

MINUTES OF OCTOBER 6, 197513TH BOARD OF REPRESENTATIVESSTAMFORD, CONNECTICUT

A regular monthly meeting of the 13th Board of Representatives of the City of Stamford, Connecticut, was held on Monday, October 6, 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 9:20 p.m. after both political parties had met in caucus.

INVOCATION: Rev. Vasilios Remoundos, Greek Orthodox Church of the Annunciation.

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

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 R. Laitman. There were 37 members present and 3 absent. The absent members were:

Algird S. Cibulskas (D), 14th District
Armen Guroian (D), 7th District
Joseph Morabito (D), 12th District

PAGES:

Patricia L. Bush and Sonia Wiltshire of the University of Connecticut. Mr. Miller said both students are from England and Miss Bush is an intern in the government program and she is working in City Hall.

MRS. LAITMAN said she has a proposed resolution which reads as follows:

RESOLUTION NO. 1026

BE IT RESOLVED THAT THE 13TH BOARD OF REPRESENTATIVES in appreciation of Harry Rosenbaum's long and valued service to the City of Stamford and being aware that he is celebrating his 75th birthday, do hereby state that we and everyone who knows him, agrees "we're just wild about Harry."

MR. MARTINO said he would like to join Mrs. Laitman in saying that she is very correct in saying that we are all wild about Harry.

THE PRESIDENT said a motion has been made and seconded.

MR. RYBNICK requested that a copy of this resolution be sent to Mr. Rosenbaum. The resolution was CARRIED unanimously.

THE PRESIDENT said we now have another important item. He said as you all know, our Administrative Assistant, Mrs. Sally Flaherty is leaving. He said she has been with us since July 1, 1974 and said he thinks the citizens of Stamford should know that they have been very well served by having Mrs. Flaherty first, having worked for the Fair Rent Commission and then for the Board of Representatives. He said she has done a great job and she is a person of great personal integrity and she has demonstrated a very high level of technical and professional confidence in her tenure with the City of Stamford. He said we are sorry to see her leave but we know she is going on to better things and a more rewarding job and a more challenging job with the State University of New York at Stony Brook, where she will be the Assistant to the President of the University.

MRS. LAITMAN said she knows Sally and knows how everyone feels about her and as Chairman of Fiscal, she would like to make it known that Sally has brought a new dimension to the job of Administrative Assistant and she took it out of the realm of shorthand and typing and brought it into the realm of research and she said she would be forever grateful to her.

MR. JOHN BOCCUZZI said he would just like to say thank you and that Mrs. Flaherty is a great person and he knows that she was a big help to the members of this Board.

MR. EXNICIOS said he would like to wish Mrs. Flaherty the very best of everything. He said the loss of the citizens of Stamford is the gain to the citizens of New York. He said she was a wonderful Administrative Assistant and will really be missed.

MR. CONNORS said that Sally did a wonderful job for the Board of Representatives and wished her well and said the Board members should all rise and give her a big hand because there are a lot of people obligated to her. (applause)

MR. ZIMBLER said having been new on the Board he wouldn't have known what to do without her help and she'll be one tough act to follow.

MR. RYBNICK said he concurs with all the lovely things that have been said and wished her the best of luck.

MR. TRESSER, MR. LIVINGSTON, MR. DAVIDOFF, MR. CROSBY, MR. LOUGHRAN, MR. COSTELLO, MR. ROSS, MR. FLANAGAN, MR. BLOIS, MR. MARTINO, MR. LOWDEN, MR. PERILLO and MR. RAVALLESE, all joined in, wishing Mrs. Flaherty good luck and thanking her for all she has done. (applause)

ACCEPTANCE OF MINUTES:

MR. JOHN BOCCUZZI MOVED for the acceptance of the minutes of the regular meeting of September 2, 1975. Seconded and CARRIED.

COMMITTEE REPORTS:

STEERING COMMITTEE

The reading of the report of the Steering Committee of September 22, 1975 was waived and appears below:

STEERING COMMITTEE REPORT

Meeting held Monday, September 22, 1975

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A meeting of the Steering Committee was held Monday, September 22, 1975 in the Democratic Caucus Room, second floor, Municipal Office Building, 429 Atlantic Street, Stamford, Connecticut.

The meeting was called to order by the Majority Leader, John J. Boccuzzi, at 8:05 p.m. The following members were present:

John J. Boccuzzi
Marilyn R. Laitman
Michael Tresser
Gerald Rybnick
Alfred Perillo
Handy Dixon
Matthew Rose

Joseph DeRose
Norman Davidoff
William Flanagan
Salvan Ross
Julius Blois
Leonard Hoffman

Also present was Linda Clark.

The following matters on the tentative agenda were acted upon:

(1) Mayor's appointments

There was one appointment submitted to the Board and ORDERED ON THE AGENDA under APPOINTMENTS COMMITTEE - also, the Mayor withdrew the name of Albert DeLuca.

(2) Appropriation items

There were 13 fiscal items on the tentative agenda which were ORDERED ON THE AGENDA under FISCAL COMMITTEE with those over \$2,000 being referred to secondary committees. Note: Item #13 under fiscal committee was inadvertently put on the agenda - in its place is the Final 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 Personnel Department, Code 174.0101 Salaries.

(3) Legislative matters

The following 10 legislative items were ORDERED ON THE AGENDA under LEGISLATIVE & RULES COMMITTEE:

- 1) Final adoption of ORDINANCE CONCERNING DESIGNATION OF RESPONSIBILITY WITHIN CITY DEPARTMENTS AND/OR AGENCIES FOR THE USE OF PUBLIC FUNDS AND PUBLIC PROPERTY
(Above also referred to FISCAL COMMITTEE)
- 2) Final adoption of ORDINANCE CONCERNING THE ESTABLISHMENT OF A UNIFORM MILL RATE FOR THE TAXATION OF MOTOR VEHICLES
- 3) Final adoption of ORDINANCE CONCERNING DISCLOSURE OF CIVIL SERVICE PRACTICES WITHIN THE CITY OF STAMFORD
- 4) Proposed ORDINANCE CONCERNING THE SHOWING OF X-RATED MOVIES WITHIN THE CITY
- 5) Proposed ORDINANCE CONCERNING TAX EXEMPTION FOR FAITH TABERNACLE BAPTIST CHURCH PROPERTY LOCATED AT 84 WALLACE STREET
- 6) Proposed ORDINANCE CONCERNING REMOVAL OF MOTOR VEHICLES FROM PRIVATE PROPERTY

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- 7) 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)
- 8) Proposed ORDINANCE CONCERNING AUTHORIZATION OF THE SALE OF 1-FOOT STRIP OF LAND ON HENRY STREET TO JOHN A. McNULTY
(Above also referred to PLANNING & ZONING COMMITTEE)
- 9) Proposed ORDINANCE CONCERNING TAX EXEMPTION FOR PARISH OF EMMANUEL PROTESTANT EPISCOPAL CHURCH PROPERTY LOCATED AT 181 WOODBURY AVENUE
- 10) Proposed ORDINANCE CONCERNING TAX EXEMPTION FOR CONGREGATION AGUDATH SHOLOM PROPERTY LOCATED AT 162 BERRIAN ROAD

(4) Parks & recreational items

The following item was NOT ordered on the agenda but referred to Parks & Recreation Committee:

- 1) PETITION - To change name of Hubbard Heights Municipal Golf Course to the E. Gaynor Brennan, Sr., Municipal Golf Course (Letter dated 9-2-75 from the Committee of Concerned Citizens)

(Above also referred to COMMITTEE ON RE-NAMING OF MUNICIPAL FACILITIES)

(5) Personnel matters

The following two items 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 THE CIVIL SERVICE SYSTEM

(Above also referred to LEGISLATIVE & RULES COMMITTEE)

(6) Planning & Zoning concerns:

The following items were NOT ordered on the agenda but referred to the Planning and Zoning Committee: (Mr. Ross said they are waiting for the following streets to be certified by City Engineer Sabia)

- 1) Petitions for acceptance:

Highline Trail, Nyselius Place, Dagmar Road and Dad's Lane.

(7) Public housing matters

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

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- 1) Final adoption of ORDINANCE CONCERNING ABATEMENT OF TAXES ON MARTIN LUTHER KING APARTMENTS AT 40 STILLWATER AVENUE OWNED BY NEW NEIGHBORHOODS, INC.

(Above also referred to LEGISLATIVE & RULES COMMITTEE)

- (8) Environmental Protection matters

The following item was ORDERED ON THE AGENDA under ENVIRONMENTAL PROTECTION COMMITTEE:

- 1) Proposed RESOLUTION AUTHORIZING TRANSFER OF JURISDICTION OVER MUNICIPALLY-OWNED PROPERTY KNOWN AS THE "FINCH ACRES" TO THE ENVIRONMENTAL PROTECTION BOARD

(Above also referred to LEGISLATIVE & RULES COMMITTEE and PUBLIC WORKS COMMITTEE)

- (9) Re-Naming of Municipal Facility matters

The following items were ORDERED ON THE AGENDA under Committee ON RE-NAMING OF MUNICIPAL FACILITIES:

- 1) Proposed ORDINANCE CONCERNING THE NAMING OF MUNICIPAL FACILITIES

(Above also referred to LEGISLATIVE & RULES COMMITTEE)

- 2) Proposed ORDINANCE CONCERNING ESTABLISHMENT OF GUIDELINES FOR NAMING AND RE-NAMING OF MUNICIPAL FACILITIES AND THE ESTABLISHMENT OF A COMMEMORATIVE FACILITY TO HONOR DISTINGUISHED LOCAL CITIZENS

(Above also referred to LEGISLATIVE & RULES COMMITTEE)

No other items were ordered on the agenda for the October 6, 1975 meeting of the Board.

Other items discussed included the following:

1. Vandalism at the public golf courses and public playgrounds. Mr. Blois said he would try to get an estimate of the damages by the October 6, 1975 meeting.

There being no further business to come before the Committee, on motion, duly seconded, and CARRIED, the meeting adjourned at 8:45 p.m.

John J. Boccuzzi
Majority Leader

dm

APPOINTMENTS COMMITTEE - Theodore J. Boccuzzi

MR. BOCCUZZI said the Appointments Committee met this evening in the Mayor's Conference Room and the following members were present: Reps. Dixon, Costello, Ravallesse, Forman, Crosby, Tresser, Martino and Boccuzzi. Mr. DeRose was absent due to a Sewer Committee meeting. (The vote is recorded below).

ZONING BOARD OF APPEALS

RAYMOND SANBORNE (D)
12 Pell Place
(Replacing C. Peters, whose term expired)

APPROVED:
VOTE: 26 yes
11 no

Term Ending:
Dec. 1, 1979

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MR. DIXON said for the benefit of those waiting in the audience, he would like to MOVE for SUSPENSION OF THE RULES for the purpose of bringing up the item under PUBLIC HOUSING & GENERAL RELOCATION COMMITTEE concerning an ordinance on tax abatement for the Martin Luther King Apartments. Seconded and CARRIED.

PUBLIC HOUSING & GENERAL RELOCATION COMMITTEE - Handy Dixon

- (1) Final adoption of ORDINANCE CONCERNING ABATEMENT OF 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 - Approved for publication on 9-2-75 and published on 9-6-75 - (Submitted by Corporation Counsel in letter dated 8-29-75) - (Mayor's letter of 6-12-75)

MR. DIXON said prior to the passage of this ordinance for publication, the Housing and General Relocation Committee met several times with several people and on September 25th, a public hearing with the Legislative & Rules Committee was held. He said all those that he heard speak seem to be in accord with granting the tax abatement for Martin Luther King. (At this time Mr. Dixon read the ordinance to the Board members.)

MR. DAVIDOFF said Martin Luther King Apartments are a credit to Stamford and the people who live there are a credit to Stamford. He said the Legislative & Rules Committee voted unanimously for final adoption.

MR. LIVINGSTON said Martin Luther King Apartments are in his district. He said as one of its representatives he feels obligated to speak on this issue. He said the people who live in that building are working people, skilled and unskilled. He said those people are the same people who once lived in the down town urban renewal area. He said they were uprooted from their homes at the promises of urban redevelopment would be a success. He said one of his constituents called him and said he is the sole supporter of his family and his take home pay is less than \$200 a week and it costs him \$213 just for rent. He said without this tax abatement his constituent will be paying a \$42 increase in rent.

MR. DeROSE said he would like to ask Mr. Dixon a question through the Chair. He said he would like to know what impact this is going to have if this ordinance were defeated this evening. He said to give him some idea as to the individuals residing at the Martin Luther King Apartments now pay, in terms of rent, and what they would pay if this ordinance were to be defeated.

MR. DIXON said a 3-bedroom unit now at \$152 per month, as he understands, would get an increase of \$20 per month to offset the current budget. He said without the tax abatement that would be another \$20 per month which would bring that same 3-bedroom unit to about \$233.00 per month. He said he has been told by many of the tenants, some of whom already pay in excess of \$233 per month, that if this tax abatement ordinance is not granted they will be forced to vacate the premises. He said many of those people came from the more dilapidated sections of town and they say now they are living in decent housing for the first time in their lives.

In response to a question from MR. DeROSE, MR. DIXON said their income is controlled by HUD. He said he understands that it is permitted to earn over the maximum but they have to pay 25% of their income, which those who are earning in excess of the allotted amount, paying a lot in excess of the base rent.

MR. DeROSE asked Mr. Dixon if he knew what that amount was?

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MR. DIXON said he couldn't give the exact figures but some of the tenants are paying in excess of the \$250 per month rent.

MRS. LAITMAN said she would just like to give some additional figures that might put things in perspective. She said the full taxes received by the City in 1967 before these apartments were built were \$1,060.91 and if you project that figure over a 40 year period the City would have realized \$42,440. She said if you project the states reimbursement of \$31,100 a year for the 40-year period the City will realize \$1,240,000. She said so rather than costing the City \$1,000,000, it will benefit in excess of that figure. She said New Neighborhood paid \$149,097 for the land, 54,146 square feet on which the Martin Luther King Apartments were built. She said the assessment for the land and the two frame buildings in 1968 was \$33,650, and the current assessment is \$186,900 for land; \$4,520 for the paving in the parking lot and \$1,114,760 on the building for a total assessment of \$1,306,180.

MR. FLANAGAN said through the Chair he would like to address himself to Mr. DeRose, that the answer to his question is that as a person's income goes up, the rent is increased until they are paying the equivalent of market housing. He said this is the same formula that applies to St. John's Towers. He said in effect, what we are granting here is the same tax relief and under the same rules and regulations as St. John's Towers.

MR. TRUGLIA said if he recalls the time spent on this years ago, that it really wasn't the City that took the problem head on and met it but it was really the private sector...private industrialist got together in this community. He said we are committed and we have proven this many times in the past toward public housing and he honestly feels that this is something we should feel proud of. He said that of all the housing projects in Stamford he could look to with pride and say it's a good example and it's in very good shape. He said Stamford should give thanks to those people who have worked hard to make this building what it is.

MRS. MCINERNEY said it is her understanding that we are passing this ordinance tonight contingent on the fact that the state will live up to its \$350 per unit on the taxes.

MR. DIXON said it is hard to say what the State is going to do. He said they thought they were going to live up to that agreement to grant 100% tax abatement but they didn't. He said now they have come back and said this is what they will do - the State will reimburse the City.

In response to a question from MRS. MCINERNEY, MR. DIXON said there is no guarantee of anything, he said he could only rely on the hopes and that they will honor that commitment.

In response to a question from MRS. MCINERNEY, MR. DIXON said some of the tenants are already receiving rent subsidies and how much more they would be able to receive he does not know. He said he understands that Martin Luther King will be faced with a bankruptcy if they are to pay the City taxes.

MR. TRESSER said he would like the record to show that he is in favor of this tax abatement.

THE PRESIDENT said we could now proceed to a vote.

MR. DIXON requested a ROLL CALL VOTE. Seconded.

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The following ROLL CALL VOTE was taken on the motion to approve the proposed ordinance for final adoption and the motion CARRIED by a vote of 37 in favor and none opposed: (Ordinance No. 318 follows the Roll Call Vote)

THOSE VOTING IN FAVOR:

BLOIS, Julius (D)
BOCCUZZI, John (D)
BOCCUZZI, Theodore (D)
CLARK, Linda (D)
CONNORS, George (D)
COSTELLO, Robert (D)
CROSEY, Robert (R)
D'AGOSTINO, Thomas (D)
DAVIDOFF, Norman (D)
DeROSE, Joseph (D)
DIXON, Handy (D)
EXNICIOS, Robert (R)
FLANAGAN, William (R)
FORMAN, Barbara (R)
HANDLEY, Diane (R)
HOFFMAN, Leonard (R)
KELLY, James (D)
LAITMAN, Marilyn (D)
LIVINGSTON, Jeremiah (D)
LOUGHRAN, Michael (D)
LOWDEN, Lynn (D)
MARTINO, Vincent (D)
MAYNOR, Frederick (D)
McINERNEY, Barbara (R)
MILLER, Frederick (D)
PERILLO, Alfred (D)
PERKINS, Billie (R)
RAVALLESE, George (D)
ROSE, Matthew (D)
ROSS, Salvan (D)
RYBNICK, Gerald (D)
SAINBURG, Richard (R)
SANDOR, John (D)
TRESSER, Michael (R)
TRUGLIA, Anthony (D)
WALSH, Peter (D)
ZIMBLER, Kurt (R)

ORDINANCE NO. 318 SUPPLEMENTAL

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 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.

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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.

FISCAL COMMITTEE - Marilyn R. Laitman

MRS. LAITMAN said the Fiscal Committee met on Wednesday, October 1, 1975 and present were: Marilyn Laitman, Handy Dixon, Barbara Forman, Jerry Livingston, Michael Loughran, Jerry Rybnick and Kurt Zimbler. Absent were: John Boccuzzi, Robert Enxicios and Robert Crosby.

- (1) FINAL 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, Phase II of Report given on 8-4-75 and Held in Committee 9-2-75)

MRS. LAITMAN said this report concludes an inquiry by the Fiscal Committee into a situation which arose from a transfer of funds from the Law Department to the Personnel Department. The funds were intended to pay for the hiring of an additional employee to handle Workmen's Compensation matters. The action taken by the Board of Representatives on that item made very clear our intended purpose in authorizing this transfer of funds. Nevertheless, the funds or a portion of them were used to finance pay increases for the Director of Personnel and the Assistant Director of Personnel.

Further evaluation disclosed that so far as the Director of Personnel and Assistant Director were concerned, their pay increases were characterized as so-called "reclassifications."

This Committee requested and received an opinion from the Law Department regarding the legality of what had occurred. We have been advised that:

1. The funds transferred to the Personnel Department could be used only for the purposes intended by the Board of Representatives, that is, for hiring a new person;
2. That the reclassification procedure applied by the Director of Personnel to the Assistant Director of Personnel and to himself were for many reasons in this instance illegal.

Accordingly, monies paid contrary to the opinion have been paid or are in the process of being paid back.

However, the matter should not rest there.

Regarding the status of wage payments made from the transfer, the Fiscal Committee reports the following:

1. The application of transferred funds to purposes other than those specified by this Board was conducted in complete disregard of the legislative powers of this Board and our responsibility to direct, control and protect the expenditures of public funds. The action taken by this Board on this particular appropriation resolution received the same public notice attendant on all other appropriation resolutions. The powers of this Board to control the City purse strings cannot be reduced by a claim of ignorance. Ignorance is no excuse, especially by public officers who should make it their duty to know specifically what actions this Board has taken regarding their department. Action to the contrary should be condemned.

2. The City Charter, Section 733 (a), clearly specifies the only manner by which the Director of Personnel may receive an increase in wages. The record of intended reclassification of the Director in this instance violated that provision. Further, it is a gross example of conflict of interest so far as the record reflects that he participated in his own reclassification, and further exhibits either a plain disregard or a complete ignorance of the reclassification procedures in the Civil Service rules on the part of the Director of Personnel who is, nevertheless, charged with the primary duty of enactment, enforcement and amendment of these rules. Violation of the Charter and the Personnel Department's own rules by its Director should be condemned.

The inquiry of the Fiscal Committee, however, went further:

1. It was learned that there is an ongoing practice within the City government whereby the residual funds in a salary account accumulated from any given circumstance have been used to finance reclassifications. It is pointed out to the Board that the new wage rate thereafter becomes a binding obligation for subsequent years so long as the position is occupied.

2. In conjunction with the above, however, it has been discovered that although the general rule of the Civil Service regulations provides for reclassification based upon competitive examination, the general rule is routinely ignored and the bulk of reclassifications, especially as they apply to high and intermediate level employees, are awarded without examination allegedly based on a limited and severely restricted exception provided in the Civil Service rules. To the extent that the Director's attempt at his own reclassification is any barometer, it appears that the exception allowed in reclassification has been abused.

The practices within our Personnel Department regarding reclassification result in the City being bound to pay increases awarded without testing at the sole discretion of the Director of Personnel. As presently conducted, we conclude there are no controls.

It must be remembered that a Civil Service System is only a system of testing to provide appointment and advancement based upon merit and to prevent favoritism, politically or otherwise.

The Fiscal Committee concludes that the present practices surrounding reclassifications whereby they are awarded routinely under an exception to the general rules and financed by residual funds left by circumstances in salary accounts has resulted in a system of advancement within the City government devoid of public control and fair procedures. There is no safeguards under the present system to prevent favoritism or politics in advancement and it is a system that the public is forced to support without any controls for as long as the advanced personnel holds his office.

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After several meetings with the Chairman of the Personnel Commission, the Director of Personnel and his attorney, it appears that no relief will be forthcoming from the Department of Personnel. Accordingly, the Fiscal Committee of the Board of Representatives makes the following recommendations to the Board:

1. The Committee submits for publication and subsequent enactment the following ordinance which will insure that the Board members can do their job to protect public expenditures to finance appropriations.

MRS. LAITMAN then MOVED to WAIVE PUBLICATION on the proposed ordinance. Seconded and CARRIED.

MR. RYBNICK asked that the record show that he is abstaining from all discussion and voting on the above ordinance.

MR. DAVIDOFF said this item was also referred to the Legislative & Rules Committee and the Committee voted unanimously in favor of enactment of the proposed ordinance and waiver of publication.

MRS. LAITMAN said she would now like to MOVE for FINAL ADOPTION of the ordinance. Seconded.

MR. DAVIDOFF said the Legislative & Rules Committee concurs. Seconded.

The VOTE was then taken on the final adoption of the following ordinance and it was CARRIED with one abstention (Mr. Rybnick); there being 36 members voting in favor:

ORDINANCE NO. 319

CONCERNING METHOD OF FUNDING WAGE INCREASES FOR MUNICIPAL EMPLOYEES

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

a) The wages paid for any position of employment with the City shall not be increased except from the funds either appropriated or transferred for the specific purpose of paying such increases.

b) Any collective bargaining agreement entered into by the City for the benefit of its employees pursuant to Section 7-474 of the Connecticut General Statutes shall be deemed rejected as a whole by the Board of Representatives so far as it conflicts with Section (a) of this ordinance unless those portions of such agreement which are in conflict with this ordinance are specifically referred to, specifically approved, and specifically adopted by said Board.

c) This ordinance shall take effect upon enactment.

MRS. LAITMAN continued to read the Final Report on item #1 under Fiscal.

2. It is the recommendation of the Fiscal Committee that the Director of Personnel be censured for his participation in the series of events which led to the wage increases paid him, specifically:

a. He acted without regard for the express purpose of the Board of Representatives in providing him with an appropriation;

b. He sought to obtain for himself a wage increase without regard for the Charter of the City; and

c. He sought to obtain for himself a wage increase in contravention of the Civil Service regulations which are his responsibility to enforce; and

d. He is without recognition of the gross conflict of interest which occurs when he participates in his own reclassification.

MRS. LAITMAN presented a proposed resolution and MOVED for its approval. Seconded.

THE PRESIDENT asked Mrs. Laitman if Mr. Barker was given the opportunity to appear before the Fiscal Committee?

MRS. LAITMAN said yes he was.

THE PRESIDENT then asked if Mr. Barker was represented by counsel at the Committee meeting?

MRS. LAITMAN said yes he was.

THE PRESIDENT said he feels compelled to point out to the Board members that the term "censure" has a rather technical meaning when used in legislative body and said it is really the most serious punishment that a legislative body can give out, short of actual removal and the Chair wishes to point out that this is a very serious matter. He said it is possible, if the Board so desires, to express its disapproval of Mr. Barker's actions without actually using the word censure. He said it would take a majority of those present and voting for this motion to pass.

THE PRESIDENT noted that Mr. Theodore Boccuzzi was excused and there are now 36 present and 4 absent.

MRS. LAITMAN requested a ROLL CALL VOTE. Seconded.

MR. BLOIS asked when using the word censure, what is the final outcome?

THE PRESIDENT said there is no outcome. He said it will be on record permanently that the Board of Representatives on this date, publicly expressed its censure of Mr. Barker.

The VOTE was then taken on the proposed resolution concerning the Censure of Personnel Director, and was CARRIED by a vote of 34 in favor, 1 opposed and 1 abstention (Mr. Rybnick): The resolution follows the Roll Call Vote:

THOSE VOTING IN FAVOR:

BLOIS, Julius (D)
BOCCUZZI, John (D)
CLARK, Linda (D)
COSTELLO, Robert (D)
CROSBY, Robert (R)
D'AGOSTINO, Thomas (D)
DAVIDOFF, Norman (D)
DeROSE, Joseph (D)
DIXON, Handy (D)
EXNICIOS, Robert (R)
FLANAGAN, William (R)

THOSE VOTING IN OPPOSITION:

CONNORS, George (D)

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THOSE VOTING IN FAVOR: (continued)

FORMAN, Barbara (R)
HANDLEY, Diane (R)
HOFFMAN, Leonard (R)
KELLY, James (D)
LAITMAN, Marilyn (D)
LIVINGSTON, Jeremiah (D)
LOUGHRAN, Michael (D)
LOWDEN, Lynn (D)
MARTINO, Vincent (D)
MAYNOR, Frederick (D)
MCINERNEY, Barbara (R)
MILLER, Frederick (D)
PERILLO, Alfred (D)
PERKINS, Billie (R)
RAVALLESE, George (D)
ROSE, Matthew (D)
ROSS, Salvan (D)
SAINBURG, Richard (R)
SANDOR, John (D)
TRESSER, Michael (R)
TRUGLIA, Anthony (D)
WALSH, Peter (D)
ZIMBLER, Kurt (R)

ABSTENTIONS:

RYBNICK, Gerald (D)

RESOLUTION NO. 1027

CENSURING THE DIRECTOR OF PERSONNEL

WHEREAS, the Board of Representatives approved a request for a transfer of funds from the Law Department to the Personnel Department to be used for a specific purpose; and

WHEREAS, the application of those transferred funds to purposes other than those specified was conduct in complete disregard of the legislative powers of the Board of Representatives; and

WHEREAS, the City Charter, Section 733 (a), clearing specifies the only manner by which the Director of Personnel may receive an increase in wages; and

WHEREAS, the record of intended reclassification of the Director of Personnel, violated that provision; and

WHEREAS, the record indicates that the Director of Personnel participated in his own reclassification, a gross example of conflict of interest, which exhibits either a plain disregard or a complete ignorance of the reclassification procedures in the Civil Service rules on the part of the Director of Personnel who is charged with the primary duty of enactment, enforcement and amendment of these rules;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED BY THE BOARD OF REPRESENTATIVES THAT:

The Director of Personnel censured for his participation in the series of events which led to the wage increases paid him, specifically:

- a) He acted without regard for the express purpose of the Board of Representatives in providing him with an appropriation; and
- b) He sought to obtain for himself a wage increase without regard for the Charter of the City; and
- c) He sought to obtain for himself a wage increase in contravention of the Civil Service regulations which are his responsibility to enforce; and
- d) He is without recognition of the gross conflict of interest which occurs when he participates in his own reclassification.

- 2) \$6,018.19 - BOARD OF EDUCATION - GRANT to be received from the State as a reimbursable federal grant under Title III of the National Defense Education Act to be used to purchase film for the film library and media equipment for Rogers School Media Center (Dr. Peebles' letter of 8-20-75)

MR. TRUGLIA asked that the record show that he is abstaining from all discussion and voting on Items #2, 3, 4, and 5.

MRS. LAITMAN said this is a reimbursable federal grant for an on-going program. She said films will be purchased for the film library and used in our 24 public schools. She said monies from the grant will also be used to purchase media equipment for the Rogers School Media Center. She said Fiscal approved this by a vote of 7 to 0 and she SO MOVED. Seconded.

MR. LIVINGSTON said Education, Welfare and Government Committee concurs. Seconded and CARRIED.

- 3) \$11,851.00 - BOARD OF EDUCATION - GRANT to be received from the State under State Aid for Disadvantaged Children to continue the Remedial Reading Program in eligible non-public schools for the 1975-1976 Fiscal year - (Dr. Peebles' letter of 8-25-75)

MRS. LAITMAN said this is a 100% prepaid state grant to continue the SADC Project P-135-2, Remedial Reading Program in eligible non-public schools. She said the schools are Sacred Heart, St. Cecilia and St. Maurice. She said Fiscal approved this by a vote of 7 to 0 and she SO MOVED. Seconded.

MR. LIVINGSTON said Education, Welfare & Government Committee concurs. Seconded and CARRIED.

- 4) \$204,943.00 - BOARD OF EDUCATION - GRANT to be received from the State under State Aid for Disadvantaged Children to continue the Compensatory Instruction for Disadvantaged Students Program for the fiscal year 1975-1976 - (Dr. Peebles' letter of 8-20-75)

MRS. LAITMAN said this is a 100% prepaid state grant to continue the SADC Project 135-2, Compensatory Instruction for Disadvantaged Students in the Middle Schools and High Schools. She said Fiscal approved this by a vote of 7 to 0 and she SO MOVED. Seconded.

MR. LIVINGSTON said Education, Welfare & Government Committee concurs. Seconded and CARRIED.

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- 5) \$558,652.00 - BOARD OF EDUCATION - GRANT to be received from the State as a 100% prepaid federal grant under Title I of the Elementary and Secondary Education Act to continue the Aspiration-Education Program for the fiscal year 1975-1976 - (Dr. Peeble's letter of 8-20-75)

MRS. LAITMAN said this is a 100% prepaid federal grant. She said the funds are used primarily for salaries of elementary school remedial reading teachers. She said English as a second language teachers, aides, social work assistants, supervision, fringe benefit costs, Social Security payments, and testing and teaching supplies. She said the project is similar to those approved and operated since 1966. She said Fiscal approved this by a vote of 7 to 0 and SHE SO MOVED. Seconded.

MR. LIVINGSTON said Education, Welfare & Government Committee concurs. Seconded and CARRIED.

MR. ROSS said he would like the record to show that all present were voting on the above four items.

- 6) \$1,000.00 - COMMISSION ON AGING - Code 195.0102 - Part-time Help - Represents a donation by Senior Services of Stamford to be used to supplement salary funds available for the Commissions Senior Citizens Program at Stamford Manor - (Mayor's letter of 9-2-75)

MRS. LAITMAN said these funds were donated by Senior Services of Stamford, Inc., as a supplement to the salary funds available for our Senior Citizens Program at Stamford Manor. She said Fiscal approved this by a vote of 7 to 0 and SHE SO MOVED. Seconded and CARRIED.

- 7) \$10,000.00 - ENVIRONMENTAL PROTECTION BOARD - Code 193.0901 - Professional Services - To obtain the professional services of lawyers, engineers and other experts required to enable the EPB to function - (Mayor's letter of 9-3-75)

MRS. LAITMAN said this appropriation was deleted from the operating budget until such funds were actually needed. She said on January 1, this Board will have jurisdiction of the inland-wetland regulations. She said need is evident for professional expertise, i.e., draftsman, soil experts and other experts. She said Fiscal approved this by a vote of 7 to 0 and SHE SO MOVED. Seconded.

MR. SAINBURG said the Environmental Protection Committee concurs. Seconded and CARRIED.

- 8) \$418.01 - DEPARTMENT OF HEALTH - Code 510.5203 - Training School - To reimburse an Account Clerk in the Department of Health for the cost of job-related education in accord with terms of the MEA contract - (Mayor's letter of 9-2-75)

MRS. LAITMAN said this represents tuition costs, mandatory under the MEA contract, for a Health Department Account Clerk working toward a degree in accounting. She said Fiscal approved this by a vote of 7 to 0 and SHE SO MOVED. Seconded and CARRIED.

9) \$120.50 -

DEPARTMENT OF HEALTH - Code 512.5203 - Training School - To reimburse a nurse in the School Health Program for one-half the cost of job-related education in accord with the terms of Connecticut Nurses Association contract - (Mayor's letter of 9-4-75)

MRS. LAITMAN said this represents tuition costs for a nurse working toward a B.S. degree. She said payment is due in accord with the terms of the Connecticut Nurses Association Contract. She said Dr. Gofstein should be congratulated for the careful documentation of this and prior requests. She said Fiscal approved this by a vote of 7 to 0 and SHE SO MOVED. Seconded and CARRIED.

10) \$75,000.00 -

RESOLUTION NO. 1028 AMENDING 1975-1976 CAPITAL PROJECTS BUDGET BY ADDING THERETO A PROJECT IN THE AMOUNT OF \$75,000.00 TO BE ENTITLED "PUBLIC WORKS DEPARTMENT - HARBORVIEW AVENUE - PURCHASE OF .567 ACRES" TO BE FINANCED BY THE TRANSFER OF SAID AMOUNT FROM THE CAPITAL NON-RECURRING ACCOUNT - To enable purchase of vacant parcel of land contiguous with incinerator facility to be used for the construction of a transfer station for the handling of bulky waste materials - (Mayor's letter of 8-25-75)

MRS. LAITMAN said these funds will be used to purchase one of the last remaining vacant areas contiguous with our incinerator facility and would eventually be used for the construction of a transfer facility. She said we are under court order to provide the City with such a station. She said funds would come out of the capital non-recurring account which presently has a balance of \$533,687.00. She said fiscal approved this by a vote of 6 to 4 and SHE SO MOVED. Seconded.

MR. PERILLO said Public Works Committee concurs.

MR. ROSS asked what is the final amount of the purchase price of this .567 acres.

MRS. LAITMAN said \$75,000.00. She said this is what the City has offered for the property.

MR. ROSS said if they don't take this \$75,000 it will have to go through condemnation and if it ends up in the Court, the City may have to award the owners more since at this time the land on the other side of the incinerator is the old Naval Station, which he understands is our property now, and said he feels we should not invest \$75,000 for .567 acres.

MR. MARTINO asked from who is the City buying this land from?

MRS. LAITMAN said she does not know the individual owners.

MR. BLOIS said that property is owned by the Jesse Hartman Estate. He said that land was appraised at \$75,000. He said in reviewing the price of land in conjunction with our city-owned property, he feels it would be very wise to invest that \$75,000 due to the fact that they are going to use it for a transfer. He said they are going to take the Hanover site and bring it to the opposite side of the street and it will be very close to the incinerator and very close to the railroad tracts in case they ever did have a dumping site where they can take this demolition and load it on to the trains and remove it from the City of Stamford.

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MR. FLANAGAN said he would like to speak in favor of purchasing this piece of land. He said, however, he does want to protest the fact that this land was not purchased before the City of Stamford filled it in. He said that was part of the area where boats used to be turned around before we bulkheaded along the east branch and built the new incinerator.

MR. JOHN BOCCUZZI asked when did the City fill in that piece of property?

MR. FLANAGAN said about twelve years ago.

MR. ROSS asked if the owners of the property are willing to sell?

MR. PERILLO said at this point the City is making an offer and if they refuse then it goes into condemnation.

In response to a question from MRS. PERKINS, MRS. LAITMAN said there is a sewer easement under a portion of the land and a spur track easement over a portion of the property.

In response to a statement made by MR. MARTINO, MR. EXNICIOS said the way our Charter is written, it is not possible for a member of the City administration to offer anyone a price for a piece of property until that money has been appropriated by this Board.

MR. LOUGHRAN said the attachment to Mr. O'Brien's transmittal letter has a section which treats the present use of the property. He said the letter states that "the property shows it is being presently used for a small, rough timber saw mill. It is doubtful that this operation generates a sufficient income to be considered at the highest and best use of the land." He said based upon that comment and that evaluation, he would imagine that that property would be for sale to the City or to anyone else.

MR. MARTINO said then he assumes that Mr. O'Brien or any other City official has already taken the necessary steps to complete the sale. He said he still feels that we are rushing into something that may have bad consequences later on. He said he is completely in favor of this transaction and says the City does need this land.

MR. JOHN BOCCUZZI said this is the first step and said you can't do anything before you do this first.

MR. RYBNICK MOVED THE QUESTION. Seconded and CARRIED.

The VOTE was then taken on Item #10 under Fiscal and the motion CARRIED with a fee "no" votes. The resolution appears below:

RESOLUTION NO. 1028

AMENDING 1975-1976 CAPITAL PROJECTS BUDGET BY ADDING THERETO A PROJECT
IN THE AMOUNT OF \$75,000.00 TO BE ENTITLED "PUBLIC WORKS DEPARTMENT -
HARBORVIEW AVENUE - PURCHASE OF .567 ACRES" TO BE FINANCED BY THE TRANSFER
OF SAID AMOUNT FROM THE CAPITAL NON-RECURRING ACCOUNT

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 \$75,000 to be known as "Public Works Department - Harborview Avenue - Purchase of .567 Acres".
2. To finance said project by a transfer of funds from the following accounts in the amount so indicated:

\$75,000.00 - Capital Non-Recurring Account.
3. That this resolution shall take effect upon enactment.

- 11) \$10,000.00 - RESOLUTION NO. 1029 - AMENDING 1975-1976 CAPITAL PROJECTS BUDGET BY ADDING THERETO A PROJECT IN THE AMOUNT OF \$10,000 TO BE ENTITLED "PARK DEPARTMENT - TERRY CONNERS ICE RINK - EQUIPMENT FOR FOOD CONCESSION" TO BE FINANCED BY TAXATION

MRS. LAITMAN said these funds are required to purchase equipment for the food concession. She said we have received 2 bids for equipment and have a detailed cost breakdown. She said the sooner we get a food concession operating in the rink, the sooner we can take advantage of the over 70,000 people who yearly visit Terry Connors by offering them food and drink at reasonable prices. She said having estimated that each person would spend approximately 63¢ per visit on food. She said Fiscal approved this by a vote of 7 to 0 and SHE SO MOVED. Seconded.

MR. BLOIS said the Parks & Recreation Committee concurs. Seconded and CARRIED unanimously.

RESOLUTION NO. 1029

AMENDING 1975-1976 CAPITAL PROJECTS BUDGET BY ADDING THERETO A PROJECT IN THE AMOUNT OF \$10,000 TO BE ENTITLED "PARK DEPARTMENT - TERRY CONNERS ICE RINK - EQUIPMENT FOR FOOD CONCESSION" TO BE FINANCED BY TAXATION

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 \$10,000 to be known as "Park Department - Terry Connors Ice Rink - Equipment for Food Concession".
2. To finance said project by taxation.
3. That this resolution shall take effect upon enactment.

- 12) Proposed RESOLUTION CONCERNING THE INITIATION OF ACTION FOR THE CONSTRUCTION OF AN INDUSTRIAL SERVICE ROAD - To construct a new traffic artery extending Viaduct Road northerly through industrially-zoned property along the Noroton River - As recommended in Stamford's Master Plan since 1953 and as approved in the 1975-1976 Capital Projects Budget - (Mayor's letter of 9-8-75)

MRS. LAITMAN said this item is being held pending further investigation.

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13) \$33,591.00 -

RESOLUTION NO. 1030 - AMENDING 1975-1976 CAPITAL PROJECTS BUDGET BY ADDING \$33,591.00 TO THE PROJECT ENTITLED "PUBLIC WORKS DEPARTMENT - NEW CONSTRUCTION - REHABILITATION OF TOWN HALL" TO BE FINANCED BY THE APPROPRIATION OF SAID AMOUNT -
To provide sufficient funds to enable the City to award the contract to the low bidder and to pay the remaining architect fee - (Mayor's letter of 9-15-75)

MRS. LAITMAN said this is the low bid for the replacement of the Old Town Hall and roof and clock tower repair. She said the bid is being held pending our action tonight. She said the federal funds have yet to materialize and so far we can ascertain would place severe restrictions on control of buildings. She said rather than delay the project, since costs rise daily, it was decided to have the City fund it and continue to discuss additional monies with Federal Government. She said Fiscal approved this by a vote of 7 to 0 and SHE SO MOVED. Seconded.

MR. PERILLO said the Public Works Committee concurred. CARRIED unanimously.

RESOLUTION NO. 1030

AMENDING 1975-1976 CAPITAL PROJECTS BUDGET BY ADDING \$33,591.00 TO THE PROJECT ENTITLED "PUBLIC WORKS DEPARTMENT - NEW CONSTRUCTION REHABILITATION OF TOWN HALL" TO BE FINANCED BY THE APPROPRIATION OF 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 \$33,591.00 to be know as "Public Works Department - New Construction - Rehabilitation of Town Hall."
2. To authorize the financing of said project by the issuance of bonds.
3. That this resolution shall take effect upon enactment.

14) \$1,016,676.92 -

Request for an additional appropriation to the 1975-1976 Operating Budget in the amount of \$1,016,676.92 to cover the financial aspects of the AGREEMENT negotiated between THE BOARD OF EDUCATION and the STAMFORD EDUCATION ASSOCIATION for members of the TEACHING STAFF

MRS. LAITMAN said these funds cover the financial aspects of the agreement negotiated between the Board of Education and the Stamford Education Association for 1,287 members of the teaching staff. She said this contract was approved by our Board, and the breakdown is as follows:

Professional Salaries -----	\$ 866,281.00
In-Service Pay Provision -----	50,000.00
Aides Salaries (22 new aides) -----	79,957.68
Aides Insurance -----	438.24
Travel Allowance -----	20,000.00
	<u>\$1,016,676.92</u>

MRS. LAITMAN said Fiscal approved this by a vote of 7 to 0 and SHE SO MOVED. Seconded and CARRIED.

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MR. DeROSE, MR. TRUGLIA and MR. MARTINO said they would like the record to show that they are abstaining on this item.

(Note: The above item was approved UNDER SUSPENSION OF THE RULES)

MRS. LAITMAN said she would like to MOVE to SUSPEND THE RULES for the next item. Seconded and CARRIED.

- 15) \$49,644.00 - Request for an additional appropriation to the 1975-1976 Operating Budget in the amount of \$49,644.00 to cover the contractual obligation of the contract negotiated between the BOARD OF EDUCATION and the STAMFORD AIDE ASSOCIATION

MRS. LAITMAN said these are the funds needed to cover the contractual obligation of the contract negotiated between the Board of Education and the Stamford Aide Association. She said this contract was received on July 22nd and under provisions of Section 7-474 of the State Statutes does not require approval of the legislative body. She said Fiscal approved this by a vote of 7 to 0 and SHE SO MOVED. Seconded and CARRIED.

MR. JOHN BOCCUZZI asked that the record show that he abstained from voting on this item.

MRS. LAITMAN said she would like to MOVE for SUSPENSION OF THE RULES on the following item. Seconded and CARRIED.

- 16) \$62,000.00 - PUBLIC WORKS DEPARTMENT - Code 602.0626 - Disposition of abandoned excavation site located between Ferris Avenue and Grenhart Road

MRS. LAITMAN said it has been determined that the excavation located between Ferris Avenue and Grenhart Road has become a danger to the community. She said this amount would cover the cost of filling in this area. She said since the City has first lien on the property, we stand a good chance of recovering the cost. She said Fiscal approved this by a vote of 7 to 0 and SHE SO MOVED. Seconded.

MR. BLOIS said what do you mean the City stands a good chance in getting the money back. He said we have a lien on it.

MRS. LAITMAN said she doesn't know the financial condition of the people involved and she believes they are going into bankruptcy.

MR. BLOIS said he would like to know if there are many liens on the property that we are in doubt in getting \$62,000 refund.

MRS. LAITMAN said we have the first lien on this property. She said under the powers and duties set forth in Section 416 of the City Charter and Section 4-19 of the Code of Ordinances, we will accomplish this and we do get a chance to get the first monies that are paid on this property directly to the City. She said this is the same procedure we have been using in destroying abandoned buildings and we have recovered many of those funds.

MR. EXNICIOS said is there a possibility that if we appropriate this money and we start to fill this property in, that the owners will take us to court to halt the filling. He said if he is correct in his understanding.

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MRS. LAITMAN said to her knowledge that is correct. She said we have proof in writing from the Health Department that this is a hazard to the health and safety to the community.

MR. FLANAGAN said he would like to make a MOTION that this be amended to \$25,000.00. Seconded.

MR. FLANAGAN said his reason for making that motion is that Commissioner O'Brien has indicated that there is a good possibility that some of the General Telephone and Electronics buildings along Atlantic Street will be scheduled for demolition in the very near future. He said he also stated to them tonight that it is unlikely that he will be able to expend the \$62,000 and that in all probability the excavation, if not totally, at least in part, would be filled with demolition rubble. He said if we approve the \$62,000 and it is not expended for this purpose, this money would then be in the Public Works account and we would probably, as in the past, lose control.

MR. TRUGLIA said he urges anyone who has not yet seen the site on Ferris Avenue to go down there soon. He said there is a tremendous hole there and he feels very sorry for a constituent who has her house about a foot and a half from this excavation. He said one more good rain fall and that house could very well end up in that hole. He said there are also youngsters going by there day after day and even if a car making a sharp turn by there could end up in that hole. He said it is an eye sore and he must compliment the Health Department in following this through. He said Mr. O'Brien has been most cooperative and said we can not afford to wait any longer that that hole has to be filled.

MR. BLOIS said as he understands it, it is questionable as to what you can put into that hole to begin with. He said he doesn't know if Mr. O'Brien would be allowed to put that demolition from Atlantic Street in that hole and said he thinks that \$62,000 is very minimal because he does not think \$62,000 is enough to fill it, nevertheless \$25,000.

MR. TRUGLIA said Mr. Blois' remarks were very important. He said he had reason to talk with Mr. O'Brien and that he told him that the State requires that the first four feet had to be clean type of rubble, such as cement, brick, etc., and after that another four feet of the similar. He said then eventually we can put in the demolition.

MR. EXNICIOS said he seconds the amendment that Mr. Flanagan has made. He said Mr. Flanagan is not saying in any way not to fill the hole in but let's try to keep the money out of the general fund if we have demolition material. He said another point he would like to make is that it is his understanding that a sizeable portion of the \$62,000 is probably not identified, but about \$20,000 of that is for top soil, and not just for filling the hole but to grade it and seed it. He said let us remember that this is not City property.

MR. ZIMBLER said he would like to suggest to the Public Works Department that there exists on Long Ridge Road the Finch property which we are hoping that someday will be dredged down to its original level to resume its function as a flood plain and said he thinks that the 16th District will very gladly donate its fill to fill up said hole.

MR. ROSS said at one time from all our sewerage contracts we had a lot of fill that the City had to pay to get rid of and he said he wonders if the Public Works Department can realize any fill from the contracts that are now going on.

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MR. D'AGOSTINO said they are also waiting for them to dredge Sleepy Hollow and they could pick up more right there.

MR. FLANAGAN said he was concerned about putting in enough fill to protect the property that is in danger of sliding due to washout. He said he feels \$25,000 is enough to take care of that particular problem. He said we are talking about approximately 10,000 cubic yards to fill and 400 cubic yards of top soil at \$62,000 and this is top dollar. He said the State says we could fill up to the water table with clean rubble and that means demolition rubble not wood but clean brick and mortar.

MRS. LAITMAN said she would like to read a letter from Corporation Counsel addressed to John Canavan:

"As indicated to you at our meeting yesterday, concerning the above situation, which is the Holiday Inn site on Ferris Avenue and Grenhart Road, I believe the City has a reasonably good chance of recovering the cost of filling in the excavation hole at the above site, pursuant to our lien rights under Section 416.1 of the Charter. We also have the back-up leverage through the building inspector for refusing to issue any further building permits on this site until the lien amount is paid although there is a good question as to whether such a position will be sustainable in court.

"State National Bank of Connecticut has instituted foreclosure proceedings on the property as a result of the owners default on a first mortgage held by the bank. As of the date, neither the owner or the building contractor ... filed a substantial and responsible party takes over this property."

MRS. LAITMAN said the people in this area have lived with this for a long time. She said it has also been a long time since Fiscal has taken an item under suspension of the rules of this nature. She said we do it as we did tonight for contracts that have been passed by the Board of Finance after our Steering Committee has met. She said we did this because we recognized a need within the community and we recognized that there was a hazard existing. She said Fiscal spoke with Mr. O'Brien tonight and he said that he would use the cheapest possible nature and he would take advantage of any project that was available.

THE PRESIDENT said the motion on the floor is to reduce the \$62,000 to \$25,000.

MR. JOHN BOCCUZZI said he is against the amendment. He said the problem has been there a long time and it is definitely a hazard. He said he was listening to all the suggestions here tonight and to wait for GTE to take their buildings down is just too long to wait and feels that the people in that area have waited long enough. He said he feels the City will get back its money and urges the Board to vote against the amendment of \$25,000 and at least approve \$50,000 if not the entire \$62,000.

MR. FLANAGAN said this \$62,000 figure is top dollar and it will not be expended and Mr. O'Brien told the Republican Caucus tonight that he will not spend half of it. He said he feels that if we give the Public Works the \$62,000 it will go someplace else.

MR. DAVIDOFF asked if there are any tax liens that the City has against this particular piece of property?

MRS. LAITMAN said the only information she has from the Corporation Counsel is that the bank has instituted foreclosure proceedings on the property.

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MRS. CLARK said she would like to MOVE THE QUESTION. Seconded and CARRIED.

THE PRESIDENT said we are now going to vote on Mr. Flanagan's motion to reduce this item from \$62,000 to \$25,000.

A machine vote was taken on Mr. Flanagan's MOTION and it was LOST by a vote of 16 in favor and 20 opposed.

MRS. LAITMAN said she would now like to MOVE for approval of the original \$62,000. Seconded.

MR. JOHN BOCCUZZI requested a ROLL CALL VOTE.

The following ROLL CALL VOTE was taken on item #16 and it was CARRIED by a vote of 32 in favor and 4 opposed:

THOSE VOTING IN FAVOR:

BLOIS, Julius (D)
BOCCUZZI, John (D)
CLARK, Linda (D)
CONNORS, George (D)
COSTELLO, Robert (D)
D'AGOSTINO, Thomas (D)
DAVIDOFF, Norman (D)
DeROSE, Joseph (D)
DIXON, Handy (D)
FORMAN, Barbara (R)
HOFFMAN, Leonard (R)
KELLY, James (D)
LAITMAN, Marilyn (D)
LIVINGSTON, Jeremiah (D)
LOUGHRAN, Michael (D)
LOWDEN, Lynn (D)
MARTINO, Vincent (D)
MAYNDR, Frederick (D)
McINERNEY, Barbara (R)
MILLER, Frederick (D)
PERILLO, Alfred (D)
PERKINS, Billie (R)
RAVALLESE, George (D)
ROSE, Matthew (D)
ROSS, Salvan (D)
RYBNICK, Gerald (D)
SAINBURG, Richard (R)
SANDOR, John (D)
TRESSER, Michael (R)
TRUGLIA, Anthony (D)
WALSH, Peter (D)
ZIMBLER, Kurt (R)

THOSE VOTING IN OPPOSITION:

CROSBY, Robert (R)
EXNICIOS, Robert (R)
FLANAGAN, William (R)
HANDLEY, Diane (R)

MRS. FORMAN said at this time she would like to propose a MOTION that we request Mr. O'Brien to have a report available for the next regular meeting, telling us in detail and itemizing the disposition of these funds. Seconded and CARRIED.

MRS. LAITMAN said she would like to MOVE for SUSPENSION OF THE RULES for item #17. Seconded and CARRIED.

17) \$385,186.95 - SALARY INCREASE for those covered by the MUNICIPAL EMPLOYEES CONTRACT for the fiscal years of 1974-1975 and 1975-1976

MRS. LAITMAN said this amount would fund salary increases granted in the approved contract for the members of the Municipal Employees Association. She said Fiscal approved this by a vote of 7 to 0 and SHE SO MOVED. Seconded and CARRIED.

MRS. LAITMAN said that our Board recently approved an appropriation of \$400,00 for the Planning Department for a Statistical Planner to take a trip to Seattle, Washington. She said she would like to read the following letter:

"My attendance at the recent conference of the Urban and Regional Information Systems Association in Seattle was and, I hope, will be quite productive. It was both very educational and quite valuable in regard to the contacts I made.

"I attended many sessions dealing with problems affecting Stamford, including that of land use systems. In addition, I heard papers outlining plans for the 1980 Census, and I feel the presentation of my paper reflected favorably on Stamford.

"Among the many individuals I met were a representative of IBM, with a valuable knowledge of land use systems which he has offered to share with us (gratis), and Morton Meyer, Chief of the Geography Division of the Census Bureau. It is Mr. Meyer's division with which we are most involved, and pursuant to a discussion at the conference Jacob Silver, his assistant, and I are arranging a project with the Census Bureau, Tri-State Planning Commission, and the Stamford Planning Board to use the Stamford Geographic Base File (Computer Map) to do a demonstration study with State Land Use data."

(signed) Mark Hanson

LEGISLATIVE & RULES COMMITTEE - Norman Davidoff

MR. DAVIDOFF said the Legislative & Rules Committee held their meeting on October 2, 1975. Present were Reps. Flanagan, Walsh, Maynor, Sainburg, Perkins, Handley and Davidoff. Also present was Rep. McInerney.

- 1) ORDINANCE NO. 320 - 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 the Committee voted unanimously for final enactment.

MRS. LAITMAN said Fiscal did not meet for the second time on that ordinance and when they met on Wednesday evening, they were told by the Deputy Corporation Counsel that there would be a new ordinance and therefore, did not discuss it. She said since they have not met on this she would have to abstain.

THE PRESIDENT said we have a motion on this ordinance for final adoption. MOVED and Seconded.

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MR. JOHN BOCCUZZI said he is on Fiscal also and he too did not receive the change. He said he is going to abstain from voting too.

MR. LOUGHRAN said the ordinance is on everyone's desk this evening.

MR. RYBNICK said he is also a member of Fiscal and he did not see it and he too will abstain.

MR. LIVINGSTON said he will also abatain.

MRS. McINERNEY said this ordinance has been around for many months. She said they took out of the ordinance any reference for specific records or types of records. She said they decided that the best thing to do was that each department head to set up their own record keeping practices and to have those submitted to the Commissioner of Finance and the Board of Representatives. She said this ordinance also did not express what in fact, the power of our Board is. She said she is of the opinion that the Board is responsible for public funds and accountability for tax dollars. She said it was her intent to have this written as a first step so we could be accountable to the taxpayers of this City.

MRS. CLARK said it is a very short Ordinance and it would take all of two minutes to read it now.

MRS. McINERNEY said she would like to request a ROLL CALL VOTE on the ordinance. Seconded.

The following ROLL CALL VOTE was taken on item #1 under Legislative & Rules and the motion CARRIED by a vote of 29 in favor, one opposed and 4 abstentions (Mr. Blois and Mr. DeRose were not on the floor at the time the vote was taken.) (Ordinance No. 320 follows the vote)

THOSE VOTING IN FAVOR:

CLARK, Linda (D)
COSTELLO, Robert (D)
CROSBY, Robert (R)
D'AGOSTINO, Thomas (D)
DAVIDOFF, Norman (D)
DIXON, Handy (D)
EXNICIOS, Robert (R)
FLANAGAN, William (R)
FORMAN, Barbara (R)
HANDLEY, Diane (R)
HOFFMAN, Leonard (R)
KELLY, James (D)
LOUGHRAN, Michael (D)
LOWDEN, Lynn (D)
MARTINO, Vincent (D)
MAYNOR, Frederick (D)
McINERNEY, Barbara (R)
MILLER, Frederick (D)
PERILLO, Alfred (D)
PERKINS, Billie (R)
RAVALLESE, George (D)
ROSE, Matthew (D)
ROSS, Salvan (D)

THOSE VOTING IN OPPOSITION:

CONNORS, George (D)

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THOSE VOTING IN FAVOR: (continued)

SAINBURG, Richard (R)
 SANDOR, John (D)
 TRESSER, Michael (R)
 TRUGLIA, Anthony (D)
 WALSH, Peter (D)
 ZIMBLER, Kurt (R)

ABSTENTIONS:

BOCCUZZI, John (D)
 LAITMAN, Marilyn (D)
 LIVINGSTON, Jeremiah (D)
 RYBNICK, Gerald (D)

ORDINANCE NO. 320 SUPPLEMENTALCONCERNING DESIGNATION OF RESPONSIBILITY WITHIN CITY DEPARTMENTS AND/OR AGENCIES FOR THE USE OF PUBLIC FUNDS AND PUBLIC PROPERTY

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

- 1a) The public policy for the City of Stamford shall be that each and every department, board, agency or other entity thereof shall be required to establish and maintain a system of accurate record keeping and to fix the responsibility therefore.
- b) Any services rendered by the City, any expenditure of public funds, any public obligation incurred, and any use of City property or the maintenance thereof shall be accurately accounted for in accordance with the provisions of this ordinance.
- 2) Each and every department, board, agency or other entity shall no later than July 1, 1976 institute and maintain a system of records and accounting to carry out the purposes of this ordinance.
- 3) All systems of accounts and records instituted pursuant to this ordinance shall be submitted for recommendation to the Commissioner of Finance and thereafter for approval to the Board of Representatives.
- 4) This ordinance shall take effect upon enactment.

- 2) Final Adoption of ORDINANCE CONCERNING THE ESTABLISHMENT OF A UNIFORM MILL RATE FOR THE TAXATION OF MOTOR VEHICLES - Approved for publication 9-2-75 and published 9-6-75 - (Letter dated 7-7-75 from Deputy Corporation Counsel to Anthony Truglia, 5th District Rep.)

MR. DAVIDOFF said the Legislative & Rules Committee voted 6 in favor and one opposed to Hold the above item in Committee.

MR. TRUGLIA said he hopes by next month we will come to a satisfactory conclusion on this ordinance.

- 3) ORDINANCE NO. 321 CONCERNING DISCLOSURE OF CIVIL SERVICE PRACTICES WITHIN THE CITY OF STAMFORD - Approved for publication 9-2-75 and published 9-6-75 - (Submitted at the request of Diane Handley, 17th District Rep.) (Draft dated 8-6-75 from Corporation Counsel as revised by Legislative & Rules Committee 8-14-75)

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MR. DAVIDOFF said the Legislative & Rules Committee voted to amend, in accordance with the new draft submitted, that paragraph 2b should be deleted from that section and added to paragraph 3. He said the Committee voted 5 to 1 for enactment of the ordinance as amended with Rep. Walsh opposing.

MR. WALSH said his reason for voting against the ordinance was because paragraph 3, where it states that "all other information regarding applicants shall be maintained and made 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; such information shall include the names of all applicants examined, their scores and relative standing." He said he feels the hiring body and the applicant should know this information. He said no reflection on the Personnel Committee who is doing a fine job, but after having served on a special investigating committee which had confidential information before them, and thereafter appeared in the Advocate, said he feels that the Personnel Committee could always subpoena the test and scores if they wanted to if something has been going on.

THE PRESIDENT said the Personnel Committee does not have the power to subpoena's anyone or anything unless the Board of Representatives takes a vote giving them the power to investigate.

MR. ROSS said he seconds Mr. Davidoff's motion for final adoption of the ordinance.

MR. ZIMBLEK said he would like to state for Mr. Walsh that it was the special investigating committee and not the Personnel Committee, that was involved in a particular incident to which he refers. He said he does not recall any information that was given to the Personnel Committee during its part of the investigating appearing on the front page of the Advocate.

MR. WALSH said he was not inferring that the Personnel Committee leaked out any information, and said he is a little leery about any committee having such confidential information after what was experienced on the special investigating committee.

MRS. HANDLEY said she started this ordinance with the Deputy Corporation Counsel in April. She said it has been in the Legislative & Rules Committee since then and they have also had a public hearing and several open meetings and joint meetings with the Personnel Committee. She said each time they met they made adjustments and they now think they have come up with a product that has pretty much satisfied everyone. She said this final step last Thursday in removing the names of the applicants and results from the public disclosure area was a compromise on their part, considering the State does make it public disclosure. She said if you will notice in the ordinance that it is divided into three sections; section one and two is public disclosure and section three is what she considers limited disclosure. She said that information goes to the Personnel Committee of the Board of Representatives, the applicant and the hiring authority. She said right now the only thing the hiring authority receives is the name and grade of the applicants, and they have no way to double check on information.

In response to a question from MR. BLOIS, MR. HOFFMAN said to Mr. Blois' statement that there is no need to look at more than the top three applicants is not true. He said a little later on in his report he will tell that one of the applicants for a position who was number 4 should have been number 3 and we never would have known that if we were to look only at the top three candidates.

MRS. McINERNEY requested a ROLL CALL VOTE. Seconded.

The following ROLL CALL VOTE was taken on the motion for final adoption of the ordinance and the motion CARRIED by a vote of 29 in favor, 6 opposed and one abstention. (The ordinance follows the Roll Call Vote):

THOSE VOTING IN FAVOR:

BOCCUZZI, John (D)
CLARK, Linda (D)
COSTELLO, Robert (D)
CROSBY, Robert (R)
D'AGOSTINO, Thomas (D)
DAVIDOFF, Norman (D)
DIXON, Handy (D)
EXNICIOS, Robert (R)
FLANAGAN, William (R)
FORMAN, Barbara (R)
HANDLEY, Diane (R)
HOFFMAN, Leonard (R)
KELLY, James (D)
LAITMAN, Marilyn (D)
LIVINGSTON, Jeremiah (D)
LOUGHRAN, Michael (D)
LOWDEN, Lynn (D)
MARTINO, Vincent (D)
MAYNOR, Frederick (D)
McINERNEY, Barbara (R)
MILLER, Frederick (D)
PERKINS, Billie (R)
RAVALLESE, George (D)
ROSE, Matthew (D)
ROSS, Salvan (D)
SAINBURG, Richard (R)
SANDOR, John (D)
TRESSER, Michael (R)
ZIMBLER, Kurt (R)

THOSE VOTING IN OPPOSITION:

BLOIS, Julius (D)
CONNORS, George (D)
DeROSE, Joseph (D)
FERILLO, Alfred (D)
TRUGLIA, Anthony (D)
WALSH, Peter (D)

ABSTENTIONS:

RYBNICK, Gerald (D)

ORDINANCE NO. 321

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,

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

1. This ordinance shall be called the Civil Service Disclosure Ordinance of the City of Stamford.

2. The following records shall be maintained and made available to the public:

(a) Copies of all locally prepared written examination questions within forty-eight hours after such examination has been given.

(b) The total number of applicants to any examination including the total number examined and rated, the total number admitted to the examination, and the total number refused admission to such examination together with the reasons therefore.

(c) The method and formula applied to calculate the grades and scores of all applicants.

3. All other information regarding applicants shall be maintained and made 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; such information shall include the names of all applicants examined, their scores and relative standing within forty-eight hours after such scores have been determined and 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 Ordinances 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 for the classified service pursuant to Section 735 of the City Charter shall have any force or effect 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.

- 4) Proposed ORDINANCE CONCERNING THE SHOWING OF X-RATED MOVIES WITHIN THE CITY OF STAMFORD - (Submitted by Anthony Truglia, 5th District Rep., on 8-12-75) - (Held in Committee 9-2-75)

MR. DAVIDOFF said the Legislative & Rules Committee voted unanimously to hold this matter, pending an opinion from the Corporation Counsel. He said Article I, of the Bill of Rights of the Constitution of the United States, states that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. He said he feels the ordinance is unconstitutional.

MR. TRUGLIA MOVED that the ordinance concerning X-Rated Movies be taken out of Committee. Seconded.

MR. TRUGLIA said we have here a proposed ordinance before us and the first step is for publication. He said his reason for going against committee recommendation is because he has letters on his desk that total at least 2,100 signatures. He said they are a criss-cross of complete feelings across the community and he feels this should not come to a stop because a committee feels we should hold it because they are concerned about the constitutionality of it. He said we should put it up for publication. He said New Jersey tried to do this as a State and they were told by the Supreme Court of New Jersey that it is best to do it at a local level. He said he understands that the entire State of Oregon has this ordinance and the same for Buffalo.

MRS. CLARK said she would like to speak in favor of publication of the ordinance. She said she too has had many phone calls from constituents about this ordinance. She said it's not all adults, she has had many teenagers say that they like the ordinance because there isn't a movie in town for a person under 18 could get into.

MR. EXNICIOS said he would also like to speak in favor of the ordinance. He said the public should have the right to give their input to this Board before we act on final adoption.

THE PRESIDENT said there already was a public hearing on the ordinance which was advertised in the paper.

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MR. MARTINO said he would like to read a letter from the Shippan Point Association and asked that the letter be put into the minutes:

"We are pleased to know that Representative Anthony Truglia has sponsored an ordinance that would make it illegal for pornographic x-rated movies to be shown within 1500 feet of churches, schools, and apartments houses. We think action in this direction is long overdue and we are appealing to all members of the Board of Representatives to support and vote for this ordinance.

"The Shippan Point Association is the largest and oldest homeowner organization in the northeast and its function is to protect and upgrade property values in Shippan Point, as well as to insure that a wholesome and healthy environment is maintained.

"We feel strongly that having theatres showing these filthy pornographic movies is certainly not conducive to attracting desirable families to Shippan Point or in fact for Stamford in general.

"At first it was only the Plaza Theatre that showed x-rated films. Now, as you all know, some of the other theatres are following suit. The fact is that at one time last year, four theatres in Stamford were all showing x-rated films at the same time.

"If these purveyors of filth are allowed to continue, it is easy to project what Stamford will be like before too long.

"In order to prevent Stamford from becoming a cesspool of pornography, such as 42nd Street in New York City, we feel it is imperative to vote yes for this ordinance.

"Thank you for your help in this matter."

(signed) Anne M. O'Connor
Chairman of the Board
Shippian Point Association

MR. DAVIDOFF said in reference to the statement he was reading, he was given legal opinion on this. He said he would still say the ordinance is unconstitutional. He said the requirement of 1,500 feet from schools, churches and apartment houses would seem to worsen the judgment, not cure it. He said since the categories are overly broad, the distance is arbitrary. He said apartment houses seem to have no reasonable justification and no requirement, as it may unfairly and improperly discriminate between theatre owners who are barred and those who are not. He said he is abhorred to pornography on magazine racks, movie houses and whatever, and said he sees no educational or any other healthy benefits derived therefrom. He said the City Law Department is not there to bail us out of what may be costly, unjudicious mistakes. He said they are there to advise us as to what can be legally written and binding and what cannot.

MR. ROSE said he would like to go on record as saying he will support this ordinance and said he feels it is needed in our City.

MRS. MCINERNEY said if we vote for publication of this ordinance she would like to suggest to the Legislative & Rules Committee Chairman, that he write to the State of Oregon and the City of Buffalo and try to obtain a copy of the ordinance they passed so that members of our Board can see it.

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MR. PERILLO said he would like to MOVE for a ROLL CALL VOTE; Seconded.

MR. DeROSE said he would like to MOVE THE QUESTION. Seconded and CARRIED.

The following ROLL CALL VOTE was taken on item #4 and the motion CARRIED by a vote of 26 in favor and 9 opposed:

THOSE VOTING IN FAVOR:

BLOIS, Julius (D)
BOCCUZZI, John (D)
CLARK, Linda (D)
COSTELLO, Robert (D)
CROSBY, Robert (R)
D'AGOSTINO, Thomas (D)
DeROSE, Joseph (D)
DIXON, Handy (D)
EXNICIOS, Robert (R)
FLANAGAN, William (R)
HANDLEY, Diane (R)
HOFFMAN, Leonard (R)
KELLY, James (D)
LIVINGSTON, Jeremiah (D)
LOUGHRAN, Michael (D)
LOWDEN, Lynn (D)
MARTINO, Vincent (D)
MAYNOR, Frederick (D)
McINERNEY, Barbara (R)
PERILLO, Alfred (D)
RAVALLESE, George (D)
ROSE, Matthew (D)
RYBNICK, Gerald (D)
SANDOR, John (D)
TRESSER, Michael (R)
TRUGLIA, Anthony (D)

THOSE VOTING IN OPPOSITION:

DAVIDOFF, Norman (D)
FORMAN, Barbara (R)
LAITMAN, Marilyn (D)
MILLER, Frederick (D)
PERKINS, Billie (R)
ROSS, Salvan (D)
SAINBURG, Richard (R)
WALSH, Peter (D)
ZIMBLER, Kurt (R)

MR. TRUGLIA said he would like to MOVE that the ordinance be APPROVED FOR PUBLICATION. Seconded.

MR. PERILLO requested a ROLL CALL VOTE. Seconded.

The following ROLL CALL VOTE was taken on Mr. Truglia's motion to approve the ordinance for publication. The motion CARRIED by a vote of 28 in favor and 7 opposed: (The proposed ordinance follows the roll call vote):

THOSE VOTING IN FAVOR:

BLOIS, Julius (D)
BOCCUZZI, John (D)
CLARK, Linda (D)
COSTELLO, Robert (D)
CROSBY, Robert (R)
D'AGOSTINO, Thomas (D)
DeROSE, Joseph (D)
DIXON, Handy (D)
EXNICIOS, Robert (R)
FLANAGAN, William (R)

THOSE VOTING IN OPPOSITION:

DAVIDOFF, Norman (D)
FORMAN, Barbara (R)
LAITMAN, Marilyn (D)
MILLER, Frederick (D)
PERKINS, Billie (R)
ROSS, Salvan (D)
SAINBURG, Richard (R)

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THOSE VOTING IN FAVOR: (continued)

HANDLEY, Diane (R)
HOFFMAN, Leonard (R)
KELLY, James (D)
LIVINGSTON, Jeremiah (D)
LOUGHRAN, Michael (D)
LOWDEN, Lynn (D)
MARTINO, Vincent (D)
MAYNOR, Frederick (D)
McINERNEY, Barbara (R)
PERILLO, Alfred (D)
RAVALLESE, George (D)
ROSE, Matthew (D)
RYBNICK, Gerald (D)
SANDOR, John (D)
TRESSER, Michael (R)
TRUGLIA, Anthony (D)
WALSH, Peter (D)
ZIMBLER, Kurt (R)

PROPOSED ORDINANCECONCERNING THE SHOWING OF X-RATED MOVIES

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

No x-rated movies can be shown within the City of Stamford by any theatre within 1,500 feet of any church, school or apartment house.

This ordinance shall take effect upon its enactment.

- 5) 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.) - (Held in Committee 9-2-75)

MR. DAVIDOFF said the Legislative & Rules Committee voted unanimously to hold this item at the request of the Attorney for the Faith Tabernacle Baptist Church.

- 6) 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, 2-3-75, 3-3-75, and 9-2-75)

MR. DAVIDOFF said in accordance with the recommendations made by the Law Department, the Committee voted unanimously to hold this item and to suggest that the proposed ordinance be redrafted in accordance with the suggestions made by the City's attorneys.

MR. MARTINO said he would like to read a letter pertaining to the above item that he has received tonight:

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"For almost a year we have been having a terrible time trying to park on our own property in the rear of our Senior Residence, Park Manor. We have several parking spots, but we are unable to park when we need to because people are constantly on our property. This lot is used a great deal by people signing up for unemployment. We have spent much money on professional signs, have barricaded the area with wooden horses, and we have had to stand guard in the rain when we expected clergy, doctors, etc. These emergency people get tickets when they park in front of the hotel.

"We have had our windows broken, almost hit in arguments, and my elderly mother was almost attacked because she asked a man to move from her parking spot. Needless to say, this takes much time from our 12-14 hours days, and causes much aggravation, to say the least.

"We have called various representatives about this matter, met with Mr. Davidoff at the Legislative & Rules Committee a couple of months ago, called the Mayor's Office and spoke to Mrs. Pobie Johnston. We have also written a letter to the Board of Representatives, and called the office there several times. We have also complained to the police and parking authority.

"When we last visited the Legislative & Rules Committee, we were told by Atty. Boodman that it would take time to study this ordinance. Atty. Ivler submitted about a year ago asking for the removal of motor vehicles be permitted at perpetrator's expense, from private property. Atty. Boodman answered me, when I politely asked him how long this would take, that he would throw the paper up in the air, and where it landed would depend on how long it took. You can imagine how we felt.

"On Friday, October 3rd, I read in the Stamford Advocate, on p. 6, that this proposed ordinance was voted upon to again hold it in committee. I immediately called Mr. Davidoff, as no one contacted us as we asked about this very important ordinance. Mr. Davidoff said that there is a legal working problem. It seems that if your private property is fenced in, you could have these vehicles towed but this is ridiculous. Suppose somebody parked in your driveway, night after night. There is not enough room to enclose our parking area.

"Since this ordinance has taken so long to get to first base, I ask that other legal services outside of our Corporation Office be sought. If our own city legal service cannot find a way to protect the taxpaying private property owner from the perpetrator, and just keeps putting this off, we need to find somebody smart enough to come up with a solution or somebody who will take the time to care.

"Mr. Davidoff said that he would check on this again on Monday, October 6th. I am grateful that I met you and found that the Board would meet as a body this same day.

"Some of the Representatives I personally have spoken about this to besides Mr. Davidoff were Rep. Barbara McInerney, Rep. Anthony Truglia, Rep. Joseph Morabito, Rep. Lynn Lowden, Rep. George Connors and others heard us speak at the Legislative & Rules Committee.

"I would appreciate your fight to the finish on this "very" important ordinance, not only for us, but for every property owner in our City. It is time that laws started to protect the rights of the innocent citizens instead of the criminal.

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"Thank you very much. I would appreciate a follow through and a comment re: progress."

(signed) Joan and Bill Fitzpatrick
Park Manor

- 7) LETTER CONCERNING PROPOSED SETTLEMENT REGARDING RENTAL OF PARKING LOT LOCATED ON THE CORNER OF ATLANTIC AND BELL STREETS - Stamford Parking Authority - (Letter dated 8-15-75 from Bernard Plotnick, Esq., to Joseph J. Toohar, Esq.) - (Held in Committee 9-2-75)

MR. DAVIDOFF said the Committee recommended the item be Held in Committee pending an opinion from the Corporation Counsel.

MRS. LAITMAN said Fiscal never met on this item and requested the Chairman of L & R to send her any information on this item and Fiscal will consider this at their next meeting.

THE PRESIDENT noted that Mr. Truglia has left the meeting and there are now 34 members present.

- 8) ORDINANCE NO. 322 - CONCERNING AUTHORIZATION OF SALE OF 1-FOOT STRIP OF LAND ON HENRY STREET TO JOHN A. McNULTY - Purchase price will be actual assessment of \$180.00 and sale of this property will restore it to the tax rolls - (Mayor's letter of 9-5-75)

MR. DAVIDOFF said the Committee voted unanimously to WAIVE PUBLIC and adopt the ordinance.

MR. ROSS said the Planning & Zoning Committee concurs.

MR. DAVIDOFF said he would like to MOVE TO WAIVE PUBLICATION of the above ordinance. Seconded and CARRIED.

MR. DAVIDOFF said he would now like to MOVE FOR FINAL ADOPTION of the ordinance. Seconded and CARRIED unanimously.

ORDINANCE NO. 322

CONCERNING AUTHORIZATION OF THE SALE OF 1-FOOT STRIP OF LAND ON HENRY STREET TO JOHN A. McNULTY

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

1. Certain City owned property on the north side of Henry Street, hereinafter described, shall be sold to John A. McNulty, 91 St. Charles Avenue, Stamford, Connecticut for \$180.00.

2. The Mayor is hereby authorized to deliver a quit claim deed to John J. McNulty upon receipt of the aforesaid sum.

3. Said property is bounded and described as follows:

All that certain strip of land, situated in the City of Stamford, County of Fairfield and State of Connecticut, bounded and described as follows:

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Northerly - 1-foot land formerly of the New York, New Haven and Hartford Railroad;

Easterly - 127.7 feet by land now or formerly of Louis J. Bova, Jr., et al, being Lot Number 5 on the map hereinafter referred to;

Southerly - 1 foot by Henry Street; and

Westerly - 127.7 feet by land now or formerly of John McNulty et al, being a portion of Lot Number 4 on the Map hereinafter referred to.

Said premises consist of the easterly one foot segment of lot Number 4 as shown on a certain map entitled "Map of Property of L & M Spelke, Stamford, Conn." which map is on file in the office of the Town Clerk of the City of Stamford as Map Number 384.

4. This ordinance shall take effect upon enactment.

- 9) ORDINANCE NO. 323 - CONCERNING TAX EXEMPTION FOR PARISH OF EMMANUEL PROTESTANT EPISCOPAL CHURCH PROPERTY LOCATED AT 181 WOODBURY AVENUE - (Letter dated 8-21-75 from William J. Murray, Esq.)

MR. DAVIDOFF said the Committee voted unanimously to WAIVE PUBLICATION and adopt the above ordinance.

MR. DAVIDOFF said he would like to MOVE TO WAIVE PUBLICATION. Seconded and CARRIED.

MR. DAVIDOFF said he would now like to MOVE FOR FINAL ADOPTION OF THE ORDINANCE. Seconded and CARRIED unanimously.

ORDINANCE NO. 323

TAX EXEMPTION FOR PARISH OF EMMANUEL PROTESTANT EPISCOPAL CHURCH OF STAMFORD, CONNECTICUT, PROPERTY LOCATED AT 181 WOODBURY AVENUE, STAMFORD, CONNECTICUT, UNDER PROVISIONS OF SEC. 12-81b OF THE 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 Parish of Emmanuel Protestant Episcopal Church of Stamford, Connecticut, an ecclesiastical society organized and existing under the laws of the State of Connecticut, acquired from Sheffield C. Clarke and Meta H. Clarke, on July 18, 1975, located at 181 Woodbury Avenue, Stamford, Connecticut, to be used as a Rectory for Parish of Emmanuel Protestant Episcopal Church of Stamford, Conn. be exempted from taxation on the 1st of September 1, 1974 as of July 18, 1975 and on the list of September 1, 1975; and

The Commissioner of Finance be and is hereby authorized and directed to reimburse the Parish of Emmanuel Protestant Episcopal Church of Stamford, Connecticut in the amount of \$465.62 for real property taxes paid for said property on the list of September 1, 1974 prorated as of July 18, 1975.

This ordinance shall take effect upon its adoption.

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- 10) ORDINANCE NO. 324 - CONCERNING TAX EXEMPTION FOR CONGREGATION AGUDATH SHOLOM PROPERTY LOCATED AT 162 BERRIAN ROAD - (Letter dated 9-12-75 from Saul A. Rothman, Esq.)

MR. DAVIDOFF said the Committee voted unanimously to grant the exemption as provided in the ordinance submitted. He said the Committee also voted unanimously to waive publication.

THE PRESIDENT noted that Mr. Truglia has returned to the Meeting and there are now 35 members present.

MR. DAVIDOFF said he would like to MOVE FOR PUBLICATION ON THE ABOVE ORDINANCE. Seconded and CARRIED.

MR. DAVIDOFF said he would now like to MOVE FOR FINAL ADOPTION OF THE ORDINANCE. Seconded and CARRIED unanimously.

ORDINANCE NO. 324

TAX EXEMPTION FOR CONGREGATION AGUDATH SHOLOM PROPERTY LOCATED AT 162 BERRIAN ROAD, STAMFORD, CONNECTICUT, UNDER PROVISIONS OF SECTION 12-81b OF THE CONNECTICUT GENERAL STATUTES

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Pursuant to Section 12-81b of the General Statutes of Connecticut, the property of Congregation Agudath Sholom, an ecclesiastical society, acquired from Mildred M. Carley on July 29, 1975, located at 162 Berrian Road, Stamford, Connecticut, to be used for its charitable purposes, be exempted from taxation on the List of September 1, 1974 as of July 29, 1975, and on the List of September 1, 1975; and

The Commissioner of Finance be and is hereby authorized and directed to reimburse Congregation Agudath Sholom in the amount of \$556.82 for real property taxes paid for said property on the List of September 1, 1974 prorated as of July 29, 1975.

This Ordinance shall take effect upon its adoption.

PARKS & RECREATION COMMITTEE - Julius Blois

MR. BLOIS said that there has been a tremendous amount of vandalism at the parks and recreational areas. He said that Sterling Farms has been broken into about three times in the last two weeks at a big expense. He said the City needs help, the police need help, and asked that people please keep an eye open for vandalism and report it immediately.

MR. DeROSE said that a Mr. Griffin, the former Terry Connors Rink Manager, in a letter of resignation gave rise to a question of a stone wall on Eden Road and Hope Street and said he would like to know if anyone could shed some light on that matter.

MR. SAINBURG said this goes back approximately two years. He said a complaint from the residents in that area about a blind intersection at the corner of Hope Street and Eden Road. He said there was a full stop sign there, but it was

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impossible coming out of Eden Road to see up Ponus Ridge. He said finally, the Parks Department, with Public Works, saw to it to take the trees down with permission of the property owner on the corner. He said they cut away this man's property and took away his top soil and then to prevent the rest of his property from coming down on the road they built a stone retaining wall. He said it made a nice attractive corner and now you could see around it. He said it certainly didn't do anything for the man because all he got out of it was the loss of some top soil. He said there wasn't any wrong doing and it very well may have saved some lives.

MR. DeROSE said he would like this matter referred to the proper committees.

MR. FLANAGAN said that many walls were rebuilt on Cold Spring Road when Washington Boulevard was put through. He said this required the taking of property and rebuilding of walls or new walls that were, in fact, on private property.

PERSONNEL COMMITTEE - Leonard Hoffman

- 1) RESOLUTION NO. 1031 - 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, 8-4-75 and 9-2-75)

MR. HOFFMAN said he has a resolution and unfortunately he just got it tonight and therefore would like to read it to the members.

MR. HOFFMAN said he would like to MOVE FOR THE ADOPTION of this resolution.

THE PRESIDENT said there is a very limited time in which the Board of Representatives can act on this matter and probably there will not be much done in November.

Mr. Hoffman's motion was MOVED and Seconded.

MRS. LAITMAN said that she would like to remind the members that these sums have been passed by the Board of Representatives but they were passed most reluctantly because the Personnel Commission granted the MAA employees the same benefits as the MEA employees. She said when Mr. Mathews was Chairman of Personnel, she was at a Board of Finance meeting one evening when he and the Personnel Commission appeared to get the feeling of the Board about these long term obligations the City has toward vacation and retirement benefits, and there was a very negative reaction. She said she does not know whether this Board can change other than just urge the Personnel Commission to change their regulations.

MR. HOFFMAN said he agrees with Mrs. Laitman. He said their intent is to get some sort of response from the Personnel Commission. He said he knows our time is very limited and hopes this information may be passed on to the next Board.

RESOLUTION NO. 1031

BE IT AND IT IS HEREBY RESOLVED BY THE BOARD OF REPRESENTATIVES that it is their intention:

1. To request that the Personnel Commission review and report to the Board of Representatives for its November 1975 meeting on the Civil Service regulations and the practices of the Department of Personnel whereby large sums of money continue to be and have been paid to retiring City personnel, particularly Dept.

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heads and other administrators for unused sick leave and accumulated vacation time.

2. To request a comment from the Personnel Commission concerning the effect of collective bargaining agreements as they may affect the benefits of others described in number 1 above.

3. To recommend a policy of restricting such benefit to a maximum of one month and to request a comment on such policy from the Personnel Commission.

- 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, 8-4-75 and 9-2-75)

MR. HOFFMAN said he would like to start off with the circumstances leading to the ultimate appointment of John Griffin as Ice Rink Coordinator, must be considered in the perspective of the organizational chart proposed by former Park Superintendent Ed Connell, who had requested in Jan. 1974, that one of the positions of Ice Rink Coordinator be filled by a person competent to take over the duties originally performed by the Ice Rink Engineer.

He said the Personnel Commission denied this request and instead stated its intention to study in depth, the position of Ice Rink Coordinator and its relevancy to Mr. Connell's organizational chart. He said apparently, no such study was made, and the position remained vacant for a period of time. He said on Dec. 27, 1974 the Commission informed Mr. Berube (then Superintendent of Parks and Trees) that the position of Ice Rink Coordinator had been approved and Mr. Berube should meet with the Personnel Director to prepare job specifications for the position.

He said the specs as drawn by Messrs. Berube and Barker called for a general business background rather than any technical or mechanical expertise. He said when these specs were drawn up, Mr. Condon who had been the business manager for the entire Parks Department, was headquartered at the Ice Rink and was apparently serving as its business manager. He was apparently banished to this position shortly after his dispute with Mr. Berube over the "shoe-box" incident. He said during this same period, Mr. Magliola was apparently serving in the capacity of the general rink manager, despite his official title of rink engineer.

He said, however, on Dec. 30, 1974, Mr. Magliola announced his official resignation as Ice Rink Engineer, just three days after the Personnel Commission approved the new position of Ice Rink Coordinator.

He said the test was given, a list of eligibles promulgated, and a certified list of the top three candidates was sent to Mr. Berube on Feb. 27, 1975. He said one day prior to this, the Personnel Commission set a minimum passing grade of 57%, apparently after receiving some statistical information from Mr. Barker. He said although the rationale for the passing grade was not explained in the minutes of this meeting, it appears that the 57% score represented the arithmetic mean of the 21 candidates who took the test. He said the point here seems

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to be that a minimum was established in an arbitrary manner after the exams had been scored. He said this gave Mr. Barker total latitude in determining how many candidates remained on the list of eligibles. He said had Mr. Barker used the usual passing grade of 70%, Mr. Griffin, among others, would not have been on the list of eligibles.

He said at this point, Mr. Malloy dropped out of the running by submitting a letter citing that political atmosphere as his reason, whereupon a 4th ranked candidate replaced him on the certified list, a candidate who had he been adequately informed of the impact of veterans points, would have applied for them, and as a result of this would have been among the original top three candidates.

He said on March 24, 1975, Mr. Griffin was selected by Mr. Berube, the hiring authority, to fill the position of Ice Rink Coordinator.

He said for the information of all Board members, Mr. Griffin resigned within the past two weeks. He said a more detailed, written report of our findings will be made available to each Board member.

MR. HOFFMAN said he was a letter that came from the 4th ranked applicant, concerning the question of his veteran's points.

"Dear Mr. Hoffman:

"Thank you for your letter of September 17, 1975 about my application for the position of Ice Rink Coordinator in January. To the best of my recollection, I turned in my finished test to the person in charge and on so doing was asked if I were a veteran. I replied in the affirmative and...that being a veteran would not make me a more able ice rink coordinator. I was informed that the decision was mine to make and inasmuch as there appeared to be no advantage to do, so doing I declined to file as a veteran. At no time was I informed that veteran's were given any kind of preference. It would appear obvious that I would have filed as a veteran if I had known if this status meant a final preference. I hope that this letter will be helpful to you."

(signed) Alexander L. Taylor

MRS. LAITMAN asked Mr. Hoffman if he ever ascertained as to what method is used to determine the passing grade on an examination?

MR. HOFFMAN said very often things change. He said there is no real set pattern. He said the general pattern is that of 70% is the passing grade.

MR. HOFFMAN said the next report that he has concerns the appointment of Barry J. Boodman. He said on the first job announcement there were no applicants. He said there were four or five applicants on the second job specification announcement. He said this finally came down to Messrs. Boodman and Jachimczyk. He said then, an oral exam was given. He said a rating sheet was filled out by the examiners and every examiner recommended Mr. Boodman and Mr. Jachimczyk for the position. He said of these two who compromised the totality of the certified list, Mr. Bromley who was the hiring authority, picked Mr. Boodman. He said the Personnel Committee does not make any recommendation at this point in time because Mr. Boodman has proven his ability at the job and his probationary period has long since ended. He said Mr. Jachimczyk raises important and serious questions as to what the job specifications appear to provide. He said these questions go beyond the powers of this committee and the Board of Representatives. He said the voted on this item, and the previous one, 4 to 0 to accept these recommendations.

THE PRESIDENT asked Mr. Hoffman if any of the former members of the Personnel Commission, namely, Mrs. Frisbie, Mr. Comerford and Mr. Napolitano, have been invited to come before the Personnel Committee to discuss this question concerning this Law Department job?

MR. HOFFMAN said no they were not. He said they did invite Mr. Jachimczyk and Mr. Bromley and allowed them to speak and discuss their points of view.

THE PRESIDENT said the Chair would simply suggest that you can't have a complete report without having their input.

THE PRESIDENT then asked if anyone went into the waiver of the requirements in the job specs. He said we know that Mr. Boodman didn't have the required number of years as a member of the Connecticut Bar but did the Personnel Commission have the power to do what it did in waiving the requirement concerning membership in the Connecticut Bar which was in the original job specs.

MR. HOFFMAN said no they did not go into that particular question. He said it is his understanding that the Personnel Commission does have the right to waive and make these changes.

MRS. LAITMAN said she agrees with Mr. Miller and feels the report is incomplete without meeting with the former members of the Personnel Commission. She said she would like to know exactly with these changes were made.

MR. HOFFMAN said he would like to read a letter from Barry Boodman to Mayor Wilensky who was the Mayor Wilensky who was the Mayor at that particular time:

"The judge in the Circuit Court has informed me that there is a position available in the Corporation Counsel's office of the City of Stamford has suggested that I write to you concerning this position. I have practiced law in Stamford for the past two years.

"I am presently engaged in my own practice. Prior to this, I was associated with a Stamford firm of Mercedes, Zezima and Christiano. I am also admitted to the Bar of the State of New York and before coming to Connecticut I practiced in that State for two years. At your convenience I would like to meet with you and discuss this opening and my qualifications in more specific detail."

(signed) Barry J. Boodman

MR. HOFFMAN said there was an Executive meeting of the Personnel Commission on January 23, which was actually held on February 12th, and those present were Jacqueline Frisbie, Chairman, Richard Comerford and Reginald Barker. He said Mr. Napolitano was absent due to a death in the family. He said in the minutes, the Personnel Commission reviewed the candidates for Assistant Corporation Counsel and on the motion of Comerford, seconded by Frisbie, an exception be made that one of the four candidates with only 4 years and 8 months of practice before the Connecticut Bar, be allowed to take the examination. He said in further support of Mr. Comerford's motion, the Commission makes note that there were only four applicants for this position and all should be allowed to participate. He said he would now like to read the response to a letter that he and Mr. Davidoff sent to the Personnel Commission:

"Gentlemen,

In response to your joint letter of July 10th, regarding changes in job specifications, the following are answers to the specific questions which you raised.

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A. Requests for changes may be requested by the hiring authority at any time or the Director of Personnel may, at his discretion, make changes which appear appropriate to the job requirements or the needs of the City.

B. Reasons for changes may be documented if the purpose of the change is not obvious from the description of the change. A letter or form (cs-556) can be used for this purpose.

C. Unless the change proposed is a minor one, the Personnel Commission considers changes in job specifications. The Director of Personnel considers minor ones.

D. Approval or denial of major changes in job specifications is the responsibility of the Personnel Commission. The Director makes the decision on minor changes.

"You have also asked for verification in writing as to why the original job specification for the position of Assistant Corporation Counsel was changed on January 13, 1973. I had no personal knowledge and neither did Director, Mr. Barker, or the remaining member of the Commission, Napolitano, have any positive recollection of the reason. A check of the minutes of the Commission on that date fails to provide any reference to that change. I am sorry that I cannot reply with this part of your request."

(signed) Mr. Lynch

MRS. HANDLEY said at the on-set of the meeting, Mr. Jachimczyk stated very definitely that he was bringing a law suit to determine whether or not the Personnel Commission had the right to waive those requirements. She said he seemed to feel that this would be determined in the Courts. She said she's not sure that there is anyone on this body eligible to determine whether or not they had the right. She said it seems to have been policy, whether it was legal policy, she said the courts will decide.

MR. FLANAGAN said apparently there were four names before the Personnel Commission that night, and there was a waiver of four years and eight months before the Connecticut Bar granted for one of the four applicants. He said he thinks now, and this is from memory, the four years, eight months waiver was not given to Mr. Boodman. He said and quoting from the minutes Mr. Hoffman read, Mr. Comerford said that "since there are only four applicants, we should accept all four." He said you'll find that the four years, eight months period was one of the Assistant Corporation Counsel's of the City at the time who lacked the five year experience and it was waived for him and then they further expanded to waive it for Mr. Boodman and said this is probably where all the confusion came about.

MR. HOFFMAN said there is a letter in this file that comes from Mr. Bromley, to the Personnel Commission, and it does ask for the modification in the job specification from five years practice in Connecticut, to three years, and said he wants to meet with the Personnel Commission to discuss that. He said as Mr. Flanagan pointed out, it was for some other candidate and believes it was within the Corporation Counsel's Office.

MR. DeROSE said when the job specifications were changed, were the four years and eight months all part of the Connecticut experience? He said his memory serves him right, Mr. Boodman even fell short of the four years, eight months as far as the Connecticut experience is concerned.

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MR. HOFFMAN said yes, Mr. Boodman did fall short of that particular qualification. He said the original job specification, which was a competitive, promotional examination for Deputy Corporation Counsel, stated that the minimum qualifications were as follows:

A. Education, training and experience:

College, law school graduation. A member and good standing of the Connecticut Bar with a minimum of five years active practice of the profession in the State of Connecticut or any equivalent combination of education, training and experience.

B. Knowledge, ability and skill:

Thorough knowledge of modern, legal principals and practices of court procedures. Thorough knowledge of local and state laws with particular reference to municipal functions and operations and the executive ability to direct the affairs of the legal department.

MR. HOFFMAN said this job spec was dated April 7, 1972 and it was the first announcement which he mentioned earlier. He said on Jan. 13, 1973, which was 3 days after Mr. Boodman applied, the job specifications were changed. He said now, this was an open, competitive, promotional examination. He said the minimum qualifications requirements are:

A. Education, training and experience:

College and law school graduation. A member and in good standing of the Connecticut Bar with a minimum of five years active practice of the profession in the State of Connecticut. (Here the equivlency clause has been deleted)

B. Special knowledge, ability and skill:

(Same as other job specifications)

MR. HOFFMAN said that Mr. Boodman said he never saw the job specifications. He said he thinks that this is a further indication of perhaps the looseness in the way the test was given.

In response to a question from MR. DeROSE, MR. HOFFMAN said he does not know what more they can do. He said they have gone to the Personnel Department and Commission and have asked for some answers and they have been unable to find them. He said the most that he could do is ask the past members of the Personnel Commission to come in.

MR. HOFFMAN said earlier the Fiscal Committee did recommend censuring the Personnel Director, Mr. R.P. Barker. He said many months ago the Special Investigating Committee of the Board of Representatives recommended the dismissal of Mr. Barker on the basis of its findings in the Berube matter.

He said Fiscal Committee has proven that Mr. Barker actually violated the Charter by giving himself and others an illegal pay raise.

He said from one other fiscal aspect, Mr. Barker permitted two Park Department employees to hold provisional positions in excess of 90 days which is in direct conflict with his responsibilities under the City Charter and the Civil Service Regulations. He said this disregard of City regulations has cost the taxpayers approximately \$4,100 in illegal salary payments. He said this \$4,100 does not

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include his own illegal pay raise. He said this committee requested and was denied access to the information in the Mayor's possession concerning eight other appointments made during Mr. Barker's tenure as Director of Personnel. He said the appointments in question were made during different administrations, apparently suggesting that the City's Civil Service System has not been functioning as intended for some years.

He said the evidence presented before our Board this evening raises additional questions about the functioning of the Personnel Department under the direction of Mr. Barker and further strengthens the case for his dismissal as recommended by the special investigating committee some months ago.

He said we strongly urge the Mayor to address himself to the recommended removal of Mr. Barker for incompetency, misconduct and/or neglect of duty as specified in section 733b of the Charter. He said the committee voted 3 to 1 on this recommendation.

MR. HOFFMAN MOVED for the adoption of the following resolution. Seconded.

MR. LOWDEN asked Mr. Hoffman if he would consider postponing that resolution till perhaps next month because we have written material that most of the members of the Board have not seen.

MR. HOFFMAN said he thinks perhaps that we have a chance of passing that resolution tonight. He said if Mr. Lowden feels strongly that this resolution would not have a chance, then he would concur even in view of the facts that were presented this evening.

MR. HOFFMAN said he really feels that we have to ask the Mayor to do this because the Personnel Commission as it stands, that if we leave it up to them, that six months from now the next Board will be fighting for that.

MRS. LAITMAN said they have an obligation, they are the Commission. She said they have approved all of these things that we have objected to over the past year. She said we ought to direct them to this and if they don't do it then the Mayor has every right to replace them. She said you could very well end up with a situation where you don't have Mr. Barker but you will still have the the same Personnel Commission.

MR. D'AGOSTINO said he would like to MOVE THE QUESTION.

MR. ZIMBLER said we should look into the area of the Personnel Commission. He said we should go on record today by saying that we favor a restoration of public faith in the integrity of the Civil Service System. He said he would like to go along with Mr. D'Agostino in saying that he would like to Move the Question. Seconded and CARRIED.

MRS. FORMAN requested a ROLL CALL VOTE. Seconded.

The following ROLL CALL VOTE was taken on Mr. Hoffman's motion to adopt the resolution concerning the removal of the Personnel Director and the MOTION was approved by a vote of 26 in favor, 2 opposed and 2 abstentions: (Resolution No. 1032 follows the Roll Call Vote).

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THOSE VOTING IN FAVOR:

BOCCUZZI, John (D)
 CLARK, Linda (D)
 COSTELLO, Robert (D)
 CROSBY, Robert (R)
 D'AGOSTINO, Thomas (D)
 DAVIDOFF, Norman (D)
 EXNICIOS, Robert (R)
 FLANAGAN, William (R)
 FORMAN, Barbara (R)
 HANDLEY, Diane (R)
 HOFFMAN, Leonard (R)
 KELLY, James (D)
 LAITMAN, Marilyn (D)
 LOWDEN, Lynn (D)
 MARTINO, Vincent (D)
 MAYNOR, Frederick (D)
 McINERNEY, Barbara (R)
 MILLER, Frederick (D)
 PERKINS, Billie (R)
 RAVALLESE, George (D)
 ROSE, Matthew (D)
 ROSS, Salvan (D)
 SAINBURG, Richard (R)
 SANDOR, John (D)
 TRESSER, Michael (R)
 ZIMBLER, Kurt (R)

THOSE VOTING IN OPPOSITION:

BLOIS, Julius (D)
 PERILLO, Alfred (D)

ABSTENTIONS:

DIXON, Handy (D)
 HYBNICK, Gerald (D)

RESOLUTION NO. 1032

WHEREAS, the Fiscal Committee and the full Board recommend censuring the Personnel Director, Mr. Reginald P. Barker; and

WHEREAS, in April 3, 1975, the Special Investigating Committee of this Board did recommend the dismissal of Mr. Barker on the basis of its findings in the Berube matter; and

WHEREAS, the Fiscal Committee has proven that Mr. Barker did violate the Charter by giving himself and others an illegal pay raise; and

WHEREAS, Mr. Barker did permit two Park Department employees to hold provisional positions in excess of 90 days which is in direct conflict of his responsibilities under the Charter and the Civil Service Regulations.

BE IT HEREBY RESOLVED that the Board of Representatives again strongly urge the Mayor to remove Mr. Barker for incompetency, misconduct and/or neglect of duty as specified in Section 733b of the Charter.

MR. HOFFMAN said there is just one more item on the Personnel Committee agenda which is a sub-committee report from Mr. Zimble and Mr. Davidoff.

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MRS. LAITMAN asked Mr. Hoffman if he considered any resolution at all pertaining to the Personnel Commission and their role?

THE PRESIDENT said we don't have to have a resolution and that it's been made clear that there is a strong desire that in order to get at the facts it would be well to call in Mr. Comerford, Mrs. Frisbie and Mr. Napolitano.

MRS. LAITMAN said she was not referred to that. She said the only way we are going to get something moving here is if we replace the Personnel Commission. She said she is not talking about the newest members.

MR. HOFFMAN said City administrator's come and go and Personnel Commission's come and go and everything continues just as it is. He said there is one more step and that is to look at the replacements of the Personnel Commission.

MRS. HANDLEY said she would like to make a motion to censure those members of the Personnel Commission who have not followed through the recommendations of this Board in reference to the Special Investigating Committee.

THE PRESIDENT said he will not accept that motion. He said the Chair will rule that motion not in order at this time.

MR. ZIMBLER said this is concerning the Personnel Committee's investigation into the case of Captain Ursone. He said a sub-committee of Mr. Davidoff and himself was appointed and he will present the following Report:

REPORT ON CAPTAIN URSONE

In keeping with the facts brought out in the Personnel Committee's investigation into the Ursone case, the sub-committee makes the following recommendation:

A) It is our feeling that City employees, regardless of rank, and/or status, should be paid for vacation and overtime within the calendar year in which this time is accrued. This would insure that the time is paid for at the salary rate that the individual is receiving at the time. It would preclude the recurrence of the many instances where overtime or vacation time accrued early in an employee's career when he is earning relatively low salary is not then paid to him at the time of his retirement when he could be earning more than three times that amount.

B) It is our feeling that promotions should not be made unless there is money in the salary account to cover the pay raise accompanying the promotion. In the Ursone case, we were told he was promoted from Sergeant to Captain but continued to draw sergeant's pay for a number of months because of insufficient funds in the salary account.

C) We recommend that the Personnel and Fiscal Committee's of the 14th Board of Representatives look into this matter with an eye towards possibly drafting ordinances to that effect, and insuring greater fiscal responsibility.

PLANNING & ZONING COMMITTEE - Salvan Ross

MR. ROSS said the Planning & Zoning Committee met September 30, 1975. Present were Reps. Guroian, Rose, Tresser, Sainburg and Ross. He said he would like to

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MOVE to SUSPEND THE RULES because he has certification from the City Engineer on approximately 8 streets to be accepted as City streets.

MR. ROSS said he would now like to MOVE for SUSPENSION OF THE RULES. Seconded and CARRIED.

MR. ROSS said he would like to MOVE for the Acceptance of Belltown Road. Seconded and CARRIED.

BELLTOWN ROAD - Extending northerly from Upland Road approximately 3,250 feet to Newfield Avenue as shown on Map No. 2601.

Length approximately 3,250 feet. Map No. 2601 - Town Clerk's Office.

MRS. LAITMAN said that on the last Board, we passed a resolution that said before any street is accepted the representatives in that particular district will be notified. She said she certainly hoped that in each case Mr. Ross found out what district that certain street is in and notified the representatives.

MR. ROSS said that personally, he has gone out to each street.

MR. FLANAGAN said Mr. Ross was not on the Board and neither was he when this happened because it was 11th Board.

MRS. LAITMAN said she would like to MOVE Dad's Lane, the next street in question, back to Committee. Seconded.

MR. ROSS said he would like to hold the remaining roads and streets in Committee.

November Regular Meeting

THE PRESIDENT said the regular monthly meeting of November will be held on Monday, November 10, 1975. A motion was made and CARRIED.

MR. COSTELLO said he would like to ask Mr. Dixon what is the status on the Senior Citizen Housing on Clinton Avenue.

MR. DIXON said he was informed that there will be a ground-breaking in about two weeks.

ENVIRONMENTAL PROTECTION COMMITTEE - Richard Sainburg

- 1) Proposed RESOLUTION AUTHORIZING TRANSFER OF JURISDICTION OVER MUNICIPALLY-OWNED PROPERTY KNOWN AS THE "FINCH ACRES" TO THE ENVIRONMENTAL PROTECTION BOARD - (Letter dated 9-9-75 from Eugene J. Connolly, Chairman, Environmental Protection Board) - (Letter dated 9-8-75 from Edward A. Connell, Member of the Environmental Protection Board)

MR. SAINBURG said they are holding this item in Committee.

Mr. Davidoff said the Legislative & Rules Committee concurs.

Mr. Perillo said the Public Works Committee concurs.

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COMMITTEE ON RE-NAMING OF MUNICIPAL FACILITIES - Algird Cibulskas

- 1) ORDINANCE NO. 325 CONCERNING THE NAMING OF MUNICIPAL FACILITIES -
(Submitted by Linda Clark, 6th District Rep., for Steering Committee on 9-22-75)

MRS. CLARK said she would like to make a MOTION to WAIVE PUBLICATION. Seconded.

MR. DAVIDOFF said the Legislative & Rules Committee concurs.

MRS. CLARK said she would now like to MOVE for FINAL ADOPTION. Seconded and CARRIED unanimously.

MR. DAVIDOFF said the Legislative & Rules Committee concurs.

THE PRESIDENT said there are 28 members present at this time.

ORDINANCE NO. 325

CONCERNING THE NAMING OF CITY-OWNED FACILITIES

BE IT ORDAINED BY THE CITY OF STAMFORD THAT:

Proposals to change names of existing City-owned facilities and newly-acquired City-owned facilities shall be submitted for final approval to the Board of Representatives by the Board or Commission having jurisdiction over such facilities.

This ordinance shall take effect upon its enactment.

- 2) ORDINANCE NO. 326 CONCERNING ESTABLISHMENT OF GUIDELINES FOR NAMING AND RE-NAMING OF MUNICIPAL FACILITIES AND THE ESTABLISHMENT OF COMMEMORATIVE FACILITY TO HONOR DISTINGUISHED LOCAL CITIZENS - (Submitted in letter dated 9-11-75 by Corporation Counsel to Linda Clark, 6th District Rep.)

MRS. CLARK said she would like to make a MOTION to WAIVE PUBLICATION. Seconded.

MR. DAVIDOFF said Legislative & Rules Committee concurs.

MRS. CLARK said she would now like to MOVE for FINAL ADOPTION. Seconded and CARRIED unanimously.

MR. DAVIDOFF said Legislative & Rules Committee concurs.

ORDINANCE NO. 326

SETTING FOR GUIDELINES FOR NAMING AND RENAMING OF MUNICIPAL FACILITIES IN THE CITY OF STAMFORD AND ESTABLISHING A COMMEMORATIVE FACILITY TO HONOR DISTINGUISHED LOCAL CITIZENS

WHEREAS, the Board of Representatives of the City is responsible for the naming of City facilities; and

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WHEREAS, the Board of Representatives has determined that certain guidelines and standards should be adopted which will encourage the naming of such facilities based upon geographic and historical characteristics rather than naming them after individuals; and

WHEREAS, distinguished local citizens can be more appropriately honored by a remembrance placed in a locally established commemorative facility which is hereby established;

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

I. Naming City Streets and Facilities

1. The public policy for the City shall be that when possible, the names of City streets and facilities shall be selected by using geographical or historical characteristics that are reasonably relevant to either the type of facility or the location of such facility or street within the City.

2. The following guidelines and standards are hereby adopted with reference to naming and renaming City Streets and facilities:

a. No City street or facility shall be named for any racial, ethnic or religious group or denomination.

b. No City street or facility shall be named to memorialize any person unless such person has been deceased for more than six months and only after a specific finding by the Board of Representatives that either no suitable geographical or historical name for such street or facility exists or that in the case of a City facility, such facility has been made possible substantially through such individual's contributions to the community.

c. No City street or facility shall be named in an arbitrary or capricious manner nor shall they be named in any manner which would tend to confuse the public or impede traffic.

d. No City street shall be given a name which is the same as or similar to the name of any existing street within the City unless either of such streets may be reasonably deemed an extension of the other. For the purposes of this ordinance, streets with the same name or a similar name but which differ in such secondary nomenclature as the designation road, street, avenue, circle, place, drive, lane, court, east, west, north or south are deemed to have the same names.

e. The name of any street within the City or any facility existing at the time of adoption of this ordinance shall not be affected hereby so long as such street remains dedicated to the public or such facility is maintained and used for public purposes.

This Ordinance shall take effect upon its enactment.

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COMMUNICATIONS FROM THE MAYOR

THE PRESIDENT said that after the meeting of the Steering Committee, we did get a report from the Mayor which was distributed to the Board members. He said one more report is expected before this Board goes out of office.

THE PRESIDENT said there will be a Special meeting on Monday, October 20, 1975 concerning the Board of Education Administrator's unit Contract.

ADJOURNMENT

There being no further business to come before the Board, on motion, duly seconded and CARRIED, the meeting was adjourned at 2:10 a.m.

Diane Maciejczyk

Diane Maciejczyk
Office Clerk
Board of Representatives

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.

dm