proposed ordinance, the members are being derelict in their duty to their constituents and violating the public trust by throwing the City into litigation and causing the loss of City funds and by their actions are not being accountable to the citizens of Stamford. She said that when a vote is taken on this measure she would urge any Board member who owns or operates or who has a relative who owns or operates a service station to abstain from voting.



MR. GUROIAN said that on a recent trip to Virginia he gassed up at a self-service station and he noted that the self-service stations there were independently owned and have not been taken over by the major gas companies. He said the price was lower at the self-service stations. He said the argument that the big companies are out to destroy the small businessman is not valid. He said the other argument is safety. He said he went from one self-service station to another to ask about accidents and the station operators said no. He said he can't buy the arguments for this proposal and will be voting against it.

MR. COSTELLO said on his travels through the south this summer he saw people smoking while operating pumps and at night he saw drunks pumping gas and he is opposed to that kind of operation.

MRS. CLARK said that she was in a self-service station in Pennsylvania and she didn't know how to put the gas in the car and there was no one there to assist her. She said she was told there had been accidents there and she feels self-service is very dangerous.

MRS. HANDLEY said that from what Mr. Blois said she would assume that the gas dealers were the ones who drafted the proposed ordinance that he read. She said that as a member of the Legislative & Rules Committee, she knows that the Committee did not draft the ordinance. She said the purpose of the L & R Committee is to draft ordinances and present them to the membership in writing. She said what Mr. Blois is asking the Board to do is to vote on an ordinance that no one has seen or had time to consider. She said this is not in the best interests of good legislation.

THE PRESIDENT noted that the proposal is properly before the Board because it has been read to the members.

MR. BLOIS said he was not on the L & R Committee and it is his prerogative to speak on the floor of the Board.

MRS. HANDLEY said if Mr. Blois were thinking of the best interests of the people, he would have submitted his proposal to the Legislative & Rules Committee.

MR. DAVIDOFF said he has purchased gasoline at a full service station where at times the attendant did not stay right at the pump while his tank was being filled. He said the purpose of this ordinance is safety and the Board will be defeating its purpose by adopting the proposed ordinance tonight. He said the Legislative & Rules Committee proposes to add additional safety features to the ordinance and that is why it was voted to hold the item in Committee.

MR. WALSH said he is a member of the Legislative & Rules Committee and two of the reasons the Committee voted to hold the ordinance in Committee were to determine its effect on dual service stations and to impose stringent controls on those who pump gas. He said the proposal read by Mr. Blois has taken care of the dual stations and as he understands it there are laws in the books concerning those who pump gas.

MRS. FORMAN said she was not able to find any statistics that bear out that self-service is any more dangerous than dispensing by an employee of a gas station. She said it is her understanding that in a self-service operation the control for the dispensation of fuel is made by an employee of the station who is in full view of the customer and can see if the customer is smoking or acting irresponsibly in any way. She said she feels that safety is not

## Minutes of September 2, 1975

the real reason for this ordinance. She said the proposed ordinance is anti-consumer and prevents a freedom of choice by the consumer. She said she can see the problem in a completely self-service station because of the lack of related services provided but feels that a good compromise would be to allow existing stations to include the self-service facilities in their operation. SHE MOVED TO AMEND the proposed ordinance by adding to Section 1 "unless the service station operator wishes to include additionally a self-service operation into his existing operation and has obtained the approval necessary to insure safety and health requirements." Seconded.

In response to a question from MR. JOHN BOCCUZZI, MRS. FORMAN said it would be permissible for a station to include one full service pump and 15 self-service pumps if there are proper regulations and related services and a customer can avail himself of the full service operation if he so wishes.

MR. BLOIS said that as a service station operator for the past 28 years he would wholeheartedly disagree with Mrs. Forman and noted that one employee in a station that offers dual service could not supervise what is going on. He said the law states that the nozzle should be in view at all times in self-service stations. He said if there are four or five cars getting gas at one time, one person could not supervise them. He said the proposed amendment would defeat the purpose of the proposed ordinance.

MRS. FORMAN said that her amendment clearly says that it would only be permissible as long as existing regulations are met.

MR. LOUGHRAN said that if one thing was made abundantly clear to the Board by Assistant Corporation Counsel Ronald Schwartz, it was that any law that is passed by this Board has to be enacted on an equitable and across-the-board basis. He said it has also been made abundantly clear that this Board can not pass an ordinance based on economic sanctions or economic discrimination to protect one businessman from a possible threat from another businessman. He said all this Board can do is to enact legislation which will be designed to protect public safety and that is the only legitimate issue before the Board. He said everyone agrees that gasoline is dangerous and while it is true that the Board has not had presented to it statistics relative to accidents or explosions in self-service or dual-service stations, that kind of thinking could be a bit dangerous. He said he does not feel the Board needs to see statistics showing the accident rate before the Board is convinced there is a safety issue. He said no one can deny the potential for accidents is considerable. He said Board members should realize that the existing stations will be put out of business by this ordinance. He said otherwise the Board would be allowing a non-safe business to continue operation and that would be inconsistent with the safety issue.

MR. CONNORS said he hoped everyone read in the area media last week about all these big companies putting the independents out of business. He said thousands have been closed up and replaced by self-service. He said people who have been in business for years and years deserve to stay in business. He said the little guys are taking a beating. He said he doesn't object to self-service and can pump his own gas if he wants to but it isn't fair to the independent businessman who has run his own business for years.

MRS. LAITMAN said she feels that the intent of Mrs. Forman's amendment is to preserve an element of choice and allow the existing dual service station to exist. She said, however, if safety is the issue, that is what has to be

dealt with now. She said she is not sure why the self-service gas stations in Stamford are allowed to exist if there are existing laws on the books which control the safety practices at these stations because there is no way they could meet the standards as described by Mr. Blois. She said she is of the opinion that the proposed amendment is very similar to the grandfather clause she proposed last month and she does not see how this one could be any more legal than that one was. She suggested that the proposal ought to be returned to Committee so that these problems could be dealt with.

MR. GUROIAN said that if safety is the main issue then this Board had better be prepared to pass an ordinance about homeowners putting gasoline in their lawnmowers.

MR. FLANAGAN said safety is the only issue the Board may address itself to. He said it was the feeling of the Legislative & Rules Committee after hearing testimony from the gasoline station operators and from the oil companies and from the public that it had not come to grips with the issue of safety. He said the Committee felt it would be possible under properly controlled circumstances to operate dual service stations where they were adequately controlled and adequately supervised. He said the reason the Legislative & Rules Committee voted to hold this ordinance in Committee was so that they could present to the full Board something that reflected the input that the Committee received. He said he can only think of two or three Board members, other than the L & R Committee, who listened to the testimony that was presented and if this Board refuses to abide by the recommendations of its committees, the committee structure of the Board is worthless and the legislative process is becoming worthless because it is not possible to draft legislation on the floor of the Board.

MR. CROSBY spoke in favor of the proposed amendment. He said that it is his opinion that the most important consideration is that the large oil companies are trying to take over the independent dealers which is not desirable. He said the amendment would provide self-service with the added advantage of competent supervision. He said he is concerned about the big oil companies coming in and he is concerned with the public being provided a choice between full service or self-service. He said on a recent trip to Rochester he stopped in dual service stations on four occasions and on each occasion he chose the self-service facility.

MR. ZIMBLER said that if Mrs. Forman's amendment is deemed legal by the Corporation Counsel and if it is enforceable, he would have no objection to it. He said his concern is that the small independent businessman is in danger of being forced out of business by his supplier. He said he travelled to Florida this summer and heard stories about how the price of gasoline was lower when the self-service stations first came in and how when the large oil companies began to operate the stations and started having a monopoly in a particular area, prices went right back up. He said he does not feel that this ordinance is anti-consumer. He said if the large companies corner the market, the prices will be as high as they are now.

MR. RAVALLESE said he believes there should be regular gas stations because they are much safer. He said a lot of people smoke and it is not safe to pump gas when you are smoking.

MR. LOUGHRAN said Mrs. Forman's amendment would allow all existing dual stations to continue and would allow any new ones to come on stream if the owners wished to provide both types of service. He said he does not see any discrimination in the amendment.



MR. RYBNICK said the safety rules and regulations in the state statutes supercede local ordinances and there is a state law that says a reputable person must be in attendance at all times at any pumps.

MR. KELLY said the price of gasoline at the self-service gasoline station in Glenbrook is the same as at the full service stations and there is no great advantage to the consumer there.

MRS. LAITMAN requested a Roll Call Vote on Mrs. Forman's amendment and a sufficient number of members supported her request.

The following ROLL CALL VOTE was taken on the motion to approve Mrs. Forman's amendment and the motion LOST by a vote of 9 in favor, 28 opposed and 1 abstention:

THOSE VOTING IN FAVOR:

CROSBY, Robert (R)  
FLANAGAN, William (R)  
FORMAN, Barbara (R)  
GUROIAN, Armen (D)  
HANDLEY, Diane (R)  
LAITMAN, Marilyn (D)  
LOUGHRAN, Michael (D)  
McINERNEY, Barbara (R)  
SAINBURG, Richard (R)

THOSE VOTING IN OPPOSITION:

BOCCUZZI, John (D)  
BOCCUZZI, Theodore (D)  
CIBULSKAS, Algird (D)  
CLARK, Linda (D)  
CONNORS, George (D)  
COSTELLO, Robert (D)  
D'AGOSTINO, Thomas (D)  
DAVIDOFF, Norman (D)  
DeROSE, Joseph (D)  
DIXON, Handy (D)  
EXNICIOS, Robert (R)  
HOFFMAN, Leonard (R)  
KELLY, James (D)  
LOWDEN, Lynn (D)  
MARTINO, Vincent (D)  
MAYNOR, Frederick (D)  
MILLER, Frederick (D)  
MORABITO, Joseph (D)  
PERILLO, Alfred (D)  
RAVALLESE, George (D)  
ROSE, Matthew (D)  
ROSS, Salvan (D)  
RYBNICK, Gerald (D)  
SANDOR, John (D)  
TRESSER, Michael (R)  
TRUGLIA, Anthony (D)  
WALSH, Peter (D)  
ZIMBLER, Kurt (R)

ABSTENTION:

BLOIS, Julius (D)

THE PRESIDENT said the question before the Board is now the motion to approve for final adoption the ordinance as read by Mr. Blois.

MR. MARTINO MOVED THE QUESTION. Seconded and CARRIED.

Minutes of September 2, 1975

The following ROLL CALL VOTE was taken on the motion for final adoption of the ordinance prohibiting self-service gasoline stations within the City and the motion CARRIED by a vote of 27 in favor, 10 opposed and 1 absention: (The ordinance follows the Roll Call Vote).

THOSE VOTING IN FAVOR:

BOCCUZZI, John (D)  
BOCCUZZI, Theodore (D)  
CIBULSKAS, Algird (D)  
CLARK, Linda (D)  
CONNORS, George (D)  
COSTELLO, Robert (D)  
D'AGOSTINO, Thomas (D)  
DeROSE, Joseph (D)  
DIXON, Handy (D)  
EXNICIOS, Robert (R)  
HOFFMAN, Leonard (R)  
KELLY, James (D)  
LOWDEN, Lynn (D)  
MARTINO, Vincent (D)  
MAYNOR, Frederick (D)  
MILLER, Frederick (D)  
MORABITO, Joseph (D)  
PERILLO, Alfred (D)  
RAVALLESE, George (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)

THOSE VOTING IN OPPOSITION:

CROSBY, Robert (R)  
DAVIDOFF, Norman (D)  
FLANAGAN, William (R)  
FORMAN, Barbara (R)  
GUROIAN, Armen (D)  
HANDLEY, Diane (R)  
LAITMAN, Marilyn (D)  
LOUGHRAN, Michael (D)  
McINERNEY, Barbara (R)  
ROSE, Matthew (D)

ABSTENTION:

BLOIS, Julius (D)

ORDINANCE NO. 313 SUPPLEMENTALPROHIBITING SELF-SERVICE GASOLINE STATIONS WITHIN THE CITY OF STAMFORD

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

Section 1. It shall be unlawful for any owner, operator or employee of an owner or operator of any retail gasoline filling or service station, where gasoline or other inflammable liquid is sold and dispensed to permit any purchaser, customer or other person not connected with the ownership or operation of such filling or service station to use or manipulate any pump, hose, pipe, or other device for measuring, pumping or dispensing gasoline or other inflammable liquid for the purpose of filling the tank of a motor vehicle, or any barrel, drum, can or other container with gasoline or other inflammable liquid.

Section 2. A gasoline service station is defined to be any place of business, public or private, where gasoline or other flammable liquid motor

Minutes of September 2, 1975

fuel for motor vehicles or internal combustion engines is dispensed at retail into fuel tanks of vehicles or engines.

Section 3. Any person who shall violate any of the provisions of this ordinance shall be fined not more than One Hundred Dollars (\$100.00),

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

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SUSPENSION OF THE RULES

MRS. CLARK MOVED FOR SUSPENSION OF THE RULES to consider at this time Item #3 under Personnel Committee. Seconded and CARRIED.

PERSONNEL COMMITTEE - Leonard Hoffman

MR. HOFFMAN reported on the following item:

- (3) COLLECTIVE BARGAINING CONTRACT BETWEEN THE CITY OF STAMFORD AND THE MUNICIPAL EMPLOYEES ASSOCIATION - Three-year agreement covering the period from July 1, 1974 through June 30, 1977 - (Mayor's letter of 8-14-75 - Contract received in Office of Board of Representatives on 8-18-75)

MR. HOFFMAN said the Personnel Committee voted 3 to 2 not to accept the MEA Contract before the Board tonight. He said Reps. Kelly, Zimble and Hoffman voted against the contract and Reps. Davidoff and Connors voted in favor of it. He said the reasons for objecting to the contract are as follows:

1. The concerns expressed by Joseph DeVos in his letter, received by each Board member, pertaining to the changes which allow that employees at Smith House are to have every second weekend off instead of every third weekend and the change which states that permanent employees are to be given preference for holiday time;
2. The expiration date of the contract will be in another election year which provides a situation whereby elected officials are coerced into accepting union demands which are unreasonable or they are faced with picketing during campaigns for re-election or else the taxpayers are threatened with a strike;
3. The clothing allowance of \$125 to \$150 to be paid on or before each January 1 of each contract year which means if someone retires in the middle of the year, they have already received the clothing allowance for the entire year.
4. The provision for 15½ days of holiday time for the people in the school system and the Board of Education which is an exorbitant number for one year;
5. The provision that allows for 60 days of carry-over vacation time which is also exorbitant and which the Committee feels should be stopped and provisions should be adopted whereby employees are paid for vacation time at the rate of pay they were earning when the vacation was accrued;



## Minutes of September 2, 1975

6. The provision that allows retiring employees to be paid for two and one-half months of sick leave at their latest and highest rate of pay;
7. The provision allowing free family insurance coverage for hospital, medical, surgical, major medical, dental and life insurance which is very generous;
8. The new provision allowing an employee to pay into Classified Employees' Retirement Fund a sum equal to 5% of his first year's salary and receive credit for up to two years' of military service in his retirement pay;
9. The provision allowing that the City shall pay the cost of medicare supplementary medical insurance which is very generous;
10. The tool allowance;
11. The car allowance which the Committee feels is a boondoggle inasmuch as employees are also entitled to up to 20 gallons of gasoline per week;
12. The bereavement leave provision allowing for five days' leave for an employee in the event of the death of any relative living with the employee;
13. The \$100 clothing allowance given to the employees at Smith House; and
14. The cost of the contract for the three years it covers.

MR. HOFFMAN said the increase for each employee will be slightly over 18%, or 6% per year. He said he has gotten some conflicting figures relative to the cost of the contract but it is his belief that the total cost is slightly over \$1 million and the average increase per employee over the three-year period is \$2,454 or \$818 per year. He said during the meeting the Personnel Committee had with the Fiscal Committee the Commissioner of Finance said that the first two years of the contract would not affect the tax rate. He said the third year will. He said Dr. Montgomery quickly added that this City cannot afford to continue to grant 6% yearly pay increases without hurting the taxpayers. He said it must be remembered that other unions are in the process of negotiating labor contracts with the City and it is high time the line was drawn on liberal labor contracts presented to this Board. He said greater productivity must be demanded from every department. He said either yearly pay increases have to be eliminated or the City must find department heads who will do more with the people and the money allocated to them to run their departments without reducing the services to the taxpayers.

MRS. LAITMAN said the Fiscal Committee met on this item during its regular monthly meeting and voted 6 in favor with 2 abstentions to recommend approval of the contract. She said the Committee considered the contract from the standpoint of the fiscal impact it would have on the City. She said there were indications and assurances given by the Commissioner of Finance that there would be no effect on the tax rate and, indeed, the mill rate adopted by the Board of Finance in May included the money that was anticipated that would be needed for this contract. She said there is no indication that the third year would have an impact on the tax rate. She said if other contracts fall in line with this one, there will be no impact for the first two years and it is hoped that by the time of the third year with the Tax Collection Task Force producing as it now is there will be no impact because it will be absorbed. She said that the car allowance does not seem excessive when it is considered that what is being done, basically,

## Minutes of September 2, 1975

is that the employee's car is being rented by the City. She said this applies to employees such as the inspectors from the Building Department and the Health Department who would not be able to perform their jobs without the use of a car. She said for the City to supply cars would be exorbitant and, therefore, from a monetary standpoint the current method is cheaper. She noted that she did not receive the letter mentioned by Mr. Hoffman until the Labor Day weekend and added that she is readily available by telephone to anyone who wishes to communicate with her about any City business. She said the contract was ratified by the employees two weeks ago and it is incumbent upon anyone who has a vested interest in it to read the contract. She said she spoke to Mr. Barrett and Mr. DeVos today. She said it comes down to a difference of opinion. She said Mr. Barrett assured her that he spoke with Mr. DeVos before the contract was passed and that Mr. DeVos was aware of all the points in the contract. She said it is just a matter of whose word is to be accepted. She said the nurses have that every-second-weekend clause in their contract and the employees voted on this and ratified this contract. She said she does not readily accept Mr. DeVos' assumption that it is not possible to hire part-time employees. She said the contention that employees will have to be fired is a scare tactic and noted that the problems raised by Mr. DeVos are administrative problems which he will have to cope with as department head. She said when Smith House is expanded, new personnel will have to be hired whether or not this contract is approved this evening as state law requires a certain ratio of nurses to patients. She said she shared Mr. Hoffman's disenchantment with the provisions providing for the accumulation of sick leave and has fought against them. She said Mr. Barrett had proposed a change in these provisions during negotiations but it had not been accepted by the employee representatives at the bargaining table. She said the employees did give up any raise during the first six months of the contract. She said the average salary covered by this contract is approximately \$8,300 per year and noted that the last increase for the MEA took place in July 1973. She said that the Fiscal Committee felt, considering the time that has elapsed since the last raise and considering the inflationary rate and considering the economies that have been instituted in this City and considering that the tax rate that was set in May will absorb these increases, that this contract should be approved. She noted that if the City had negotiated increases for the first six months of the contract it would have amounted to approximately \$51,000 additional money. SHE MOVED FOR ACCEPTANCE of the Contract. Seconded.

MRS. CLARK requested a Roll Call Vote on the motion to accept the contract and a sufficient number of members supported her request.

MR. THEODORE BOCCUZZI asked that the record indicate that he is abstaining from all discussion and voting on this item.

In response to a question from MR. JOHN BOCCUZZI, MR. HOFFMAN said that of all the points that his Committee objected to, only two are newly-negotiated items plus the one that Mr. DeVos has pointed out. He said just because the Board has accepted contracts in the past that were very liberal is no sign that the Board should continue to do this in the future.

MR. JOHN BOCCUZZI said that it was his opinion that Mr. DeVos' objections at this point in time are inappropriate as he had time to make his views known during the 18 months of negotiations. He said the costs of this contract can be absorbed by the City. He said most of the things in the contract that may be objectionable are not new. He added that possibly in future negotiations these points can be discussed at the bargaining table. He said the first and second year of the contract can be absorbed in the current mill rate and with a slight increase in the Grand List for the third year the increases for that year can also be absorbed without any mill rate increase occurring because of

the contracts.

MR. MORABITO asked that the record indicate that he is abstaining from voting on this question.

MR. ZIMBLER said he was impressed by Mr. DeVos' letter and thought that it showed a great deal of moral fortitude on his part. He said the letter was what swayed him toward voting the way he voted. He said Mr. DeVos is objecting to provisions in the contract which he feels will cost the City a great deal of additional money which is accountability at its best.

MR. HOFFMAN said that in regards to the costs of the contract the figures presented in the Mayor's letter dated August 14, 1975 and the figures on the cost analysis which was attached to the contract do not coincide. He said according to the Mayor's projection he comes up with a figure of \$1,046,000 and using the other projections he figures the cost to be \$1,001,339. He said in regard to the car allowance that industry does basically the same thing as the City is doing, renting the cars from the employees, but that industry generally pays 10 or 12¢ per mile. He said the Committee objects to the monthly gas allowance on top of the monthly car allowance, which is very generous and far above what industry does.

MRS. LAITMAN said that what Mr. Hoffman said about the medical insurance being improved is true but she noted that there is no added cost to the City for this improvement. She also said that Mr. Barrett explained the cost analysis attachment that was sent with the contract. She said he explained that the figures noted for the second year increases do not include those increases from the first year and that is why the figures appear not to coincide. She said the figures also include some of the fringe benefits and the increase in the FICA program and the pension program. She said that the change in the pension plan allows for the surviving spouse to have an option as to which pension plan is desired and she noted that this is comparable to pension programs offered in industry. She said that Dr. Montgomery said it was his feeling that the tax structure will assimilate the costs of this contract and others like it because of a broader tax base and because of the increase in the tax collection rate.

MR. CONNORS said it is not feasible for the City to rent cars for use by the different City departments as it is too expensive. He said it is absolutely necessary for some employees to have the use of a car in order to perform their jobs. He noted that the employees are responsible for repairs and maintenance for their own cars.

MR. CROSBY said that based on the average salary of \$8,300 per year, or \$159.60 per week, a 6% increase for the first year would average \$9.54 per week for the first year for a total of \$169.14. He said at the end of three years, or 18%, the weekly salary on an average would be \$188.48 or yearly average of \$9,800. He said he thinks the contract is fair.

In response to a question from MR. SANDOR, MRS. LAITMAN said that not all of the MEA employees receive an allowance for clothing, gasoline or cars. She said only those who use these things in connection with their work get the allowances and they are noted in the budget books and are reviewed yearly by this Board. She said the gas and car allowance provisions are not new and have been in the contract for some time. She said the gas allowance is to be used in the course of City business by employees who must use their cars to carry out their responsibilities.



MR. HOFFMAN said it is his understanding that in addition to the \$85 a month car allowance and the 20 gallons a week free gas, the employees' cars are also repaired. He said that is excessive.

THE PRESIDENT noted that the Personnel Committee has recommended that the contract be rejected for the reasons enumerated by Mr. Hoffman and that the Fiscal Committee has recommended that the contract be accepted and approved.

The following ROLL CALL VOTE was then taken on the motion to approve the MEA contract and the motion CARRIED by a vote of 27 in favor, 9 opposed with 2 abstentions:

THOSE VOTING IN FAVOR:

BLOIS, Julius (D)  
BOCCUZZI, John (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)  
GUROIAN, Armen (D)  
HANDLEY, Diane (R)  
LAITMAN, Marilyn (D)  
LOUGHRAN, Michael (D)  
LOWDEN, Lynn (D)  
MARTINO, Vincent (D)  
MAYNOR, Frederick (D)  
MILLER, Frederick (D)  
PERILLO, Alfred (D)  
RAVALLESE, George (D)  
ROSE, Matthew (D)  
ROSS, Salvan (D)  
RYBNICK, Gerald (D)  
TRESSER, Michael (R)  
TRUGLIA, Anthony (D)  
WALSH, Peter (D)

THOSE VOTING IN OPPOSITION:

EXNICIOS, Robert (R)  
FLANAGAN, William (R)  
FORMAN, Barbara (R)  
HOFFMAN, Leonard (R)  
KELLY, James (D)  
McINERNEY, Barbara (R)  
SAINBURG, Richard (R)  
SANDOR, John (D)  
ZIMBLER, Kurt (R)

ABSTENTIONS:

BOCCUZZI, Theodore (D)  
MORABITO, Joseph (D)

APPOINTMENTS COMMITTEE - Theodore Boccuzzi

MR. THEODORE BOCCUZZI reported that the Appointments Committee met this evening and present were Reps. Martino, Ravallese, Costello, Forman, Tresser, Dixon and Theodore Boccuzzi. He reported on the following appointments: (The votes are recorded below).

PARKING AUTHORITY

CLYDE O'CONNELL (D)  
50 Barclay Drive  
(Replacing Max Friedman,  
whose term expired)  
(Second Submission)

VOTE:

DENIED  
18 yes  
20 no

TERM ENDING:

Jan. 1, 1978

Minutes of September 2, 1975

URBAN REDEVELOPMENT COMMISSIONVOTE:TERM ENDING:

NORMAN GLUSS (D)  
95 Breezy Hill Road  
(Reappointment)

APPROVED:  
33 yes  
5 no

Aug. 7, 1980

ZONING BOARD OF APPEALS

ALBERT DeLUCA (D)  
216 Thornridge Drive  
(Replacing Charlotte Peters,  
whose term expired)

HELD IN COMMITTEE

Dec. 1, 1979

BOARD OF ETHICS

ROGER FOX (D)  
110 Maple Tree Avenue  
(Replacing Athanasios Loter,  
whose term expired)

DENIED  
24 yes  
14 no

June 30, 1980

(two-thirds affirmative vote required)

FISCAL COMMITTEE - Marilyn Laitman

MRS. LAITMAN reported that the Fiscal Committee met on Wednesday, August 27 and present were Reps. Laitman, John Boccuzzi, Crosby, Dixon, Forman, Loughran, Rybnick, and Zimble and absent were Reps. Livingston and Exmicios. She said one member left before the votes were recorded indicating his approval of all items heard by the Committee but his vote has not been included in the tally. She reported on the following items:

- (1) PREPARATION OF PHASE III OF REPORT concerning 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 - (Letter dated 4-18-75 from Marilyn Laitman, 20th District Rep.) (Held in Committee 5-5-75 and 6-2-75) - (Phase I of Report given on 7-7-75 and Phase II given on 8-4-75)

MRS. LAITMAN said an ordinance is being considered pertaining to the above item but due to a scheduling conflict the item was not considered at this month's meeting.

MR. HOFFMAN said the Personnel Committee met with the Fiscal Committee on this matter and concurred.

- (2) \$1,205.00 - STAMFORD EMERGENCY SERVICE - Code 560.0101 - Salaries - Required to cover the MEA contracted salary for Executive Secretary for final six weeks of 1974-1975 fiscal year - (Acting Mayor's letter of 5-1-75) - (Held in Committee 7-7-75 and 8-4-75)

MRS. LAITMAN said this amount represents funds due an employee under the terms of the MEA contract. She said that during the 1973-1974 fiscal year this employee, as well as all other MEA employees, received a salary increase under the terms of the then newly-negotiated MEA contract covering the period from July 1972

through June 1974. She said the total increase for the two fiscal years amounted to \$875.00 and that during that same fiscal year (1973-74) this employee was reclassified from Secretary to Executive Secretary, an additional increase of \$330. She said the increased salary was included in the department's budget for the 1974-75 fiscal year but was cut back by the Board of Finance. She said this is contrary to the MEA contract and resulted in a shortfall of \$1,205.00, the requested amount. She also said that the reclassification procedures appeared to have been in order and after the reclassification was approved, the department held off in paying the increase until the following fiscal year and the employee was paid in compensatory time for the balance of the fiscal year in which the reclassification took place. She said the Fiscal Committee voted 7 to 0 to recommend approval of this request and SHE SO MOVED. Seconded by Mr. Hoffman who said the Personnel Committee concurred.

THE PRESIDENT announced that Mr. Theodore Boccuzzi has left and there are now 37 members present.

The VOTE was then taken on the motion to approve Item #2 and the motion CARRIED.

- (3) \$600,000.00 - RESOLUTION NO. 1024 AMENDING 1975-1976 CAPITAL PROJECTS BUDGET BY ADDING THERETO A PROJECT IN THE AMOUNT OF \$600,000 TO BE ENTITLED "PUBLIC WORKS DEPARTMENT - STORM DRAINS - TOILSOME BROOK" TO BE FINANCED BY THE ISSUANCE OF BONDS IN SAID AMOUNT - To reinstate project eliminated by the Board of Finance in its review of the budget for this fiscal year - Requested at this time to take advantage of current economic climate that is producing bids below engineering estimates and to protect residences along the brook from the adverse effects of the inadequacies of this drainage system - (Mayor's letter of 6-30-75) - (Held in Committee 8-4-75)

MRS. LAITMAN said the Fiscal Committee has met twice on this item and feels it deserves careful consideration because of the impact on a large number of Stamford citizens. She said a jurisdictional dispute had kept it out of the Capital Projects Budget but now that the dispute has been resolved, the Committee is in favor of amending the budget to include the item. She said the Committee has received a letter from the Environmental Protection Board stating it has no objection to the approval of the requested appropriation. She quoted a part of a letter from the State Department of Environmental Protection dated July 24, granting the permit for this project under certain conditions and then cited a second letter also from the DEP noting that these conditions have been met and the permit is valid.

MR. ZIMBLER read a letter dated August 28 from Mrs. Lorraine Parker which stated that on behalf of the Executive Board of the Toilsome Brook Association she was requesting that the Board of Representatives approve the \$600,000 request so that the proposed Toilsome Brook project can get off the drawing board and become a reality.

MRS. LAITMAN said she had also received a letter of support for the appropriation from State Rep. Thom Serrani, 144th Assembly District, which includes the Toilsome Brook area. She said the Fiscal Committee voted 7 to 0 to recommend approval of the proposed resolution and SHE SO MOVED. Seconded by Mr. Perillo who said the Public Works Committee concurred with the Fiscal Committee.

MR. SAINBURG said the Environmental Protection Committee did not meet on this item.



Minutes of September 2, 1975

In response to a question from MR. FLANAGAN, MRS. LAITMAN said there is some money available now and the work would hopefully start in a couple of months.

MR. CROSBY said that it was over two years ago that discussion began on the Toilsome Brook problems and tonight is the culmination of a long, hard fight. He said this is very much needed and urged the members to vote positively to get this project started and to provide relief to the many people who live along the brook.

MR. HOFFMAN said he would echo Mr. Crosby's sentiments 100%.

MRS. MCINERNEY said that it would appear that the questions raised by the Revonah Woods Association last month have been answered satisfactorily and she would, therefore, be very happy to vote for this appropriation.

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

RESOLUTION NO. 1024

AMENDING 1975-1976 CAPITAL PROJECTS BUDGET BY ADDING THERETO  
A PROJECT IN THE AMOUNT OF \$600,000.00 TO BE ENTITLED "PUBLIC  
WORKS DEPARTMENT - STORM DRAINS - TOILSOME BROOK" TO BE FI-  
NANCED 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 1975-1976 Capital Projects Budget by adding a project in the amount of \$600,000.00 to be known as "Public Works Department - Storm Drains - Toilsome Brook."
2. To authorize the financing of said project by the issuance of bonds.
3. That this resolution shall take effect upon enactment.

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- (4) \$400.00 - PLANNING BOARD - Code 134.2101 - Conventions, Dues & Con-  
ferences - To help defray costs incurred by Planning  
Board's Statistical Planner who will be presenting a paper  
at a symposium in Seattle, Washington - (Mayor's letter of  
8-5-75)

MRS. LAITMAN said this amount would defray the costs incurred by the Planning Board's Statistical Planner who will be presenting a paper at a symposium in Seattle, Washington. She said the Bureau of the Census, taking into consideration the kinds of studies being done by the Planning Board's Statistical Planner, will give the City the benefit of approximately \$4,000 for services. She said the Planning Board should be commended for the work they are doing. She said the Fiscal Committee voted 7 to 0 to recommend approval and SHE SO MOVED. Seconded and CARRIED.

- (5) \$6,500.00 - RESOLUTION NO. 1025 AMENDING 1975-1976 CAPITAL PROJECTS  
BUDGET BY ADDING THERETO A PROJECT IN THE AMOUNT OF \$6,500  
TO BE ENTITLED "PUBLIC WORKS DEPARTMENT - LIQUID WASTE  
INCINERATOR" TO BE FINANCED BY THE APPROPRIATION OF SAID  
AMOUNT

## Minutes of September 2, 1975

To cover engineering and miscellaneous charges associated with the contract with Peabody Engineering Company for the design and equipment for a Liquid Waste Incinerator - (Mayor's letter of 7-18-75)

MRS. LAITMAN said this is a negotiated settlement of an \$11,000.00 bill covering general administrative costs not included in the original bill. She said this project was terminated in July of 1974. She said the Fiscal Committee voted 7 to 0 to recommend approval of the following resolution and SHE SO MOVED, Seconded by Mr. Perillo who said the Public Works Committee concurred. CARRIED unanimously.

RESOLUTION NO. 1025

AMENDING 1975-1976 CAPITAL PROJECTS BUDGET BY ADDING THERETO A PROJECT IN THE AMOUNT OF \$6,500.00 TO BE ENTITLED "PUBLIC WORKS DEPARTMENT - LIQUID WASTE INCINERATOR" TO BE FINANCED BY THE ISSUANCE OF BONDS

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 1975-1976 Capital Projects Budget by adding a project in the amount of \$6,500.00 to be known as "Resolution amending 1975-1976 Capital Projects Budget by adding thereto a Project in the amount of \$6,500 to be entitled "Public Works Department - Liquid Waste Incinerator" to be financed by the issuance of bonds.
2. To authorize the financing of said project by the issuance of bonds.
3. That this resolution shall take effect upon enactment.

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- (6) \$101,000.00 - BOARD OF EDUCATION - FEDERAL GRANT to be received under Title VII, Elementary and Secondary Education Act, for a Bilingual Education Program for the 1975-1976 fiscal year - (Dr. Peebles' letter of 7-16-75)

MRS. LAITMAN said this is a 100% prepaid federal grant for a Bilingual Education Program and Stamford is one of four Connecticut cities to receive this grant which will expand the existing bilingual program. She said the Fiscal Committee voted 7 to 0 to recommend approval and SHE SO MOVED. Seconded. It was reported that the Education, Welfare & Government Committee concurred. CARRIED.

- (7) \$50,000.00 - TAX COLLECTOR - Code 148.0000 - Reserve for Tax Refunds - Required to cover tax refunds required by several recent court judgments - (Mayor's letter of 8-8-75)

MRS. LAITMAN said a "token" \$10,000.00 is put into the operating budget to cover court awarded judgments and usually does not cover the amount needed. She said that through this date the City has been required to refund \$10,996.48 and has received in the month of August nine new court stipulations of about \$40,000.00. She said the Fiscal Committee has received supportive data from Mr. Mello and voted 7 to 0 to recommend approval of this item and SHE SO MOVED. Seconded. It was reported that Education, Welfare & Government Committee concurred. CARRIED.

Minutes of September 2, 1975

- (8) \$9,500.00 - TAX COLLECTOR - Code 146.0901 - Special Professional Services - Requested by the Commissioner of Finance to be used to fund a proposed study of the Tax Collector's Department for the purpose of streamlining the operations and improving the tax collection rate - (Mayor's letter of 8-8-75)

MRS. LAITMAN said that the basic idea of this study would be to put the Task Force on machinery by integrating it into the Tax Department. She said the results will be a more effective department through improving and formalizing of procedures and controls and better organization of duties and responsibilities. She said there should be an improvement in the flow of information among the Tax Collector's Office, the Assessor's Office and the Data Processing Department. She said there will also be a redesigning of the tax bill to show all taxes due and that rather than increasing personnel, greater use would be made of the computer. She said the Fiscal Committee feels this is a positive step forward. She said this is the direction the City should be headed in and this kind of proposal will make the City more efficient and will increase accountability. She said the Fiscal Committee voted 7 to 0 to recommend approval and SHE SO MOVED. Seconded. It was reported that Education, Welfare & Government Committee concurred.

MR. BAVALLESE spoke on a Point of Personal Privilege. He said there are many people gone from their seats and he requested a Roll Call to see who was still in attendance. (11:55 p.m.)

ROLL CALL was taken by the Clerk, Marilyn Laitman and there were 36 members present and 4 absent. The absent members were:

Theodore Boccuzzi (D), 9th District  
George Connors (D), 8th District  
Jeremiah Livingston (D), 5th District  
Billie Perkins (R), 18th District

The VOTE was then taken on the motion to approve Item #8 under Fiscal Committee and the motion CARRIED.

- (9) \$12,500.00 - COMMISSIONER OF FINANCE - Code 114.0102 - Part-time help - To fund salaries of part-time personnel working on the Tax Collection Task Force for the fiscal year 1975-1976 - Reduced from \$25,000 by the Board of Finance on 8-14-75 - (Mayor's letter of 6-19-75)

MRS. LAITMAN said this amount would fund the salaries of three part-time personnel working on the Tax Collection Task Force and is for a six-month period and is being requested on the assumption that the Ernst & Ernst study will be implemented. She said the Task Force tax program has resulted in a net gain to the City of \$61,675.87. She said the people this money will fund are three senior accounting students at Sacred Heart University. She said these people are responsible for collecting taxes from the hardcore, small delinquent taxpayer and they receive a percentage of funds collected. She said that percentage is smaller than would be paid a professional collection agency and noted that the large delinquent tax bills are left to the rest of the Task Force. She said it should be noted that the Tax Collection Task Force has reversed the six-year trend of increasing tax delinquencies and the current estimated rate is below the last two years. She said this is a factor in determining the financial soundness of any municipality. She said the Fiscal Committee voted 7 to 0 to recommend approval and SHE SO MOVED. Seconded.



It was reported that Education, Welfare & Government Committee concurred.  
CARRIED.

LEGISLATIVE & RULES COMMITTEE - Norman Davidoff

MR. DAVIDOFF reported on the following items:

- (1) Final adoption of ORDINANCE CONCERNING DESIGNATION OF RESPONSIBILITY WITHIN CITY DEPARTMENTS AND/OR AGENCIES FOR THE USE OF PUBLIC FUNDS AND PUBLIC PROPERTY - Approved for publication 8-4-75 and published 8-8-75 - (Letter dated 7-22-75 from Deputy Corporation Counsel to Barbara McInerney, 20th District Rep.)

MR. DAVIDOFF said it was the unanimous vote of the Committee that this item be held for further amendments and drafting.

MRS. LAITMAN said the Fiscal Committee participated in the public hearing on this item but did not take a vote on it.

- (2) METHOD USED BY CITY FOR NOTIFICATION TO TAXPAYERS OF DELINQUENT TAXES  
Request has been made to this Board to look into situation in which City's first notice of delinquent taxes was received three years after the taxes were due and included claim of interest due in the amount of \$205.74 - (Letter dated 5-30-75 from Frank W. LiVolsi, Jr., Esq.)  
(Held in Committee 7-7-75 and 8-4-75)

MR. DAVIDOFF said the Committee met with John Mello of the Tax Collector's Office concerning the objections made by Attorney LiVolsi as to the present use for the notification of delinquent taxes and it was the unanimous feeling of the Committee members present to recommend to the Tax Collector's Office that in their opinion current bills sent by the Tax Collector should show accumulated arrearages and that the Tax Collector should explore some of the suggestions made whereby the listing of property owners billed may be updated more frequently than once a year. He said that he has noted that under Item #8 under Fiscal Committee this item is being taken care of.

- (3) See Page 10,721

- (4) Proposed ORDINANCE ESTABLISHING A UNIFORM MILL RATE FOR TAXATION OF MOTOR VEHICLES - Revised ordinance submitted at the request of Anthony Truglia, 5th District Rep. - (Letter dated 7-7-75 from Deputy Corporation Counsel) - (Held in Committee 8-4-75)

MR. DAVIDOFF said the Committee voted unanimously to recommend publication of the proposed ordinance to establish a uniform mill rate for taxation of motor vehicles and HE SO MOVED. Seconded.

MRS. LAITMAN asked if the Legislative & Rules Committee had been in touch with the Board of Finance to get their input as had been suggested. She said she had written to the Corporation Counsel asking for his opinion regarding the time structure involved in this Board setting the mill rate for motor vehicles. She noted that each member had a copy of the reply to her request. She said she was of the understanding that the Legislative & Rules Committee was going to get in touch with the Board of Finance as to how the establishment of the mill rate should be accomplished.

MR. DAVIDOFF said the Committee will get in touch with the Board of Finance.

Minutes of September 2, 1975

The VOTE was then taken on the motion for publication of the following proposed ordinance and the motion was CARRIED unanimously:

PROPOSED ORDINANCE

ESTABLISHMENT OF A UNIFORM MILL RATE FOR TAXATION  
OF MOTOR VEHICLES

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

1. The provisions of Public Act No. 74-211 entitled "AN ACT CONCERNING A UNIFORM MILL RATE FOR TAXATION OF MOTOR VEHICLES BY THE CITY OF STAMFORD", are hereby adopted by the City of Stamford.
2. All motor vehicles within the City of Stamford, commencing with the Grand List of September 1, 1975, and on the Grand List of October 1 in subsequent years, shall be taxed at a uniform mill rate.
3. Said uniform mill rate shall be set by the Board of Representatives of the City of Stamford by a majority vote thereof, upon the advice and recommendation of the Board of Finance.
4. This ordinance shall take effect on the date of its enactment.

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In response to a question from MRS. FORMAN, THE PRESIDENT said it is not necessary for the Board to hold a public hearing on this proposed ordinance but he would expect that one will be scheduled.

- (5) Proposed ORDINANCE CONCERNING DISCLOSURE OF CIVIL SERVICE PRACTICES WITHIN THE CITY OF STAMFORD - Local "Right to Know" law submitted at the request of Diane Handley, 17th District Rep. - (Draft dated 8-6-75 from Corporation Counsel and revised by Legislative & Rules Committee on 8-14-75) - (Held in Committee 6-2-75, 7-7-75 and 8-4-75)

MR. DAVIDOFF said the Committee voted 5 to 1 in favor of publication of the following proposed ordinance with one abstention and HE SO MOVED. Seconded. CARRIED unanimously.

PROPOSED ORDINANCE

CONCERNING DISCLOSURE OF CIVIL SERVICE  
PRACTICES WITHIN THE CITY OF STAMFORD

WHEREAS, appointment, advancement and promotion based on competitive examination are the essence of purpose for a classified civil service, and

WHEREAS, a policy of fullest public disclosure in appointment, advancement and promotion in the classified service is essential to the integrity of the civil service system, and

WHEREAS, fullest public disclosure of records and policies of the Personnel Commission and Department of Civil Service of the City is essential to preserve the integrity of the Civil Service System and secure hiring and promotion pursuant to open competitive and promotional examination,

NOW, THEREFORE, BE IT ORDAINED IN THE CITY OF STAMFORD THAT:

1. This Ordinance shall be called the Civil Service Disclosure Ordinance of the City of Stamford.
2. They shall maintain and make available to the public the following records:
  - (a) Copies of all locally prepared written examination questions within forty-eight hours after such examination has been given.
  - (b) The names of all applicants examined, their scores and relative standing, within forty-eight hours after such scores have been determined.
  - (c) The total number of applicants to any examination including the total number examined and rated, the total number admitted to the examination but failing to take such examination, and the total number refused admission to such examination together with the reasons therefore.
  - (d) The method and formula applied to calculate the grades and scores of all applicants.
3. They shall maintain and make available to any City entity vested with the power of appointment for any position within the Civil Service relative to such position, the Personnel Committee of the Board of Representatives and any applicant, all other information regarding applicants not required to be disclosed under Section 2 except information exempted under Section 4.
4. The following information shall be excluded from the requirements of this ordinance:
  - (a) Any and all information relative to the marital status of any person.
  - (b) Medical and psychological information of any person.
  - (c) Information relative to psychological testing.
  - (d) Statement of worth.
  - (e) Any information otherwise specifically excluded from public disclosure by any state statute or law.
5. On and after November 1, 1975, no policy or business or other practice or rule of the Personnel Commission or the Department of Civil Service shall have any force and effect unless such policy, practice or rule shall be reduced to writing, acted on in accordance with any requirements of the City Charter and Code of Ordinance and recorded in the appropriate minutes within that department.
6. On and after November 1, 1975, no policy, business or other practice or rule intended as a proscription, amendment or enforcement of rules of the classified service pursuant to Section 735 of the City Charter shall have any force or effect unless adopted in writing and in accordance with the requirements of Section 735.



7. (a) The Personnel Commission and the Department of Civil Service shall notify in writing any person who may be aggrieved of any action taken by them.

(b) Such writing shall contain specific reference to:

- (i) The position or other subject in issue.
- (ii) The specific action by which such person is aggrieved and the date such action was taken.
- (iii) Any right to administrative appeal or contract remedy in lieu thereof.
- (iv) The signature and title of the person taking and responsible for such action that may aggrieve such person.

8. Where the requirements of this ordinance and any other law conflict, that law requiring the most disclosure of information shall prevail.

9. This Ordinance shall take effect upon enactment.

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- (6) ORDINANCE NO. 314 CONCERNING PRIVATE REFUSE COLLECTION PRACTICES WITHIN THE CITY - Approved for publication 8-4-75 and published 8-8-75 - (Submitted on 7-21-75 by Deputy Corporation Counsel in letter addressed to Barbara Forman, 19th District Rep., and Marilyn Laitman, 20th District Rep.)

MR. DAVIDOFF referred to a letter from the Deputy Corporation Counsel dated August 27, 1975. He said the Legislative & Rules Committee had advised the sponsors of this ordinance, Reps. Laitman and Forman, to meet with representatives of the Private Refuse Collectors Association and the Corporation Counsel's Office and as a result of that meeting the sponsors of the ordinance have recommended some changes to the Ordinance. He said these changes appear on the draft of the ordinance dated August 27, 1975, revised August 28, 1975, a copy of which is on each member's desk. He said the changes are as follows:

1. An amendment to the third Whereas clause which shall now read: "Whereas it is the sense of the Board of Representatives of the City of Stamford that as regards the business of private garbage collection, open and competitive business practices in this industry are essential to preserve the health and safety of the community."
2. Paragraph 1 on Page 2 is amended to read: "This ordinance shall be entitled The Private Refuse Collection Ordinance."
3. Paragraph 3 on Page 2 is amended to read: "No private collector shall unreasonably refuse to service any person when the location of such person is reasonably accessible from any area where such private collector is already doing business. A refusal shall be deemed reasonable, however, when a private collector is servicing the maximum number of customers at the time of such refusal which is feasible within the collection capacity of the collector's equipment where the appropriate information concerning such capacity has been filed with the Commissioner of Public Works pursuant to Section 7 (d) of this ordinance."

4. Sub-paragraph 7 (d) on Page 3 has been amended to read as follows: "A list of collection equipment and the collection capacity of such equipment by number of customers serviced thereby for all such equipment owned at the time of the license application or upon acquisition thereafter."

MR. DAVIDOFF said that in addition, it was the recommendation of the Law Department that Paragraph 10 (b) on Page 4 be deleted from the proposed ordinance. He said this paragraph provides the procedures under which suspension or revocation of dumping incinerator licenses may occur and it secures due process in the procedure to protect a licensee. He said it was the recommendation of the Law Department that the content be adopted by separate ordinance with some word changes with the impact being that now these due process requirements will apply to all instances of suspension or revocation under Article 8 of the Code of Ordinances. He said the content of Paragraph 10 (b) should be amended by adoption as a separate ordinance and as revised to read as follows: "A license granted by the Commissioner of Public Works pursuant to any section of Article 8 of the Code of Ordinances shall not be suspended or revoked except after a hearing upon due notice where the licensee shall have an opportunity to be present represented by counsel, examine any evidence presented and present arguments and evidence on all issues involved."

MR. DAVIDOFF MOVED FOR FINAL ADOPTION of the following amended ordinance pertaining to private refuse collection practices. Seconded and CARRIED with one "no" vote and one abstention (Mr. Rybnick).

ORDINANCE NO. 314 SUPPLEMENTAL

PRIVATE REFUSE COLLECTION PRACTICES WITHIN THE CITY

WHEREAS, the City of Stamford has the power pursuant to Charter Section 40, Subdivision 41, to provide for and regulate collection and disposal of all garbage, trash, waste and ashes either by contract or otherwise and prohibit and regulate the depositing of same; and

WHEREAS, the City is also endowed with the power pursuant to Charter Section 40, Subdivision 47, to regulate or prohibit the carrying on of any trade, manufacturing, business or profession which is or may be so carried on as to become prejudicial to public health, conducive to fraud and cheating or dangerous to or constituting an unreasonable annoyance to those living or owning property in the vicinity of Stamford; and

WHEREAS, it is the sense of the Board of Representatives of the City of Stamford that as regards the business of private garbage collection, open and competitive business practices in this industry are essential to preserve the health and safety of the community; and

WHEREAS, the conduct of business by private collectors such that local residents would find it difficult if not impossible to change collectors would require regulations under the above provisions,

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

1. This ordinance shall be entitled the Private Refuse Collection Ordinance.

2. For the purposes of this ordinance, a private collector is one who transports for any other person for a fee any substance defined as garbage, trash or other waste pursuant to Chapter 8 of the Code of Ordinances where such transportation is intended for disposition of such substance at any land-fill site, incinerator or transfer station.

3. No private collector shall unreasonably refuse to service any person when the location of such person is reasonably accessible from any area where such private collector is already doing business. A refusal shall be deemed reasonable, however, when a private collector is servicing the maximum number of customers at the time of such refusal which is feasible within the collection capacity of the collector's equipment where the appropriate information concerning such capacity has been filed with the Commissioner of Public Works pursuant to Section 7 (d) of this ordinance.

4. No private collector shall discriminate against any person by rate or other collection practice because such person has changed or has expressed an intention to change collectors.

5. No private collector shall refuse to service any person because such person has changed collectors.

6. No private collector shall enter into an agreement with another for the pre-arrangement or fixing of price or fee for collection services in any given area within the City or among any group of customers within the City.

7. It shall be a requirement of any license issued by the Commissioner of Public Works pursuant to Chapter 8 of the Code of Ordinances for the transportation or disposition of garbage, trash and other waste that the licensee supply the following information:

- (a) A description of the area served by him by street names.
- (b) A list of prices charged customers serviced by such collector.
- (c) A list of names and addresses of any and all persons owning an interest in its business.
- (d) A list of collection equipment and the collection capacity of such equipment by number of customers serviced thereby for all such equipment owned at the time of the license application or upon acquisition thereafter.

8. The Commissioner of Public Works shall maintain a list of areas covered by private refuse collectors within the City by street including the name of each private collector doing business on each such street and shall keep such list up-to-date and accessible to the public and publish such list at least once a year in the local media.

9. Any person who violates any provision of this section shall pay a fine of one hundred dollars (\$100.00) for each offense. Each separate person discriminated against pursuant to Sections two through five of this ordinance shall be deemed a separate offense.

10. Notwithstanding any other penalty provided by law, the Commissioner of Public Works may suspend or revoke any license described in Section 7 of this ordinance, refuse to renew such license, or prohibit from use of the City incinerator, transfer station or dumping facilities any person whom he has determined to have violated any provision of this ordinance for a period of one year from the date of the Commissioner's determination that a violation has occurred.



11. Any person, joint venturer, employer, principle, agent, employee of a person that has violated any provision of this section and any shareholder who owns more than ten (10) per cent of any stock in a corporation that has violated any provision of this ordinance, shall be presumed to be a person who has violated a provision of this ordinance.

12. This Ordinance takes effect upon enactment.

MR. DAVIDOFF MOVED FOR SUSPENSION OF THE RULES to consider the companion ordinance to the ordinance pertaining to private refuse collection practices, which has to do with license suspension procedures. Seconded and CARRIED.

MR. DAVIDOFF MOVED for waiver of publication of the proposed ordinance concerning the procedure for suspension or revocation of licenses granted by the Commissioner of Public Works. Seconded.

MR. ROSS noted that the proposed ordinance does not state before whom the appeals hearing would be held.

MR. DAVIDOFF said the Commissioner of Public Works is the grantor of the license and would be the one to hold the hearing on an appeal.

MR. ROSS MOVED TO AMEND the proposed ordinance by adding that a decision by the Commissioner of Public Works can be appealed to the Public Works Committee of the Board of Representatives. Seconded.

THE PRESIDENT noted that this proposed ordinance would apply to all licenses issued under any section of Article 8 and not just to those for the private refuse collectors.

MR. ROSS WITHDREW HIS MOTION TO AMEND. The seconder concurred with the withdrawal.

The VOIE was then taken on the motion to waive publication of the proposed ordinance concerning license suspension procedures and the motion was CARRIED with one "no" vote.

MR. DAVIDOFF MOVED FOR FINAL ADOPTION of the following ordinance: Seconded, and CARRIED with 2 "no" votes and one abstention (Rep. Rybnick).

**ORDINANCE NO. 315 SUPPLEMENTAL  
PROCEDURE FOR SUSPENSION OR REVOCATION OF LICENSES GRANTED BY THE  
COMMISSIONER OF PUBLIC WORKS**

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

A license granted by the Commissioner of Public Works pursuant to any section of Article 8 of the Code of Ordinances shall not be suspended or revoked except after a hearing upon due notice where the licensee shall have an opportunity to be present, represented by counsel, examine any evidence presented and present arguments and evidence on all issues involved.

This Ordinance shall take effect upon enactment.

Minutes of September 2, 1975

- (7) Proposed ORDINANCE CONCERNING THE SHOWING OF X-RATED MOVIES WITHIN THE CITY  
(Submitted by Anthony Truglia, 5th District Rep., on 8-12-75)

MR. DAVIDOFF said the Committee unanimously voted to hold the above item in Committee and to schedule a public hearing to get input on it. He said the Committee also voted unanimously to seek an opinion from the Corporation Counsel's Office as to the validity of the proposed ordinance.

- (8) ORDINANCE NO. 316 CONCERNING AUTHORIZATION OF EASEMENT FROM THE CITY OF STAMFORD TO THE HARTFORD ELECTRIC LIGHT COMPANY FOR UNDERGROUND FACILITIES TO SERVICE THE BELL STREET GARAGE - (Mayor's letter of 8-7-75)

MR. DAVIDOFF said the Committee voted unanimously to waive publication of the above ordinance and HE SO MOVED. Seconded and CARRIED.

MR. DAVIDOFF MOVED FOR FINAL ADOPTION of the following ordinance: Seconded and CARRIED unanimously.

ORDINANCE NO. 316 SUPPLEMENTAL

CONCERNING AUTHORIZATION OF AN EASEMENT FROM THE CITY OF STAMFORD TO THE HARTFORD ELECTRIC LIGHT COMPANY PROVIDING FOR UNDERGROUND ELECTRIC FACILITIES TO SERVE BELL STREET PARKING GARAGE ON MUNICIPALLY OWNED PROPERTY ON THE NORTH SIDE OF BELL STREET

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

In conformity with Section 488 of the Stamford Charter and notwithstanding any provisions of Chapter 6, Section 6-33 to 6-35 inclusive of the Code of General Ordinances of the City of Stamford, the following easement:

To the HARTFORD ELECTRIC LIGHT COMPANY - map entitled

"Easement covering electric underground facilities on the property of Urban Redevelopment Commission for Bell Street Garage, Bell Street, Stamford, Connecticut. The Hartford Electric Light Co., Stamford Division, Sketch No. K-7519-M, Scale None, Date 7/7/75"

which map is to be filed in the Office of the Town Clerk of said City of Stamford, is hereby authorized for the purpose of providing electric underground facilities for the Bell Street Garage.

The Mayor of the City of Stamford is hereby authorized and empowered to act for the City of Stamford and to execute and deliver all documents necessary to grant the easement aforesaid.

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

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- (9) Proposed ORDINANCE CONCERNING TAX EXEMPTION FOR FAITH TABERNACLE BAPTIST CHURCH PROPERTY LOCATED AT 84 WALLACE STREET - (Letter dated 7-22-75 from Robert B. Wise, Esq.)

MR. DAVIDOFF said the Committee voted unanimously to hold this item pending a presentation from Attorney Wise.

- (10) ORDINANCE NO. 317 CONCERNING TAX EXEMPTION FOR MIRACLE FAITH, INC., PROPERTY LOCATED AT 62 VALLEY ROAD - (Submitted by Alphonse C. Jachimczyk, Esq.)

MR. DAVIDOFF said the Committee voted unanimously to waive publication of the above ordinance and HE SO MOVED. Seconded and CARRIED.

MR. DAVIDOFF MOVED FOR FINAL ADOPTION of the following ordinance: Seconded and CARRIED unanimously.

ORDINANCE NO. 317 SUPPLEMENTAL

TAX EXEMPTION FOR MIRACLE FAITH, INC., PROPERTY LOCATED AT 62 VALLEY ROAD, STAMFORD, CONNECTICUT, UNDER PROVISIONS OF SECTION 12-81b OF CONNECTICUT GENERAL STATUTES (1967 P. A. 311)

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Pursuant to Section 12-81b of the General Statutes of Connecticut, the property of Miracle Faith, Inc., an eleemosynary institution, acquired from James J. Poynter and Theresa D. Poynter on February 22, 1975, located at 62 Valley Road, Stamford, Connecticut, to be used for its charitable purposes, be exempted from taxation on the List of September 1, 1973, as of February 22, 1975 and on the List of September 1, 1974; and

The Commissioner of Finance be and is hereby authorized and directed to reimburse said Miracle Faith, Inc. in the amount of \$480.81 for real property taxes paid for said property on the List of September 1, 1973 prorated as of February 22, 1975.

This Ordinance shall take effect upon its enactment.

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- (11) Proposed ORDINANCE CONCERNING REMOVAL OF MOTOR VEHICLES FROM PRIVATE PROPERTY - (Letter dated 12-10-74 from William M. Ivler, Executive Director, Stamford Real Estate Owners Association) - (Held in Committee 1-6-75 and 2-3-75)

MR. DAVIDOFF said the Committee voted unanimously to hold this item pending an opinion from the Corporation Counsel.

- (12) LETTER CONCERNING PROPOSED SETTLEMENT REGARDING RENTAL OF PARKING LOT LOCATED ON THE CORNER OF ATLANTIC STREET AND BELL STREET - Stamford Parking Authority - (Letter dated 8-15-75 from Bernard Plotnick, Esq. to Joseph J. Tooher, Esq.)

MR. DAVIDOFF said this item is being held pending an opinion from the Corporation Counsel's Office.

It was reported that the Fiscal Committee did not vote on Item #12.

HEALTH & PROTECTION COMMITTEE - Matthew Rose

MR. ROSE said Rep. Clark would present the Committee's report on Highview Avenue.



## Minutes of September 2, 1975

MRS. CLARK reported that on August 25, 1975 the Health & Protection Committee held an open meeting for the residents of Highview Avenue. She said the Committee members present were Reps. Rose, Zimble, McInerney, and Clark and also present were Rep. DeRose, Chairman of the Sewer Committee, and Reps. Handley, D'Agostino, Forman, Laitman, Costello and Miller and State Rep. Thom Serrani, who has been working on the problems on Highview Avenue from their onset. She said the meeting was put on tape and the Health & Protection Committee will review the tapes with the Engineering and Public Works Departments. She said the Committee plans to present to the full Board and to the residents of Highview Avenue a solution to the problems on Highview Avenue which will meet with the approval of everyone involved at the regular monthly meeting of the Board in October. She thanked the residents of Highview Avenue and all the City Representatives that took time to participate in the meeting.

MR. DeROSE said he would like to add that he had contacted Mr. Reppucci, Chairman of the Sewer Commission, the day after the open meeting and Mr. Reppucci assured him that the Sewer Commission would do everything in their power to resolve any problems on Highview Avenue that fall within their jurisdiction. The residents have been asked to put their complaints in writing and direct them to Mr. Reppucci for consideration by the Sewer Commission.

PARKS & RECREATION COMMITTEE - Julius J. Blois

MR. BLOIS reported on the following items:

- (1) PETITION NO. 400 - AMERICAN ITALIAN ASSOCIATION - For authorization to have the Columbus Day Parade and Ceremonies on Sunday, October 12, 1975 starting at 2:00 p.m. at Scalzi Park and proceeding down Washington Boulevard to Columbus Park - (Letter dated 7-16-75 from Joseph Montagnese, General Chairman)

MR. BLOIS MOVED for approval of the above petition from the American Italian Association. Seconded and CARRIED.

- (2) PETITION NO. 401 - VETERAN'S DAY CELEBRATION COMMITTEE - For authorization to have the 1975 Veteran's Day Parade on Sunday, November 9, 1975 starting at 1:30 p.m. - (Letter dated 8-15-75 from Stephen A. Sackman, General Chairman)

MR. BLOIS MOVED for approval of the above petition from the Veteran's Day Celebration Committee. Seconded and CARRIED.

MR. BLOIS MOVED for SUSPENSION OF THE RULES to consider the fee schedule for the Terry Conners Ice Skating Rink. Seconded and CARRIED.

MR. BLOIS read the following fee schedule:

TERRY CONNERS RINK

1. Fees: Admission to Public Recreational Skating Sessions:

	<u>Before Six</u>	<u>After Six</u>
(a) Resident Child	.75	1.00
(b) Resident Adult	1.50	1.75
(c) Non-Resident Child	1.00	1.50
(d) Non-Resident Adult	2.00	2.25

## Minutes of September 2, 1975

## 2. Fees: Ice Rental to Private Groups:

	Winter	All other
(a) Ultra-Prime	\$70.00	\$60.00
(b) Prime	60.00	50.00
(c) Non-Prime	45.00	35.00

## 3. Fees: Patch &amp; Freestyle &amp; Dance:

Morning - \$1.50      Afternoon - \$2.50

## 4. Fees: Instructional Skating:

(a) Beginners and Intermediate	\$1.50 plus admission
(b) Hockey II and III	1.50 " " " "
(c) Junior and Senior and Hockey I	2.00 " " " "

## 5. Fees: Spectator Events:

(a) Hockey (high School)	Students - \$1.00	Adults - \$2.00
	Reserved - \$2.75	

## (b) All other events:

Ice Shows, Pro or Semi Pro Hockey games, etc. fees to be set by Park Commission not to exceed \$5.00 per person for individual admissions.

MR. BLOIS said the Park Commission has adopted a resolution whereby the groups sponsored by the Board of Recreation will be charged at the prevailing rate subject to a 50% rebate, which rebate will be credited to the income of the Terry Conners Rink. He noted that the fees in the above schedule are the same as those approved by this Board last year with the exception of the ones for the rental to private groups which have been raised \$10 for ultra-prime and prime times and \$5 for non-prime time. HE MOVED for APPROVAL of the fee schedule as presented. Seconded.

In response to a question from MRS. LAITMAN, MR. BLOIS said it was necessary to raise the fees for group rentals because of the increased costs of operating the rink. He also said the Park Commission has made a survey of fees charged at nearby rinks and the fees at Terry Conners were lower than all others.

In response to a question from MRS. McINERNEY, MR. BLOIS said the reduced rate could apply to any group sponsored by the Board of Recreation which includes the Youth Hockey League.

The VOTE was then taken on the motion to approve the fee schedule and the motion CARRIED.

THE PRESIDENT noted that Mr. Loughran has left the meeting and there are now 35 members present.

PERSONNEL COMMITTEE - Leonard Hoffman

MR. HOFFMAN reported on the following items:

- (1) Proposed RECOMMENDATION TO BE SUBMITTED TO THE PERSONNEL COMMISSION CONCERNING POLICY FOR COMPENSATING RETIRING DEPARTMENT HEADS AND/OR ADMINISTRATORS FOR UNUSED SICK LEAVE AND VACATION TIME - (Submitted at Steering Committee meeting on 6-23-75 by Leonard Hoffman, 11th District Rep.) (Held in Committee 7-7-75 and 8-4-75)

Minutes of September 2, 1975

MR. HOFFMAN said Item #1 is being Held in Committee.

- (2) INQUIRY INTO CIRCUMSTANCES CONCERNING CERTAIN APPOINTMENTS WITHIN THE CIVIL SERVICE SYSTEM - To include appointment of Barry J. Boodman to position of Assistant Corporation Counsel as well as other appointments which may have been made illegally or improperly - (Letter dated 6-9-75 from Thomas D'Agostino, 17th District Rep., in reference to Assistant Corporation Counsel) - (Scope of inquiry broadened at Steering Committee meeting on 6-23-75 as proposed by Leonard Hoffman, 11th District Rep.) - (Held in Committee 7-7-75 and 8-4-75)

MR. HOFFMAN said the above item is being Held in Committee. He said the Committee did look into a rejection of a candidate for a position in the Police Department. He said the Committee contacted the Personnel Department and the testing laboratory who gave the prospective candidate psychological tests and have received some information pertaining to that appointment. He said the Committee has not done anything more and is planning to meet with some other people who are involved in the appointment of Mr. Boodman. He said he would hope that this item could be reported out of Committee at the October meeting.

- (3) See Page 10,729.

PLANNING & ZONING COMMITTEE - Salvan Ross

MR. ROSS reported that the Planning & Zoning Committee met August 27 and present were Reps. Tresser, Rose and Ross. He reported on the following item:

- (1) PETITION - Acceptance of extension of HIGHLINE TRAIL as a City Street - (Letter dated 7-24-75 from Irving S. Rosenblum, Esq.)

MR. ROSS said the item is being held in Committee pending receipt of certification of the street in question by the City Engineer.

PUBLIC HOUSING & GENERAL RELOCATION COMMITTEE - Handy Dixon

MR. DIXON said the Public Housing & General Relocation Committee has met several times to consider the following item:

- (1) TAX ABATEMENT FOR MARTIN LUTHER KING APARTMENTS - Board of Representatives previously approved tax abatement stipulating that the owner of the apartments, New Neighborhoods, Inc., would pay 10% of the gross income of the property in lieu of taxes but New Neighborhoods has refused to sign this agreement because of the inability of Martin Luther King to make any payment to the City for taxes - (Mayor's letter of 6-12-75) - (Held in Committee 7-7-75 and 8-4-75)

MR. DIXON said the last meeting that was held was open to the public and was held on August 26 in conjunction with the Legislative & Rules Committee and present were Reps. Davidoff, Flanagan, Maynor, D'Agostino, McInerney, Rose, Lowden and Dixon. He said the Housing Committee, having reviewed this matter quite thoroughly with the Mayor, the Law Department, Representatives from the Board of Directors of New Neighborhoods, Inc., and the general public and having considered the financial position of the City of Stamford and its agreement with the State and its original commitment to the Martin Luther King Apartments, has approved by a vote of 4 yes and 1 no to recommend the following proposed ordinance to this Board for action, which he read as follows:



PROPOSED ORDINANCE

ABATING TAXES ON MARTIN LUTHER KING APARTMENTS AT 40 STILLWATER AVENUE  
OWNED BY NEW NEIGHBORHOODS, INC. PURSUANT TO SECTION 8-215 OF THE  
CONNECTICUT GENERAL STATUTES

WHEREAS, Martin Luther King Apartments is an existing housing development containing eighty-nine rental units occupied solely by persons or families of low or moderate income and as such, is regulated and financially assisted by the U. S. Department of Housing and Urban Development; and

WHEREAS, Martin Luther King Apartments is owned by New Neighborhoods, Inc., a Connecticut corporation organized not for profit; and

WHEREAS, the Board of Representatives of the City of Stamford by passage of Ordinance Number 147 Supplemental previously approved abatement of up to 100% of the real property taxes on Martin Luther King Apartments, subject to reimbursement of such taxes to the City of Stamford by the State of Connecticut, and

WHEREAS, the financial feasibility of Martin Luther King Apartments has at all times been based upon 100% tax abatement and in reliance upon such 100% tax abatement, Martin Luther King has accepted many families as tenants who are unable at this time to pay rents which include any real estate tax increment; and

WHEREAS, the State of Connecticut has agreed to reimburse the City of Stamford in an amount of \$350 per dwelling unit per year, a total of \$31,150 per year, for abated taxes on Martin Luther King Apartments, substantially below the actual tax due based upon the assessment of such property and current and recent mill rates; and

WHEREAS, abating the taxes levied on Martin Luther King Apartments for the following specified fiscal periods will enable such housing to maintain rents below the levels which would be necessary in the absence of such abatement and thus better serve the families presently living in such housing based upon their abilities to pay such rents.

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

1. The sum of \$34,812.09 in taxes on the Grand List of September 1, 1972 on Martin Luther King Apartments representing the balance of taxes on such property not previously abated by Resolution No. 962 of this Board are hereby abated in full, plus any and all accrued interest and lien fees.
2. The sum of \$70,272.48 in taxes on the Grand List of September 1, 1973 on Martin Luther King Apartments representing all of the taxes on such property for such list year are hereby abated in full, plus any and all accrued interest and lien fees.
3. The sum of \$68,313.21 in taxes on the Grand List of September 1, 1974 on Martin Luther King Apartments representing all of the taxes on such property for such list year are hereby abated in full, plus any and all accrued interest.
4. The Tax Abatement Committee established pursuant to Ordinance No. 228 Supplemental is hereby directed to review the books and records of Martin Luther King Apartments for the calendar years ending December 31, 1975 and December 31, 1976, meet with representatives of the Sponsor, New Neighborhoods, Inc. and file

a written report with this Board by June 1, 1977 with regard to the need and desirability for continued full or partial abatement of real property taxes on Martin Luther King Apartments on the Grand Lists of September 1, 1975 and September 1, 1976.

5. The Tax Collector of the City of Stamford is hereby directed and empowered to list the total amount of the said lawful abatement into the Rate Book and other records and files, together with the name of the owner against whom such tax, so abated, was levied and the reason for such abatement, and the Tax Collector is further directed to record these facts in his Annual Report, in accordance with the provision of Section 12-167 of the Connecticut General Statutes, as amended.

6. The Mayor of the City of Stamford is hereby authorized and directed to enter into a new agreement with New Neighborhoods, Inc. providing for tax abatement on Martin Luther King Apartments in accordance with the provisions of this Ordinance.

7. This Ordinance shall take effect upon its adoption.

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MR. DIXON MOVED FOR PUBLICATION of the proposed ordinance. Seconded.

MR. GUROIAN said he was opposed to the proposed ordinance. He said it was a big rip-off. He said the State has defaulted on its agreement and he was opposed to the ordinary taxpayer supporting non-profit housing. He said the City would not abate taxes for a taxpayer who could not afford to pay. He said there are other housing units in this City that are waiting in line. He said if the City yields on this the State will default on their agreements with other housing units. He urged every member of the Board not to vote for this.

MR. SAINBURG said the Board has to consider the history of this matter and he noted that New Neighborhoods would never have built this housing in the first place if they did not have 100% tax abatement. He said they would never have gotten the funds and necessary agreements for the mortgages if they did not have this agreement. He said the State reneged on its agreement with the City. He said the City did not have to accept this one-sided cancellation of the agreement. He said it is his understanding that Hartford is suing the State for similar funds and he does not understand why the administration went along with it and did not fight for this money. He said that is not the problem of New Neighborhood, however, He said the problem became the City's problem when it went along with the cancellation of this tax support money. He said he does not think this Board has any choice but to support this proposed ordinance.

MRS. MCINERNEY said that the Public Housing & General Relocation Committee received reams of supportive data from New Neighborhoods and met many times on this matter. She said she feels strongly that the administration and the State have literally forced this Board's back against the wall and that what the State has done to the City by reneging on the agreement is blackmail. She said this Board is being asked to vote under duress and noted there is no guarantee that the State will honor their agreement to pay at least a \$350 minimum per apartment next year. She said she questions whether or not in these hard economic times the taxpayers can afford to abate this tax and accept responsibility for the loss of funds. She said according to the wording of the original ordinance the City has no legal obligation to New Neighborhoods. She said it is in essence a moral issue. She said it should also be brought out that a proposal to get back some of these tax

dollars was suggested to New Neighborhoods and that would be one of instituting a sliding scale of 1 to 10 for taxes. She said this was refused and this Board has no other choice than to go ahead and vote for this ordinance tonight.

MR. MORABITO said this is a classic example of what he has been saying since he was on the Board -- federal money, federal control; State money, State control-- and the City is left holding the bag. He said the three-year total for this is \$173,397.78 and there is no guarantee that the City won't be asked to abate the taxes in future years. He said he thinks this Board should deny this and sue the State and make them meet their obligations.

MR. TRESSER said he agreed with Mr. Sainburg. He said the Board owes it to the tenants in Martin Luther King to vote for this ordinance.

MR. FLANAGAN said the total tax abatement as listed in the ordinance can be reduced by the State's reimbursement of \$31,150.00 per year and the number is not as high as was mentioned by Mr. Morabito. He said this has had an effect on St. John's also, the difference being that the contract that St. John's had with the City does not have the clause in it that the City will only give reimbursement as long as the City receives full reimbursement from the State. He said when Martin Luther King was built, their financial set up was predicated on the fact that they would receive 100% tax abatement. He said the State blackmailed the City into accepting the cancellation with the threat that they would remove DCA funds from the City in some other place. He noted that 29 out of the 88 families in Martin Luther King are from the urban renewal area which helped enormously with the relocation problems which have bogged down urban renewal in this City. He said because of the URC's inability to relocate families, the URC land was not available to the redeveloper and because of that the redeveloper lost two commitments he had with major department stores. He said even now the City can not deliver the title to the land for the parking lot for the new Marriott Hotel because there is an occupied house on the corner of it. He said the housing issue is not something the City can ignore and say it is the State's responsibility. He said the redevelopment of the renewal area depends on relocating the families and if Martin Luther King had not been built, the whole project probably would have been delayed even longer.

MR. DAVIDOFF said the Legislative & Rules Committee voted unanimously that this abatement be granted in accordance with the action taken by the Public Housing & General Relocation Committee.

MR. DIXON said basically what is being talked about is the abatement of approximately \$20,000 per year, or 10% of the income of Martin Luther King as stipulated in the original agreement the City proposed to New Neighborhoods. He said the City will not lose money. He said what will happen is that the City will be placed in the position of not receiving as much as they would if the abatement were not granted. He said the City is actually going to receive more money even with the abatement than what was coming in before the apartments were built. He said he can not say the City has a legal obligation to Martin Luther King but he believes the City has a moral obligation to the tenants. He said he has received a petition signed by approximately 70 of the tenants who feel the City should reaffirm its original agreement for 100% tax abatement. He said many of these tenants have told him that they are now living in decent housing for the first time in their lives and he said it does not seem fair or reasonable to take that away from them.



MR. ZIMBLER spoke in opposition to this item. He said the Board is being asked to legislate under the gun. He said as a human being he feels a strong empathy for the tenants of the Martin Luther King Apartments but as a member of the legislative body he could not vote with a clear conscience for an item which would be setting a very bad precedent and which could ultimately cause adverse conditions to the tax structure in the City. He said the Board members have a responsibility to their constituents not just in their respective districts but in the entire City of Stamford.

MRS. LAITMAN said Martin Luther King did absorb a lot of people from the urban renewal area and that did result in the City finally getting the needed funding. She said the Board should consider from a fiscal point of view what this property was bringing the City in revenues before the apartments were constructed and what it will bring in over a ten-year period, which is hundreds of times more than the original amount. She said the tenants are now probably going to have to accept a \$20 a month increase in their rentals because of increased operating expenses and if the rents have to be increased to pay for the unabated taxes, the units will no longer be moderate rental apartments.

MR. MORABITO said the URC was supposed to provide housing to relocate families in the urban renewal area and they did not live up to that responsibility.

MR. FLANAGAN said the caseload of relocatees that were within the renewal area was spread out among many projects within the City, such as the Housing Authority, St. John's Towers, Friendship House, Coleman Towers and Martin Luther King. He said the people have not been concentrated in one area, which would have been a mistake as it would have created a ghetto situation. He noted that all of the people who live in Martin Luther King were residents of Stamford before they moved into those apartments so they do not represent an additional burden to the City in any way.

MR. GUROIAN said the moral obligation for relocation of families within the urban renewal area lies with the URC, which did not construct one housing unit within the area. He said he would suggest that Mr. Dixon take the petition he has received and send it to Hartford as that is where the moral obligation for upholding the original agreement between the City and the State lies. He said it does not lie with the taxpayers. He said there are taxpayers in this City on fixed incomes who can not afford to pay increased taxes and yet the City does not grant them an abatement. He said he will not submit to blackmail tonight and urged others not to do so either.

MR. HOFFMAN said he feels badly for the people living in these apartments but he wonders about the possibility of other low-cost housing developments seeking this same sort of relief from the City.

MR. DIXON said he has been assured by the Corporation Counsel that the tax abatement setup with Martin Luther King is entirely different from any of the other low and moderate income projects and he feels absolutely sure that the other projects would not be coming in to ask the City for the same thing. He said when the other projects received their original abatement the 10% was a built-in factor and they accepted it and understood from the beginning that they would have to pay it.

THE PRESIDENT announced that Mr. Blois and Mr. D'Agostino have left and there are now 33 members present.

MR. ROSE spoke in favor of the proposed ordinance. He said if the rents have to be increased in order to pay the City 10% of the income of the apartments in lieu of taxes, the rents will no longer be within the range of low and moderate income levels.

MRS. McINERNEY pointed out that the administration has already given away the City's right to that \$20,000 by releasing the State of its legal and moral responsibilities. She said she does not know if the City can try to retrieve any of these funds from the State at this point in time or not.

MR. DIXON said the City's acceptance of the State's cancellation of the agreement was a final act and can not be changed at this point.

THE PRESIDENT announced that Mrs. Clark, Mr. Walsh, Mr. DeRose and Mr. Truglia have left and there are now 39 members present.

MR. DAVIDOFF requested that the vote on the motion to publish the proposed ordinance be taken by Roll Call and a sufficient number of members supported his request.

In response to a question from MR. GUROIAN, THE PRESIDENT said the motion for publication of an ordinance requires the affirmative vote of the majority of those present and voting for passage and that for final adoption of an ordinance 21 affirmative votes would be required.

MR. DIXON said the petition he has received has been properly brought to the attention of this Board as that is to whom it was addressed. He read the preface of the petition which requests the Board of Representatives to reaffirm the City of Stamford's commitment to grant 100% tax abatement to New Neighborhoods, Inc., sponsor and owner of the Martin Luther King Apartments on Stillwater Avenue, and which underscores the fact that the financial feasibility of this housing venture was predicated on full tax abatement and federal approval for the project was granted only after the City entered into the agreement with New Neighborhoods for full tax abatement.

MR. GUROIAN said this Board should vote against this proposal in order to uphold its honor by not submitting to blackmail.

MR. FLANAGAN said it is his understanding that the Mayor felt he was put in a box and he would jeopardize all of the City's DCA assistance if he did not agree to the \$350 per year per apartment figure. He said that on advice of his Corporation Counsel the Mayor signed an amended assistance agreement with the State accepting this lower figure. He said this is an irreversible act and in his opinion was probably the right thing to do when the total picture is considered. He said this Board is not acting under State blackmail. He said the State already blackmailed the City and the City has acquiesced to it. He said all this Board is doing is making up for what the State failed to do by not living up to their commitment. He said he feels the Board has to do this. He said this is not an open-ended thing as it will be subject to review in the future. He said he would hope that the State would reconsider its position and suggested that the next Board draft a resolution condemning the State for its action in treating this part of the State in the same manner as other parts of the State when this part of the State is an extremely high rent area compared to the rest of the State. He said a flat \$350 per apartment throughout the State discriminates against Fairfield County and an attempt to get a higher rate for this part of the State should be made.

Minutes of September 2, 1975

The following ROLL CALL VOTE was taken on the motion to approve the proposed ordinance for publication and the motion CARRIED by a vote of 18 in favor and 7 opposed:

THOSE VOTING IN FAVOR:

BOCCUZZI, John (D)  
 CROSBY, Robert (R)  
 DAVIDOFF, Norman (D)  
 DIXON, Handy (D)  
 FLANAGAN, William (R)  
 FORMAN, Barbara (R)  
 HANDLEY, Diane (R)  
 HOFFMAN, Leonard (R)  
 LAITMAN, Marilyn (D)  
 LOWDEN, Lynn (D)  
 MARTINO, Vincent (D)  
 MAYNOR, Frederick (D)  
 McINERNEY, Barbara (R)  
 MILLER, Frederick (D)  
 PERILLO, Alfred (D)  
 ROSE, Matthew (D)  
 SAINBURG, Richard (R)  
 TRESSER, Michael (R)

THOSE VOTING IN OPPOSITION:

GUROIAN, Armen (D)  
 KELLY, James (D)  
 MORABITO, Joseph (D)  
 RAVALLESE, George (D)  
 ROSS, Salvan (D)  
 SANDOR, John (D)  
 ZIMBLER, Kurt (R)

COMMUNICATIONS FROM THE MAYOR

THE PRESIDENT noted that the report from the Mayor dated 8-18-75 regarding recommendations included in the final report of the Special Investigating Committee concerning the Appointment of a Superintendent of Parks has been distributed to all members.

ADJOURNMENT

There being no further business to come before the Board, on motion, duly seconded and CARRIED, the meeting was adjourned at 1:20 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