

MAYOR  
LOUIS A. CLAPES



BOARD OF REPRESENTATIVES

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S. A. SIGNORE

AUDREY M. COSENTINI

CO-MINORITY LEADERS

Sandra Goldstein

CLERK

HELEN M. MCEVOY

ADMINISTRATIVE ASSISTANT

TELEPHONE: 358-4024

358-4025

CITY OF STAMFORD, CONNECTICUT 06901  
MUNICIPAL OFFICE BUILDING  
429 ATLANTIC STREET

April 29, 1977

To: ALL MEMBERS OF THE 14th Board of Representatives

Subject: SPECIAL BOARD MEETING ON REPORT OF TENTH CHARTER REVISION  
COMMISSION, SUBMITTED TO BOARD OF REPRESENTATIVES ON APRIL  
1, 1977 - (ADJOURNED FROM April 28, 1977) - for May 3, 1977.

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I, FREDERICK E. MILLER, JR., President of the 14th Board of Representatives of the City of Stamford Connecticut, pursuant to Section 202 of the Stamford Charter and Section 7-191 of the Connecticut General Statutes, do hereby CALL a SPECIAL MEETING of said Board of Representatives, for:

TUESDAY, MAY 3, 1977

In the Board of Representatives' Meeting Room

Municipal Office Building

at 8:00 P.M.

for the following purpose:

To further consider and act upon the REPORT OF THE TENTH CHARTER REVISION COMMISSION and the recommendations of the Charter Revision Committee, and to act upon proposed Charter amendments to be submitted to the Referendum, or referred back to the Commission for such changes as it may deem desirable.

Frederick E. Miller, Jr., President  
14th Board of Representatives

FEMJR:HMM

cc: Town Clerk

Timothy Curtin

Thomas Morris

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MINUTES OF MAY 3, 1977 SPECIAL MEETING

AND CHARTER REVISION

14th BOARD OF REPRESENTATIVES

STAMFORD, CONNECTICUT

A SPECIAL MEETING of the 14th Board of Representatives of the City of Stamford, Connecticut, was held on Tuesday, May 3, 1977, pursuant to a "CALL" issued by PRESIDENT FREDERICK E. MILLER, JR., under the provisions of Section 202 of the Stamford Charter.

The meeting was held in the Legislative Chambers of the Board of Representatives, Second Floor, Municipal Office Building, 429 Atlantic Street, Stamford, Conn.

The meeting was called to order at 8:20 P. M.

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by PRESIDENT FREDERICK E. MILLER, JR.

ROLL CALL: CLERK SANDRA GOLDSTEIN took the ROLL CALL. There were 26 members present. The 14 absent members were: Michael Morgan, Alan Osuch, S.A. Signore, James Loboza, Jeanne-Lois Santy, John Fox, John Sandor, Mildred Ritchie, William Flanagan, Barbara McInerney, Christine Nizolek, Donald Sherer, Robert Costello and Peter Walsh.

THE PRESIDENT declared a QUORUM.

CHECK OF THE VOTING MACHINE: The voting machine was found to be in good condition.

CALL OF THE MEETING: The PRESIDENT read the "CALL" of the meeting, as follows:

I, FREDERICK E. MILLER, JR., President of the 14th Board of Representatives of the City of Stamford, Connecticut, pursuant to Section 202 of the Stamford Charter and Section 7-191 of the Connecticut General Statutes, do hereby CALL a SPECIAL MEETING of said Board of Representatives, for:

TUESDAY, MAY 3, 1977 - 8:00 P.M.

in the Legislative Chambers of the Municipal Office Building, Second Floor, 429 Atlantic Street, Stamford, Connecticut, for the following purpose:

To further consider an act upon the report of the 10th Charter Revision and the recommendations of the Charter Revision Committee and to act upon proposed Charter amendments to be submitted to the referendum or referred back to the Commission for such changes as it may deem desirable.

The CHAIR will note that MR. LOBOZZA is PRESENT. We have 27 members present now.

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MR. MILLER: (continued) We will proceed now, and I would suggest to the membership that this agenda must be completed this evening, so a decision has to be made early in the evening, of what kind of a meeting we want to make this, because we're going to have to stay here, until we go through this Charter. We do have a time limit.

I will call upon Mr. LOOMIS, the ACTING CHAIRMAN of the CHARTER REVISION COMMITTEE and we will proceed as we did at last Thursday's meeting.

MR. LOOMIS: I'm starting where we left off. Chapter 43, the POLICE DEPT. I would just make the observation that it took us four hours to cover 24 pages last Thursday and we have 73 pages ahead of us, so it would be in the best interest to move along expeditiously. If possible could we just direct the comments of this Board to the recommendations and suggestions we've made.

Under Chapter 43, the POLICE DEPT; we agreed to add LANGUAGE, which would acknowledge the existence and powers of the Auxiliary Police Officers. They are not recognized at present in the current CHARTER, and it was the general consensus that they should be. In SECTION 431, there is reference to residency requirements for police officers who work for the department. The Committee voted April 26th, by a margin of 2-1, to delete this section. Our concerns were the following:

First of all: Why should there be discrimination among City employees? The way the CHARTER is now written some must reside (or the way it's now being proposed to us,) in Stamford, and others don't have to. We think this is unfair. Either those who work for this municipality live in Stamford, or they don't! We don't think that discrimination should be made between employees.

Secondly; those people being forced to reside in the City, who would work for the POLICE DEPT. are often in salary ranges which might prove to be a hardship in finding decent housing within the City.

Thirdly: the POLICE DEPT. has jobs requiring special skills and talents that may not be found among current job seekers within the City. We should not, therefore, shackle the department by restricting their employment pool solely to the City of Stamford. Indeed, this was the very reason why in 1969, the last time the CHARTER was amended, they took out the residency requirement. It is not commonly known, but there was a residency requirement and because the department had problems in hiring people they took out that requirement in '69, and here we are, discussing putting it right back in.

Now, the main argument of the proponents of a residency requirement is, that the first priority of the City is to help out its own; its own unemployed, and therefore, we should turn to the municipality to help solve this economic problem. But, the fact is, the CHARTER is a permanent document. I shouldn't say it's set in cement, but the kinds of problems that result from unemployment levels should be addressed by ORDINANCES, not by CHARTER language.

I think it is the proper providence of the Personnel Committee, if they deem that this is important and wise to draft an ORDINANCE to take care of employment problems that may affect the City's economic conditions and relate, therefore, to our munipicle work force. So, consequently, the COMMITTEE voted, on April 26th, to delete the residency requirement by a VOTE of 2 - 1. Now, I would like to defer to



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MR. LOOMIS: (continued) to MR. BAXTER, who is an opposing vote, and who has reason to oppose the majority vote this issue.

MR. BAXTER: I think MR. LOOMIS summarized very well the reasons that the majority of the COMMITTEE voted against this residency requirement. I think, however, there are a number of reasons to have such a residency requirement, and, in my opinion, (obviously since I voted that way), the reasons for the residency requirement outweigh the others. First of all, I don't think that the primary reason for having a residency requirement is for the City to help out its own. I don't have a problem with such a reason, if that's what the reason was.

But, I don't see that AS the main reason. I see the main reason for having a residency requirement for policemen, and, I might add, for firemen. Also, it increases the safety of the City for these people to be present within the City limits.

Now, obviously, crimes and fires don't often happen before the very nose of the patrol car or the fire house. Crimes and disturbances, not just crimes and disturbances, but also take Mr. Cizanckas' point of the other services, that these two para-military safety forces perform happen randomly, and if we had 250 policemen, all of whom live outside of the Town, then the only protection the City would have for crimes or for needs for assistance would be those policemen or firemen who happen to be on duty.

If they live within the City limits then, when they are off duty, and walking to the store and witness a heart attack or a robbery, or a fire, or driving around in their car, or, generally conducting their lives, there would be there available a peace officer for instance, a peace officer 24 hours a day.

New York and a number of other cities, who have been faced with a rising crime problem far more serious than Stamford's, (though I don't mean to minimize Stamford), have resorted to this quite some time ago as an effective way of increasing the protection to the citizens.

Now, there are some hardships involved in this. The first thing that I think I would say, and those who agree with my reasoning would consider what's called a "grandfather clause", to exempt those people who are currently employed in the City as policemen or firemen, from the effects of this Charter provision, should this CHARTER provision requiring residency be enacted.

In other words, a person who elects an employment with the Police Dept., who bought his house or apartment elsewhere, in Norwalk for instance, I think that since that provision wasn't there when he accepted the job, or, she accepted the job, it would be an unfairness for that person to have to sell the house or move to another town. But I think in the long run, that it provides for greater protection, number one, number two, policemen and firemen, to my knowledge, especially looking at the budget expenditures (which we're all doing from last year), are not among the low paid workers of this town.

I don't mean to suggest that they are over paid. They deserve their money. But, with their different differentials they make an income that they don't have to be embarrassed of, and I suggest that they can afford to live in Stamford. Not necessarily in places where I can't afford, I would like to live in some places, but they could afford some of the rental or single family purchase housing that's here.

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MR. BAXTER: (continued) One of the points that MR. LOOMIS made was that we may need some special skills, which may not be available in Stamford. It doesn't make sense to restrict the employment pool to the City of Stamford. Well, I think the people who drafted the section of the CHARTER had that in mind when they said: "that the provision may be WAIVED by the Board of Representatives upon written application of the Police Commission." And in the event, whether it is a likely event or an unlikely event, I don't know, but there are certain police or fire skills that we can't get within our residence, or who don't score well enough on the tests, then they could ask us to WAIVE it and we can meet that problem.

You know, we all paid attention to the ten year base study, which said that in ten years we were going to have more jobs in Stamford, but the people in Stamford wouldn't be qualified to meet some of those jobs. We would have more and more commuting into Stamford to fill certain jobs. Other people in Stamford, either unemployed or going somewhere else, as a side benefit, I think that it would be good at least if they could, if they qualified, get a job on the Police and Fire Dept.

In summary I would say that there is a significant reason to make a distinction between the police and firemen. I wouldn't call it discrimination. The distinction is that they are safety forces, and the presence of the off-duty people within the walls of the City increase the safety. I would recommend that you approve the residency requirements as submitted by the Commission.

MR. RAVALLESE: Mr. Baxter answered all my questions, but, there is one question that I would like to ask MR. LOOMIS. How many people voted against this amendment on your board? How many people do we have from the Board?

MR. LOOMIS: Mr. Ravallese, when we met on the 26th, we had three persons, which was a quorum of a 5-member committee. 2 verses 1 voted out the report.

MR. RAVALLESE: Then it was 2 to 1?

MR. LOOMIS: Yes, 2 to 1.

MRS. GOLDSTEIN: I think both Mr. Loomis and Mr. Baxter give very convincing arguments of both sides of the issue. The thing, of course, that I find very significant is the importance of having off duty policemen or firefighters living within the compound of the City.

But there is one problem that I personally have in voting for this particular amendment. I wonder whether I'm just reading the new provision incorrectly, or, perhaps I'm reading it correctly. In SECTION B, where it says no person who is not a resident elector of the City shall be appointed to the regular or special police force; does that preclude people who do not live in Stamford from applying for the job, passing the exam, and being appointed?

That is my problem with this section. I see nothing wrong with saying -- once appointed, it is one of the job requirements that you live within the confines of our City, but does one have to first live within our City before taking the examination?

MR. LOOMIS: Mrs. Goldstein, I had problems with the language myself. The reasons myself and Mrs. Hawe are against this section, I think, were delineated when I issued or I came out with our report. Now, Mr. Baxter has a better understanding of the intent of

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MR. LOOMIS: (continued) that passage, and I defer to him to example the intent here.

MR. BAXTER: Mrs. Goldstein, the way I read, (and I share your concern), the way I read B, when it says no person, blank, blank, blank, shall be appointed, I think it means just that; shall be appointed. Its a preclusion of being appointed before you are a resident. When it says that the provision may be WAIVED by the Board of Representatives, clearly the Board of Representatives doesn't WAIVE it in a vacuum, and get like a set of specs and say, we need a policeman with SWAT training, in advance of finding out who has applied, will you please WAIVE the residency requirement?

Appointment doesn't mean the same thing as application. It would seem to be reasonably clear that under the CHARTER a person could apply for a job, but he wouldn't be eligible for a job; but wouldn't be eligible for, or she wouldn't be eligible for appointment until they were residents. So that once the City, say, the Police Commission saw the five or ten applications for a particular job, if it was Civil Service, and they had an exam, and they saw who was there, and they could look and see that there is nobody from Stamford who is qualified, or isn't the best qualified person to take that, they could appoint George Baxter, for instance, who might not live in Stamford and ask me: "Would you comply with this?"

I would say yes. Then they could come to the Board of Representatives, saying, please WAIVE the CHARTER requirements for the appointment of George Baxter.

MRS. GOLDSTEIN: Well, Mr. Baxter, what you are saying then is, if you're saying the first five people who took the examination lets say were residents of Stamford, I assume what your saying is that in reality to apply for the job you have to be a resident. I mean, that's how I read you.

MR. BAXTER: No mam. I would say under this CHARTER proposed revision you could apply without being a resident but you have no chance of being appointed until you are a resident. So that you could, you know, when you see that you want to appoint somebody that's not NOW a resident, he's talked to; yes, I will agree to move to Stamford; and then he gets himself there and you know, either before or after --

MRS. GOLDSTEIN: Mr. Baxter. If what you are saying is so, because you to said you had a problem with that particular section in --

MR. BAXTER: Not with the section. With the concept, Mrs. Goldstein.

MRS. GOLDSTEIN: I'm sorry, with the contents of SECTION B. Would there be some way if that is agreeable to the COMMITTEE, to clarify the wording so that the job is open to ALL who apply, providing once appointed, they move? I think there is a big difference between that and the way this reads.

MR. BAXTER: I personally would have no objection to asking MR. LOOMIS, in his report to the COMMISSION, suggest that they consider making it clear that applications are not limited to Stamford residents.

MR. LOOMIS: I would like to say, however, that the discussion on the floor is about a residency requirement. I think we should be talking to that issue. Then, I think that once THAT issue is resolved we can easily report clarification of the language to your point, MRS. GOLDSTEIN.

MR. FLANAGAN: I think the language is clear. Under SECTION B "no person who is not a resident elect of the CITY shall be appointed". It doesn't say anything about

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MR. FLANAGAN: (continued) an application. MR. BAXTER manages to turn my thinking around on occasion and I think the way he presented the case for having policemen and firemen residents of this City was absolutely perfect. I think it is in the best interest of the City. George, I'm with you. I think we should approve this.

MR. CONNORS: The thing that confuses me is how about these other communities who are hiring people who do not live, and do not reside within the area where they are applying for work? Now, we have it right around us. All around us in the community, whether you name Darien, New Canaan, or Greenwich.

You have a Police Chief in Greenwich that comes from Stamford. You have many school teachers who live out of town. They do not live in the City of Stamford. Now, we are going to open up PANDORA'S BOX. We are going after the school teachers now, we're going after the principals who do not live here. I mean, I don't think it's very fair.

Economically a lot of people who couldn't find homes in the City of Stamford went elsewhere. I feel in fairness to those people, if you're going to pick on the police and fire departments, you've got to pick on every City department we have -- bar none. You have to go after everybody.

You have a man right now who is PUBLIC WORKS COMMISSIONER from Westport. In other words, you should reside in Stamford? Oh now, I mean this thing isn't fair. And I think this is very unfair with this thing to come. I feel this AMENDMENT should go down. Let people live where they want to live. With the Thruway and everything else (I don't care whether they live in Fairfield), they could be down here in fifteen minutes.

MR. BLUM: In this residency requirement, I was just wondering, the first part of it I can buy, "no person who is not a resident elector of the City shall be appointed unless he shall remain". This is what I can't buy -- unless he shall remain a resident elector. I'm sure we all know at one time we used to have commuters going from this town. We had more than coming in.

It's turned now. Where we have 30,000 commuters coming to this town, because they can't afford to live in Stamford. And that is the whole problem. These rentals, these prices on houses, the taxes have driven the people out of this town, and that's true of our municipal workers. I don't think that they should be kept here in this situation on the high cost of living in this town.

MR. ZELINSKI: If I may through you, ask MR. LOOMIS a question which was on my mind, and MR. BAXTER brought up. That is the fact. If we do pass this AMENDMENT regarding the residency, does that mean that the policemen and firemen who are working in Stamford now would have to move? The reason I bring this up is because I did some inquiring and I found that in the Police Department at present there are 242 policemen working in Stamford. Of those, 45 live out of Stamford.

In the Fire Department we have a compliment of 203 men. Of those, 8 live out of Stamford. I've been speaking to several members of both departments, and they are very concerned about this. Could you answer that MR. LOOMIS? Would it apply to those already living out of Stamford?



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MR. LOOMIS: Yes, Mr. ZELINSKI. I would correct you. If we pass what we propose, you don't have to worry about that, because what we are purposing is the dropping of the residency requirement in this REVISED report. Now, to answer your question assuming we don't delete that. What the CHARTER COMMISSION neglected to do was write a "grandfather clause", language which would protect those who now are employed by the Police Department and who did not reside in Stamford.

I don't think we would in any way have the authority to force them then to move into the City. I believe it would be the sense of the COMMITTEE to report a recommendation to insert such a "grandfather clause" to protect those people that you are concerned about.

MR. D'AGOSTINO: MOVE the QUESTION.

MR. MILLER: Is there a SECOND to that MOTION? SECONDED. The question is on moving the previous question. All those in FAVOR say aye; all those OPPOSED? The MOTION is CARRIED. We'll take a DIVISION on MOVING the question. UP for YES, or DOWN for NO. We'll proceed to a vote. The MOTION was to delete on that page, Chapter 43 to delete that language "no person who is not a resident elector of the City shall be appointed to the regular or special police force or continue as a member thereof, unless he shall remain a resident elector. This provision may be WAIVED however by the Board of Representatives upon written application of the Police Commission."

Mr. Loomis' motion, of course, applied only to this page which deals with the Police. A YES vote is for deletion of this PROVISION. A NO vote would be against recommending deletion. All those in favor say AYE, if you want to delete the residency requirement VOTE YES, if you are opposed VOTE NO. (End of Tape SIDE 1)

MR. MILLER: All those in FAVOR say AYE; all those OPPOSED, NO. The CHAIR is in doubt. We'll take a DIVISION using the machine. I just want to note for the RECORD, that Mr. RYBNICK is absent from the floor. We have 27 members PRESENT and voting. The MOTION has been DEFEATED. There are 12 YES votes, 15 NO votes.

MR. LOOMIS: To pursue MR. ZELINSKI'S concern, which I think is a legitimate one, we will include a recommendation about "grandfathering" those persons who are now with the POLICE DEPT. If I could move on ----

MR. MILLER: I'm not so sure we can assume everybody wants to do that, MR. LOOMIS.

MR. LOBOZZA: As I read it, it says "upon appointment". I don't see why you'd have to do anything about a "grandfather" clause in there, or anything else. It's not an appointment.

MR. MILLER: I would just point out that I don't think a "grandfather" clause is that insufficient an item that we can assume this group wanted a "grandfather" clause. So I would suggest that there be some MOTION --

MR. LOOMIS: MR. PRESIDENT, it's a consensus of this committee that we should adopt a recommendation to that effect. I would like to make a MOTION to do so. MR. BAXTER just SECONDED it.

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MR. MILLER: MOVED & SECONDED. Discussion. All those in favor say AYE, all those opposed NO. The MOTION is CARRIED UNANIMOUSLY.

MRS. GOLDSTEIN: POINT OF INFORMATION. The "grandfather" clause you are speaking of applies to the people who are already working for the -- okay. I would like to propose an AMENDMENT or call it what you would, to SECTION B which would contain, in any way the COMMITTEE wanted to word it, the thought that one need not live in Stamford to apply. I think that ought to be clarified because I do not think it is clear.

MR. LOOMIS: MRS. GOLDSTEIN, our understanding is your understanding. When we transmit this report we will ask for a clarification of language that is more clear or clearer than it is right now.

MR. MILLER: I wanted to note for the record that MR. RYENICK was PRESENT on the floor and participated in that last UNANIMOUS vote. That was 28 members PRESENT.

MR. LOOMIS: Turning to CHAPTER 44, the Fire Department., the committee --

MR. MILLER: MR. ZELINSKI, anything on the Police Department? We're getting on to the Fire Department.

MR. ZELINSKI: Regarding the same section, CHAPTER 43, SECTION B starting with the third sentence which reads, and I quote: "appointees to the regular Police force shall not have passed their 36th birthday", I did quite a bit of checking on this particular item. I tried to reach the CORPORATION COUNSEL office to get a ruling on this opinion but was unable to do so.

However, I did contact MR. WOODROW GLOVER, the executive Director of the STAMFORD HUMAN RIGHTS COMMISSION, upon which commission I served for about 8 years. I found out that it's not only a Federal law, but it's a State law. In the Connecticut State Statute, SECTIONS 31 - 122 and SECTIONS 31 - 126G and 1, which became effective October 1975 it deals specifically with employment practices and age discrimination. It deletes and underscores present definition of age discrimination between the ages of 40 and 65.

My concern here would be, I would not like to see something in our CHARTER which is illegal and against our State laws. Could that be clarified MR. PRESIDENT?

MR. MILLER: The CHAIR is not in any position to give a ruling on whether or not this age requirement would be constitutional or illegal. If somebody on this Board wishes to make a MOTION on this matter the member is free to do so.

MR. LOOMIS: We met with the officers of the CHARTER REVISION Committee. They essentially here have adopted a language of the existing CHARTER. I think there were some questions on their mind regarding this issue. There is a concern on their part that we have, I shouldn't say a youthful force, but people who are ready and able to perform the duties required of police officers.

I'm certainly willing to entertain any motion in terms of reconsidering this. But I do think we should think about it before we delete any part of this language.

MR. MILLER: We have no MOTION. Nobody has made a MOTION. We had a comment on behalf of the committee, by MR. LOOMIS. If there is no MOTION we're going to move on.



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MRS. COSENTINI: I would like to move that we delete age 36 from this provision for the VERY reason that I would have spoken against putting every little thing in the CHARTER. It may well be that when the Personnel Commission talks with the Police Commission and wants to draw up specs for hiring policemen, they may find they can put in age 36, and may find they cannot.

They may find they can or want to put in residency and they may find they cannot. I think we have to realize that we're dealing with a document here that will NOT lend itself to change for another 10 to 12 years. And that some of these things are much better left to being in a variable situation where they can be altered as the need changes in the community, and as the laws change.

I think all these little specifics do not belong here and I am glad that MR. ZELINSKI raised this. I had it marked and forgot it. I would therefore urge that we remove the 36 from here and let that question be resolved elsewhere.

MR. MILLER: MOVED and SECONDED by MR. BLUM.

MR. ZIMBLER: Speaking neither for nor against this particular provision, but simply as a POINT OF INFORMATION, MR. ZELINSKI is absolutely correct. In terms of age discrimination, by Federal age, the protected age group is between 40 and 65. Theoretically, while it might not be very humane or a very nice thing to do, theoretically you can discriminate against someone 39 years old or 66 years old, crazy as it may seem.

And again, being in the employment business I've seen this come up time and time again. The Federal law says 40 to 65. That is the protected age group.

MR. ZELINSKI: Just one comment. My main purpose for bringing this up was, upon speaking to MR. GLOVER about this item, he mentioned to me that last year the City of Hartford had a similar situation, where someone applied for a position in the Hartford Police Department. Their particular CHARTER had a similar age maximum upon where the individual involved filed a complaint with the State Human Rights Commission.

The hearing officer ruled in favor of the applicant, whereupon the City of Hartford went to court on the matter. The court ruled in favor of the State Human Rights Commission and the City of Hartford had to hire this particular gentleman. My reasons for bringing it up are I wouldn't want to see our City go through the expense of court proceedings and everything else if we could possibly avoid it now.

MR. BAXTER: I think MRS. COSENTINI'S remarks were well taken after she said them. I'm sorry I didn't think of it before. The place for this age limitation may not be properly in the CHARTER. I would like to point out what age discrimination talks about. Without a reason, without a rational relationship to the job, in other words if you want to have a baby for Gerber Food, you can say you don't want 78 year olds to apply.

That might be fine. They may be rational reasons why a police force to have some age limit ABOVE which people shouldn't come in. For instance, you might successfully make it 100 and if you agree to that how about 90? Whether 36 is the magic number or not,

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MR. BAXTER: (continued) maybe it's something we shouldn't put in the CHARTER. I think MRS. COSENTINI is correct. Let the Commission do it.

MR. LOOMIS: I MOVE the question.

MR. MILLER: MOVED and SECONDED. All those in favor say AYE. All those opposed? the MOTION is carried UNANIMOUSLY. The question then is on the MOTION made by MR. ZELINSKI to delete from the CHARTER, (to recommend actually), that the CHARTER REVISION COMMISSION delete the language "appointees to the regular police force, would not have passed their 36th birthday."

MR. HAYS: POINT OF ORDER. I believe that MOTION was made by MRS. COSENTINI.

MR. MILLER: Oh, I'm sorry, MRS. COSENTINI actually made that MOTION. We're now voting on that. A YES vote is for the deletion of the "36th birthday" requirement, a NO vote would be OPPOSED. All those in favor say AYE, all those OPPOSED no. We'll have to take a DIVISION using the machine, UP for YES, DOWN for NO. The MOTION is CARRIED by a vote of 20 YES, 6 NO. I believe now we can move on from the Police Department SECTION into CHAPTER 44, the Fire Department.

MR. LOOMIS: We did take a vote on the residency requirement regarding the Fire Department. However, it is a consensus of those who voted in FAVOR of deleting this to allow the language to remain. I think the SENSE-OF-THE-BOARD is fairly clear.

MR. MILLER: I think the SENSE-OF-THE-BOARD is. I really think you have to take a vote on it, MR. LOOMIS.

MR. LOOMIS: If you require a vote I'll make a MOTION to report our favorable reports, delete that requirement out. I don't see a necessity for a lengthy discussion.

MR. MILLER: We could take a fairly quick vote on that. There has been a MOTION made by MR. LOOMIS to delete residency requirements for the Fire Department. Is there a SECOND to that?

MR. BAXTER: I wonder if MR. LOOMIS would accept an amendment to that MOTION to remove the language regarding the "36th birthday" in this provision?

MR. MILLER: In one MOTION?

MR. LOOMIS: Yes, but that's in a different SECTION. It's 441B that refers to residency. 441A refers to the age.

MR. MILLER: I think we could vote on this very quickly. They are different issues; we have the one MOTION to take out the residency requirement.

MRS. COSENTINI: I'd like to ask either MR. LOOMIS or MR. BAXTER, or MRS. HAYE, when you discussed this is there any substantial difference in the role of a policeman being here 24 hours a day, or the role of a fireman?

It seems to me their services are somewhat different. It may be that you would want it in for the policemen. What does the fireman do when he is off duty that is also related to safety? I'm not clear about that.



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MR. LOOMIS: We did not discuss the differences. I would agree with MR. BAXTER, the magical age of "36" is hardly something that has been scientifically arrived at in any kind of determination of the exact duties between a fireman and a policeman. So, I would MOVE that we vote on these two issues, or, I would recommend as we did in the Police Department, simply to remain consistent in the language of this CHARTER.

MR. BAXTER: When we discussed, I believe it's fair to say that we discussed both of these provisions together. The firemen and the policemen were discussed as one unit. We didn't single out, (at least my memory is), we didn't single out a laundry list of reasons particularly for the firemen. But what I've seen them do when they're off duty and there is a serious fire, there is a serious problem. They fight the fire or man the station so that the station will be ready to respond to another fire. The needs are very similar, although different because they don't respond to crime.

MR. WIDER: I feel the same way as Mrs. COSENTINI does. I think we are being a little discriminatory when we take the police and we VOTE that they have to maintain residency and we turn over to the very next chapter and say we want to delete the residency requirement for the Fire Department.

Now the Fire Department is called in just as much in an emergency as the police are. I see absolutely no reason why we should have discrimination within our City between employees. This is willfully what it is.

MR. ZELINSKI: Something was brought to mind upon hearing MRS. COSENTINI'S question. I recall reading not too long ago in one of the New York papers, a situation where an off-duty fireman was walking down the street, saw a fire in an apartment building, ran and not only turned in an alarm but was instrumental in saving the lives of several of those people in that particular apartment; which would seem to me justification to be consistent, as MR. WIDER just said, and not discriminate between the police and the firemen.

So, I believe that it would also possibly save lives and be to the advantage of the citizens of Stamford to have the firemen also be residents of Stamford.

MR. ZIMBLER: I'd like to see the residency requirement for the firemen. I think there is definitely similarity between the Police and Fire Department. Of course there are differences. The similarity, of course, is that they are both para-military organizations of the type.

I think the arguments that MR. BAXTER advanced for the policemen being in town are based more on an individual (in other words), a particular policeman who is off duty and sees a crime being committed and is in a position to prevent it or to apprehend the perpetrator.

In the case of firemen it's more the idea in the case of some sort of calamity, flood or a major uncontrollable fire, if something arises where people on the off-duty shifts have to be called in in a hurry, the fact that these people would be in town would make it that much easier. And for that reason I'd like to see us go along with the residency requirement for the Fire Department as well.

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MR. D'AGOSTINO: I MOVE the question.

MR. MILLER: Is there a SECOND to that MOTION? MOVED and SECONDED. All those in favor say AYE, all those opposed NO. The MOTION is CARRIED. We'll proceed to a vote. The question is on the MOTION made to delete the residency requirement for the members of the Fire Department.

A YES vote is, in affect, opposed to the residency requirement; a NO vote is for the residency requirement. All those in favor say AYE, all those opposed, NO. The MOTION is LOST. We'll take a division using the machine, UP for YES, DOWN for NO.

MRS. PERILLO how do you wish to be recorded? MRS. PERILLO will be recorded as YES. The MOTION is LOST with 11 YES, 18 NO votes.

MR. LOOMIS, we still have the other two matters. I suppose someone will want to make a MOTION concerning a "grandfather" clause where persons presently employed by the Fire Department. Then I suppose there will be a MOTION about the "age 36". Do we have a MOTION on the "grandfather" clause?

MR. SIGNORE: I so MOVE, MR. PRESIDENT.

MR. MILLER: MOVED and SECONDED. All those in favor say AYE, all those opposed, NO. The MOTION is carried UNANIMOUSLY. Do we have a MOTION on the "age 36"?

MR. ZELINSKI: So MOVE, MR. PRESIDENT.

MR. MILLER: MOVED and SECONDED. The MOTION is to delete the language requiring that members of the Fire Department be under 36 years of age. All those in favor say AYE, all those opposed NO. The MOTION IS CARRIED UNANIMOUSLY.

MR. BLOIS: May I ask MR. LOOMIS if he forgot to inject the Auxiliary Police in there?

MR. LOOMIS: We did, MR. BLOIS. I reported that at the very beginning of my report. They will be included.

MR. BLOIS: Did we VOTE on it?

MR. LOOMIS: No, we didn't. But this will be included in our body of our report. MR. MILLER we have 42 different recommendations. Now, if you wish to be here all night long I'm perfectly willing to stay. But there are certain recommendations we felt should be the vote of this entire Board.

On an issue like this, where everybody was agreed that it was a natural thing to do, we decided to go along --

MR. MILLER: The committee was agreed, but I don't know that the entire Board was agreed. In effect, you would be adding something that was not in what we received from the CHARTER REVISION COMMISSION, is that right, MR. LOOMIS?

MR. LOOMIS: The powers that the Auxiliary Police now enjoy are powers that we approved in a RESOLUTION several years ago. All they are saying is that they want those powers recognized in the language of the CHARTER. We're simply agreeing to what already exists.

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MR. MILLER: Who did? The committee did?

MR. LOOMIS: That's correct.

MR. MILLER: But that's not the entire Board.

MRS. COSENTINI: I'd like to make a MOTION, Mr. CHAIRMAN, that we accept the committee's recommendation.

MR. ZELINSKI: SECOND.

MR. MILLER: All those in favor say AYE, all those opposed NO. We'll take a DIVISION using the machine. UP for YES, DOWN for NO. The MOTION IS CARRIED. 26 YES, 1 NO. MR. FLANAGAN will be recorded as a NO vote; that's 25 YES, 2 NO.

MR. LOOMIS: If I could move on to CHAPTER 45, the LAW DEPT. In Section 450 in the middle of the section there is a sentence that states: "the offices, departments, boards, commissions, authorities, agencies and employees shall not employ other counsel."

It was our feeling, the COMMITTEE, that the language should not be so restrictive and that we should suggest to the COMMISSION that they adopt other language that would be more permissive in allowing some of these other agencies to take on counsel as they now do. So, I would so MOVE.

MR. MILLER: Is there a SECOND to that motion? MOVED and SECONDED.

MR. BAXTER: I believe, and again, my memory could be wrong, that the Committee recommendation was to delete that sentence, not to recommend anything to the Board. Just to recommend the deletion of the sentence which says: "the offices, departments, boards, commissions, authorities, agencies and employees shall employ other counsel". Which is a different thing than asking them to fill up the CHARTER with other language.

MR. LOOMIS: MR. BAXTER, I stand corrected! I see the language here. It is deletion rather than recommendation. I would change my own language to allow for the word "deletion" as opposed to suggestion to the Commission.

MR. MILLER: So your changing your motion? Is there any further discussion on that motion?

MR. BLUM: I don't know if this is a new MOTION.

MR. MILLER: No, on the debate of MR. LOOMIS' MOTION and the Law Department.

MR. BLUM: On the entire section?

MR. MILLER: Well, what do you have MR. BLUM?

MR. BLUM: As long as we are talking of the Fire Department and Police Department requiring residency, I think that we should require of all departments residency.

MR. MILLER: That is not in order now, MR. BLUM.

MR. BLUM: That is not in order --

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MR. MILLER: We're considering a MOTION on the LAW DEPARTMENT. Is there any discussion on that MOTION to delete the language of "Offices, departments, etc., shall not employ other counsel"? Then the next sentence, "he shall have charge", your deleting "he shall have charge of all appeals"? You're not deleting that are you?

MR. LOOMIS: No we're not.

MR. MILLER: Will you repeat the MOTION, MR. LOOMIS?

MR. LOOMIS: The MOTION is to delete the sentence which appears mid-way in Section 450, the sentence starting with "the offices, departments", and so on.

MR. MILLER: And ending with "other counsel"?

MR. LOOMIS: That is correct.

MR. MILLER: All those in favor say AYE, all those opposed NO. We'll take a DIVISION using the machine. UP for YES, DOWN for NO. And the CHAIR will note that MR. SIGNORE and MRS. SANTY are PRESENT and voting; also MRS. MCINERNEY. The MOTION IS CARRIED, 22 YES votes, 3 NO.

MR. LOOMIS: On the same page of CHAPTER 45, the LAW DEPARTMENT, Section 452, this section permits various officials to request opinions from the Corporation Counsel. Included in those who may request opinions are: the President of the Board, the Majority Leader, Minority Leader, and other Department officials.

It was our feeling that CHAIRMAN of the Standing Committee should also be included in those who might be permitted to request an opinion. I would like to MOVE that suggestion which would go to the Commission.

MR. MILLER: MOVED and SECONDED. The MOTION is to recommend that the Commission include the CHAIRMAN of the Standing Committees' of the Board of Representatives. Discussion.

MR. ZELINSKI: Would it be in order to make an amendment to that motion?

MR. MILLER: It would.

MR. ZELINSKI: What I would like to see is -- any member of this Board also could seek an opinion from the Corporation Counsel's office.

MR. MILLER: I don't think MR. LOOMIS could accept it because he is speaking on behalf of the Committee.

MR. LOOMIS: No. First of all this was discussed in committee. There were some problems even PERMITTING "Chairman", because those of us on the Fiscal Committee know there are a number of opinions and a heavy workload that the Corporation Counsel has to carry.

And, if 40 different people along with all the other persons who are permitted to request opinions were to, free wheeling style, start asking for various requests, it would be an impossible job for them to perform. So, I think it would be in the best

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MR. LOOMIS: (continued) interest of that office to restrict those requests, the Chairman to President to the Majority and Minority leaders.

MR. ZELINSKI: I'm not asking for everybody working in departments, just for the members of this Board of Representatives specifically, as I discussed earlier about this age 36. I wanted to get an opinion from the Corporation Counsel's office so I could bring this up this evening.

I think we are elected representatives and we have an obligation to our constituents. If I want to get an opinion from the Corporation Counsel's office I'm sure I should be entitled to that privilege.

MR. LOOMIS: MR. ZELINSKI, indeed departments have the right. It's in the CHARTER now; it's in the revision language, AND they should have the rights. Boards, commissions, authorities, agencies and bureaus have the right, and they MUST have the right, because in their conduct of the daily business of this City they must understand clearly what the law is.

So, that now is in the language of the Charter, and there is no intent to tamper with that. We have through the PRESIDENT, through the Majority Leader, through the Minority Leader and through Chairmen of Committees, (if you adopt this MOTION I made), the right to request an opinion.

I think the Chairmen of the committees, the Majority leader, Minority leader and the PRESIDENT of the Board should know who is making these various requests, because such requests may already have been made. Such opinions may have already been granted.

So if people are making all kinds of requests I don't think this is in the best interest of the work of the Corporation Counsel's office and it may help to coordinate and facilitate our own work as a body, if we were to make these requests through our leaders and through our committee chairman.

MR. MILLER: MR. ZELINSKI, I will take your MOTION as an AMENDMENT to the Committee's MOTION and we'll vote on that first. Is there a SECOND? There has been a SECOND to MR. ZELINSKI'S MOTION. Is there any discussion?

MR. D'AGOSTINO: MOVE the question.

MR. MILLER: Is there a SECOND to that MOTION to MOVE the question? SECONDED. All those in favor say AYE, all those opposed NO. The MOTION IS CARRIED UNANIMOUSLY. We'll vote on MR. ZELINSKI'S AMENDMENT, which would require that every member of this Board of Representatives would have the right to seek an opinion from the Corporation Counsel. All those in favor say AYE, all those opposed NO. The CHAIR is in doubt.

We'll take a DIVISION using the machine. The machine has been cleared. The MOTION is LOST with 12 YES, 16 NO votes. The remainders are abstentions. We'll proceed with discussion on the main MOTION by MR. LOOMIS on behalf of the committee, to include Chairmen of Standing Committees of the Board. Is there discussion on that?

MR. BLUM: Sorry, I do not wish to talk on this. (End of tape Side 2. Beginning of side 3)

MR. MILLER: The MOTION is carried UNANIMOUSLY. We'll proceed now if we can, to the



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MR. MILLER: (continued) Welfare Department. You have something on the Law Department, MR. BLUM?

MR. BLUM: Yes I do. As long as we are talking about departments and residency, I feel that residency should be brought into the legal department as to who they hire. I'm sure we have plenty of attorneys here in Stamford if it came to a question that there should be residency as far as the legal department is concerned.

MR. MILLER: You're making a motion, MR. BLUM?

MR. BLUM: I am.

MR. MILLER: MOVED and SECONDED. Well, in what area are you making the MOTION? You're limiting it, I would assume, to the hiring of attorneys?

MR. BLUM: I would say, anything to do with the Corporation Counsel's office, those that are hired and that are attorneys that are hired in the Corporation Counsel's office or the Law Department. In other words, the language that was in the Police and Fire Department, there should be no discrimination, in as far as the top echelon and those on the bottom. It deals with all, from the Mayor to the Public Works Commissioner.

MR. MILLER: It has been SECONDED. Discussion on this MOTION to ask the commission to put into the CHARTER a requirement that all attorneys employed by the Law Department be residents of Stamford. You haven't been very specific about the language, but I suppose they would have to be resident electors of Stamford.

MR. LOOMIS: Through you MR. PRESIDENT, I understand what MR. BLUM is getting at here. And I'm fearful because we're going to be proceeding and we're proceeding even more slowly now than we were last Thursday. But we're going to be proceeding through a good number of departments. If we're going to have to go through this with each department it may be in the best interest to expedite things.

I think MR. BLUM'S intention is to generally have no discrimination among municipal employees across the board. So, if I could, Mr. BLUM, amend what you're saying to include all municipal employees. We could vote up or down on that issue, and therefore not get into a vote separately on each department as we go through this report.

MR. MILLER: We'll take that as the MOTION. Your point is well taken MR. LOOMIS. The MOTION is to require all municipal employees in the City of Stamford to have that residency requirement similar to what would be required by the Police and the Fire Departments. Is there a SECOND to that? MOVED and SECONDED by many.

MR. LIVINGSTON: I would like to know how would all employees of the municipality -- would that include school teachers also?

MR. MILLER: I guess it would because they are employees of the municipality. They get their checks from the City of Stamford.

MRS. PERILLO: I SECOND that.

MR. DeROSE: I would have been extremely disappointed this evening if someone hadn't come up with something similar to what MR. LIVINGSTON just came up with. And I would

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MR. DeROSE: (continued) respectfully differ with you with regards to whether or not teachers are considered municipal employees. It wasn't too long ago that we had quite a go around before the Board of Ethics that it was those teachers who were serving on the Board at that time, and I think without a doubt the teachers were clearly vindicated of any wrong doing.

I think the question as to who the teachers are properly employed by, whether it be the municipality, the State, or the school district, is not that clerally defined and it would have to end up in a court of law before we really know the answer to that question.

So I would hazard a guess that at this point in time that you maybe mistaken as far as teacher's being municipal employees.

MR. MILLER: I don't really care as far as the law is concerned Mr. DEROSE. I'm just trying to find out what the nature of the MOTION is, and I think it is a legitimate question. You know what is the intent here tonight. Do you intend to include teachers or not? That's the decision that can be made without worrying about what a court might do. We have to know what we're voting on.

MR. FLANAGAN: I was persuaded by MR. BAXTER'S arguments, (very persuasive arguments), that it would be in the interest of the health and safety of this City to have to require that police and fire department members be residents of the City of Stamford. However, I fail to take that logic and apply it to all employees of the City of Stamford.

They are not involved in the maintenance of our health and protection, and safety as in the same category as Police and Firemen. Stamford is an extremely expensive City to live in. If an elector of Stamford passes a residency requirement for all municipal employees we're going to be faced with a very serious problem to fill the jobs in this City. We will not get the qualified people that we need to run this City in the future. I admittedly opposed this amendment.

MRS. PERILLO: I feel all people being paid with the tax dollar is an employee of the City. They could say they are employed by the State, but it is our tax dollars that are paying their salary. I feel they should all live in Stamford, regardless of who they work for. And living here they make a very good pay. It is just as hard for them to live in Stamford as it is for a policeman or a fireman. I'm not saying that because I have policemen on the force.

My son-in-laws happen to live in Stamford.

MR. LIVINGSTON: I believe I understand everyones' intentions here. That is, we want to make the best possible thing happen in the interest of the people of Stamford. I have to question the fact, that, is it in the interest of the people of Stamford to lock ourselves into only a local hunt for talent to serve this City?

Perhaps we've made a mistake in some of these other things we've voted on. I don't have a MOTION to make, but I would ask the members of this Board to think very carefully in what we are about to do here.

MRS. GOLDSTEIN: Actually this is becoming more and more interesting. I just wonder if I can live in Stamford and work outside of the City anymore? Shall we write something

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MRS. GOLDSTEIN: (continued) into the CHARTER regarding that thing and anyone who commutes shall get five lashes or something like that? I really think that even for those of us who disagreed with the amendment in relation to the Police and Fire Department there certainly appeared to be reasons that existed towards some kind of residency requirement, but for every other municipal employee whether it is somebody who is MEA, MAA, or teacher, or whatever, I really feel there should be some freedom to live where you choose to be involved.

MR. LOBOZZA: Back to what MR. LIVINGSTON said about, about we're locking ourselves in. I think basically what we are doing is we're locking out people who live here in Stamford out of jobs. We look around, we see everything out to outsiders all over the place now.

I think we have to draw the line somewhere. I think if we put something in here if we can't find qualified people within the City limits, maybe at the discretion of this Board or something like that we can go outside the City limits, but I think that people that live here, pay taxes here, should have first preference to jobs.

MR. BLUM: I would like to see the deletion from the Fire and Police Department that they did not have to remain a resident. But everybody knows not only did he have to be an electorate to be an applicant BUT he had to remain a resident of the City. And again, (I'm only repeating myself), I'm sure we all know the cost of living here in Stamford as compared to the entire country.

We're living in a very high inflated City, yet we choose to take the Fire and Police Departments and single them out. Now a question is asked in regard to safety. I think I can find a safety factor in every department. I can find it if we ever had an epidemic in the Health Department.

There can be a time where we need the people in the Health Department at a moment's notice. There might be a contagious disease. You could find something within the Public Works Department; an emergency. I'm sure they take care of all the flooding, if there are floods -- and so on. We need them at a moment's notice also.

What do we do? We call up at night, 227 is the number in Westport. Or, do we have to call White Plains, or Rye? Maybe Bridgeport, Connecticut. I hear they live as far as Bridgeport and Danbury. Now, I think if the CHARTER REVISION COMMISSION wanted to, you know, at the time of the interview of CHIEF CIZANCKAS, if the person lived in a reasonable area of the City he could get there within 5 to 10 minutes.

CHIEF CIZANCKAS didn't have that factor of whether a patrolman lived out of town or not, but, all of a sudden we are holy in the City of Stamford. We have to confine those who work in the Police Department and the Fire Department within the confines. You know what MRS. SANDY GOLDSTEIN? We're putting a bar around the City of Stamford. Don't let us out or we will try to get out. Don't let anyone in. We need guards.

So, I think if the language in the Police and Fire Department was this language of remaining a citizen at all times, why, your own so called particular job should be deleted.

MRS. HAWES: MOVE the question.

MR. MILLER: MOVED and SECONDED. All those in favor say AYE, all those opposed, NO.



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MR. MILLER: (continued) The MOTION is CARRIED UNANIMOUSLY. The question is on the proposal to have the CHARTER REVISION COMMISSION put into the CHARTER the proviso that all City employees would have to be resident electors of Stamford, and remain such. I'm not going to make any comments now officially, as to whether that would include teachers. Nobody made a MOTION which addressed itself to the teacher, per se. So that's the MOTION before the Board.

MRS. PERILLO: I made a MOTION we include the school teachers also.

MR. MILLER: Well then, that is going to have to be voted on as an amendment.

MR. HAYS: Is the MOTION before the Board as you stated: that these people be local people, or is it local people be given first preference?

MR. MILLER: It would be, according to my understanding MR. HAYS, exactly the same as the provisions for Police and the Fire Departments.

MR. HAYS: That would mean when we reach full employment at some point, we're in-operative, as far as hiring new people, if I understand that correctly. Is that right?

MR. MILLER: It's simply to apply to every municipal employee, the provisions that apply to the Police and Fire Department. Now, that's very clear. There was a MOTION made which I will treat as an amendment to be voted on first; that this language be considered to include the school teachers and that MOTION made by MRS. PERILLO.

It was seconded and we're now open for discussion on that point. I don't think there is anybody I know, there is nobody on this Board who could give a definitive answer on whether or not LEGALLY a teacher in the school system is an employee of the City of Stamford.

But MRS. PERILLO has made her motion, it's been SECONDED, that this requirement that all employees be resident electors, include the teachers. We'll now limit our debate to that question.

MRS. COSENTINI: I've been waiting to speak on several of these items. I guess we will roll it up into one. What I sense here is the ORIGINAL MOTION maker being mad because he lost on his previous MOTION, so now, for spite everybody else has to be included. I lost on that too. I don't think that is a very sensible way to make MOTIONS, frankly, especially for something as important as the CHARTER.

In other words, if Police and Fire do so should everybody else. That doesn't follow. It is not a logical way for that original MOTION to be made. Now, as far as the AMENDMENT goes, we're opening up another whole hornets nest, (it seems to me), in terms of the legalities of what kinds of employees they are.

I would just like to reiterate some of the other comments. Why does everybody feel so happy when they're binding people up? This is supposed to be the country of freedom, opportunity, movement, flexibility, and here we are. We're only happy when we make things as tight and as restrictive as possible for everybody concerned.

I don't think that this is the interest of an open and democratic society. I just urge everybody to think very seriously about what they are doing here. I come from

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MRS. COSENTINI: (continued) a district where the vast majority work out of Stamford. True, they're probably working in private employment, but it is just a feeling that there is going to be a time when we may have to move someplace and we're not going to want a door slammed in our faces.

I just think we ought to leave some of these things a little bit more flexible. Certainly, as I said before, when the hiring time comes if preferences want to be made, (and if preferences want to be listed in the Personnel policies of the various hiring groups), that seems to me an appropriate place to do this.

I have no objection to favoring home town people; I'm a "home town people", but certainly I think the CHARTER should be as broad and skeletal, as free to be able to adjust the change as the original Constitution was. Let's not try to put every little rule, every little regulation, every little pet peeve we have against every other board, or every other person into the CHARTER.

MR. LOOMIS: MOVE the question.

MR. MILLER: MOVED and SECONDED. All those in favor say AYE, all those opposed NO. The MOTION IS CARRIED. We'll proceed to a vote. Request for a ROLL CALL vote. Will those members desiring a ROLL CALL raise their hands? There is a sufficient number.

MR. FLANAGAN: POINT OF INFORMATION. I just want to get it clear in my mind. When the MOTION says resident elector which means that no temporary help be hired by the City if they were not registered voters, in other words, no youth could be hired because if they were under 18 they could not be electors; no resident alien of the City of Stamford regardless of length of time or residency here could be hired by the City of Stamford.

MR. MILLER: Let's proceed to a vote on the teachers.

MRS. PERILLO: I didn't ask for a ROLL CALL. Someone else did.

MR. MILLER: We'll take the vote by ROLL CALL. We're voting now on the proposed amendment to the original motion, which would make it clear that the intent of this Board in requiring that City employees be resident electors include teachers employed by the Board of Education. A YES vote if for that amendment, a NO vote opposed. The CLERK will call the ROLL.

MRS. PERILLO - Yes  
MR. ZIMBLER - Yes  
MR. DIXON - No  
MR. HAYS - No  
MR. HOFFMAN - No  
MR. LOOMIS - No  
MR. RAVAILLESE - Yes  
MR. PERILLO - No  
MR. SIGNORE - Pass  
MR. WIESLEY - No  
MRS. HAWES - No  
MR. LOBOZZA - Yes  
MRS. SANTY - Pass  
MRS. RITCHIE - Abstain  
MR. FLANAGAN - No  
MR. SCHLECHTWEG - No

DR. LOWDEN - No  
MR. D'AGOSTINO - No  
Mr. WIDER - Yes  
MR. RYBNICK - No  
MR. DeROSE - Pass  
MRS. McINERNEY - NO  
MR. BLOIS - Abstain  
MR. LIVINGSTON - No  
MR. BAXTER - No  
MR. ZELINSKI - No  
MR. COSTELLO - Absent  
MR. CARLUCCI - Pass  
MR. BLUM - No  
MR. CONNORS - No  
MRS. COSENTINI - No  
MR. MILLER - No

MRS. GOLDSTEIN - No

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MRS. GOLDSTEIN: (continuing) I will call the passes. MR. SIGNORE, abstain; MRS. SANTY, abstain; MR. DeROSE, abstain; MR. CARLUCCI, abstain.

The MOTION is LOST. There are 5 YES votes, 6 ABSTENTIONS, 21 NO votes.

MR. MILLER: We will now proceed to a vote on the main MOTION which involves all of the City employees. The result of this last vote is a determination that the Board does not wish to include when it says City employees teachers. But we now have the main MOTION which is to have a residency requirement for all City employees in addition to the Police and Fire Departments, but excluding teachers employed by the Board of Education.

MR. LOBOZZA: MOVE the question.

MR. MILLER: MOVED and SECONDED. We'll proceed to a vote. The question is on the residency requirement.

MR. BLUM: Does this mean appointed officials?

MR. MILLER: Well, appointed official such as members of the Cabinet. People of that nature are already covered in the CHARTER with appointees for Boards, and Commissions that have no resident electors already.

MR. BAXTER: It is my understanding that this MOTION, and the question was MOVED and SECONDED and CARRIED. Now it has discussion on it, you've allowed (here tape not clear)

MR. MILLER: Well, they have the right to it, MR. BAXTER. They have the right to make MOTIONS and speak on it. Your point is well taken in that it is now close to 10 o'clock and we have a lot of work before us, and MOTIONS have to be serious. I think with some anticipation that there is a real desire for discussion on the part of this Board. We're going to proceed to a vote on this question.

All those in favor say AYE, all those opposed NO. The CHAIR is in doubt. We'll take a DIVISION. The MOTION is on the residency requirement for all City Employees.

MR. ZELINSKI: POINT OF INFORMATION.

MR. MILLER: What's your point of information?

MR. ZELINSKI: Just so I get this clarified in my own mind. Possibly some of the other representatives might have the same question. This goes back to the residency and the Section dealing with the Police and Fire.

MR. MILLER: We're finished with that, MR. ZELINSKI. We are not going to bring that up again.

MR. ZELINSKI: No, but it is just a point of clarification. We clarified then that anybody, anywhere in the world can apply for a job. It's when they get appointed that they must be a resident of Stamford. We're not excluding anybody from the test? I hope that can be clarified.

MR. MILLER: I already said, MR. ZELINSKI, that the CHAIR assumes that the MOTION was to put these other people in exactly the same position the members of the Fire and Police

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MR. MILLER: (continued) Departments would be in. So, we'll take a vote using the machine, UP for YES, or DOWN for NO. Yes is for the residency requirement. MR. DIXON will be recorded as a NO vote. The MOTION is LOST, with 10 YES votes, 17 No votes. We'll now go on to the Welfare Department.

MR. LOOMIS: May I remind this Board that this is not a 30-man CHARTER REVISION drafting group. We're here to discuss the recommendations we've made and if we don't proceed on that basis we're going to be here forever. The Welfare Department, CHAPTER 46, there were no changes that we made. CHAPTER 47, the language is largely --

MR. ZELINSKI: Regarding CHAPTER 46, Welfare Department, Section 460, Public Welfare Commission, I presume that this --

MR. BLOIS: POINT OF ORDER Mr. PRESIDENT. Will you please let the CHAIRMAN make his report before you have interruptions. This is why we're doing ....

MR. MILLER: Well, we have to get through with the Welfare Department before we go on to the Town Clerk.

MR. BLOIS: Well you're on 46 now, right?

MR. MILLER: MR. ZELINSKI do you have something on CHAPTER 46?

MR. ZELINSKI: If I may ask through you MR. LOOMIS, this Section 460 Public Welfare Commission; is this a new commission being established or a present one?

MR. LOOMIS: This is an existing commission, although their responsibilities are advisory now, so that they're no longer an administrative commission. I might add MR. ZELINSKI, that there were approximately 20 hearings held on various aspects of this CHARTER and it would have been helpful if you had been at least to a FEW of them, then your questions (at those times) could of been answered rather than now.

MR. MILLER: Also the size of the commission has increased to five (5) members. If there are no MOTIONS we're going to go on.

MR. ZELINSKI: I'd like to make a MOTION. I'd like to move that the members of the Public Welfare Commission be approved by this Board of Representatives.

MR. MILLER: They are! That's in here and confirmed by the Board of Representatives. So that's there already.

MRS. COSENTINI: MR. LOOMIS is aware of my comment here because I did mention it in his presence at the committee meeting. This particular Advisory Commission raising the question that relates to all the advisory commissions that come up, which is to say that the head of the department, for instance, the Welfare Department --

MR. MILLER: Well, are you making a MOTION?

MRS. COSENTINI: Yes, I will make a MOTION. We'll now be supervised by the Mayor as opposed to the Commission. I would like to move that the Advisory Commissions remain as advisory; that they should be administrative in the area of supervising the head of the department.

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MRS. COSENTINI: (continued) I do not think the Mayor should be supervising a department head, writing reports at the end of the year as to whether or not he should get a raise. I think the Commission would have more knowledge of this particular area. I think the Mayor is NOT in a position to do this for a whole bunch of Advisory Commissions. I think this is a real problem in function. I would like to raise it as a MOTION, just for the purpose of discussion.

MR. MILLER: Don't raise it for the "purpose of discussion".

MRS. COSENTINI: I will; I mean I would like to see it passed.

MR. MILLER: The CHAIR seems to feel that your MOTION is: that all the boards and commissions, which are to be advisory, are to be considered as administrative in that they are supervising heads of departments, rather than the Mayor, and it would be these boards responsible for writing performance reports rather than the Mayor. Is there a second to that motion? For want of a SECOND -- we'll move. CHAPTER 47, Town and City Clerk.

MR. LOOMIS: The section on the Town and City Clerk. We didn't recommend any recommendations for change. The language here is largely dictated by State Statute. 47A, we made a minor grammatical change here. There was a word deleted. We just included it. As I go through the chapter there were no other changes that we made. (End of Tape Side 3, beginning of Side 4)

MR. LOOMIS: (continuing) (Some words lost between tape turning) which in Section 487 says that the City Engineer shall supply each certified bidder with test boring results. MR. BLOIS pointed out if the language restricted the persons to be employed by the City to provide the test borings, if trouble were to accrue later on, because of construction problems as the result of the accuracy of the test borings the City might be liable for many, many dollars.

Our recommendation here, UNANIMOUSLY APPROVED, would be to suggest to the Board, -- to the Commission rather, that they permit private engineers or private firms to also do test borings so that we would not be completely liable in cases where problems may arise. Maybe MR. BLOIS would like to speak to this since he was the one to raise it to our attention.

MR. BLOIS: I think MR. LOOMIS covered it very nicely.

MR. MILLER: We've had a MOTION made by MR. LOOMIS on this. MOVED and SECONDED by many. All those in favor say AYE, all those opposed NO. The MOTION is carried UNANIMOUSLY. Anything else on this?

MR. LOOMIS: There's just a clarification of the language on the following page. No change in intent.

MR. MILLER: We're over to TITLE IV - the Department of Traffic and Parking.

MR. LOOMIS: This is a new department (as most of you know) that the Charter Revision Commission has created. It's responsibilities would be, including traffic, safety and control: off street and on street parking facilities; insulation and maintenance

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MR. LOOMIS: (continued) of traffic control devices; signals; signs and pavement markings and public transportation planning. This NEW department would include those functions of government now performed by other authorities, agencies and departments in the City today.

There was a change that we would like to suggest in Section 492. Section 492 creates a Traffic Commission which will oversee the work of this NEW department. It would include the Mayor, the Chief of Police, the Fire Chief, the Planning and Zoning Director, and the Commissioner of Public Works.

The Mayor would be CHAIRMAN. It was our feeling that after the initial work in creating and moving this department, that perhaps alternates or designated members of these departments could be appointed to serve on this commission in the absence (for example) of the Chief or of the Planning and Zoning Director.

I would like to MOVE that we adopt language that would permit the presence of alternates of any of these five people to serve on the Commission when they would be authorized by the various members described here in Section 492.

MR. MILLER: MOVED and SECONDED by several. Discussion.

MR. BLUM: At this time I would like to make a MOTION that instead of this being called the Department of Traffic --

MR. MILLER: MR. BLUM we have a MOTION on the floor.

MR. BLUM: Well, I'd like to make an AMENDMENT then to the

MR. MILLER: You want to make a MOTION concerning the name of the department, which would be quite different. We'll vote on this MOTION first.

MR. BLUM: In regard to that MOTION, I also have something on that. In those that should be made up - making of the Traffic Commission, I feel that that should be made up of others than the City Officials, such as the Mayor, the Chief of Police, etc. There should be some public people who are knowledgeable of traffic and transportation problems.

MR. MILLER: We are going to have to vote on the MOTION we have first. Then we'll take your MOTION. They are two different types.

MR. BLUM: Could it be included as an AMENDMENT to it? I mean, is the Traffic Commission going to be made up solely of the Mayor or the executive department?

MR. MILLER: There is a complete difference between the two approaches. MR. LOOMIS is not advocating any essential change in the Traffic Commission. He is just advocating that if it continues to be a commission, with the Mayor as CHAIRMAN, and various officials as members, they should have the right to designate alternates. We'll vote that UP or DOWN first. Is there any discussion on MR. LOOMIS' MOTION?

All those in favor say AYE, all those opposed NO. We'll take a DIVISION using the machine. UP for YES, DOWN for NO. MOTION is CARRIED with 16 YES votes, 3 NO votes. The members of the Traffic Commission would be permitted to designate alternates. That's our recommendation.

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MR. BLUM: Would it be in order to so MOVE that there should be public members on this Commission? Would this be in order, or is it now set that the Commission should be made up of the Mayor, Chief of Police, Chief of the Fire Department and the alternates they might designate?

MR. MILLER: No. The recommendation at the present time is to retain the Traffic Commission, but to permit the members to designate alternates to attend meetings in their absence. A MOTION to create a Traffic Commission of a different type would be in order.

MR. BLUM: I would like to make a MOTION to that. We should have people who are knowledgeable, that this be a public commission of people that are knowledgeable of traffic, parking and transportation needs of the City of Stamford.

MR. MILLER: Appointed by --

MR. BLUM: Appointed by the Mayor and approved by the Board of Representatives.

MR. ZELINSKI: I'll SECOND that.

MR. MILLER: We now have a MOTION on the floor to change the essential nature of the Traffic Commission ; to make it similar to any other Board or Commission appointed by the Mayor, subject to confirmation by the Board of Representatives. Discussion.

MR. HOFFMAN: I'd like to speak AGAINST this particular proposal. The reason why is, because the traffic conditions, I think, in this town are really deplorable. I question whether or not we have anybody here at the moment who is capable of dealing with this particular problem.

I believe that the Chief of Police, the Fire Chief, the Planning and Zoning Director and the Commissioner of Public Works, who is, indeed, the person who is responsible for the public roads, is adequate. I think to put on some other people who would have to go through somewhat of a training period to be brought up to date on what's going on and so forth would be just too cumbersome.

I think that this five-man commission would be much better and that was the reason why I also voted against even having alternates to this people. I think that traffic is of such importance, and again, so BAD that this really needs some serious attention. Let's not dilute the effectiveness of these five members of this commission.

MR. BLUM: The reason why I present this Commission as it is is, if we would look at our State Transportation Commission in the selection of various people on the Department of Transportation. The people were picked by needs, or their particular interest in various things. I'm sure those who are on the Department of Transportation have some type of input.

We have a fellow by the name of Mr. Frank Merlino who sits on this Department of Transportation. We have others; I think Stuart Lowe from Darien. What I am trying to say is that I'm sure, in the City of Stamford there are experts in transportation.

There are experts in road building, there are experts in traffic. By the same token, when we go out for other Commissions we try to find expertise for those particular

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MR. BLUM: (continued) boards and commissions. I think the same would apply to this particular department, and I think that is PART of their duties whether they were on the Commission or not.

I think the Mayor is responsible for traffic as part of his duties. I think the Chief of Police is responsible for traffic and parking. I think that everyone that is so designated as the Traffic Commission, that's part of their obligation and part of their duties. What we're looking for is people who are involved in the PUBLIC SECTORS, as we do in other commissions and agencies.

MR. BAXTER: I think having interested and knowledgeable public members on this Commission is a little bit like having experts on industry, in general, as the operating line supervisor of a manufacturing plant. Or, like having a Harvard management type as a captain of a naval vessel in the middle of a war.

It's wonderful to talk about mass transfer expertise or road building, but this isn't that! This is traffic and parking and parking. And we need the people that MR. BLUM correctly and accurately points out are responsible for it, sitting together in the same room, at the same table, at the same time of day, speaking the same language, and resolving the five different points of view that are there.

Not to belabor this anymore, I suggest we DO NOT agree with MR. BLUM.

MR. ZELINSKI: After listening to some of the comments, I'm really very concerned that the City the size of Stamford, with the population of 105,000, doesn't have at least five people that know something about traffic, with the exception of the five members that this Charter Revision Commission wants to put on it.

I believe that we have a responsibility to the citizens of Stamford to allow them to become more involved in government by serving on boards and commissions. I think this is one commission that this would give an opportunity to those members of the community who would like to get involved, who would have an expertise in this particular field, to HAVE them get INVOLVED.

MR. LOBOZZA: Why don't we just let these people be the alternates?

MR. LOOMIS: MOVE the question.

MR. MILLER: MOVED and SECONDED. All those in favor say AYE, all those opposed, NO. The MOTION is CARRIED UNANIMOUSLY. The question is on Section 492 - Traffic Commission, changing the nature of the Traffic Commission to provide that it should be like any other board or commission. Members would be citizens appointed by the Mayor subject to confirmation by the Board of Representatives. All those in favor say AYE, all those opposed, NO. We'll take a DIVISION using the machine. UP for YES, or DOWN for NO. MR. BLUM will be recorded as a YES vote.

There are 2 YES votes, 22 NO. The MOTION is LOST. Is there anything else on Title IV, Traffic and Parking?

MRS. McINERNEY: Through you MR. PRESIDENT, I'd like to ask MR. LOOMIS about Item #3 under Duties of Traffic Director. He should be responsible for execution and administration of plants program, and number 3 is instillation and maintenance of traffic control devices, signals, signs and pavement markings.

Am I to assume that the men who are now employed as policemen and directly responsible



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MRS. MCINERNEY: (continued) to the Police Chief in the City, will now be transferred to the traffic and parking division? Will they then be responsible to the Traffic Director or will we have to hire new men and train them in traffic control devices and signals?

MR. MILLER: Is this going to lead to a MOTION?

MR. LOOMIS: I think that that is a good question. There is no language in this Charter which will result in the dropping of any employee in any Section regardless of what we do. Now, clearly the intent here is to get these various five parties together and decide HOW they, together, could manage traffic and parking in the City of Stamford.

It is also the intent that the people who are now working, (as you say), in the Police Department in this area would continue to do their work in that area. Perhaps they would be given added responsibilities. But the issue of exactly what hours they would work, and how they would divide up the responsibilities would clearly rest with the Commission. We are giving the Commission the power to make that kind of decision.

But, there is nothing (this is at the end of the revision transition language), there is nothing that would result in the elimination of any employees. They simply become employees of the Commission.

MR. MILLER: If there aren't going to be any MOTIONS we're just going to move on. I think MR. BLUM has a MOTION. We don't have time for these discussions.

MR. BLUM: I've been trying to do this. I think this should've been the first thing before duties or anything. I personally think that this department should be changed, the name - the Department of Traffic and Parking should be called the Department of Transportation, and I would like to so MOVE.

MR. MILLER: There is a MOTION to suggest to the Charter Revision Commission that they change the title from Department of Traffic and Parking to Department of Transportation. Is there a SECOND to that MOTION? SECONDED by MR. LIVINGSTON. I'm sorry. Does anybody SECOND it? There is NO SECOND Mr. BLUM.

MRS. MCINERNEY: I would like to make a MOTION that once this Department of Traffic and Parking becomes part of the Charter that the men now employed in maintenance of Traffic control devices, signals, signs and pavement markings be returned to the active police department and assume their police duties for which they were trained, for which they are receiving a high salary, and for which they are receiving very liberal benefits.

MR. MILLER: You wish to put all THAT in the CHARTER?

MRS. MCINERNEY: No, no, no. Let's just put it shortly. Let's have these men who are trained to do police work back in the Police Department. The same with the firemen who are now employed in that same area.

MR. MILLER: So you're recommending that the CHARTER include language requiring that any police officer or firefighter who would be employed by the Department of Traffic and Parking be returned to either the Police Department or the Fire Department as soon as possible. Is there a SECOND to that MOTION? SECONDED by MRS. RITCHIE. Discussion.

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MRS. COSENTINI: I think the overall idea is good. However, I think that these gentlemen who will now be in charge of the Traffic Commission may feel the need to make this a gradual transition in that they may have to use the expertise of the men there.

I think the idea is okay. I just don't want it too hard and fast. If it goes under transition in a general kind of a way, FINE. But, if it's going to be that rigid I think it's too demanding for an immediate kind of command to them.

MR. RYBNICK: I believe that all of these people that are working on the markings of the streets are not policemen. There is a special policeman and there's civilians. I think there is only one policeman that does --

MR. MILLER: Well we have the MOTION. The MOTION assumes that there are such people.

MR. RYBNICK: I just wanted to let her know that they are not all policemen that are working on the --

MR. BAXTER: Besides this Charter, which we are struggling to assist in the birth of the Charter Revision we have a full book of Ordinances, we have Civil Service regulations, we probably have reams of paper which attempt to guard against every single stupidity that's possible. Or, every possible variant situation that comes up. And I suggest that we have confidence in the future people that hold some of these offices that we're strengthening or maintaining and not try to put provisions like that in here.

It's clearly possible under this particular department, this particular Section that the Traffic Commission can decide to continue things the way they are now, or to set something else up. If we don't agree we withhold the money. It's so wonderful to have the power of the purse, that you don't have to fill up the Charter with all this stuff. I suggest that we don't try to do that now. And, that we do not accept MRS. McINERNEY'S MOTION, although the intent is excellent.

MR. WIDER: Mr. BAXTER echoed my sentiment on that. I'm a little concerned. If we are going on the laws to govern this City, and we're going to inject some policies in here to, I would feel that we must leave something to the Personnel Department.

Also to the supervision of the programs which we are outlining here in the Charter that they have to carry out. I don't think we should burden ourselves with dealing with WHO is going to be employed and WHO isn't!

MR. BLOIS: I just wanted to enlighten MRS. McINERNEY that the Parking Authority reiterates what MR. RYBNICK said, that some of these are special policemen. They are not regular policemen. Some of them are civilians. You couldn't very well put them back in the Police Department. Maybe you should REVISE your MOTION.

MR. MILLER: If she wants to change her MOTION she can.

MR. LOOMIS: MOVE the question.

MR. MILLER: MOVED AND SECONDED. All those in favor say AYE, all those opposed, NO. The MOTION is CARRIED. We'll now vote on MRS. McINERNEY'S MOTION concerning the Department of Traffic and Parking. All in favor say AYE, all those -- well, we'll

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MR. MILLER: (continued) take a DIVISION using the machine. UP for YES, DOWN for NO. The MOTION IS LOST. 3 YES, 24 NO. It's now 10:20. I think we'd better decide that we're going to pursue this very seriously and go through the rest of this CHARTER and consider the important questions involved. There is not going to be any other evening for a meeting and if YOU people wish to stay until 2 or 3 in the morning, you'll be making that decision. If we lose the QUORUM about 12:30 the balance of this document is just going to remain as is for the time being.

MRS. COSENTINI: POINT OF PERSONAL PRIVILEGE. MR. CHAIRMAN, I've sat here and listened to countless exhortation on us to do our business as hastily as possible. I understand we have a great deal to do. However, this is an extremely significant document. I don't think anybody has been toying with anything here. Every person who has spoken has, I think --

MR. MILLER: Your point is well taken MRS. COSENTINI.

MRS. COSENTINI: I would just like to say I don't want anymore lectures!

MR. MILLER: Yes, I'm going to give lectures because last time we had an experience where a number of people left when they felt they wanted to, for whatever personal reasons they might have. We had difficulty keeping a QUORUM. We are going to PROCEED to Title V, Chapter 50.

MR. LOOMIS: Title V, Chapter 50. General Provisions cover Boards and Commissions. There is language later on in the Charter, specifically Section 731.4 which talk about MINORITY representation. We feel that that language should be included in this Chapter 50.

It calls for a mere majority of either political party to serve on the various Boards and Commissions. That language properly belongs under Chapter 50. I would like to make that MOTION.

MR. MILLER: MOVED and SECONDED. Discussion? All those in favor say AYE, all those opposed NO. The MOTION IS CARRIED UNANIMOUSLY.

MR. LOOMIS: Section 503. We have another change to recommend. Section 503A says: "the Mayor shall annually submit to the Board of Representatives at his first meeting after Dec. 1st, his nomination for members of each appointed board and commission where a vacancy exists." What we would like to do is add language to the fact that he can go NO longer, or SHE could go no longer than 60 days in terms of filling a vacancy.

There have been cases where vacancies have been allowed to go on and on and on with certain people sitting on these Boards and we think it would be expeditious and good order to have those appointments, or vacancies filled within 60 days. And, I so MOVE.

MR. MILLER: MOVED and SECONDED. Discussion.

MR. HAYS: I couldn't agree more with the Committee's recommendation. But that Charter requirement seems to be, not to really have a lot of value unless some alternate method to solve the problem is found. If the appointment is NOT MADE within 60 days have the Board of Representatives fill that position, or something.

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MR. LOOMIS: Well, Mr. HAYS, if the Charter says that HE must submit a recommendation within 60 days HE will be violating the Charter if HE didn't.

MR. HAYS: And what happens if he violates the Charter?

MR. LOOMIS: The same thing I suspect would happen if he violates ANY provision that relates to the duties and responsibilities of his office.

MRS. GOLDSTEIN: POINT OF INFORMATION. MR. LOOMIS, what happens if the respective Town and City Committees do not submit a name to the Mayor in a timely fashion?

MR. LOOMIS: My understanding is that PROCEDURE is NOT spelled out in the Charter. The tradition that you're speaking of is something that Mayor's customarily have to adhere to. I'm not sure we should get involved in traditional party partisan practice here in the Charter.

MRS. GOLDSTEIN: I agree.

MR. MILLER: We had a MOTION on the floor. The discussion is on that MOTION.

MR. DIXON: I would just like clarification. Is the recommendation for the Mayor to fill the vacancy or submit a name within 60 days?

MR. LOOMIS: MR. DIXON the recommendation is for him to submit a name. We didn't want to tie ourselves down, because sometimes we know the work of your committee can be quite heavy. So the recommendation is for his submission of a name within 60 days AFTER vacancy.

MR. MILLER: We'll proceed to vote.

MR. ZIMBLER: I was going to MOVE the question, MR. PRESIDENT.

MR. MILLER: MOVED and SECONDED. All those in favor say AYE, all those opposed NO. The MOTION is CARRIED. We'll proceed to a vote on this "no longer than 60 days for the filling of the position", that is actually the submission of the name to the Board of Representatives. All those in favor say AYE, all those opposed, NO. We'll take a DIVISION using the machine. UP for YES, DOWN for NO. MRS. RITCHIE is to be recorded as a YES vote, also MR. PERILLO. The MOTION IS CARRIED. 22 YES, 5 NO votes.

MR. LOOMIS: There were no other changes except a few grammatical changes in the rest of that.

MR. MILLER: MR. ZELINSKI, this is on this section?

MR. ZELINSKI: Yes, on Chapter 50, Section 500 regarding appointive Boards and Commissions. I happen to notice there, that there are several boards and commissions which are not mentioned. Does that mean we're deleting those boards and commissions from the Charter, MR. LOOMIS?

MR. MILLER: I think it could probably be pointed out that some of our boards and commissions are not Charter boards and commissions, such as the Human Rights Commission.

MR. ZELINSKI: Yes, the Commission on Aging. There's about ten of them I have circled that aren't mentioned.

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MR. MILLER: Environmental Protection Board. So that's why they are not mentioned.

MR. LOOMIS: MR. MILLER, you recall we did discuss that issue with the Charter Revision Commission. Many of these commissions, MR. ZELINSKI, that are not mentioned are largely the creation of Federal or State Statutes. Those statutes and those regulations often change. It was felt it would be unwise to put language into the Charter about such commissions and agencies which really are governed by laws other than those we pass as a municipality.

MR. WIDER: Under Section 53C, the Mayor may remove members over the appointed Board. I see everything in here but the process. Would there be a process in this Charter for the removal of the Mayor?

MR. MILLER: There is, yes -- IMPEACHMENT. Chapter 51, MR. LOOMIS.  
(End of Tape side 4, start side 5)

MR. BAXTER: (Some words lost here) time we met on this. When we went over Chapter 40 which is the general provisions for the appointments of Department Heads, etc., some of the discussion that came on here made me realize that I hadn't considered trying to find, in the Charter where it said that the Board of Representatives gets to approve the appointment of the Public Works Commissioner and the Corporation Counsel. I then spent a good part of the meeting last time trying to find that provision in the new Charter, like it now exists in the old Charter, and was completely unsuccessful in finding that provision.

So, what I would like to suggest, although it is not now under Chapter 50, (it is still a general provision to rectify what we didn't see last time), is that we suggest to the Charter Revision Commission that they add language to this Charter, if it doesn't already exist, which I don't think it does. The appointments of the Public Works Commissioner and the Corporation Counsel be approved --

MR. MILLER: And the Commissioner of Finance?

MR. BAXTER: And the Commissioner of Finance, thank you, be approved by the Board of Representatives.

MR. MILLER: MOVED and SECONDED.

MRS. HAWK: I just wanted to SECOND it. I looked through and I think that's missing also.

MR. LOOMIS: Yes MR. PRESIDENT, MR. BAXTER is correct. I don't think that the Charter Commission INTENDED to omit this process. It was something that either they didn't forward to us in the overwhole report or just did not include when typing this up, so I SECOND it also.

MR. MILLER: All those in favor say AYE, all those opposed, NO. The MOTION IS CARRIED UNANIMOUSLY. Chapter 51. There is nothing MR. LOOMIS?

MR. LOOMIS: That's correct. Chapter 51A, Sewer Commission, and this is again governed largely by State language. We did have a recommendation Section 515. If I could quote from part of that section: "The Sewer Commission shall acquire or construct any part of

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MR. LOOMIS: (continued) the sewerage system until after a public hearing at which the effective property owners of the municipality shall have opportunity to be heard concerning the acquisition and so on. Notice of time, place, and purpose of such hearing shall be published at least 10 days before the date" -- and we wanted to say: "in a daily newspaper". We also wanted to insert the language "that effective parties would be notified by letter", so this would insure that those parties who are effected were indeed notified if that hadn't been seen in a newspaper.

MR. MILLER: So the change would be under Section 515; that the notice be in a daily newspaper and affected parties have notice by mail.

MR. LOOMIS: That is correct.

MR. MILLER: Is there a SECOND to that MOTION? MOVED and SECONDED.

MR. HAYS: I don't think it's necessary to really move an amendment. I just want to confirm that the intent of MR. LOOMIS' proposal is that the letter be a certified return receipt letter.

MR. MILLER: Certified letter.

MR. LOOMIS: That's an excellent suggestion.

MR. MILLER: Certified return receipt.

MR. LOOMIS: Which we could add to the language.

MR. MILLER: All those in favor say AYE, all those opposed NO. The MOTION is CARRIED UNANIMOUSLY. Chapter 52 - Planning Board.

MR. LOOMIS: Yes, again there were no changes here by the Commission or the Committee. Chapter 52; Chapter 53 - no changes. Under Chapter 54, the Board of Recreation there was a minor change which I suppose we should vote on.

That is under Section 540.1-3. It says that the Board of Recreation is authorized to establish and construct and maintain all recreation areas. They list those things that they should maintain and we thought that we should include "maintenance of buildings", in addition to beaches and rinks, because there ARE buildings there that should be maintained, and consequently should be included in this Section. I so MOVE.

MR. MILLER: This is Section 540.1 -#3, #4?

MR. LOOMIS: #4. I started by quoting 3, but I --

MR. MILLER: Chapter 54, Section 540.1, subdivision 4.

MR. LOOMIS: I'm sorry MR. PRESIDENT, it is 3 as I originally said. The point is, our intent is that they be permitted to maintain and construct buildings as they need.

MR. MILLER: It says: "is authorized to establish, construct and maintain all recreation areas". Now what do we want to add?

MR. LOOMIS: And buildings.

MR. MILLER: It will be all recreation areas and buildings. Is there a SECOND to that motion?



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MR. HAYS: I'd like to AMEND that MOTION by expanding it to also include number 4. If I may, I want to add there, that they will be responsible for the maintenance of all City playgrounds and ballfields, in addition to where it says: "public recreation areas including public beaches", etc.

MR. WIDER: SECOND that AMENDMENT.

MR. MILLER: You accept that MR. LOOMIS? Why don't we take MR. LOOMIS' MOTION. Mr. LOOMIS is dealing with Subdivision 3, and he wants to add "buildings". MR. HAYS is dealing with Subdivision 4.

MR. LOOMIS: I see no reason not to accept MR. HAYS' MOTION, but we really didn't discuss this. Let me just give you the intent.

MR. MILLER: Let's vote on MR. LOOMIS' MOTION first. We're on MR. LOOMIS' MOTION, Subdivision 3.

MR. D'AGOSTINO: I would like to speak on the same thing MR. HAYS was about to speak on, so I'll hold off. If you'd move my name down, please?

MRS. COSENTINI: This question probably pertains to this whole definition of what a recreation area is. When MR. HAYS' MOTION comes up for discussion it will also pertain, (I suppose I could talk about it now), to ball parks, that are, for instance, on park property. Is there a question about maintenance there?

Ball parks that are, for instance, on Board of Education property, is that a recreation area?

MR. MILLER: We'll vote on MR. LOOMIS' MOTION.

MR. BLUM: We talk of buildings --

MR. MILLER: That's the MOTION to add the work buildings. Now, are you for or against that?

MR. BLUM: Just one minute. I want to ask: Where do we stand in the question where now most of the buildings come under the Public Works Department?

MR. MILLER: I don't know where we stand, MR. BLUM. You could vote YES or NO on this MOTION.

MRS. McINERNEY: I'd like to ask MR. LOOMIS a question. Who shall be responsible for control and direction of all activities at public recreation areas, including public beaches, ice skating rinks, etc.? I'm assuming that includes hiring the people to maintain the facilities, including the rest rooms and things like that.

MR. MILLER: We're not talking about that, MRS. McINERNEY. We're on MR. LOOMIS' MOTION. All those in favor say AYE, all those opposed NO. The MOTION is CARRIED UNANIMOUSLY. Now we'll get to Subdivision 4, MR. HAYS' MOTION. If you would repeat it MR. HAYS?

MR. HAYS: Without giving the exact language, I'll give the intent. I would like Item 4 to specifically include playground areas and ballfields to elude to Mrs. COSENTINI'S

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MR. HAYS: (continued) comment you see in the later paragraph. They have provided for school playgrounds where the Board of Education consents. I certainly would leave that. And it's for maintenance that I'm specifically asking for, in addition to having the direction of activities at those places.

MR. MILLER: You're talking about direction of activities at playground areas and ballfields?

MR. HAYS: I'm asking for them to have the control and direction of activities at those places as well as having the responsibility of maintenance.

MR. MILLER: You also want maintenance at public recreation areas, including public beaches, ice skating rinks, and wherever the Board of Education consents thereto, school playgrounds, stadium, school buildings.

MR. HAYS: And ballfields.

MR. MILLER: Yes, ballground areas, ballfields. Is there a SECOND to that MOTION? All in favor say AYE, all opposed NO. The MOTION is CARRIED UNANIMOUSLY. Is there anything further on the Board of Recreation? We'll take a DIVISION using the machine. The CHAIR declared it UNANIMOUS. Does anybody want to discuss MR. HAYS' MOTION?

MR. BAXTER: My discussion on this MOTION is not just to waste time. I think that there is a tension, as all of us who have lived in the City, recognizes. A tension between the Recreation Department and the Park Department about the very issue MR. HAYS just partially brought up, about who maintains the ballfields.

You know, if you look at this Charter that you voted on, I think it rates a little bit more discussion than a summary vote. At least when we vote on it, we understand what we are doing. I always found that kind of pleasure nice, that we do that.

Chapter 59 of the Park Commission, 595.1, as I understand it, talks about the maintenance of all parks on which ballfields are now located. When we accept MR. HAYS' recommendation, we are obviously changing the intent of the structure of what THEY did. Now, I'm not going to go into the merits about the recreation and the parks, except to say that the Charter Revision Commission listened to this endless thing, just as we all have, and their solution to it. And it needs a solution.

Their solution to it was, both the Board of Recreation and the Parks Commission are no longer autonomous Boards. If I could characterize what some of the Commission members, Charter Revision Commission members said is a lot of this: "childishness". Now, I am sure it's not childish to those people in the Parks Department or the Recreation Department who are personally involved. A lot of that childishness has to stop.

The way it stops is you elect a Mayor, you give him THE power to be able to resolve those disputes, and you get a coordinated policy of recreation. Now, that's what they tried to do. That's what these two provisions tried to do, and voting for MR. HAYS' MOTION changes that. I would suggest that we leave it the way it is.

MR. BLOIS: I think that I would have to back MR. HAYS up, being CHAIRMAN of the Parks and Recreation Committee for the past three years. I would say that there are



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MR. BLOIS: (continued) many faults with the ballfields. We have many, many, complaints that they're not kept in a proper condition. Recreation is very knowledgeable about recreation. I don't think the Parks Department is qualified for recreation. Therefore, I think we should bring things into perspective and let the Recreation Department take care of and maintain the ballfields, because we have thousands of kids and grownups playing on these ballfields.

We have as many as 6-8-9 games per day played on one ballfield, and they need a lot of supervision. The ballfields need a lot of work and I think at this time, the Recreation Department is the only one who could really devote time to it.

MR. D'AGOSTINO: I agree. I think all recreation should belong to the Board of Recreation. Ice Hockey! I can't see it falling under the Parks. What does Parks have to do with ice hockey? It's a park; it's a sport. All sports should belong under Recreation.

It's confusing to the people. You call for a permit for an ice rink; a permit for a field. Why would you have to call the Parks? It's a ball game. You call Recreation. I would agree with MR. HAYS.

MR. ZIMBLER: I too couldn't agree more. I have been approached by a number of constituents who are members of some of the organized softball leagues playing in the City and these people are actively engaged now in circulating petitions to that effect.

They have found fault down through the years with the way the Parks Department has maintained the fields. In all cases, those fields that are currently maintained by the Board of Recreation are kept in better shape. They feel, rightly or wrongly, that the Board of Recreation, since they are sponsoring the activities in this in keeping the fields playable, whereas the Parks Department is more concerned with planting flowers and pruning trees and what not. So I would very much like to go on record as in favor of this.

MR. BLUM: I guess what I am going to be saying is a no no anyway, but I'm going to say it. You know, I've heard this about the skating rink being a part of the Parks Department and I agree that it is a recreation. But, if you go to any other cities they've coordinated the two together.

They are known as Parks and Recreation Department. The two are one. But, I don't know what with Stamford. We've got a Recreation Committee and we've got a Parks Commission. If that remains, some day, ten years into the future we'll think, well, I think we ought to put it together..

MR. HOFFMAN: I think I'm inclined to agree with MR. BAXTER, if, for no other reason then I think that the key to this particular problem would then be a duplication of effort. The Park Department would be taking care of certain of these recreation areas, and lo and behold you've got the recreation group coming right along behind them and taking care of the same areas.

I'd say this, if we do this, it's going to cost the taxpayer more money. I would vote against that proposal for that very reason. I think what should be done is something perhaps that has never been done, and that is where a Mayor has gotten both of the departments together and got them working as one. I think that's probably the key to the whole thing.

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MR. MILLER: MOVED and SECONDED. All those in favor say AYE, all those opposed NO. The MOTION IS CARRIED. We'll proceed to a vote on MR. HAYS' MOTION. All those in favor say AYE, all those opposed NO. We'll take a DIVISION using the machine. The MOTION IS CARRIED, 16 YES, 8 NO votes. Anything else on Chapter 54 - Board of Recreation?

MR. LOOMIS: Chapter 54A deals with the Golf Commission. There is an issue that we have to resolve. However that issue comes up later in Section 903.2 so we'll discuss it then. Otherwise there are no changes in this chapter. Chapter 55, the Zoning Board. We do have a change.

The Connecticut General Statutes provide that the Zoning Enforcement Officer for a municipality shall be appointed by the Zoning Board. And, such is the case in most cities throughout the State. It has been the feeling of the Zoning Board, its CHAIRMAN and members of the Board who have appeared before us, that zoning regulations are not being adequately enforced at the current time.

And, that information, which requires them to make judgments is not readily available. The problem, apparently, is that the building inspectors' office, upon whom the Zoning Board relies, is not able to respond to the specific complaints and there hasn't been time to follow up on the request made by the Zoning Board.

In addition, apparently chronic violators, (since there is no follow-up) could continue to violate zoning regulations without any fear. Consequently we are recommending that the Zoning Board be empowered to appoint a Zoning Enforcement Officer. Let me conclude by saying, there is some question on part of the CHARTER REVISION COMMISSION as to whether it was in their province to permit the Zoning Board to do this.

On March 4th the Corporation Counsels' office ruled that according to Section 719 of the Connecticut General Statutes, it was indeed the power of the Charter Revision Commission to allow the Zoning Board to appoint such an officer. I so MOVE.

MR. MILLER: MOVED and SECONDED.

MR. BAXTER: I would just like to point out, and I think the thing we should focus on is not necessarily whether there are allegations or claims that the present Zoning Enforcement Officer either has or hasn't done everything that the Zoning Board would like it to have done.

Because then we descend into personalities and it's not a good place to be. We should look forward. The Connecticut General Statutes, for a good reason give the Zoning Board the power to appoint its own Enforcement Officer. The ONLY body in the City that can direct that is Zoning; NOT the Board of Representatives. It's the Zoning Board. They need to have the right.

They can't be hamstrung! They need to have the right to appoint their enforcement officer. If they don't appoint their enforcement officer they have absolutely NO recourse. If that enforcement officer tells them: 'Listen, my budget was cut or I have other things that I have to do and I can't get involved with your problem, or I'll see you next week, or the phone is ringing or whatever.

They are helpless. They could do nothing about it. Now, this doesn't mean that the Zoning Board might not appoint the Building Inspector to be their Zoning Enforcement Officer. A number of towns under the General Statutes in Connecticut have appointed the



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MR. BAXTER: (continued) Building Inspector to be their enforcement officer. But they have the recourse if he, for one reason or another can't do the job; or they are not happy with it. They have the recourse to appoint someone else. I think that should be kept in mind. I think it is essential for a good zoning and the City depends upon how well the audit use that we make of our land. I would ask that you support MR. LOOMIS' MOTION.

MR. DIXON: I would simply ask that in the event that the Zoning Board goes out to appoint some other person to this position, does it mean that the present Zoning Enforcement Officer will lose his job? How does it affect his present job with the City?

MR. LOOMIS: There would be no effect because the Building Inspector's office, we do their work currently which they are undertaking under the Public Works Department. It is the contention of the Zoning Board that they don't have the adequate time to deal with the Zoning Board work and that they are indeed busy with their other responsibilities. So that no one would be removed at all, MR. DIXON.

MR. FLANAGAN: I believe all the membership of the Board is in receipt of a letter from JAMES SOTIRE, who is Building Inspector and Zoning Enforcement officer at this time, with documentation to show that in most cities the Building Inspector not only is the most qualified but it is more economical for the City to have them in fact enforce zoning.

I raise the question that if our Building Inspectors office and inspectors can not enforce zoning at the same time they enforce the building codes, then they are probably not capable of enforcing the building codes or the zoning codes, or one or the other.

When you hire inspectors you have to trust that they have the expertise, the qualifications, the time, and if they don't have the time, then perhaps there should be additions to the Building Inspectors Department. But, we have to trust the people to do the jobs that they are assigned to do within the City.

I happen to have confidence in the Building Inspector to enforce the zoning regulations of the City of Stamford. There has been disagreements where you measure a building, be it from the corners or the centers or something like that, but that is really nit-picking.

I think by and large the zoning of the City of Stamford has been enforced by the Zoning Enforcement officer in his whole capacity and that to add more personnel to do the same job at a time when the City is trying to economize in all departments would be an error. Further, to make it as part of the Charter would be compounding the error.

MR. LOBOZZA: We're talking about something that I particularly don't like, and that's an appointed Board or Commission appointing somebody to a job. To me, that is just another political plumb. I think, especially now that we had two or three people laid-off in the Building Department, I don't think it's fair

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MR. LOBOZZA: (continued) we take somebody from the outside that we really have no language on how they be hired or anything else, to give somebody a job just by handing it to them through a board or commission. I don't think it is fair to the Civil servants.

And my experience with the building department, with zoning problems in my district, they have been very cooperative, when I had a problem. I called and I talked to MR. SOTIRE. I talked to someone there. I always got my satisfaction from them. So I see no problem in the department.

MR. BLOIS: I think we have a very capable staff up in the Building Department. I think there might be 5 or 6 of these Zoning Enforcement officers. I think for us to create another job when we have a department there, is self-sustaining. I don't think this makes good sense. I think that if the Zoning Board needs some help if they applied to MR. SOTIRE he would send somebody down there to assist them in their problems.

And I did have the opportunity to speak to a couple of them and they sort of disagree with the idea that they didn't have time to do anything for the Zoning Board. They said they are available.

MR. WIDER: I am indeed concerned when they want to change and put the Inspection Department under the Zoning Board. You see, a lot of people who have been involved in construction seem to think that zoning enforcement is the only thing that needs to be done.

Well, when you go out on these jobs, if you really don't know anymore than this zoning, you're in trouble, because there is a whole lot of people out there to draw your attention by talking.

When these Building inspectors go out they have a lot of things to think about, and I happened to have been in the building business at one time and you get a building inspector to come out and if you could kind of control his thinking a little bit, you can get by with a lot of things. But, these building inspectors that we have in the City of Stamford have been so educated that when they go out they look at the following things:

Zoning number one, plumbing number two, electric number 3, water equal distribution number four. And with our Inspection Department I think we have one of the BEST in the state of Connecticut. I know some of these people are guessing because they have not approved some of their variances. They have recommended, but I would say to you, I would like to move that this section of the Charter be deleted.

MR. MILLER: Of course you could vote against it.

MRS. GOLDSTEIN: I would love to MOVE the question but I can't because I want to say that I agree wholeheartedly with MR. BAXTER, that, first of all, in relation to the State Statutes it is a change that we should have in our Charter. And, secondly, that there is nothing that says that the Building Inspector



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MRS. GOLDSTEIN: (continued) and the zoning enforcement officer would not be the same person. Sorry, we are dealing with the Charter and I hope not with personalities. And that indeed, it is just a matter of changing WHO the appointive authority is.

MRS. McINERNEY: I would like to know from MR. LOOMIS if -- Well, it appears to me most of the problems that I hear in terms of the Zoning Board being empowered to appoint a zoning board official is the fact that there is a possibility we could be creating another job.

Would MR. LOOMIS, instead, accept something to the effect of the Zoning Enforcement officer shall be responsible to the Zoning Board in regards to zoning regulations and/or violations. Might that solve half of our problem? It's saying the same thing. They are having him responsible to their board, but they are not going to be hiring a new person to fill that position.

MR. MILLER: Well, I don't think MR. LOOMIS can do anything. He's serving the committee.

MR. LOOMIS: I'd like to reply. The problem is, and we discussed this at some length with various officials of City government, that the Zoning Board is not getting its work done because of the lack of an Enforcement Officer wherever he may be. Now, if you put him in the Building inspector's office, or if you hire him directly, the fact is that more help is needed. (End of tape 5, beginning of tape 6)

MR. LOOMIS: (continuing) (a few words lost) that if the Zoning Board is passing zoning laws they should have some control and oversight over somebody who is doing that work. And, therefore, we recognize the need for additional help, and we also recognize the need for Zoning Board to have some say in how their own regulations are being enforced.

So, I think, Mrs. McInerney that if you understand our intent, my MOTION in effect agrees with what you're trying to do, so I would like to keep my MOTION as it stands.

MR. SIGNORE: I was going to say something, but I'll MOVE the question.

MR. MILLER: MOVED and SECONDED. All those in favor say AYE, all those opposed NO. The MOTION IS CARRIED. We'll take a DIVISION on MOVING the question, UP for YES, DOWN FOR NO. MRS. RITCHIE will be recorded as a YES vote. There are 23 YES votes, 6 NO. We'll proceed to a vote on the main MOTION, on the question itself which doesn't require two-thirds.

We've had some discussion on it and we're now voting on the MOTION made by MR. LOOMIS on behalf of the committee concerning Chapter 55 Zoning Board. Would you repeat the substance of that MR. LOOMIS?

MR. LOOMIS: The substance is, that under Chapter 55 we would permit the Zoning Board to appoint a Zoning Enforcement Officer who shall be responsible to the Zoning Board.

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MR. MILLER: We'll proceed to a vote on that matter. All those in favor say AYE, all those opposed NO. We'll take a DIVISION using the machine. MR. DIXON will be recorded as a NO vote. The MOTION is LOST. 11 YES votes, 16 NO votes.

MR. LOOMIS: Chapter 56 there were no changes. Chapter 57 has been deleted. Chapter 58 The Police Commission and Fire Commission we made just some minor changes; clarification of language. Chapter 58A, as you know we previously discussed this, is now part of the new Department of Traffic and Parking.

Chapter 59, we do in Section 598. We are requesting from the Corporation Counsel's Office an opinion on this section because the State Statutes do restrict deeding of land from municipalities and we want to make sure that this section conforms with State Statutes. So, we'll await word from them. Chapter 60 --

MR. BLUM: The Economic Development Commission?

MR. LOOMIS: Mr. BLUM if I could answer your question. The Economic Basis Study is within a month or two of coming out with specific recommendations regarding an Economic Development Commission.

The problem of the funding for this commission is somewhat up in the air now, and it appears that it will lie heavily on EDA monies. If, indeed, they do get a substantial sum of EDA monies, the provisions and the regulations governing this commission will be largely dictated by the Department of Commerce in Washington.

So, I think we won't know what we'd be writing if we started putting language in about an Economic Development Commission. So, I think it would be perhaps better to wait a few months and THEN act upon THEIR recommendations which we could take care of by Ordinance.

MR. MILLER: The MOTION though MR. BLUM wasn't SECONDED. Is there a SECOND to MR. BLUM'S MOTION?

MR. BLUM: I accept MR. LOOMIS'.

MR. MILLER: Thank you. It's withdrawn.

MR. BAXTER: On Section 595.1 - Powers and Duties of the Park Commission, Number 1 reads in my thing - "shall establish, construct and maintain all parks". Now, as I understand, the wisdom of this Board to date, it had added ballfields to maintenance of ballfields to the powers of the Board of Recreation.

Now, I personally feel that is is bad enough that we have to have two sets of vehicles and two sets of grounds keepers to visit the same place, but I think it would be compounding a foolishness to have, (since parks are part of ballfields), to have the Park Commission under this section of the Charter able to go in and maintain those same ballfields of that park along with the Board of Recreation.

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MR. BAXTER: (continued) So, if we are going to have two sets of people doing it, at least we should spell it out and AMEND Section 1 to exclude ballfields, and I so MOVE.

MR. MILLER: You're dealing with Chapter 59, Section 595.1.

MR. BAXTER: I only make that MOTION, not because I agree with the concept, but I think the concept is wasteful of money and I disagree with it strongly. If we're going to do it, we ought to at least NOT have two sets of people maintaining the same ballfield; one under the power to maintain a park of which a ballfield is a part, and another under the other Section. We ought to exclude it.

MR. MILLER: There is nothing about ballfields in number 1. MR. BAXTER wishes to specifically mention that ballfields are excluded?

MR. BAXTER: Unless the pleasure of this Board is, besides having two sets of maintenance people and have two sets of vehicles to do with the maintenance, we also want visits from two different Commissions and Departments maintaining ballfields. The Park Commission under this Section of the Charter, using its authority since the ballfield is part of the park; and the Board of Recreation, under the Section we just amended, unless that is the continued wisdom of this Board, then I suggest that we make it clear that only the Board of Recreation can maintain ballfields and not the Park Commission.

MR. MILLER: There is a MOTION made by MR. BAXTER, SECONDED by MR. HOFFMAN to put language in Section 595.1, sub-division 1 which would exclude the Park Commission from having the responsibility of caring for the ballfields. That MOTION has been made and SECONDED. Discussion.

MRS. COSENTINI: MR. BAXTER, do you think that by not having it in there maybe some confusion that the area that is called "park" might be meant to include ballfields? Is that why you feel it's needed?

MR. BAXTER: MRS. COSENTINI, not only do I feel that, but it could not be clearer. Since the intent of the people who drafted this very document you're holding did not include parks in one section, and clearly I mean ballfields, and clearly meant it to go under to resolve the previous foolishness that went on between these two.

They attempted to put it all under the Mayor; let the Mayor be responsible and handle it properly. We in our wisdom are recommending something else. I'm sure we've all thought it through. I'm sure you agree with this because you thought it through already.

MRS. COSENTINI: I understand and I agree with your position. The only thing is I think that by saying I don't believe a ballfield is really thought of as a park, and I don't know that it is necessary, I have no objection, if it will make you feel better.

MR. HAYS: Again, I share MRS. COSENTINI'S idea. I don't consider it objectable, but I don't think it's necessary. I would construe a park as possibly containing a playground AND ballfield; but not necessarily. I look to the language that we

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MR. HAYS: (continued) put in the Recreation Department as providing for the maintenance of the ballfield and playground if there are some contained in the park. Otherwise, all the maintenance would be the Parks Department. As to having two (2) departments responsible for maintenance, I'd just as soon have one big Public Works Department doing the maintenance everywhere, if we're going to follow his thesis.

MR. D'AGOSTINO: MOVE the question.

MR. MILLER: All those in favor say AYE, all those opposed NO. The MOTION IS CARRIED. The question is on MR. BAXTER's MOTION which would affect Section 595.1 subdivision 1, including ballfields. All those in favor say AYE, all those opposed NO. The CHAIR is in doubt. We'll take a DIVISION using the machine. The CHAIR will take the count.

MRS. PERILLO is to be recorded as an ABSTENTION. The MOTION is CARRIED with 11 YES, 10 NO votes. And let the record indicate that at this point 5 members have left the meeting; MR. ZIMBLER, MR. LIVINGSTON, MR. DeROSE, MR. RYBNICK, and MR. CONNORS. Anything else under Chapter 59? Before going on to the next Section we'll take a brief recess; a five-minute recess.

RECESS

MR. MILLER: The meeting will come to order. The CLERK will call the roll.

|                           |                     |                             |
|---------------------------|---------------------|-----------------------------|
| Mrs. Perillo - Here       | Mr. Osuch - Here    | Mr. Schlechtweg - Here      |
| Mr. Morgan - Absent       | Mr. Signore - Here  | Mrs. Goldstein - Here       |
| Mr. Zimblar - Absent      | Mr. Wiesley - Here  | Dr. Lowden - Here           |
| Mr. Dixon - Here          | Mrs. Hawe - Here    | Mr. D'Agostino - Still here |
| Mr. Hays - Here           | Mr. Lobozza - Here  | Mr. Wider - Still here      |
| Mr. Hoffman - Here        | Mrs. Santy - Here   | Mr. Rybnick - Absent        |
| Mr. Loomis - Here         | Mr. Fox - Absent    | Mr. DeRose - Absent         |
| Mr. Ravallese - Here      | Mrs. Ritchie - Here | Mrs. McInerney - Here       |
| Mr. Perillo - Here        | Mr. Flanagan - Here | Mr. Blois - Here            |
| Mr. Livingston - Absent   | Mr. Baxter - Here   | Mrs. Nizolek - Absent       |
| Mr. Zelinski - Still here | Mr. Sherer - Absent | Mr. Costello - Absent       |
| Mr. Carlucci - Here       | Mr. Blum - Here     | Mr. Connors - Absent        |
| Mr. Sandor - Absent       | Mr. Walsh - Absent  | Mrs. Cosentini - Here       |
|                           | Mr. Miller - Here   |                             |

MR. MILLER: There are 27 members present, 13 absent. We'll proceed to Title VI, Chapter 60.

MR. LOOMIS: I'd like to make a MOTION. The Committee has only 6 more recommendations left in this report. I would like to make a MOTION that we consider these 6 recommendations in sequence --

MR. MILLER: MR. LOOMIS --

MR. LOOMIS: Excuse me, can I complete my MOTION?

MR. MILLER: No, because I'm not going to take the MOTION. I think it is good news to know. The MOTION is NOT IN ORDER, because we're NOT going to



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MR. MILLER: (continued) limit the possibility of people to make MOTIONS as we go along. What you are doing will invite the Board to go through 6 matters very quickly and then lose a quorum immediately.

MR. LOOMIS: I said nothing about the quickness of our debate. I simply said --

MR. MILLER: No, but after you get through the 6th recommendation from the Committee then people would leave, so, let's go through the normal procedure which we've carried on through the evening.

. Let's hope the members will restrain themselves and we will get out of here at a reasonable hour. I think if we know that there are only 6 MOTIONS on behalf of the committee, that gives us some idea of where we are going. We could proceed, MR. LOOMIS.

MR. LOOMIS: I had completed Chapter 60. Excuse me, we were just finishing with Chapter 59. I had explained the request that we've made of Corporation Counsel regarding State Statutes on the question of taking park land. Chapter 60 we've just clarified language regarding interest on taxes on motor vehicles to make it consistent.

Chapter 61. There is an important change and I'd like to draw the attention of the Board members here to Section 615. Now 615 calls for the review by the Mayor of the budget of the Board of Education and this Committee on April 26th voted to delete that Section which calls for such a review.

We did so for the following reasons: the members of the Board of Education, a citizen elected body, exercises strong control over the management and the budget, and operations of the Board. They meet weekly; they have open budgetary process, and they meet often with effective citizens for their input and their reactions to the proposal of the Board.

So they DO know what is going on; that is, the Board of Education, the citizen board. Secondly, the budget which is presented and prepared by the Superintendent and his assistant is subjected to a rigorous review.

First, it goes to the Board of Education itself; second, it then goes to the Board of Finance; third, it then goes to the Fiscal Committee, and last of all to this body meeting as a whole. And we weren't quite sure why another layer should be added to this rather exhausted process.

Third, it is likely since the Mayor would only have powers to cut and also given the crush of the budgetary process with all the other budgets that he must review and analyze, it is not likely that he would have time for a thoughtful and critical review process which the Board of Education has spent many months in putting into their own budget.

It may be the case, as we are all aware that political considerations would enter the process at that point, which is something that we don't wish to see happen, and indeed something which the State Legislation has passed many laws to prevent from happening in municipalities throughout our State.

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MR. LOOMIS: (continued) Lastly, we have the belief that the Board of Education is well managed, efficient in its operations, and one of the few City bodies that has consistently lived within its budget. So, consequently I am reporting favorably on the deletion of that portion of Section 615 which calls for Mayoral review of the Board of Education budget.

MR. WIDER: SECOND that budget.

MR. MILLER: SECONDED. Discussion.

MR. LOBOZZA: It seems we're at the "sacred cow" now. I don't agree with MR. LOOMIS on many things about the Mayor not having time, because as the Mayor of this City he should have time. And as far as the Board of Education being responsible, I think all of us are well aware of one thing; this is an election year, and when it comes down to election time, just like it was last year, the big fights'going to be - who is responsible for the increase in our taxes.

And one mayor is going to be blaming the previous mayor and there will be no mention of the Board of Education. I think it's time that we, as a Board did what was right, and if we're going to hold the MAN responsible for the taxes in this City we should give him the power to be responsible.

We're talking about I'd say, approximately 45% of the expenditures in our City budget, and if the Mayor can't be responsible for almost half then how could you hold him responsible for the increase in taxes? I'd like to just say that I'm AGAINST MR. LOOMIS' MOTION.

MR. SIGNORE: My feelings on this particular issue are: since there are so many questions about the creditability of the Board of Education as far as its budget is concerned, I would think they would welcome another review of their budget, especially by the Mayor himself, who is responsible for setting the MILL rate and who is responsible for the budget as a WHOLE now will be blamed if the taxes are raised.

I feel that the Board of Education budget which is the major part of the total City budget should be scrutinized by the Mayor.

MR. HOFFMAN: I agree with Jim and Sal, in that the Mayor should have the ability to review this school board budget. My reasons for this is as follows: I think that: 1. if we are to say that the school board does know what's going on it's questionable because I really think that they are rather narrow-minded in their approach.

All they can see is education. I don't think they are really that concerned about what it costs the taxpayers. In so far as the Board of Education themselves, here again I think you have a group of people who have been elected to office and they've been elected to the office of the Board of Education on the basis of their very, very, strong beliefs in good education, and that's fine.

But, I think when you begin to say that you know you want good education, damm the cost, we're going to go ahead with it anyway regardless of what the



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MR. HOFFMAN: (continued) cost is, even though it means killing the "goose that lays the golden egg," in this particular instance, it IS THE TAXPAYER. Then I say that's wrong. I believe that the Mayor should have an opportunity to review this budget, and that it is time for some political control, because now the Mayor is, as was pointed out earlier, he is responsible for the taxes and ultimately receives the blame when the taxes do go up and do go out of sight, and lord knows they're out of sight here.

Bridgeport has total control of their school budget. Some of the towns around us have sort of a control of their school budget, in that they are able to vote these particular items down. Now, I think that we are confronted with an entirely different situation which is perhaps going to be a "Pandora's Box", and that will be the new law which is pertaining to the equalization of the school taxes.

I think that, indeed, that if this comes about, we shall probably see an entirely different way of allocating monies, tax monies that comes from the State for the various school districts. And, I think that we are now confronted with a situation with our Federal government. It's way in the hole, \$160 billion I believe the figure is; and the State of Connecticut is confronted with a \$60 million shortage of funds and we are saying here that the school board budget is sacrosanct; let's not touch it!

Meanwhile the place is falling down around our ears insofar as taxes are concerned. Taxes continue to escalate. The Board of Education has not acted perhaps wisely, in that while the school population has been declining, they have seen fit to increase the number of administrators that are in the schools; they have closed the school, and yet kept it opened.

So, when we say they know what's going on with the Board of Education, I disagree with that entirely, and I think that it is HIGH TIME that the Mayor receives a portion of the responsibility of that entire school budget and that he can pass on it.

MR. MILLER: The NO SMOKING SIGNS are up, and we will have to enforce the NO SMOKING.

MRS. COSENTINI: I guess everyone has read that the Connecticut State Supreme Court said that the property tax is no longer going to be the basis upon which we fund our schools. The rationale for this particular item being added to the Charter is that the tax rate which is based on OUR property taxes should be under the control of the Mayor.

If the school financing is going to be removed from the area of the tax rate based on property, I don't understand what everybody thinks they are going to accomplish by having the Mayor have a say on the school board budget, if indeed it HAS nothing to do with our tax rate.

Suppose the State decides to impose an income tax totally for the funding of the schools. It seems to me we may, in a couple of years, find a totally new way of funding our schools. The State now is really going to take over the control that it has.

What the municipal input will be, and what the municipal responsibility will be is enormously vague and way up in the air at this time. I'm really not too

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MRS. COSENTINI: (continued) upset about this going through, because I think people are expressing a feeling here about a million other things again, as they usually do when it comes to the Board of Education. I think it is going to be right out of our control, and the Mayor is NOT going to have anymore responsibility very soon about the tax rate in relationship to the Board of Education budget then he does now.

MR. BAXTER: I would just like to take a few minutes to review what I think is a very important attribute about living in Connecticut. Those of you who are natives of other states, or who pay attention to what goes on in other states, recognize that the system we have for balancing community needs in Connecticut is unique or relatively unique.

Most other states have school boards which have the power to levy a tax on the land or the people within their borders, without regard to any balance of the needs of the community, for Public Works, or Welfare, or anything else. They levy that tax.

The people can either defeat it, and in some states the people can't even defeat it! The Supreme Courts of other states have said what the Board of Education does is what goes.

Now, in this State, to my mind, we have a mechanism that allows the balancing of community needs. You have a Board of Education who is focusing on education and not on Public Works, and who sets a budget that IT feels will accomplish its goal.

And, you have two bodies that are elected throughout all of the citizens, namely the Board of Finance and the Board of Representatives who are charged right now with balancing the other needs of the City -- how much does it cost to take care of the aging; how much does it cost to have this; and if we have a tax rate that approximates 100% we can't do anything.

And that balancing act is done by the Board of Finance and by us. Now, it is not done by the Mayor. It was NEVER done by the Mayor. If the people are going to hold the Mayor responsible for the tax increase, that is occasion by the Board of Education when it is clear that the Mayor does not now, nor never did have any responsibility for the policy of education nor the educational budget, you can't stop people from doing that anymore than you can stop people from blaming the Mayor for the war in Southeast Asia, or for the Rhodesian chrome situation.

Anybody who knows anything about how the City acts, knows that the Mayor doesn't set policy, doesn't review the budget, and has nothing to do with the budget of the Board of Education; nor should he; he has NO responsibility. Why not have a Charter that the Mayor (because we have politics here we heard), why not have a Charter provision that the Mayor of the Town of Hartford gets a chance at the budget. I mean, you know, our Mayor doesn't have -- we elect a school board who are responsible to us, to the voters for educational policy.



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MR. BAXTER: (continued) And it seems to me rather strange, say, if we were the League of Woman Voters, or if we were the Courtland Terrace Association purposing this I can understand it more than I could understand the Board of Representatives asking for someone to please take control of the educational budget, because we have that responsibility and we DON'T KNOW HOW TO USE IT!

We've got to have the Mayor in there because he could control, and this and that, and we're the ones who could control, we want to cut that budget a million dollars, we could cut it a million dollars if we get enough of us to agree.

And it is not as if, and I'm not suggesting that we do -- before people start getting off the deep end -- I'm just saying that we, as a Board have that responsibility and it is a little bit unseemly to look around to find somebody else who could take the heat off us that we could point to.

Because anybody knowledgable around here who doesn't like the tax increase that goes on could talk to the people who are in charge of appropriating money and setting the tax rate, which is each of us in this room and the Board of Finance.

Now lastly, and I won't delay you any longer, but lastly we right now have (end of tape side 6, beginning of side 7, a few words lost in turning the tape) Board of Education, we want to put a fourth layer of review in there, someone who doesn't have responsibility, who could only cut, obviously it is the way to get the budget cut down and take it off us. I think it is political. It shows that we recognize that we are, or at least it suggests that we aren't doing our job, and I'm against it.

I hope, and most of you know that I'm at least, with regard to budget items, on the Board of Education, I'm not exactly a liberal or a heavy spender. It's just that I don't feel that this is a good provision in the interest of the City. It could jeopardize the control that we have now.

Unique among most states, which is that we have some boards who get and balance the needs of the City against education. If we blow it, we can end up like most states where they just TELL us what we have to pay; and we pay it, and we yell, and we change bodies in the Board of Education, but no matter what body you get in there, they're going to do the same thing because their only focusing on one thing.

I mean, you've got to have a Board of Education. They are going to vote on a budget and it's never going to be balanced with anything else. We, at least, have the chance to balance it.

MRS. GOLDSTEIN: MR. BAXTER, that was so well said -- really. It is very interesting to hear at the beginning of these discussions, the Board of Education described as -- here we come to the "sacred cow". It just seems to me, however, that every single time we talk about the Board of Education we're actually talking about everybody's favorite "whipping boy", and not "sacred cow".



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MRS. GOLDSTEIN: (continued) In relation to this MOTION, over the last few years there has been such an excellent attempt made to get politics out of the appointment process in the Board and into some kind of fair evaluation system. To me the Charter Commissions' recommendation once again puts the Board of Education, puts appointments, puts everything we've worked hard against into the hands of politics, and it shouldn't be there.

This is not the place for the Mayor. There are many places for mayoral cuts and okays' and say so's. But this is NOT the place.

MR. WIESLEY: The revision that is recommended by the Charter Revision Commission implies that the present process has not worked for the benefit of the City. The record reveals otherwise, since the Board of Education has consistently lived within the budget limitations set by the Board of Representatives.

To give the Mayor this power of review is a repudiation of the responsibilities of the current fiscal boards AND the Board of Representatives. Ten years ago, the Board of Education's budget was 50% of the total City budget. This year, it is 41% of the total City budget. The area of the budgets the Mayor presently reviews certainly is the area that needs the help. It's the area that has never been able to live within the budget that's been allowed for it.

Now WHY does it make sense to toss that part of the total City budget that is under control into THAT part that ISN't under control? Let's let the Mayor control the part that he has a hand in right now instead of giving the other to him.

MR. ZELINSKI: I'd like to MOVE the question.

MR. MILLER: MOVED and SECONDED. All those in favor say AYE, all those opposed, NO. The MOTION is CARRIED. We'll proceed to a vote on the MOTION on behalf of the Charter Revision Committee to delete that part of Section 615, which states that the Mayor shall review the budget and may only accept to reduce the total estimated expenditure.

Not later than the 20th day of March, the Mayor shall submit to the Board of Finance the budget as acted upon by him. There has been a request for A ROLL CALL. Will those members desiring a roll call raise their hands? There is a sufficient number. The vote will be taken by ROLL CALL. A YES vote is for deletion, a NO vote against.

The CLERK will call the roll. A YES vote is to delete the language giving the Mayor power with reference to the Board of Education budget; a No vote is opposed to that. The CLERK will call the ROLL.

Mrs. Perillo - No  
Mr. Hays - Yes  
Mr. Loomis - Yes  
Mr. Perillo - No  
Mr. Wiesley - Yes  
Mr. Lobozza - No

Mr. Dixon - Yes  
Mr. Hoffman - No  
Mr. Ravalliese - No  
Mr. Signore - No  
Mrs. Hawe - Yes  
Mrs. Santy - No

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## CALLING THE ROLL: (continued)

Mrs. Ritchie - Abstain  
 Mr. Schlechtweg - Yes  
 Mr. Lowden - Yes  
 Mr. Wider - Yes  
 Mr. Blois - No  
 Mr. Zelinski - No  
 Mr. Blum - Yes

Mr. Flanagan - Yes  
 Mrs. Goldstein - Yes  
 Mr. D'Agostino - No  
 Mrs. McInerney - No  
 Mr. Baxter - Yes  
 Mr. Carlucci - Abstain  
 Mrs. Cosentini - Yes

Mr. Miller - Yes

MR. MILLER: The MOTION IS CARRIED with 14 YES, 11 NO, and 2 abstentions.

MR. LOOMIS: In the same section the Commission added language, which indicates, if I may summarize, that the Board of Education may accept State and Federal grants which are 100% reimbursed without going through the Board of Representatives. We voted to delete THAT NEW language. The reason we voted to DELETE the new language is as follows:

First of all, there are grants that are sometimes awarded, which are indeed a 100% prepaid. But, later on as the program continues, a LOCAL sharing becomes required. So if we don't know when these grants begin and all of a sudden we're asked to contribute, then we would be, I think, in an uninformed position.

Secondly, some of these grants are given to the Board and the money comes after that actual awarding. Therefore, in effect, we're given authorization to spend, and yet, we don't have the money. We're put into a rather unusual situation. If they were going to get a 100% grant without the money, they would have to go through an appropriating process approved by us.

So there are fundamental problems with this Section, and consequently we voted unanimously to delete it, and I so MOVE.

MR. MILLER: MOVED and SECONDED. All those in favor say AYE, all opposed NO. The MOTION is CARRIED UNANIMOUSLY.

MR. LOOMIS: In Section 617 we are asking for clarification of language regarding the actuarial cost and accrued liability which will not be a part of fixing of tax rates. We don't want a huge increase of taxes immediately, and the Commission understands our point of view. We'll get our recommendations in terms of clarification there.

In 618, language approved by the Commission permits transfers between accounts within an office to another agency; not to exceed \$500.00. We are moving that the transfers received from an agency cannot exceed \$500.00 because, it could be the case, under the current language, that ONE agency could receive several transfers, piling up a good deal of money. We don't think this will be a good practice, so I so MOVE that THAT restriction be included.

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MR. MILLER: MOVED and SECONDED. All those in favor say AYE, all those opposed, NO. The MOTION IS CARRIED UNANIMOUSLY.

MR. LOOMIS: Chapter 62, there were no changes. Chapter 63, no changes. Chapter 64, no changes. Chapter 65 talks about the Board of Finance and we had some clarification of language there, but no substantial changes. Chapter 66, and 70, no changes. Chapter's 71, 72, no changes.

Chapter 73, the Merit System, there are a couple of changes. I refer to Section 731 at the very beginning of Chapter 73. There shall be 5 members on the Personnel Commission to serve for 5 year overlapping terms, and so on. The last sentence states that the 5th member "shall be elected from among the members of the classified service".

It was OUR feeling that it is an unwise precedent to have a member of the classified service sit on the Personnel Commission. We voted unanimously, to allow -- I should correct myself. We don't object to a member of the Classified service sitting on that commission. We object to that person having VOTING RIGHTS.

It would be somewhat akin to having, let's say, a member of the Teacher's Union sitting on the Board of Education. We're not objecting to a member sitting on the Commission; we ARE objecting to that person having voting rights. So our recommendation is to increase the Commission by an extra member; have 5 members plus a non-voting member from the Classified service, and I so MOVE.

MR. MILLER: MOVED and SECONDED. Discussion.

MR. BLUM: I wish to go along with the Charter Revision as put there by the Commission. That the 5th member shall be elected from amongst the members of the Classified service. For years this was an original; in other words, when there was a 3 member board there was ALWAYS a member from the municipal employees so designated.

Now they're making it a 5 member board and they are trying to do away with this municipal employee. It is true that he has State laws which protect him and his contract. But, there are many other items, local grievances in which he can take care of on this Board and I feel the municipal employees have a RIGHT to be on this Commission.

MR. MILLER: MOVED and SECONDED. All those in favor say AYE, all opposed, NO. The MOTION is CARRIED. We're now voting on the MOTION made on behalf of the committee by MR. LOOMIS, which would recommend that the Charter Revision Commission change the Personnel Commission so that there would be 5 voting members and no one of those 5 members would be a member of the Classified service.

Then there would be a 6th non-voting member drawn from the Classified service I would assume MR. LOOMIS that the idea is that the 6th member would be elected?

MR. MILLER: He would be elected, so that is what we're voting on; that proposal. All in favor say AYE, all those opposed, NO. The CHAIR is in doubt, we'll take a DIVISION.



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MR. MILLER: (continued) The MOTION IS LOST. There are 10 YES, 16 NO votes, the balance ABSTENTIONS. That MOTION is LOST.

MR. LOOMIS: At the bottom of the page, Section 731.5, the language now reads "no member of the Personnel Commission shall be an officer of a political party or shall hold any other public office or position, or shall be a member of any local, state or national committee of a political party, or shall be a member of any political club or organization".

We are recommending to delete the last phrase of that Section - "or shall be a member of any political club or organization". It was our belief that that language is so WIDE, that most anybody could fall into the category of being a member of a political club or organization; and, it's really TOO restrictive.

We do believe that the language prior to that last phrase should prevent any highly partisan individuals from being appointed to the Personnel Commission. So, I MOVE the deletion of the last phrase of Section 731.5, beginning with "or shall a member".

MR. MILLER: MOVED and SECONDED. All those in favor say AYE, all those opposed, NO. The MOTION is CARRIED UNANIMOUSLY.

MR. LOOMIS: There were no further changes in that chapter. Excuse me, there was Section 740.2 on the Personnel Appeals Board. I believe this is a change we made at YOUR suggestion, MR. PRESIDENT. We felt that the persons appointed to this Board should be impartial and not have partisan affiliation.

We would like to apply the language of Section 731.5 to this particular section of the chapter regarding members of the Personnel Appeals Board. So they also would NOT be members, or, rather, officers when holding office in political parties and so on. So, I so MOVE the addition of the language of Section 731.5 to Section 740.2.

MR. MILLER: MOVED and SECONDED. All those in favor say AYE, all those opposed, NO. The MOTION is CARRIED UNANIMOUSLY.

MR. LOOMIS: I believe that then concludes that chapter. Chapter 7 --

MR. MILLER: There are a couple of other MOTIONS, apparently.

MRS. GOLDSTEIN: Section 733A; the language about the DIRECTOR being a full time employee. I would think that all our DIRECTORS would be full time employees. I would like to move that either that language be put in for ALL directors, or deleted in relation to this particular DIRECTOR.

MR. MILLER: What would you like to do?

MRS. GOLDSTEIN: I'd like to delete it.

MR. LOOMIS: MRS. GOLDSTEIN, I would like to say that the Commission would be very much open to receiving a MOTION to the effect generally stated, that all

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MR. LOOMIS: (continued) DIRECTORS would be subjected to the same language in this Section. So it is a perfectly acceptable MOTION.

MRS. GOLDSTEIN: I would be amenable to that MOTION then.

MR. MILLER: We're not talking about DIRECTORS. What ARE we talking about? The question is raised about this Section because when the Charter Revision Commission discussed this part of the Charter, questions were raised about a particular incumbent. I think that if this language is to be deleted I don't think it REALLY takes anything away from any other department.

We all know when a job is supposed to be full time, so I think perhaps we could proceed by having MRS. GOLDSTEIN MOVE that this language be deleted and if someone wanted to make a MOTION with reference to ALL of those positions then that would be in order.

MRS. GOLDSTEIN: I so MOVE.

MR. MILLER: MOVED and SECONDED.

MR. BAXTER: I'd like to hear some reasoning why he shouldn't be a full time employee! Or why, perhaps -- maybe we should require that he spend 8 or 10 minutes a month on the job; or, should we say something more than that; or, what's the reason for that?

MRS. GOLDSTEIN: The fact is that he IS a full time employee. My point is really that in relation to none of the other DIRECTORS, or Department heads is this characterization made. Now, I believe all Directors, all Department heads should have full time jobs. And this is so stated in the job specification. Now this was put in, because at the time of appointment I believe, or currently, we're now talking about dealing with personalities rather than position.

At the time that this current Personnel Director was employed he was finishing a teaching job and for one day a week, two or three hours, he was committed by the Personnel Commission to finish that responsibility.

That is over. He is certainly there as a FULL-TIME employee, as he was even when he had to take off that one or two hours, or whatever it was, to finish that responsibility, which the Personnel Commission knew about. Now to put this in is UNFAIR, unless it is a special paragraph that relates to every single DIRECTOR or Department head.

Now, certainly I think that they all should be full - time; I mean that's what we're paying them for and they are being paid very good salaries. But, the point is, why keep it here alone? Either everywhere or nowhere and have it understood in the job specs.

MR. BAXTER: Look, does your AMENDMENT include deleting HIS position; the Classified Service?

MRS. GOLDSTEIN: No.



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MR. BAXTER: Does it include deleting his provision for an annual salary, which is fixed by the Personnel?

MRS. GOLDSTEIN: No. It would just delete full-time employees; but, as I said, I would be amenable to having full-time employees there if full-time employees were in every other Director position. But, all this full-time items are present in the job specifications. There is no reason for it to be in the Charter.

MR. BAXTER: What about the appropriation though. Do we say <sup>to</sup> the rest of them that they receive an annual salary fixed by the Personnel Commission? I mean if we are going to have annual salary we ought to know how much time he should work.

MRS. GOLDSTEIN: Certainly the Personnel Commission doesn't pay the Public Works Commissioner. I mean, you know.

MR. MILLER: I think the point being made is that perhaps as MR. BAXTER has pointed out there is more extensive language about the Personnel Director in the Charter than there is about some other people with comparable positions. But, I think you know, it's fair to say that probably an issue is being made out of this phrase "full-time employee" because there were questions about a particular individual.

MRS. GOLDSTEIN has made the MOTION. It could be voted UP or DOWN and it would be in order, after that vote, for a member of the Board to make a MOTION that the full-time employee language should be applied to ALL people in comparable positions.

MR. FLANAGAN: I would merely like to point out that in the age of computers and data processing equipment and everything, that maybe in the future the job could be a part-time job. I don't think that this language belongs in here at all. It is part of the job specifications for any job in this City, and I would be very happy if half of the employees in this City could be part-time employees and still serve the function.

The thing was put in for a purpose which I think was incorrect, and it's getting specifically or dealing specifically with one person and probably with the personality of one person and this is not something that belongs in the Charter. And I hope that we will delete it and NOT go ahead and make it apply to a whole lot of other people who hopefully would do the job as a part-time job.

MR. HOFFMAN: I don't feel any hang ups about this particular statement where the Director shall be a full-time employee. I don't think there IS any other Director or Department head who comes under the Charter quite so specifically as the Personnel Director does, and the Health Director. In any event, I think that the ONE reason for this being there is NOT just necessarily as MRS. GOLDSTEIN alluded to.

I think this entire City went through a terrible ordeal that dealt with the people who were in charge of the Personnel Department, and the net result has been maybe somewhat where we have overreacted. However, I don't think that this is such a horrendous thing that has to come out.

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MR. HOFFMAN: (continued) I think that it could stay there, for all I care. And, I really believe that. As MR. FLANAGAN has said, you know these people are being paid very well. I disagree with you MR. FLANAGAN. I think the record will show, - okay - all-right, I'm sorry. What is being said here is that these people are being paid well. I think that they should work a full days' work.

They should put in a full week's work. I think that they are being well paid, I think that we are seeing where they are being well paid even after they have left the employ of the City. And why not say that they are, and spell this out that they are full-time employees.

I see nothing wrong with this. After all, we're paying for this. The tax-payers who we represent are footing THIS bill.

MR. LOOMIS: MOVE the question.

MR. MILLER: MOVED and SECONDED. All those in favor say AYE, all those opposed, NO. The MOTION IS CARRIED UNANIMOUSLY. We'll proceed to a vote on this MOTION to delete from Section 733, subdivision A the language "a full-time employee". All those in favor say AYE, all those opposed NO. The CHAIR is in doubt. We'll take a DIVISION using the machine. The MOTION is CARRIED, 13 YES, 11 NO votes.

MR. BAXTER: Having had my consciousness raised about singleing people out, I've discovered we have other people in the Charter who have been designated as full-time people. Number 1 --I hadn't looked before because I had thought there was none, since that was what was just said.

I notice that the Health Director was supposed to be full time. I wonder if the wisdom of this Board in deciding that we shouldn't have full-time people wouldn't want to? MRS. GOLDSTEIN might want to MOVE that the Health Director is not discriminated against by being required to be on full-time.

MR. BLUM: I'm just wondering, those I remember we voted here, in the Law Department a Deputy Corporation Counsel for a full-time position, and we allowed the Corporation Counsel to be on a part-time job.

MR. MILLER: If there is no MOTION to be made we'll move on.

MR. HOFFMAN: I would like to make a motion that the wisdom of this, such that we'd reconsider that last MOTION to delete that particular wording. I think we ought to reconsider it in view of MR. BAXTER'S findings.

MR. MILLER: Were you on the prevailing side, MR. HOFFMAN? To make a MOTION to reconsider?

MR. BLUM: Is to reconsider this entire subject?

MR. MILLER: No, we won't reconsider the entire subject. We will reconsider the vote.

MR. BLUM: Reconsider the vote then.

MR. MILLER: You were on the losing side, MR. BLUM, I can't except the MOTION.

MRS. McINERNEY: I was on the prevailing side, and I would like to have the vote reconsidered.



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MR. MILLER: We have a MOTION for reconsideration. Is there a SECOND to that MOTION? MOVED and SECONDED. A majority of those present and voting would be necessary for reconsideration. All those in favor say AYE, all those opposed, NO. The MOTION is LOST. You're voting on reconsideration. We'll take a DIVISION, a YES vote is for --

MRS. PERILLO: Reconsideration of what?

MR. MILLER: Reconsideration of NO vote against. Reconsideration of the last vote for the full-time employee. MR. BLOIS will be recorded as a YES vote. (End of the tape, side 7, and beginning of Side 8)

MR. MILLER: The MOTION is LOST, 7 YES votes, 17 NO votes. It stays in. MRS. COSENTINI had indicated she wished to be voted a YES, so that was 16 NO votes, 8 YES votes.

MR. BLUM: I don't understand why there was a reconsideration when they voted to defeat?

MR. MILLER: Because there was a MOTION to reconsider which CARRIED. Is there anything else?

MR. LOOMIS: There were no further changes in this Chapter. If I could move along?

MR. MILLER: You have further changes in this chapter MR. BLUM, you have a MOTION on this chapter?

MR. BLUM: Yes, in regard to the classified and unclassified services, 734. There are many employees who work in the City of Stamford that are not considered whether they are unclassified or classified, they don't belong to either one.

And I can name them. I believe there are employees in the Commission on Aging, there are employees in the Housing Authority, and they don't even come under the tenure of unclassified services. I would like the Charter Revision Commission to look into those who don't come, who receive City checks and should come under the classified services.

MR. MILLER: I'm not so sure I understand the motion, MR. BLUM.

MR. BLUM: Well, there are employees, like under the Commission on Aging, Housing Authority --

MR. MILLER: They are not classified employees; but they receive many, but not all of the benefits that classified employees receive because of action taken by this Board. So this Board over the years, by resolution did give to some people who are NOT members of the classified service, health benefits; that type of fringe benefit.

But those individuals are not in the pension system which the classified employees have, and there is no way, apparently they could legally get into the pension system.

MR. BLUM: Well, they are City employees aren't they?

MR. MILLER? They are City employees, but not in the classified service.

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MR. BLUM: I'm asking you why are these people kept aloft under the classified services?

MR. MILLER: Because they were not brought into the classified service when the Commission on Aging was created, or when the Fair Rent Commission was created.

MR. BLUM: Well, that's what I'm purposing here, that these employees be recognized once and for all. Maybe these commissions were started after the Charter was drawn up, 12 years ago. What we're doing is we're revising this Charter and we should look into these NEW employees with NEW commissions and maybe they belong in the Classified service. I'm asking that they include these various commissions as part of the classified service.

MR. MILLER: All-right, we have a MOTION by MR. BLUM and I mentioned the Commission on Aging and the Fair Rent Commission, I don't know who else you might be including.

MR. BLUM: Well, there are many.

MR. MILLER: We have a MOTION by MR. BLUM, and I'm not sure what the MOTION is, MR. BLUM, because I don't know the exact number of people you're talking about or where they are. I know some of them.

MR. BLUM: I'm asking that these employees be considered as a part of the Classified service, why do we have --

MR. MILLER: Is there a second to that MOTION?

MR. BLUM: I'd just like to talk. Why do we have so many different types of employees? They are ALL working for the City of Stamford.

MR. MILLER: Because the policy decision was made to have them, and to not have them get all those benefits.

MR. BLUM: I mean, if we were an industry they'd work for one employer, and have all the same conditions. Here we are in the City of Stamford, we have different types of employees. Isn't it time that they became either classified service employees working for the employer called the City of Stamford?

MR. MILLER: Is there a SECOND to MR. BLUM'S MOTION? There is no SECOND to your MOTION, MR. BLUM. We'll go on.

MR. LOOMIS: With the indulgence of the Board, we only have two more recommendations. None are in this chapter, so if I could move on?

MR. BLUM: I don't know if I am in the right ball park, but I'm looking for that in which there is something under personnel. Yes, disciplinary action - Rules and Regulations, 735. They are part of the -- I don't know if we have a QUORUM anymore, they're all walking out. Well, anyway, they are part of the Civil Service Regulations. Why do they now become a part of the Charter?

MR. LOOMIS: MR. BLUM, could you repeat the question?

MR. BLUM: The disciplinary actions, the Rules and Regulations and the



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MR. BLUM: (continued) disciplinary actions that are spelled out from 1 to about 10 are now being placed into this Section 735, these are also part of the regulations. Why do we have to have these rules by which they can be disciplined?

MR. LOOMIS: MR. BLUM, what you are talking about is already in the Charter now. There are only two sentences that were changed in the Section that you are referring to, and all these things that you are talking about is not 1 through 10 actually. 1 through 14 are in the Charter right now.

MR. BLUM: What I'm saying is How many places do they have to have this?

MR. LOOMIS: I see no reason, if you have the same language in two places. If we could move on, MR. PRESIDENT. In chapter 73A, 73B there are no changes. Chapter 80 is a whole new section on conflict of interest. We found a whole series of problems with this chapter.

We met with the Charter Revision Commission and they frankly admitted they had problems with this. This is a model New York law which they sort of adopted, which was presented to them by their consultant, and, frankly was something of a compromise.

They are uncomfortable with it. We had discussed changes within the body of this Chapter and found that probably the changes would do little to really improve the overall intent and direction. And, finally agreed that it would be best to drop the entire chapter and really get at this issue through Ordinance and through hearings by the Personnel Committee and by the action of this Board.

And indeed certain issues discussed by this Board run contrary to the language of this new Chapter. So we kind of feel that this is one section we could be into MR. TYSON'S garbage can and give back to the Commission, so I so MOVE to delete this chapter.

MR. MILLER: MOVED and SECONDED. All those in favor say AYE, all opposed, NO. We'll take a DIVISION using the machine. The question is on deletion entirely of Chapter 80. The MOTION IS CARRIED 18 YES, 6 NO votes.

MR. HOFFMAN: POINT OF INFORMATION. If we indeed delete that entire --

MR. MILLER: Well, you still have the Board of Ethics.

MR. HOFFMAN: But I have a question to ask MRS. COSENTINI, may I ask the question? Unless you'd rather I didn't, in which case I'm going to go ahead and do it anyway.

MR. MILLER: MR. Hoffman, the question!

MR. HOFFMAN: I think that this is, you know, it is high time people ought to show a little respect for a fellow Board member. Don't interrupt when he is speaking, okay? I don't do it to you, you shouldn't do it to me. Am I to understand that if, INDEED we disregard this entire chapter -- I noticed



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MR. HOFFMAN: (continued) there is a Section 808 called the organization of the Board of Ethics. Do we eliminate that by the vote we have just taken to delete this entire chapter?

MR. LOOMIS: MR. HOFFMAN, we do NOT eliminate the Board of Ethics. We eliminate this entire Chapter and the language in this chapter which we feel is unworkable and in some cases incomprehensible and in some cases unintelligible. And in meeting with the Commission, after some questions, they sort of agreed with us.

Then we suggested, well, suppose this Board had hearings and looked into this whole matter in greater depth; then through its Personnel Committee, or whatever body we deemed appropriate adopt an Ordinance covering these issues in a timely matter, maybe this would be a better way.

They seemed to agree because this, and I'm not saying anything against the Commission, was adopted in some haste and it really is what we call "a model provision" from another state and wasn't completely thought out when it was introduced into this revision report.

MR. HOFFMAN: Thank you MR. LOOMIS.

MRS. SANTY: I would just like to say that I don't know why every time conflict of interest appears before this Board we're frightened of it. I just want to say, I agree in context in which MR. LOOMIS has to say, except that on page 806, Number 3, MR. SIGMORE and I moved this for an Ordinance last year and it was resoundingly defeated. So I feel that this isn't going to be passed, so I just wanted to comment on that.

MR. LOOMIS: I'm happy to report we have only one more chapter and one more recommendation. This is the Transition Provisions which take care of how we go from the present Charter to the new revised Charter. Section 903.2 explains the transition period which would take place between the new Golf Authority from the current Hubbard Heights Golf Commission and the Stamford Golf Authority.

MR. BLOIS very wisely pointed out to us that there were problems involved in the transition and a number of administrative details that were going to take some time to iron out. It was his suggestion that we AMEND this Section 903.2 to allow for 12 months to take place to transpire before the consolidation of these authorities take place to permit a getting together of the various administrative authorities and persons and commission members involved.

And we unanimously agreed with his suggestion, and moved therefore that 12 months be permitted between the date that this commission recommendation would be approved and the time it actually takes effect, and I so MOVE.

MR. MILLER: I just wanted to make a point here. I think the members should realize that that language Hubbard Heights Golf Commission apparently stayed on in the Charter, although the name had been changed to E. Gaynor Brennan.

So we have a MOTION made by MR. LOOMIS. Is there a SECOND to that MOTION? MOVED and SECONDED. Discussion.

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MRS. MCINERNEY: I'd like to ask MR. LOOMIS if any thought has been given on one point only. With the consolidation of the two Boards, you have one now that is considered autonomous and NOT answerable to us on their budget operating procedures or any budget accounting and the other one comes to us for a City budget. What will happen when they merge? Will they become one autonomous, or will they come to us?

MR. LOOMIS: They will come to us, MRS. MCINERNEY.

MR. BLUM: I've received calls on this particular item. I don't know if we're talking about the language. There are people who have taken objection to the fact that the Sterling Golf people will be left with 6 members as opposed to 3 from the E. Gaynor Brennan, and they take exception.

MR. MILLER: Well, that's not what we're dealing with, is it, on this MOTION, MR. LOOMIS?

MR. LOOMIS: Through you, MR. PRESIDENT to MR. BLUM, indirectly, that is what we are dealing with MR. BLUM. You see the Commission was quite aware of what you are raising. They tried all kinds of combinations to effectuate an equitable consolidation of golfing commissions.

They came up with what they considered the best compromise. MR. BLOIS has even come up with an even better one, because he is aware of the fact that some problems will exist immediately if we suddenly consolidate right after the voters approve this particular issue.

So, we are allowing 12 months for a gradual phasing in to take place and all necessary arrangements to make this consolidation work.

MR. BLUM: I would like to propose the change of this language that was given to me; that there be 3 from the Sterling Farms, 3 from E. Gaynor Brennan, and 3 public members appointed by Mayor and ratified by the Board of Representatives.

MR. MILLER: Don't we have to vote on yours first MR. LOOMIS? We'll vote on yours first. Will you repeat your MOTION MR. LOOMIS?

MR. LOOMIS: My MOTION simply, is to call for a 12 month period after this part of the Commission's report is approved and the time it actually takes effect.

MR. MILLER: MOVED and SECONDED. Discussion on this MOTION? We'll proceed to a vote.

MR. BLUM: I think it is a very wise idea to wait; possibly 12 months, but by waiting 12 months, what will the aim or the discussion to bring ABOUT this merger of the two, the Golf Authority, and the Golf Commission, what will be THEIR aim? Will they still be working on the same language that is here? What's going to be accomplished in the 12-month period?

MR. LOOMIS: I'd like to defer to MR. BLOIS.

MR. BLOIS: I didn't want to get into any lengthy discussions, but, being very active at the E. Gaynor Brennan Golf Course and very active at Sterling Farms,

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MR. BLOIS: (continued) there are a lot of problems. They have personnel problems; they have budget problems. They have monies they're expending right now, at Sterling Farms they're expending approximately \$170,000.

Now, their budget runs through June of the following year. They are an authority and they KEEP their monies. At E. Gaynor Brennan Golf Course, all monies go back to the general fund.

You have different salary scales at E. Gaynor Brennan than you do at Sterling Farms. There are so many problems, that I could talk on it for an hour if you wanted me to. But, the hour is late and it would be very wise for us to prolong this and give them time to get some in-house -- to get THEIR house in order between E. Gaynor Brennan and Sterling Farms, iron out their problems.

When the next budget comes they can get together and propose one budget for both courses. Then they would be operating out of the ONE budget instead of two budgets for a six-month period or so.

MR. WIDER: MOVE the question.

MR. MILLER: MOVED and SECONDED. All those in favor say AYE, all those opposed, NO. The MOTION is CARRIED. We're now voting on the MOTION made by MR. LOOMIS. All those in favor say AYE, all those opposed, NO. The MOTION is CARRIED UNANIMOUSLY. Is there anything else on this?

MR. LOOMIS: That concludes our report.

MR. MILLER: The CHAIR has one question, MR. LOOMIS. Is there anything else that the Committee intends to put into the report that we haven't voted on? Anything of a substantive nature?

MR. LOOMIS: Nothing of a substantive nature.

MR. MILLER: We have now, it seems, completed the work on Charter Revision for this period.

MRS. GOLDSTEIN: I would just have one observation. I think that the committee of the Board, the Charter Revision Committee, did a fantastic job under very trying circumstances; budget time and Board meeting time, and everything else, plus a limited amount of time.

They have my thanks, and I'm sure the thanks of every member of the Board. You did a wonderful job!

MR. SIGNORE: MRS. GOLDSTEIN said exactly what I wanted to say, and I agree wholeheartedly. I think the Committee did an excellent job. The input, the work they put into it was beyond belief. I mean, I think they worked very, very hard and I'm very, very thankful that they were elected to this Committee.



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MR. ZELINSKI: Just one point. I believe MR. BLUM had made a MOTION for something else regarding the membership of that new authority. Now where does that stand? We didn't VOTE on that.

MR. MILLER: We asked him to defer it and he didn't make the MOTION a second time.

MR. ZELINSKI: Do you want to make that MOTION, or where does it stand? I wanted to VOTE on that MR. PRESIDENT.

MR. BLUM: I asked you the question, where does it stand? In other words, in the 12 month delay of this are they going to be considering who will make up the Commission, or does this still stand, the language that's here?

MR. LOOMIS: The language STANDS, MR. BLUM. As I said before, the Commission went through an exhaustive process of how best to consolidate these groups. And it was MR. BLOIS' suggestion that we allow a year to take place to affect this consolidation in a proper and a timely manner. The language stands with exception of the addition of the YEAR before it actually goes into effect.

MR. MILLER: We've completed the business. There are no MOTIONS on the floor.

MR. BLUM: I would like to make a MOTION then, to the effect that when they're considering, in this 12 month period, as to the make-up of the new Commission, that 3 members come from E. Gaynor Brennan; 3 members or former members of the Sterling Farm Authority will BE members. And there will be 3 NEW public members of the Golf Commission appointed by the Mayor and approved by the Board of Representatives.

MR. ZELINSKI: I'll SECOND that.

MR. MILLER: MOVED and SECONDED.

MR. BAXTER: I don't want to steal MR. LOOMIS' -- you wanted to talk of this, but, I'd like to. There are a couple of things that I hope in consideration of MR. BLUM'S MOTION that we all keep in mind. Let me point out what they are: first is that one of the goals of the Charter Revision Commission was NOT to have a Commissioner that was appointed for a term, thrown out of the job when this Charter Revision takes effect.

Now, with that goal in mind, the mathematics don't work out to be able to do what MR. BLUM suggests, without taking 3 members and kissing them off, and saying thank you for your 1 year or 1½; we know you had 5 year term, but we'll see you; that's the FIRST thing.

The second thing is that if the intent is to protect BOTH golf courses from being overwhelmed by one, rather than the other, the control was felt by the Charter Revision Commission, and by your committee, that we have by-lined budgets.

We have a budget that we can appropriate money from for ONE of the courses, and other money for the other course. We have the control right here to make



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MR. BAXTER: (continued) sure that the Commission doesn't put its entire budget on the 9th HOLE of the E. Gaynor Brennan Golf Course or anywhere else that we can make sure it is fairly treated. I think that takes care of the problem; the fears of some of the people.

And, I would recommend that you DO NOT vote with MR. BLUM; that you vote DOWN his AMENDMENT.

MR. ZELINSKI: Very quickly, I would just like to read a letter which I received, and I'm sure ALL the Board members received also, from MR. TONY MAMMONE, Chairman of the E. Gaynor Brennan Golf Board.

"It is brought to our attention that among the Charter Revisions is the establishment of ONE golf commission to oversee BOTH the Sterling Farms, AND the E. Gaynor Brennan Golf Courses.

We agree this is a vital and necessary change. However, we feel a DIVISION of members for such a Commission, as proposed under this Charter Revision, that is, 3 representative members for E. Gaynor Brennan, and 6 representative members for Sterling Farms is most inequitable.

If this were to be the case, E. Gaynor Brennan would be out-voted on every issue. The apparent unfairness of this is obvious. If the proposed commission would be formed by 3 members representing Sterling Farms and 3 members representing E. Gaynor Brennan, plus 3 non-partisan members from outside, we feel the public would be better served with complete impartiality.

MR. LOOMIS: I would just like to support what MR. BAXTER said. The letter that MR. ZELINSKI has read is nothing new. It was presented to the Commission the FULL Commission about 4 months ago. They discussed it fully in two meetings.

We discussed it with the Commission in ONE meeting. We then discussed it among ourselves, so I would hope that we could defeat the motion that MR. BLUM has presented to us.

MR. SIGNORE: MOVE the question.

MR. MILLER: MOVED and SECONDED. All those in favor say AYE, all those opposed, NO. The MOTION is CARRIED. We'll now proceed to a vote on MR. BLUM'S MOTION. All those in favor say AYE, all those opposed, NO. The CHAIR is in doubt. We'll take a DIVISION.

The MOTION is LOST. There are 7 YES votes, 16 NO votes. Is there any further business MR. LOOMIS? If there is no objection, the meeting is adjourned.

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MR. MILLER: There being no further business to come before the Board, the CHAIR declares the meeting ADJOURNED at 12:45 A.M.

Helen M. McEvoy  
Helen M. McEvoy, Administrative Asst.

APPROVED:

Frederick E. Miller, Jr.

Frederick E. Miller, Jr., President  
14th Board of Representatives

DP et al