

MINUTES OF JUNE 15, 1977 SPECIAL MEETING

14th BOARD OF REPRESENTATIVES

STAMFORD, CONNECTICUT

A SPECIAL MEETING of the 14th Board of Representatives of the City of Stamford, Connecticut, was held on Wednesday, June 15, 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 8:30 P.M., after both political parties held a short political caucus in their respective rooms.

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by President Frederick E. Miller, Jr.

ROLL CALL: Clerk of the Board Sandra Goldstein called the Roll, there were 31 members present and 9 absent. The absent members were:

Marie Hawe	George Baxter
John Wayne Fox	Donald Sherer
Joseph DeRose	Leo Carlucci
Jeremiah Livingston	John Sandor
- Peter Walsh	

The President declared a QUORUM.

CHECK OF THE VOTING MACHINE: President Miller requested the members to test the voting machine and it was found to be in good order.

CALL OF THE MEETING:

Mr. Miller said this meeting was called to consider two items on the agenda: (1) To consider a resolution for application for Connecticut Commission of Arts Grant; (2) To consider and act upon the final report of the Tenth Charter Revision Commission. Mr. Morgan, Fiscal Chairman, would proceed, as soon as the CALL of the Meeting was read:

"I, FREDERICK E. MILLER, JR., PRESIDENT of the 14th Board of Representatives of the City of Stamford, 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:

WEDNESDAY, JUNE 15, 1977 at 8:00 P.M.

in the Legislative Chambers of the Board of Representatives, Second Floor, Municipal Office Bldg., 429 Atlantic St., Stamford, Conn.

for the following purpose:

To consider and act upon the FINAL REPORT of the 10th CHARTER REVISION COMMISSION, and to act upon proposed Charter changes to be submitted to referendum at the next general election."

FISCAL COMMITTEE - Michael G. Morgan

MR. MORGAN: The Fiscal Committee did not have an opportunity to meet , so in order to consider this item we'll have to move for a Suspension of the Rules.

MR. MILLER: You may make a Motion to Suspend the Rules.

MR. MORGAN: I so MOVE.

MR. MILLER: MOVED and SECONDED. The Motion to Suspend the Rules is CARRIED UNANIMOUSLY.

MR. MORGAN: Mr. President, this is really a very simple matter. It's something that we've done many times on this Board, which is to give the Mayor the Authority to apply for a grant. There's no money involved, we'll approve that at a later time. We'll have an appropriation that would have to be approved by both the Board of Finance and the Board of Representatives, but what we have in front of us now is a resolution that would enable the Mayor to make an application to the Connecticut Commission on the Arts and the resolution's wording as suggested by Commissioner Hadley is that "resolved that Mayor Louis A. Clapes of the City of Stamford is hereby granted the power and authority to execute and supervise agreements with the Connecticut Commission on the Arts, the Connecticut Foundation for the Arts and all other organizations in connection with grants in aid to the City of Stamford" and with those words in mind I would MOVE for the approval of this resolution.

MR. MILLER: MOVED and SECONDED. Discussion.

MRS. PERILLO: Through you I'd like to ask Mr. Morgan, did you say later on they will be coming in for money? For what?

MR. MORGAN: We have to approve formally the \$9,250 that hopefully we'll get from the State and that, like every other grant that we receive, must be approved by both the Board of Finance and the Board of Representatives. This just gives the Mayor the authority to apply for that money.

MRS. PERILLO: Will there be any City monies that will be given?

MR. MORGAN: Not according to this resolution, although I do understand that the budget is for \$10,000 which is \$750 as a City contribution. That matter we can deal with when the appropriation request comes down.

MR. MILLER: We'll proceed to a vote. The MOTION is CARRIED UNANIMOUSLY. There are now 31 members present.

RESOLUTION NO. 1101

AUTHORIZING THE MAYOR TO APPLY FOR GRANT AND
TO EXECUTE AND SUPERVISE AGREEMENTS WITH THE
CONNECTICUT COMMISSION ON THE ARTS, ET AL.

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

The Mayor of the City of Stamford is hereby authorized to file applications, and is hereby granted the power and authority to execute and supervise agreements with the Connecticut Commission on the Arts, the Connecticut Foundation for the Arts, and all other organizations in connection with grants-in-aid to the City of Stamford.

Section 10-370 of the Connecticut General Statutes applies to this grant application.

MR. MILLER: At this time we will move on to Item #2. The Chair would like to note for the record, that dealing with Item #2, we are following Section 7-191 of the General Statutes of the State of Connecticut and the Chair is guided also by an opinion issued July 1, 1969 to the then President of the Board, Mr. Fusaro by Ronald Schwartz, Assistant-Corporation Counsel, and also by an opinion from Mr. Schwartz addressed to the present President of the Board dated January 15, 1977 and he makes reference to an opinion issued September 22, 1969 to Mr. Clapes, the then Town Clerk, and that opinion was also written by Mr. Schwartz.

There has been some discussion and some study about how to proceed this evening. The Chair would like to state at the outset that it would appear at this time that it is not necessary this evening to determine whether Charter Revision should go to the electorate at their a Regular Election, or a Special Election.

We don't have to choose between the Special Election or the Regular Election this evening. Similarly we do not have to choose tonight how to break up the referendum questions if indeed we wish to break up the questions rather than present one package to the Stamford voters. So those two questions may be held in abeyance. Tonight we do have an obligation to take final action on the substance of Charter Revision itself.

MR. MILLER (continuing):

However, we don't have the opportunity at this date to be creative or to come up with something new. We are basically dealing with those matters from the Charter Revision Commission. The meeting will be run by asking Miss Nizolak who Chairs the Charter Revision Committee of the Board to make motions on behalf of the Charter Revision Committee. The Chair will make special mention at this time of that Section of the Connecticut General Statutes, Section 7-191, which reads in part and I'm quoting: "within 15 days (and I'm leaving something out) the appointing authority by a majority vote of its entire membership shall either approve the proposed Charter amendment or amendments or home rule ordinance or amendment or repeal of a home rule ordinance or reject the same or separate provisions thereof" and it mentioned a majority vote so we do tonight, to take in the action, have to have 21 votes, a majority vote of the appointing authority, in this case, the Board of Representatives.

The Chair would suggest that, so we could all understand what we're doing, that it would make procedures much smoother this evening if we could approach everything in terms of a positive vote; in other words, if you are for something vote yes, if you are against vote no, and if any proposal put forward fails to get 21 votes then there is no action by this Board. So you need 21 votes for approval.

MR. HAYS: POINT OF INFORMATION, Mr. Chairman. If there's no action by this Board, is that tantamount to holding the particular item in Committee, or does that let it pass on through?

MR. MILLER: I would say that if there is no action, then that matter could not go to a referendum.

MR. ZELINSKI: Regarding what you said^{at} the beginning of your statements as far as tonight we will not be concerned with if there would be a special election or not and also the fact of how we would be presenting these changes to the Public, at what time in the future will we be deciding that, if at all?

MR. MILLER: There is a serious question, Mr. Zelinski, as to whether or not this Board has control over how these matters go on the ballot. There's no question the Board can control whether the matters go to the Public via a special election or the route of a regular election. There seems to be some question about our control over the way the questions might be broken up, but it does appear that there will be cooperation between this Board and the Town Clerk, and I don't foresee any problem. Mr. Loomis, one of the members of the Committee, has studied this matter. I'll call upon Mr. Loomis.

MR. LOOMIS: Through you, Mr. Miller, to Mr. Zelinski, I talked today to the person who's head of the municipal division of the Connecticut Public expenditures council and it is their experience in dealing with many other communities throughout the State that this is a function usually handled informally by the Committee or by a few members of the Board or the City Council or whatever the Legislative body is called in the respective municipality to sit down and discuss with the City Clerk how the question would be worded, because it might be and it has been the case in some municipalities where the City Council has written out the questions and then they've found that they just can-

MR. LOOMIS: (continuing)....not fit them on the ballot, so you have to develop a relationship with the City Clerk in order to do this successfully. It was the opinion of the Committee last night that we would in a rough sort of fashion come back to this Board and report how we would group the questions and in a rough manner order them and of course we would continue to negotiate or work and sit down with the City Clerk to determine the final, exact, precise wording on the ballot. A last point is that the statutory language in the home rule law is silent on this issue, so in point of fact there is no requirement that this Board officially passes on the exact language that goes on the ballot in some point in the future.

MR. BLUM: I would like to have a little clarification on the fact that you said, if there wasn't 21 votes on a particular item that went for a no vote, wouldn't that mean that the Commissions, whatever they took up for that particular, would go through?

MR. MILLER: No.

MR. BLUM: Why? I would like to know.

MR. MILLER: Because we are the appointing authority and we are the people who have to take the final action and have a majority of the total number of our body vote approval, which in our case is 21 votes. We have to take up everything; the Chair would suggest that there could be one motion to include several matters. I don't know exactly how the head of the Committee is going to approach this, but we have to take action approving only the changes, only the matters that we sent back to the Charter Revision Commission, not every matter that the Commission proposes to change. In other words we're not going to re-explore any matters that were considered at the last Special Meeting on Charter Revision and not sent back to the Committee.

MR. RYBNICK: There must have to be some interpretation of these laws, because at the last Charter Revision, and you say about breaking it down to individuals, we had to at the last Charter Revision, accept the 45 proposals or turn them down in one lump.

MR. MILLER: Because nobody took action to break them down.

MR. RYBNICK: Yes we did; we queried it and we were told at the last Charter Revision, we must, because there's too many of us, 45 proposals last year and we were told we had to accept them as one group because there were too many to put on the ballot. And we tried to break it down and there was no way. We were told we had to accept it as one.

MR. MILLER: That's not true and the Chair looked at the minutes of the meeting similar to this one which was held in 1969 and no action was taken at that meeting.

MR. ZELINSKI: In response to my questions which you had Mr. Loomis answer, I would like clarified through you or Mr. Loomis, the fact that if we are going to determine on a later date how this is going to be presented to the Public, I would like to determine--my feeling is that there are some items that I feel are a little more controversial than others and the Public should be given the opportunity to vote for or against certain items on that.

MR. MILLER: We can raise that issue at the end of the meeting, Mr. Zelinski. We will now proceed with the report of the Committee. Miss Nizolek.

MISS NIZOLEK: Sounds like we're into heavy debate already and took most of my introduction away. But we intend this evening to consider and act upon the final report of the Tenth Charter Revision Commission and act upon proposed Charter changes to be submitted to referendum to either the next General Election or a Special Election which will be determined at the end of this meeting or shortly in the future.

The Charter Revision Committee met last night. We had a quorum of the Committee and attending were: Mr. Loomis, Mr. Blois and myself. We'd like to review only the final recommendations this evening with the view that Messrs. Loomis, Baxter, Blois, and Mrs. Howe had reviewed the entire Charter with the Board during two prior intensive exhaustive sessions, I understand. The time-frame allowed to us as well as the Commission has been very tight but it is hoped that tonight we'll just concentrate on the Board's recommendations made to the Commission and their responses to us and our acceptance and rejection of same.

Mr. President, I'd like to suggest a continuing motion to approve the final report as submitted by the Charter Revision Commission dated June 2, 1977. I will bring to the motion to accept the proposed change during each question. Is that understood now? We're going to vote everything out favorably.

MR. MILLER: Yes.

MISS NIZOLEK: I think we'd best start perhaps with miscellaneous technical changes, unless there's opposition to that, which in Mr. Mackler's June 2nd letter is toward the end. I'll tell you how I'd like to arrange the paper work and I hope you all have it--is the final report of the Charter Revision Commission which is dated June 2, and then of course you received a packet with only the changes and then I am referring to Mr. Loomis' letter of May 6, which contained our Board's recommendations and Mr. Mackler's letter to Mr. Miller, dated June 2, which contains the Commission's response to our recommendations and if we look at Mr. Mackler's letter of June 2, on page 5, we can look at the miscellaneous recommendations. I think at this time, does everybody have your paperwork? Do you think we ought to review each one of the miscellaneous details and recommendations, or shall we just move to accept them as suggested and accepted by the Commission?

MR. MILLER: There's a motion made to accept them.

MR. LOOMIS: May I say that these were grouped by me when I submitted the report to the Commission because they were largely spelling errors, grammatical errors, where they had mistyped something, and they're very highly technical and in no way are substantive recommendations so I would, if the motion was not seconded; I'd second the motion to approve all of these in entirety because they're very technical and have no substantive bearing on the overall report.

MR. MILLER: MOVED and SECONDED to approve these various technical changes, Miscellaneous technical changes. If there's no further discussion, we'll proceed to a vote. The MOTION is CARRIED UNANIMOUSLY.

MISS NIZOLEK: Now we can go to the substantive recommendations. Mr. Mackler's letter of June 2, Page 2. The first item is Chapter 6, Condemnation of Land.

MISS NIZOLEK: (continuing)....Apparently the Commission went along with our suggestions so the Committee reported out in favor.

MR. MILLER: MOVED and SECONDED. Discussion? There's no discussion. We'll proceed to a vote. The MOTION is CARRIED UNANIMOUSLY.

MISS NIZOLEK: Item #2 Board of Representatives. The Commission, in their good judgment, decided to change it to our recommendations and the Committee voted out in favor.

MR. MILLER: MOVED and SECONDED. The MOTION is CARRIED UNANIMOUSLY.

MISS NIZOLEK: Item #3 Appointment of Police and Fire Chiefs. This is Mr. Mackler's letter of June 2, Section 41, Chapter 40. The Commission again has gone along with our recommendations and the Committee voted out in favor.

MR. MILLER: MOVED and SECONDED. The MOTION is APPROVED UNANIMOUSLY.

MR. WIDER: Could we take up Section 410, please?

MISS NIZOLEK: May I ask the purpose of that, Mr. Wider?

MR. WIDER: For the deletion of a paragraph.

MISS NIZOLEK: Well perhaps we should do that at a later point.

MR. MILLER: Are we trying to get into something that was not involved in the report back to the Charter Revision Commission? We can't do it, you know, if it wasn't something that we sent back to the Commission. So our role tonight is more limited than it was at the last Charter Revision meeting.

MISS NIZOLEK: I'm sorry, but that should have been brought up at the former Board Meeting. Item #4, Mr. Mackler's letter dated June 2. Auxiliary Police. It would be under Chapter 43. There's no action on that. As you can see, self explanatory in the letter, and it's unfortunate but there were no guidelines and provisions in the State Statute so the Commission thought extra time should be taken into consideration for good fulfillment of this.

Item #5, Police and Fire Department. That is Chapter 43, under (a). The Commission did not accept our recommendation to eliminate the age requirement for appointment of policemen and firemen. As it has not been able to find any Court Decisions holding such requirements to be unconstitutional. There is and can be a reasonable basis for the age requirement. The present conditions of the Charter limiting the appointing age to 36 should be retained. Actually we had two abstentions and one for this in our committee. Can I possibly defer to Mr. Blois to clarify some.

MR. BLOIS: I think that there are certain cases where if it's job-related I think an age limit should exist and I think in the Police Department if we were

MR. BLOIS: (continuing)... to hire people that had passed the test that we had given at age 45, 48, 49, 50, I think it would be a big mistake though. This is pretty much job-related so I think the age of 36 should be a limit.

MR. MILLER: Proceed, Miss Nizolek.

MISS NIZOLEK: In essence we have no report on this particular item. Should there be any discussion on this.

MR. MILLER: Mrs. Cosentini.

MRS. COSENTINI: At this point can we eliminate just the age from that paragraph, without touching the rest of the paragraph? In other words, now that we have this whole section altered, it's a whole really changed section; everything is underlined in it back from the Charter Revision Commission, can we delete just those words from their proposal? We don't have to change the whole section. In other words, we wouldn't revert back to the whole old section if we altered that, would we?

MR. LOOMIS: First of all, we cannot go in and revise and change a few words as Mrs. Cosentini suggested. I know you're posing a hypothetical case and not genuinely offering a motion here. If indeed, we were to take out an entire section, changing the sense of this proposal that they're recommending to us, it would revert back, then, to the current language of the Charter, which I believe calls for a 32-year age restriction, which in effect, poses the same problem that the 36-year age restriction poses. We're talking about perhaps a Court coming here saying that this is discriminatory and consequently knocking the thing out. So if we remove this, we're still going to be in the same box, so I don't think it would be wise to make any change here.

MR. SIGNORE: I just had the question of whether it's a "discrimination because of age" issue, and if so, I don't think it should be in the Charter. I think we are conscious of other discriminatory practices and that this is another one of them. I don't think we should have it in the Charter itself.

MR. MILLER: Do we have a motion on the floor? We don't have any motion.

MISS NIZOLEK: I would MOVE that we keep it as presently stated in the Charter.

MR. MILLER: MOVED and SECONDED. We'll proceed to a debate on that.

MR. LOBOZZA: I was going to ask you if a motion was in order, and I was going to make the same motion as Miss Nizolek, so I pass.

MR. BLUM: I have a very good example: a man can come from a Fire Department or a Police Department at the age of 45 years old and can have ten years' experience, and comes to this city as a highly-experienced patrolman or fireman, and he takes a test for patrolman, and because of his age, the Charter would knock him down, yet he's experienced personnel. I feel age should be removed from the Charter which would deny experienced personnel who might want this job.

MR. HAYS: MOVE the QUESTION.

MR. MILLER: MOVED and SECONDED. The MOTION is CARRIED UNANIMOUSLY. We'll proceed to a vote.

MR. ZELINSKI: POINT OF INFORMATION. I had my hand up but apparently wasn't seen, so we'll let that go by, but as this motion reads ~~Now~~, if we approve the motion on the floor now, is it my understanding that it will revert back to the Charter which says that the age of 32 is the last age at which anyone can take a test for a police or fireman in Stamford? Mr. President, is that correct?

MR. MILLER: 36 is the limit for appointment.

MR. ZELINSKI: I asked a question. Is it 32 or 36? That's what I'm trying to determine from you.

MR. MILLER: I believe the 31 and 32 deal was taking an exam, and 36 deals with appointment.

MR. ZELINSKI: So which is this motion on, appointment, or taking the test, Mr. President?

MR. MILLER: The entire package, Mr. Zelinski. We had a motion. We'll take a DIVISION, using the machine. The MOTION is CARRIED with 27 YES votes, 4 NO votes. Let Mr. Blum be recorded as a no vote.

MISS NIZOLEK: Letter (b) under 5, Police and Fire Departments. The grandfather clause which you recommend is covered in Section 903 and therefore no separate clause is required. There's no action on that.

(c) Clarification of language permitting non-resident electors to apply for positions was adopted in Section 43 (b) and 441 (b) and we would like to vote this out favorably.

MR. MILLER: MOVED and SECONDED. The motion is carried unanimously.

MISS NIZOLEK: (d) Section 431 (c) was clarified to spell out who shall appoint Special Police and that was changed, so there is no report.

MR. MILLER: Well, we do have to vote on it. There's a motion. Moved and Seconded. The MOTION is CARRIED UNANIMOUSLY.

MISS NIZOLEK: #6 Law Department, Chapter 45. Powers and Duties of the Corporation Counsel. The Commission sought not to change, so, therefore, there is no action.

MR. MORGAN: What was the Committee's vote on this?

MR. MILLER: There's the report of the committee SA.

MISS NIZOLEK: Well in essence we're just deleting the fourth sentence within the Section. And it couldn't be changed.

MR. LOOMIS: The Committee had recommended to the Commission to delete the sentence. I believe it was the sixth sentence in this Section, Section 450.

MR. LOOMIS: (continuing)...And the sentence, if I can find it here entitled Officers, Boards, Commissions, Agencies, Authorities etc., to take on counsel. It was the feeling on the part of the Commission, by a vote of 3-5, that this sentence should not be deleted. It was the feeling of our Committee that we should give greater freedom to the various agencies in hiring other counsels. They did not go along with us. There's nothing we can do and so consequently we took no action last night when the Committee met.

MR. MORGAN: Mr. President, now let me see if I understand this. What the Charter Revision Commission has recommended is that Boards and Commissions can handle their own outside counsel and it is also the opinion of the Charter Revision Committee that that is proper and so the Committee Report is that Boards and Commissions can hire outside counsel. Is that what Mr. Loomis said?

MR. MILLER: I think Mrs. Goldstein can interpret this.

MRS. GOLDSTEIN: That's not the way I interpret it, Mr. Morgan. As a matter of fact, the way I interpret it is just the opposite. Based on the current Charter, the language in the current Charter and the language as it's clarified by the Commission, the Commissions and Boards cannot hire outside counsel and must use the offices of the Law Department. We had recommended last month when we met that this be deleted and that the freedom be given to Boards, various Boards and Commissions to hire their own counsel and this was rejected by the Charter Revision Commission.

MR. LOOMIS: Mr. Chairman, can I read specifically the sentence? In the report it says the Officer, Departments, Boards, Commissions, Authorities, Agencies and Employees shall not employ other counsels. That's the way it stands now. We voted to take no action on this so this remains in the Charter, Mr. Morgan.

MISS NIZOLEK: Is there any other discussion on that? No change. B-Section 452 was changed to include standing committees' chairpersons among those permitted to request opinions and the Commission went along with us. And therefore it stands as changed. Yes, we had to vote on it. 20 voted in favor.

MR. MILLER: MOVED and SECONDED. The MOTION is CARRIED UNANIMOUSLY.

MISS NIZOLEK: Item #7, that's Chapter 48, Department of Finance. Section 487 was not changed since the language was intended to and does permit qualified private sector engineers or firms to provide test borings for construction projects. The City Engineer is not prescribed by that Section to any particular method of obtaining such borings. Our Committee voted in favor and we so MOVE.

MR. MILLER: I don't think we have to vote on that, Miss. Nizolek. Nothing was changed. We can move on to #8 then.

MISS. NIZOLEK: #8, Department of Traffic and Parking. That's Chapter 49. Our recommendation was add language permitting the five commission members to appoint alternates to the Commission. Apparently the Commission rejected our recommendation. And so, therefore, our Committee took no action on these particular items.

MR. BLUM: The way it stands now it's the Mayor....

MR. MILLER: Well we don't have any motion, Mr. Blum.

MR. BLUM: I'd like to make a motion that the changes put in by the Board of Representatives at the last Charter recommendations be included in Chapter 49 on Traffic and Parking. Is that the motion?

MR. MILLER: That's not a permissible motion.

MR. BLUM: Mr. President, I'd like to ask you...

MR. MILLER: We move to reject the whole thing.

MR. BLUM: Well, I don't wish to reject the entire item. How do we put back the items that this Board wants in?

MR. MILLER: We don't.

MR. BLUM: We do not?

MR. MILLER: We don't.

MISS NIZOLEK: You'll have to make a motion on that.

MRS. GOLDSTEIN: POINT OF INFORMATION, Mr. President, the only way we would need it, as I understand it, the only way we would need a motion for something here was if we decided that because we disagreed with what the Commission did with relation to accepting our suggestion we wish to cut down their entire proposals. If that is anybody's desire, then we could have a motion; otherwise, we have nothing we can do.

MR. MILLER: There's no need for any motion.

MR. ZELINSKI: Just a POINT OF CLARIFICATION. Through you to Miss Nizolek, what did our Board recommend for that particular section that we wanted changed? That they did not recommend?

MISS NIZOLEK: Just add language permitting the five commission members to appoint alternates to the Commission, and if you've read Mr. Mackler's letter he thought that the appointment of the alternates would result in the dilution of the participation and the contributions of the members themselves which I think is something you really can't argue with.

MR. ZELINSKI: If we reject, or I guess there has to be a motion, otherwise we can't do anything with it. Is that correct, Mr. President.

MR. MILLER: You have to make a motion. We'll proceed to item #9.

MR. BLUM: If you would be rejecting that, you would only reject Section 492. Is that correct? Not the entirety of the Chapter 49, Department of Traffic and Parking?

MR. MILLER: That's right, yes. We'll, we're going to proceed with the report.

MISS NIZOLEK: No action was taken because of the tie vote by the Commission.

MISS NIZOLEK: Item #10, Sewer Commission, Chapter 51 A, Section 515. Notice of public hearing shall be published in the daily newspaper. Affected property owners shall be notified by certified mail, return receipts requested. The Commission went along and accepted our proposal.

MR. MILLER: You're moving that we approve that? MOVED and SECONDED. The MOTION IS CARRIED UNANIMOUSLY.

MISS NIZOLEK: I'll give you a little more time to look at the papers. Do you want to go to (b) now under Sewer Commission? The recommendation that affected property owners be notified by certified mail of the public hearings is rejected by the Commission by a vote of 12 to 2, for the reason that the determination of those who would be considered an affected property owner would be difficult. And the Commission does not wish to create legal loopholes and ambiguities which would provide a basis for attacking the legality of the Commission's action if a party were not notified by certified mail, etc. Well, the Sewer Commission is Chapter 51 A, Section 515.

MR. BLUM: I would like to ask a question, through the President to the Chairman of the Charter Revision Committee, isn't this in conflict with Chapter 6 in regard to condemnation of land? One says you can. the other one says you can't. Aren't they in conflict; two parts of the Charter are in conflict with each other?

MR. MILLER: Well, I don't know whether anyone cares to respond to the question, Mr. Blum.

MISS NIZOLEK: I think this question should have been brought up, was brought up.

MR. LOOMIS: They sent it back to the Commission. Now they chose not to accept the recommendations of this Board.

MISS. NIZOLEK: But was it submitted to them in comparison to the question you have in Chapter 6. I didn't interpret it that way.

MR. LOOMIS: Mr. Miller, could I through you to Mr. Blum? Mr. Blum, you're quite correct. Right here in our recommendations we indicate that affected property owners shall be notified by certified mail, return receipt requested. We did with the full Commission discuss this. It was the feeling of the Commission that in the statutory language, we're talking about Connecticut Statutes governing condemnation procedures etc., that property owners were protected; and furthermore if they were to change the language, they might create problems as you see they've indicated here in their explanation of why they did not accept our recommendation.

So your're making some good points but the problem is that we cannot add the language we recommended so I don't see any reason to continue the debate because we can do nothing about what they recommended. We can do nothing at all and that's why last night the Committee took no action. That is why on this floor of the Board right now we can take no action to remedy your grievance, Mr. Blum.

MR. BLUM: If a motion was made to delete the entire thing, what do we have?

MR. MILLER: You can't make a motion to delete anything. You can make a motion to reject.

MR. BLUM: Well, the question is if a motion was put up to reject the Commission's recommendations, what are we left with in the Charter? In regard to the Sewer Commission?

MR. MILLER: You're left in the Charter with what you have now, and it would seem that the practical result of 21 votes to reject would be that that would permit a Citizen or a group of Citizens to try to get this matter on the ballot through the referendum procedure which is outlined in the State Statutes. I think we'll proceed with the report.

MISS NIZOLEK: Number 11 on page 4 in Mr. Mackler's letter, Board of Recreation, Chapter 54, Section 540.1, Powers and Duties of the Board of Recreation. The Committee voted out favorably for this and I so MOVE.

MR. MILLER: SECONDED by Mr. Blois.

MRS. COSENTINI: I feel that that power is too sweeping when it says "be responsible for the control and direction of all activities at public recreation areas, public playgrounds, ball fields." I have no objection to the first part of that. I would like to only delete the second sentence of their recommendation and I don't know if we can make such...she's made a motion to accept the entire recommendation; therefore I guess we have to vote it all or nothing? I'll have to vote against all of it, then, in that case.

MR. LOOMIS: I would like to speak in favor of this issue. This is one of the few recommendations we made which not only did the Commission go along with, but in our meeting with them praised us for bringing this issue up which did not come to their attention. What we're doing, and Mr. Blois says, a long-time Chairman of Parks and Recreation, can speak to this on separating out functions.

We're saying the Park Department should take care of the parks. Recreation should take care of recreation activities. These two activities are not similar and they require different staff. They require a different philosophy of management and we're separating them out. We're saying that Recreation people should take care of the recreational areas; the Parks should take care of the trees and those park areas. The Commission agreed with us and so I would hope that the entire Board would support this which was originally added by Mr. Hays in our deliberations a month ago.

MISS NIZOLEK: On page 4 of Mr. Mackler's letter, Park Commission, Chapter 59, Section 595.1, we suggested added language deleting authority of the Park Commission to establish, construct or maintain ball fields. Our Committee voted in favor of this and I so MOVE.

MR. MILLER: I don't think there can be any vote taken, Miss Nizolek.

MR. LOOMIS: There's no action on this one.

MR. MILLER: On #12. We'll proceed to #13, Education Budget.

MISS NIZOLEK: Item #13, Education Budget, Chapter 61 under Budgets and Appropriations, Section 615. Our recommendation is to delete the Mayor's authority

MISS NIZOLEK: (continuing)...to review, accept and/or reduce the Board of Education Budgets and delete new language allowing the Board of Education to accept Federal grants without the Board of Representatives' approval. The Commission, as you know, had a tie vote and therefore our recommendation was not adopted by the Commission. Our Committee voted out in favor and I so MOVE.

MR. MILLER: The Committee is voting in favor of accepting the report that the Mayor should have this power over the Board of Education Budget. I think this is a procedural matter.

MR. LOOMIS: Yes, could I speak to this issue? The Committee agreed to vote out, for purposes of allowing a full discussion in favor of the Commission's recommendation to give the Mayor this power. It is our view that the Board should not go along with this, but this is our motion to move it out on a favorable basis. The MOTION'S been made, and I don't know if there's a second.

MR. MILLER: We understand what we're voting on. We're voting on this question which would be presented to the voters. Should the Mayor be given this role in the development of the Board of Education Budget? A yes vote for; a no vote against.

MR. MORGAN: Mr. President, could you clarify this for me because it seems that in every other instance the Commission's recommendation has been accepted by the Committee, there's been no vote, but now in this instance there's going to be a vote. You're changing horses in mid-stream?

MR. MILLER: No.

MR. LOBOZZA: They're saying there's no change. This is a Charter change recommended? Am I not correct?

MR. MILLER: We're recommending a change in the Charter, yes. If this gets 21 votes tonight, it goes on the ballot; if it fails to get 21 votes, it does not go on the ballot.

MR. RAVALLESE: Well, why is it 21 votes now?

MR. MILLER: Because that 's in the State Statutes.

MR. HOFFMAN: Thank you, Mr. President, I would like to speak in favor of this recommendation and the reason I feel that our Board should adopt this recommendation is because the Board of Education over the years has in many, many instances acted irresponsibly. There is no question in my mind but what the majority of our tax dollars go to education. This Board has very little control over it because we are not able to delete anything or cut any items out of that on a line-by-line basis as we are in other departments.

I believe we have seen on many occasions where the Board of Education has come to our Committee Meetings, have perhaps not given us the full truth; I'm not saying they lied to us, but I don't think they really gave us the full truth about certain items. There is no question in my mind but what this Board and perhaps any other Board, regardless of what size it might be, whether it be a twelve-member Board or an even larger number on this Board, and Heaven forbid that. In any

MR. HOFFMAN: (continuing)...event I seriously question whether any size Board could possibly delve into the Board of Education's Budget and make serious and sensible cuts or additions or deletions in that particular budget because I believe that we have seen where so many times things have been shuffled around from one account to another, and no one seems to really have a handle on this, and my recommendation is for the Mayor's department to have a look whereby they could oversee this budget.

I believe that the Mayor would have the staff with his Finance Commissioner and the other people with the IBM records, the Purchasing Agents and the various other people, that he could look at this and perhaps then sensibly either accept or reject the Board of Education's Budget and thereby control the taxes somewhat in this town; in this instance and I think we have seen over the years where taxes are going out-of-sight; there is no end to this escalation in property taxes and I firmly believe that this town shall be filled with either very wealthy people or very, very poor, and the middle-income people are just going to have to leave because they have no recourse. They are not able to afford the rents and the taxes that are here and therefore I would strongly urge every member of this Board to reconsider their commitment and vote affirmatively for this particular recommendation. Thank you, Mr. President.

MR. BLUM: I have been deluged by a new organization. Constituents of mine and the Stamford Taxpayers League. I've received numerous calls, one way and the other, and I feel those people who are going to get this tax increase are looking for some representation, some outlook in where someone else has control of this matter of the Board of Education Budget. I do not make very elegant speeches at times, like others, but I have been thinking this over quite seriously.

We have a revolt amongst us in Stamford in regard to the new tax increase that is coming upon us July 1st. I think the time has come in which we must make serious thoughts in regard to this Board of Education Budget. I wholeheartedly agree with my colleague, Mr. Hoffman. We are going to be either the real affluent or the real low; the middle-income person is being gradually driven out from this town; the time has come to decide. Thank you.

MR. ZELINSKI: I, too, would agree with the two former speakers, Mr. Hoffman and Mr. Blum. I have received numerous phone calls on this particular item and as was mentioned, taxes are getting out-of-sight in Stamford, and I believe that someone has to be accountable for this; and as the members of the Board of Education are elected, the members of the Board of Finance, and we are, and the Mayor, I believe that we should give this approval to the Mayor to look over the Board of Education's Budget. I might suggest, even though I can't word it in this proposal, but that some members of the Board of Education would be in a position to meet with the Mayor when he reviews the Board of Education's Budget.

MR. HAYS: I don't think any person in their right mind could really disagree with principle of the comments made here tonight. I do feel that it would be in good wisdom to disagree with the politics of the comments made. At a current year's budget and I'm not reading the numbers right now, before debt service, the operating budget for both Schools and the City are about \$70,000,000 and divided about half and half, and without the help of the Mayor the school budget declined this year from last year's budget and I think the decline was

MR. HAYS: (continuing)...was started in a prudent direction and I think one of the reasons was an in-depth study by the Fiscal Committee of this Board, and a sub-committee of that Fiscal Committee who had spent countless hours and literally hundreds of phone calls with various persons in the school administration to gather facts.

I don't see how the Mayor would find time. I don't see how the Mayor's financial experts could find time because they're constantly bickering with the school and I don't think they would even look at it openly. I only recite as an example the Mayor's plea that our committee cut I think approximately \$187,000 from the Board of Education Budget. After we cut approximately \$600,000, the next available day that the press was available to him, he made a statement that oh, he could have cut \$3 million. To me that's irresponsibility and we don't need that dealing with the education of our children.

MR. LOOMIS: Most of the things I was going to say have been said. Let me just sum up the feeling of the Committee that voted against this on two occasions and that is 11. The intention of the people who are supporting this new power of the Mayor; the intention is to somehow exercise greater control, greater fiscal accountability by giving the Mayor control which he now does not exercise.

The fact is that we all know that he is not going to be given the time, the staff, particularly around the budget creation process to really do the job that's necessary to make any difference in what's going on right now. We've got four layers, the Board of Education looks over the figures submitted by the administrators; the Board of Finance looks over their figures; the Fiscal Committee looks over their figures, and as you all know the full Board then acts upon the final budget; so by adding a fifth layer here, we're adding nothing really, and we're certainly not refining or improving or doing anything that would give us a better handle on this budget that comes to us.

The other thing is that some people said well look, the Mayor has control of many aspects of the budget, indeed all of them except education, why not education. The fact is that the State Legislature in their wisdom over the past several centuries has purposely kept education away from direct political control because education is so important and because they didn't want the intervention of politics into the education of children, so I would be against giving the Mayor this new control.

MR. LOBOZZA: I take Mr. Hays' words to heart and I just can't understand where he could say that the Mayor won't find time. The Mayor is paid; the Finance Commissioner is paid to find the time. As we presently have the System set up now, the Board of Finance and the Board of Representatives review the School Budget. None of the representatives on either Board are paid. They don't have the time and that's why we have the problem that we have now. There really hasn't been an in-depth study on the School Budget outside the Board of Education and I think that's one of the biggest problems we have right now.

I think by putting this in the Mayor's hands what we're actually doing is we're stopping a lot of the political buckpassing. Comes election time, the Mayor gets up and says "Look, I'm not responsible for almost 50% of this City's budget. How are you going to make me accountable for the mill rate increase?" And partially, he's right! It's a responsibility of the Board of Representatives.

MR. LOBOZZA: (continuing)...and the Board of Finance at the present time to make whatever cuts they deem necessary but they don't have the time; they don't have the paid personnel to do the job and do the job properly. The Board of Education has the people; they pay them all year round; they're working on a budget all year round and we have to accept what they say at face value. If you disagree, it's pretty hard to win a point because they're paying people to do a job just to win these points.

I think what we're looking for is accountability. I think one thing that we're looking over and really I don't want to take away from the people of Stamford the opportunity to go to the polls on election day or at a Special Election and decide for themselves if they want the Mayor to cut the budget and we're not making a decision right here. We're making a decision tonight just to put this on the ballot, to give the people of this town an opportunity to voice their opinion and it's exercising democracy here by letting these people decide the way they want it, and the majority want it, that's the way it should be done. Really, I think this is one that we should put out to the Public and let them decide.

MRS. SANTY: I'm glad I followed Mr. Loboza because my thoughts run in the same vein. I will vote yes primarily because I feel strongly the electorate should decide this at the polls. This is a controversial issue and I think it's about time we listened to the people who are paying the bills. Give them the chance to be heard.

MRS. McINERNEY: It is my feeling that we, as responsible people, must sooner or later allow the voices of our conscience as responsible elected representatives to give the Public the right to choose what they feel is best for them who are living, working and paying taxes in Stamford to choose what they want of a government. The Board of Representatives has already been given the opportunity to make their views known to the Charter Revision Commission. Some of those views were accepted by that group and incorporated into the final version of the Charter. Now I think we should accept their hard work on its merits and pass on to the Public at large, pass this particular version on to the Public at large, and then allow certain groups to lobby in a democratic manner to get their point across to the public. I will vote tonight to allow this issue and every other issue in this final version to come before the final scrutiny of the public.

I stand firm in my belief that the voters of this City should be allowed the right to vote on each item, and each item separately in November; and have a right to say what they want of the future Charter of this City, and on this particular thing I will vote for giving the Mayor this power and keeping this issue on the ballot because of my belief in the right of the Public to voice their opinion in everything in government.

MR. WIDER: I'm surprised in listening to some of these people, especially some that served on the Fiscal Committee and saw some of the budgets that came before us. Frankly, I never in my life have seen such poor budget presentations as I saw this year. I was really surprised at some of them. The Board of Education did a fine job, and we elected the members of this Board of Education and if we do not know how they're coming up with their budget, it's our fault. We should attend meetings; all the meetings have to be open. I heard last week that the property tax may not be used for education in the very near future. So you won't have to worry about your tax increase or decrease at the Board of Education,

You will have to find another way to finance education That's on the way down so you can just forget about the Mayor adjusting the tax rate for the Board of Education and accusing the Board of Education of misusing itself as a Board. You will have to find another way.

I would hate to feel, as some of you feel, that you want a man that's running for Mayor and have anything to use, even your children as a leverage for or against his election, to have the ruling on the Board of Education's budget. I think it's rightfully so when the State and Federal Government say they want education as far out of politics as possible.

Now, what we are doing really is we are putting it in the whims of those who want to use it as a wheel, and you can rest assured that they're sitting back waiting for us to give it to them. I'm hoping tonight we will be intelligent enough to keep the most important part of us in Stamford which is our kids out of the hands of our politicians.

MR. SIGNORE: I've heard statements this evening by my distinguished colleagues as to politics being played. I daresay there's politics on both sides, those in favor of the education group, and those who are opposed to the education people. I believe that we should take it out of politics right here and now. I urge everyone in this room to vote YES to put it on the ballot so that people out there in the City of Stamford can vote as they see fit.

I think that's the only fair and decent way to do it. That way, I believe politics will be taken out of the issue, a very, very important issue, so I urge you vote YES, put it on the ballot for the Citizens of Stamford to vote as they see fit.

MR. DIXON: Thank you. Most of what I wanted to say has been said already. I would just like to go on record as being opposed to the Mayor having this authority and power; to say that the Board of Education is irresponsible in making up and reviewing its budget is to say that the Board of Finance and this Board of Representatives is also irresponsible.

I know that the Board of Finance and this Board of Representatives cut the Mayor's budget, and Mayor's Operating Budget, and Capital Projects Budget, and in fact saved the City some money. I don't believe giving this power to the Mayor is going to help the taxpayers in the least. I think that this Board of Representatives, consisting of 40 members, represents the wishes of the people and I know that we represent the best interests of the people to the very best of our knowledge.

I don't believe that giving the Mayor this added power will help at all. Thank you, Mr. President. There were other things that I wanted to say but others have said it.

MR. WIESLEY: I don't think it could be said any better than Mr. Wider did it, but I would like to point out one thing to the people here, that to do it this way, to give it to the Mayor will not do what you would be after. This would be handing to the Mayor an opportunity to make a blanket cut with no line-by-line authority again, but to make a blanket cut on a budget upon which he or his department would not have the time to do the thorough study that they would have to do to make such a cut and not do it irresponsibly.

The way to take care of irresponsible spending of money, if that has been the case with the various school Boards, is at the polls. The opportunity to

MR. WIESLEY: (continuing) sit in and watch this budget put together and be a citizen is there if you want to do it, and again I say that I did it this year and listened to all of it. There aren't many other people that did; maybe 30 of them in the City, but this is not the way to do it. I think, again, I'd like to ask you to remember regardless of what kind of a budget the School Board was given, they've always lived within it. The City never has. Now, why hand this budget to someone who can't control their own?

MRS. PERILLO: MOVE the question.

MR. MILLER: Is there a SECOND to that MOTION? All those in favor of MOVING the question say AYE, those opposed NO. MOTION IS CARRIED. We'll proceed to a vote. There's a request for a roll call vote. Would those members desiring a roll call vote raise their hands? The CHAIR sees a sufficient number; 1/5 of the members present desire a roll call vote. The question now is this matter of the Education Budget, #13 on page 4. A YES vote is for giving the Mayor this authority over the Education Budget, a NO vote is opposed. If there are 21 votes in favor of this proposal, that matter then would go to the voters. So, a YES vote is for, a NO vote against. Necessary for approval are 21 votes. The CLERK will call the roll.

The CLERK of the Board CALLED THE ROLL:

Those voting for:

Mildred Perillo
Leonard Hoffman
George Ravallese
Perillo, Alfred
Signore, S. A.
Lobozza, James
Santy, Jeanne-Lois
Ritchie, Mildred
Rybnick, Gerald
McInerney, Barbara
Zelinski, John
Blum, David

Abstentions:

Morgan, Michael

Those voting against:

Kurt Zimble
Handy Dixon
Hays, George
Loomis, Ralph
Osuch, Adam
Wiseley, Vere
Flanagan, William
Schlechtweg, John G., II
Goldstein, Sandra
Lowden, Lynn
D'Agostino, Thomas
Wider, Lathon
Blois, Julius
Nizolek, Christine
Costello, Robert
Connors, George
Cosentini, Audred
Miller, Frederick

20.

MINUTES OF JUNE 15, 1977 - SPECIAL MEETING

The VOTE was: 12 YES; 18 NO; with 1 ABSTENTION.

MRS. GOLDSTEIN: I have 2 passes. Mr. Morgan abstained. Mr. Blois, No.

MR. MILLER: The MOTION is LOST; there being necessary 21 votes for approval and the MOTION is LOST with 12 YES votes; 18 NO votes; 1 ABSTENTION. It will not be on the ballot.

We'll proceed to Item #14.

MR. BLUM: What will be on the ballot?

MISS NIZOLEK: Item #14 is Qualification for Membership, Personnel Commission which appears under Chapter 73, Merit System in the Civil Service, Section 731.5. We recommended to delete the last phase of the Section "or shall be a member of any political club or organization". It was a tie vote taken by the Commission and therefore no action was taken.

Item #15, Personnel Appeals Board, which is Chapter 73, Merit System in the Civil Service, Section 740.2, Personnel Appeals Board. We recommended apply language of Section above, 731.5, as amended by us, to the members of the Personnel Appeals Board.

MR. MILLER: Well, you have to make a MOTION then to approve the amendment. And there's a second to that by Mr. Hoffman. We're dealing with Item #15.

MR. LOOMIS: Yes, Mr. Miller. What happened was somewhat unusual here. What the Commission decided to do is to NOT accept our recommendation when applying the qualification for someone to serve on the Personnel Commission. At least they didn't accept our recommendation with regard to deleting a phrase and then they went ahead and accepted the whole thing when applying it to qualifications for the Personnel Appeals Board. So really we have no recourse on #15 here. We took no action because there's no action we can take. They accepted our recommendation with regard to the Personnel Appeals Board, and did not with regard to the Personnel Commission. I hope that makes it clear.

MISS NIZOLEK: It seems just to be very contrary.

MR. MILLER: We will now go on to Item #16. Miss Nizolek, will you proceed, please?

MISS NIZOLEK: Item #16, Conflicts of Interest, which is Chapter 80. Our Board recommended to delete the Chapter, suggesting that we would resolve the issue through passage of ordinance. The Commission considered the suggestion to delete the Chapter and --

MR. MILLER: Sorry, MISS NIZOLEK. If we backtrack on 15 there was a change there made by the Commission in response to our recommendation, so it would appear we would have to vote to approve that. They amended it and did apply that language.

MR. LOOMIS: All we do is simply approve of the change they made?

MR. MILLER: Yes, so we do need a MOTION on that #15.

MISS NIZOLEK: I so MOVE.

MR. MILLER: Is there a second to that? All those in favor say AYE, all those opposed, NO; the MOTION is CARRIED UNANIMOUSLY.

MISS NIZOLEK: Item #16. Conflict of Interest, Chapter 80. We recommended to delete the entire Chapter and resolve it through passage of ordinance; and the Commission agreed that there were some ambiguities. They decided to retain the amendments in their prior report. There is a big question on this.

Unfortunately our legal mind of the Committee was not there and he had various questions and I tried to get ahold of him today and was unable to, so I MOVE the Committee deletes this Chapter. This is Chapter 80, Conflicts of Interest.

MR. MILLER: Your move is not deletion, but rejection. If we're going to do it the same way we did with the Board of Education matter on 16, yes or no, but I take it the Committee feels that this should be voted down?

MISS NIZOLEK: Yes, subject to review.

MR. MILLER: There would be only one vote on Section 16 then; so we're now going to proceed to a vote on #16. It is the Committee's recommendation that this not be approved; but if you want to approve it, you vote "yes" if you are against it you vote "no". It's the recommendation that it not be approved. We're voting on #16, Conflicts of Interest.

MR. LOOMIS: Yes, Mr. President. I'd just like to speak to the issue here. When we had a hearing, when we had discussion and when we met with the Commission, in each instance we found problems with this entire Section and it was our conclusion that this whole area would be best left to the Personnel Committee of the Board of Representatives to draft after they have fully investigated this entire subject, to draft appropriate ordinances to cover the areas that are raised in this Chapter.

I might also add that essentially this Chapter has simply been lifted out of a model law that was used in New York. It wasn't a great deal of deliberation, thought or consideration by the Commission on this issue, and they frankly conceded that they had some troubles with this also. They did clean it up to some extent, but I can speak on behalf of the Committees in the sense that we still have problems with the entire Chapter, and would feel by voting it down, we'd have an opportunity then to fully investigate this entire area of Ethics and come up with something that makes sense.

MR. MILLER: We'll proceed to a vote then on Item #16. All those in favor say AYE; those opposed, NO. We'll have to take a vote using the machine. It was NOT UNANIMOUS.

MRS. RITCHIE wishes to be recorded as voting "NO".

The matter is NOT approved. There are 5 YES votes, 21 NO votes. There are a number of ABSTENTIONS. Since we still have 31 members recorded as present at the meeting.

MRS. PERILLO: Mr. Miller, what did we just vote on? I think we voted wrong.

MR. MILLER: We'll correct that announcement, since Mrs. Ritchie wishes to be recorded as a NO vote, that would be 4 YES votes, 22 NO votes. The result of the vote is a failure to approve Item #16, which means it is finished.

MRS. PERILLO: We didn't understand that, Mr. Miller.

MR. MILLER: It will not appear on the ballot. We'll proceed to Item #17.

MR. ZELINSKI: On this vote that we just took, it was my impression that a NO vote would be rejecting the Committee's recommendation to delete that. That was my impression, Mr. President.

MR. MILLER: The MOTION was not for rejection, but for approval. A YES vote was for; a NO vote against approval. There were 4 YES votes, which is far short of the 21 votes needed for approval.

MR. ZELINSKI: Mr. President, could I change my vote?

MR. MILLER: Not after the vote has been announced. I'm sorry.

MR. ZELINSKI: Since I'm on the prevailing side, I'd like to make a MOTION to rescind the vote and take a new vote, Mr. President. Is that in order?

MR. MILLER: Are you making a MOTION to reconsider the vote, Mr. Zelinski?

MR. ZELINSKI: Yes.

MR. MILLER: Is there a second to his MOTION? MOVED and SECONDED. Is there any discussion on the question as to whether or not to reconsider that vote? If not, we'll proceed to a vote on the question of Reconsideration. All those in favor say AYE; those opposed, NO; the CHAIR is in doubt. We'll take a vote on the machine on Reconsideration. A majority would be needed for Reconsideration. Mr. Z imbler will be recorded as a YES vote.

We're voting on whether or not to reconsider the last vote. We'll take the count. The MOTION is CARRIED. There are 20 YES votes; 7 NO votes. We'll reconsider the vote and I want to make it very clear that there's no such thing tonight as a vote to delete anything. We'll take MOTIONS to approve a matter, or to reject a matter. Whether you approve or reject, it takes 21 votes. There might have been some confusion because we're not used to this process, but it was the Chair's understanding that Miss Nizolek was attempting to put forward a vote for approval of Item #16 which would mean that 21 votes would be required for approval which would mean that this matter would then go on the ballot in the referendum. We are trying to facilitate the vote here, Ladies and Gentlemen, by having all of the MOTIONS made in the form of a positive MOTION. If you want to get this matter on the ballot, vote YES; if you're opposed to that, vote NO. Do we understand that? A YES vote is for approval. If you get 21 YES votes, then it's approved and it goes on the ballot. If you fail to get 21, it doesn't go on the ballot.

MR. BLUM: I would like a clarification from the Chairman of the Committee.

MR. MILLER: You've had all the clarification you need, Mr. Blum. We're not going to waste any more time.

MR. FLANAGAN: Mr. President, it's my understanding that while the Chairman of the Committee made a positive MOTION, it was the recommendation of the Committee to reject and that is what we did before, and hopefully will do it again.

MR. ZELINSKI: Mr. President, I know you're interested in saving time but I think we're all interested in clarifying the way we're going to be voting. This is a serious matter. Now as I understand it, the Chairperson of the Committee, Miss Nizolek, is urging that we vote favorably on #16; O.K. she's moving to delete the Section. Could I just read a part of this, which is why I can't understand it?

MR. MILLER: Nobody's moving to delete anything. We're voting on one type of matter every time around. Either YES or NO for approval. If you get 21 votes its approved and it goes on the ballot. If you want #16 to go on the ballot, vote YES. If you don't want it to go on the ballot, vote NO. If it gets 21 votes, it will be approved.

MRS. COSENTINI: Mr. Zelinski, maybe this would be of help to you. We originally did not, on this Board, did not like the Section on Conflict of Interest because it was too confusing. So we sent the recommendation to the Commission to delete it. The Commission's recommendation is to leave it in. Miss Nizolek's MOTION on the floor is to leave it in, but the Committee's recommendation is to vote against that MOTION so it will be out. Does that help?

MR. MILLER: We'll now proceed to a vote. Is there anyone else who wishes to speak? We'll proceed to a vote. All those in favor say AYE, all those opposed, NO. It is NOT UNANIMOUS. We'll take a vote using the machine. We're voting on Item #16, Conflicts of Interest. A YES vote is for; a NO vote against approval. Necessary for approval 21 votes.

Let it be recorded that the vote appearing to be Marie Hawes' vote is really George Hays' vote. There are 8 YES votes, 19 NO votes. The balance are ABSTENTIONS, so it fails to get 21 votes; so it will NOT appear on the ballot. We'll now proceed to page 5, the last page, #17.

MISS NIZOLEK: #17, Effective Dates. This is Chapter 90, Continuance of Operation, Section 903.2, Stamford Golf Authority and Hubbard Heights Golf Commission. The Board suggested we add language postponing the effective date of the amendment for 12 months and the Commission saw fit to change that and I so MOVE.

MR. MILLER: Is there a SECOND to that? Discussion. Is there a Committee recommendation?

MISS NIZOLEK: Yes, we voted 3-0 to accept it.

MR. MILLER: All right, we'll proceed to a vote. All those in favor say AYE, all those opposed, NO. The MOTION is CARRIED UNANIMOUSLY.

MISS NIZOLEK: 18. - The confirmation of the Commissioner of Public Works, Finance Commissioner, and Corporation Counsel.

Your recommendation that the commission include language to indicate clearly your Board's right to confirm the above appointees was adopted by a vote of 14 to 0. So accordingly, suitable language has been incorporated in the appropriate sections. The Commission has changed it, and I so MOVE.

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 UNANIMOUSLY.

MISS NIZOLEK: There is another item to be brought up. It's concerning the five-member Public Works Committee. That is Chapter 41, Public Works Department; Section 410.1, Public Works Committee.

I'd like to refer to MR. BLOIS on this and then get the Committee's recommendations.

MR. BLOIS: MR. PRESIDENT, I feel, and I think the other members felt that seeing that this was only a Commission that would have no -- we felt that there was no necessity to have another Commission, and I think we VOTED 3 to 0 on this to delete it. Oh, wait a minute, what are we on, the 6th? Okay. I'm very sorry. We're on Chapter 6 and 410, Item 6, the maintenance and service of all municipal buildings in government.

MRS. GOLDSTEIN: No, I'm sorry MR. BLOIS, we want to talk about the Public Works Commission, the five-member commission.

MR. BLOIS: I made a statement to that effect and you said we're on the wrong one.

MR. LOOMIS: MR. BLOIS, pardon me, but the Commission which we're talking about is Section 410.1 not 410.6. That refers to something MR. WIDER was attempting to bring up.

MR. BLOIS: This is the five member commission.

MR. LOOMIS: That's right. Section 410.1. Could I give the background on this, MR. MILLER?

MR. MILLER: How are we permitted to vote this out, MR. LOOMIS?

MR. LOOMIS: As we have right along. We will vote in favor of this and if 21 votes are not counted, then this would not go on the ballot.

MR. MILLER: What does the Commission do with it?

MR. LOOMIS: The Commission voted to include it in the Charter.

MR. MILLER? This is something we sent back to the Commission.

MR. LOOMIS: This is not something we sent back to the Commission, but we are permitted to vote on it right now. If we don't get 21 votes, it will NOT go on the Charter. I'd like to, if I could, just give a quick background on

MR. LOOMIS: (continuing) this, because there is a reason why we're bringing this up.

MR. MILLER: I'm not sure that everybody understands how you're able to bring this up, MR. LOOMIS.

MR. LOOMIS: Under State Statutes we have the right to delete or reject portions of the Charter report. This is a new portion of the Charter report and we have the right to delete it. We are not bound, MR. MILLER, by the recommendations we sent two or three weeks ago to the Commission.

MR. MILLER: Then you're opening the doors up to everything, MR. LOOMIS. MR. LOOMIS, are you saying that everything that was done at the last meeting can now be reopened?

MR. LOOMIS: I'm saying that we have the prerogative here to raise issues which have been recommended to us by the Charter Revision Commission and reject them. We cannot add or we cannot change the intent of them, but we can reject portions or entire sections.

The Committee voted last night on only those issues that we reported on; then we voted on two extra ones. So, it's not as if we're reopening this whole thing.

MR. MILLER: If you can reopen two, you can reopen everything else. Why not?

MR. LOOMIS: If somebody wants to reopen everything else that's fine. But I don't think it's the --

MR. MILLER: That's not my understanding of the purpose of this meeting, MR. LOOMIS.

MR. LOOMIS: MR. MILLER, the law clearly states what we can or cannot do.

MR. MILLER: It was our understanding that the final actions were taken on all matters at that last meeting; except for those matters which we were sending back to the Commission. If what you're saying is true, we can reopen and rehash everything that's been --

MR. LOOMIS: Your assumption is however, that we'll reopen and rehash everything, and I don't think that was done.

MR. MILLER: The point is if you want to bring out a couple of things, everybody else on the floor has the right to bring out something.

MRS. COSENTINI: MR. CHAIRMAN, this item may not be opening up all the others because we had some recommendations affecting this item. It says in the letter of transmittal to us your recommendation that the Commission approve language to indicate clearly your Board's right to confirm the above appointees, meaning the appointees of this Commission, was adopted by a vote of 14 to 0.

Accordingly, suitable language has been incorporated in Section 410, 450, and 480. I think that this is not in the realm of opening up an item that we accept, MR. CHAIRMAN. This is an item that we did not accept as it was presented

MRS. COSENTINI: (continuing) at the last meeting. It's important. Therefore, I think this --

MR. MILLER: We always listen to you, MRS. COSENTINI.

MRS. COSENTINI: Thank you, MR. CHAIRMAN. But, I think this was an item that we did act upon at our last meeting. Therefore, it's not in the category like one of those items that we accepted at face value at our last meeting, and probably both qualify for discussion here tonight, on the ground rules that we've been operating under.

MR. MILLER: It seems that we'll take it, MR. LOOMIS, you're dealing with 410?

MR. LOOMIS: I would just like to give the rationale to add to MR. BLOIS' comments with regards to the Public Works Commission.

One of the intentions of the Charter Revision Commission was to strengthen the powers of the Mayor, and in addition, to strengthen the lines of accountability.

Adding another layer of bureaucracy, we feel, defeats both those purposes. This is a supercilious Commission that has no powers beyond that of simply giving advice. The Mayor currently can, and, as we all know, he has exercised his prerogative and his right to appoint such advisory commissions on a limited basis to gather specific information.

We do have the Board of Representatives' Public Works Committee that gives advice and passes review on matters that go on in the Public Works Department. Why we need another Commission is something that we cannot quite figure out and consequently, we agreed unanimously to act upon.

I don't want to delete the Commission because that won't be the form of the MOTION. We feel for the reasons I've enumerated that the City does not need this Public Works Commission. It really has no powers.

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

MR. HOFFMAN: Thank you, MR. PRESIDENT. In spite of what has been said to delete or reject this portion, or eliminate this kind of commission, I just can't help but wonder if we are doing the right thing? The reason I'm saying that is because I think, Bud, I've said it in a number of Public Works Committee meetings with you over the last three years, and so often I've seen, and I think you've seen it as well, where we really have not had the continuity.

Now, you have lent some continuity to the Board of Representatives. Public Works Committee has MR. PERILLO. However, so many other people are new, so they don't really know about what has transpired. I believe the same is true, if indeed we were to change Mayor every two years, so that the new Commissioner of Public Works is so dependent upon the people who are left in that particular department to bring that person up-to-date.

I believe that with this Public Works Commission we would indeed have another opportunity really to perhaps oversee some of the things that are going on in

MR. HOFFMAN: (continuing) Public Works. We would be able to put on some people in this particular Commission who have some expertise in this. I think that they could perhaps take a look at the garbage collection systems, and a whole lot of other things.

But, above all, I believe that a Commission such as this would lend continuity from one administration to another which certainly hasn't existed in the past. I think this is one of the reasons why we've never had a preventive maintenance program on ANY of the vehicles that are in this town, because of, call it a lack of concern, but I think if there were people on there, concerned citizens, soon where your taxpayers dollars were going to waste, that something would be done about it.

There would be a human cry and something would eventually come of it and it would be corrected. Whereas, now, it just goes on and on and you talk to the other Commission and you say, 'Well, gee, you know, that wasn't my fault' because that didn't happen under this administration'. Well, baloney! It happened sometime or another, and somehow or other, the buck has to stop.

I think a Public Works Commission would indeed do just that. Thank you, MR. PRESIDENT.

MR. MILLER: The CHAIR is going to declare a brief recess. At this time the CHAIR would like to meet with the members of the Charter Revision Committee, please.

RECESS.

MR. MILLER: We'll proceed with the debate which was in progress. I believe MR. HOFFMAN wished to speak next.

MR. HOFFMAN: MR. MILLER, I think I did speak on that Public Works Commission. I want to urge everybody to vote for it.

MR. MILLER: Has MR. BLOIS spoken?

MR. BLOIS: Thank you, MR. PRESIDENT. In answer to MR. HOFFMAN I am in total agreement with what he has said, but I have problems with the way it's written.

The way it's written, the Mayor in office can appoint five (5) Republicans or five (5) Democrats. He would have another little power base. It doesn't signify whether there will be 2 or 3, or 3 or 2 Democrats or Republicans. This is the part I can't find, -- a non-partisan board or commission.

MR. ZIMBLER: Thank you MR. PRESIDENT. I'd like to echo the sentiments expressed by MR. HOFFMAN. I couldn't agree with him more! The continuity in the Public Works Department is something that we absolutely must have, since, again, not only does the Commissioner change with every administration, but also the makeup of the Public Works Committee can change drastically every two years from one board to the next.

Now, there are those people in our community who criticize our present system as being unwelcoming. That there are too many citizen boards and commissions.

MR. ZIMBLER: (continuing) I maintain that those who say that the system is unwieldy are those with special interests who want to do the wielding. The more they say it's unwieldy, the better I think it is. We have nothing to lose and everything to gain by the establishment of another citizen commission.

It costs us no money except the very minute amount for sustenance of the department. I think this is a very necessary thing. I think it would be in the best interest of the taxpayer.

MR. MILLER: MR. ZIMBLER has finished. MR. LOOMIS.

MR. LOOMIS: I MOVE the question.

MR. MILLER: MOVED and SECONDED. All those in favor say AYE, ALL those opposed, NO. The MOTION is CARRIED. What is your MOTION, MR. LOOMIS? What's the MOTION for?

MR. MILLER: MISS NIZOLEK'S MOTION, actually. It would be a MOTION to approve this part of the Charter, Section 410.1. Therefore, if we voted in favor, 21 voted in favor, it would be on the ballot. If they voted less than 21, it would not. We'll proceed to vote.

MR. RAVALLESE: May we have a Roll Call vote, please?

MR. MILLER: We have a request for a roll call vote. Would those members desiring a roll call, please raise their hands. The chair sees an insufficient number. We'll proceed with the vote. All those in favor say aye, all those opposed, No. There is a DIVISION. We'll use the machine.

MRS. PERILLO: MR. MILLER, will you record me as abstaining; this thing is as clear as mud.

MR. MILLER: MRS. PERILLO will be recorded as an abstention.

MR. HAYS: MR. PRESIDENT?

MR. MILLER: MR. HAYS, how do you wish to vote, Mr. Hays? MR. HAYS will be recorded as a YES vote. We'll take the count. Mrs. Ritchie.

MRS. RITCHIE: I can't make out what she's saying.

MR. MILLER: It doesn't make much difference because -- short of 21 votes, and we're not going to take any changes after we announce the vote. MRS. RITCHIE, you were voting how? MRS. RITCHIE NO, and let MR. BLUM be recorded as an ABSTENTION, and MRS. PERILLO as an abstention. The MOTION fails. MR. LOOMIS to get back to MISS NIZOLEK,

MISS NIZOLEK: I didn't say anything.

MR. HOFFMAN: What was the vote count?

MR. MILLER: The final count should be 17 NO, 8 YES, 2 ABSTENTIONS. Actually, there are more abstentions apparently. If this goes on we'll have to take a

MR. MILLER: (continuing) roll call to find out who's here. I think there's just one more matter. Is there another matter, Miss Nizolek? Now, do you have something before I get to the Committee report? I see two hands raised.

MR. BLUM: I would like to have the floor after the Committee report.

MR. MILLER: You may.

MISS NIZOLEK: It's been the recommendation that we just go back to page 2 in Mr. Matthews' letter, police and fire departments, letter C. Clarification of language permitting non-resident electors to apply for positions, and I'd like to refer to MR. LOOMIS on that.

MR. LOOMIS: Yes, the Committee voted in addition to those recommendations we received back from the Commission on two issues. One of the issues we just voted on, the Public Works Commission. The second issue was in regards to the residency requirement, and we voted 2 to 1.

I shouldn't use the word, but delete the residency requirement and voted to bring up that issue here tonight. We voted. We had trouble with the residency requirement because, first of all, we felt it was unfair to discriminate among City employees.

Secondly, we felt that people would be required to reside in a city where housing costs are extremely high, and that is a form of discrimination. Thirdly, I think an issue that has not been discussed and raised and brought to the attention of enough people is that in '69, they had to repeal a residency requirement because the Police Department could not hire or find the kinds of people in Stamford they needed for jobs that were required.

Consequently, as a point of historical reference, the City has had problems in living with the residency requirements. So, I think our motion would be in favor, for purposes of a vote, to bring it out for discussion. But, the sense-of-the-Committee on a vote of 2 to 1 was to delete this section.

MR. MILLER: All right. Is there a second to that MOTION? MOVED and SECONDED. Do you understand what we're going to do? A YES vote is FOR the residency requirement for members of the Police and Fire Department, a NO vote against. Necessary^{for} approval 21 votes.

MR. LOOMIS: I neglected to mention that Section 431B and Section 441B; I don't know if you want to take them in tandem or separately.

MR. MILLER: I think we can take them in tandem. We're dealing with the Police and the Fire department at the same time; the question is of residency requirements.

MR. ZELINSKY: Just one point of clarification. If this is APPROVED it means new members of the Department, it does not have any effect on the present members, is that correct, Mr. PRESIDENT?

MR. MILLER: That's correct. We'll proceed to a vote. All those in favor say AYE, all those opposed, NO. We'll take a DIVISION using the machine. A YES vote is for the residency requirement, a NO vote opposed. There are 15 NO votes. 11 YES votes. There is an insufficient number for a division.

MR. MILLER: (continuing) I believe the Committee is finished with its report, is that correct Miss Nizolek?

MISS NIZOLEK: Yes, it is.

MR. MILLER: I believe there are some other comments and I said I would recognize MR. BLUM. I believe there are a couple of other members.

MR. BLUM: Thank you, MR. PRESIDENT. I would like to go back to Chapter 49 and I would like to explain my reason. At the time when I had the opportunity to make a MOTION, I was undecided because I thought this would leave this particular Section blank.

We had in this town, in this City, an incident in which MR. WEBER was involved.

MR. MILLER: MR. BLUM, I want to give you every opportunity here. I'm not sure that the MOTION you are going to make will be in order. So, maybe if you intend to make a MOTION, you could make it now, We'd understand how to proceed.

MR. BLUM: I'd like to make a MOTION to reconsider Chapter 49, Section 491, ah 492. Chapter 49 Department of Traffic and Parking; Section 492.

MRS. GOLDSTEIN: POINT OF INFORMATION. Mr. President, as I understand it, the only kind of MOTION that would be in order, and this is perhaps what MR. BLUM wants to do, but I'm not clear, would be to say I MOVE to delete Section 492. Otherwise, we cannot AMEND it in any way. All we can do is keep it as the Charter Revision Commission recommends it, or, delete it.

MR. MILLER: MR. BLUM, what is your intention?

MR. BLUM: I'd like to make a MOTION that we delete Section 492, Traffic Commission completely.

MR. MILLER: There's a problem with a MOTION to delete. The CHAIR would prefer to keep it so we would understand HOW we're voting. I think when we start MOTIONS to delete, it confuses people. MR. LOOMIS, did you have something to say?

MR. LOOMIS: Yes. I'd like to speak to the MOTION. It is a permissible MOTION. I believe if you want to keep it in the tradition in which we've gone along, we could be afraid to differently vote it up or down.

I'd like to speak to the issue. If, indeed, we're approving the establishment of an entire Department here, and if, indeed, we don't have the right to add new language, then, in effect, we're creating a department without a commission to run, or head up that department. So that creates an obvious problem.

We did recommend some changes in this section. The Commission did not accept our recommendations. We cannot add language which would effect those recommendations we made, so, I don't think we can take any action. If we go along with MR. BLUM's MOTION, we'll be cutting out a Commission of a brand-new department which I think is needed.

I think that we all agree that Traffic and Parking are problems that have to be addressed in a different manner in this City, and I would consequently vote against MR. BLUM's MOTION.

MR. BLUM: In answer to MR. LOOMIS. Yes, we need this department of Traffic and Parking, but, actually we do have a Commission. We have a Commission of five. The Mayor automatically becomes the CHAIRMAN, the Chief of Police, the Fire Chief, the Planning and Zoning Director, and the Commissioner of Public Works automatically become a part of this.

We had a situation where we were left without even a Traffic Director. Who was the Traffic Director? Who took care of signal lights? Are we going to, with this traffic Commission, going to have the same mistakes? Who is going to be running this department? The Mayor, the Chief of Police, the Fire Chief? What does the Fire Chief do with Traffic and Parking, but he's there. The Planning & Zoning Director, yes, very good, and maybe the Commissioner of Public Works, who takes care of roads.

But I say we need a Commission, yes, of expertise; but we can't add, We can either accept or reject. We're going to have a Traffic Director in charge of this department. And, what is wrong with having a good Traffic Director in charge of this Department, under the Mayor's department? It's going to be a Department within the City government, within the municipal government.

MR. MILLER: Of course, you know we're talking about Section 492 and then you have Section 493 which deals with powers and duties of the Traffic Commission. Let's vote on 492 and see how we do with that.

MRS. PERILLO: I wanted to ask MR. BLUM why he wanted to delete it, but he answered that. I would like to know who does he think should be on this Commission?

MR. BLUM: I had no opportunity to do that. We suggested it to the Committee and it was turned down. We cannot answer this.

MRS. COSENTINI: What we will have deleted is the specific composition of the Traffic Commission. Now, that leads me to the question, if we deleted 492 because we didn't like the composition of the Commission, and left the rest intact, could such a Commission be created by Ordinance? Could the composition of the Commission be determined by Ordinance?

MR. MILLER: I can't answer your question, Mrs. Cosentini. It would seem that if we took out Section 492 and left in 493, you would have a very defective section of the Charter. It really doesn't make complete sense, but it might be possible to create commission by Ordinance. It would seem that the only thing that would mitigate against creating a Traffic Commission by Ordinance would be a State statute which would prohibit it.

But I can't give an opinion on that without somebody doing some research on the matter. Do you have anything on that, MR. LOOMIS?

MR. LOOMIS: Yes, MR. MILLER. You raised an important point. I recall in talking to the Commission that there are several State Statutes that mandate certain things,

MR. LOOMIS: (continuing) one must do in a City to comply with parking requirements, and I believe this, therefore, is carefully written to comply with the State Statutory language.

MR. MILLER: Why don't we proceed with the vote on 492 and see how that goes?

MRS. McINERNEY: I would vote to have this retained in the Charter only because I feel there are serious problems in routing traffic in Stamford. The right hand never knows what the left hand is doing. The Police department will do one thing in one manner and find out after it's been done that the Fire department doesn't have a way to get to a certain number of houses, or that the ambulance can't come through the streets.

I think it's very important to have everyone in a responsible position. You've got to take these matters into consideration when you're planning new homes and new streets; what the traffic count shows, which would take in the Police Department, and which way the fire engines will be going.

I think it would be a shame to take and destroy some of the continuity that could be added to the City traffic problem instead of just letting it hang in abeyance. We're talking about putting private citizens on this Commission. I think it's important that you have people of this nature on here as well.

I agree with MRS. RITCHIE as far as the qualifications of the people appointed to this Commission. But, through you, MR. CHAIRMAN, I have a question regarding Section 491. Will this appointment by the Mayor be a civil service job under a five-year contract, or will this be a part of his cabinet?

MR. MILLER: We're not really talking about 491. I can't answer that question. Maybe somebody else can.

MRS. RITCHIE: Thank you. Yes, that's why I'm talking to, -- 491. It says: "he shall be appointed by the Mayor with the approval of the Board of Representatives for a term of five years". It doesn't say it's Civil Service, a five-year contract, or what is it?

MR. MILLER: I can't answer the question, MRS. RITCHIE. Unfortunately, I don't really think it's a question we can take up tonight unless somebody wanted to NOT approve Section 491. Let's stay with Section 492. Maybe MR. LOOMIS can answer MRS. RITCHIE'S question.

MR. LOOMIS: MRS. RITCHIE, the intent of the Commission was to set up a department to get at a problem that Stamford really needs to address. They did not want to write in detail exactly what the Traffic Director would have to do; you know, whether it be under Civil Service contract, and so on.

It was a hope that once this Commission was in place, that they, themselves, with their expertise and understanding, could then decide themselves exactly the circumstances under which this person would be employed. So I think purposely they've left that open. I think that's a good idea.

MR. HOFFMAN: I MOVE the question.

MR. MILLER: Is there a SECOND to that? MOVED and SECONDED. All those in favor say AYE. All those opposed, NO. The MOTION IS CARRIED. We'll proceed to a vote.

The MOTION to delete Section 492. All those in favor say AYE. I think some of the members feel that we might better understand the vote if someone would make a MOTION to retain and approve Section 492; then, if you are in disagreement with MR. BLUM, you vote YES; if you agree with MR. BLUM that this matter should be deleted, you vote NO.

All those in favor say AYE, all those opposed, NO. The MOTION IS CARRIED and APPROVED. We'll have to take a DIVISION because it wasn't UNANIMOUS. We'll proceed to a vote using the machine. UP for YES, DOWN for NO. THE MOTION IS CARRIED, 24 YES, 3 NO votes. The rest to be recorded as abstentions. Is there anything further?

MR. BLOIS: Thank you, MR. PRESIDENT. I would like to refer to Chapter 41, Section 410, line 6, number 6. Chapter 41, Section 410, number 6. The underlined, 2½ lines underlined.

"The maintenance and service of all municipal buildings except the schools and structures in parks or in grounds used for park or recreational purposes." Did everybody have that? I'd like to speak to 410 and 412, lines #6 on 410. I'll do one at a time, but I'm going to refer to 410 and 412 as I talk.

First of all, I think if we go along with this change from 412 to 410, we are creating another bureau, another department; more men to be added to a structure that we have been using since consolidation in 1949.

In the Bureau of Highways and Maintenance this line #6 was under the Bureau of Highways and Maintenance. That department has 4 divisions that work under the Bureau of Highways and Maintenance. The Public Works understands what I'm trying to tell you. The Public Works Commissioner is the boss of the Buildings and Grounds of the Bureau of Highways of the Sewer Committee. They all fall under the jurisdiction of the Public Works Commissioner. He has the final say.

Now, if we delete this line or revert it back to its original Charter, Chapter 412, we'll be saving some money and we won't be in conflict with maintenance of buildings and maintenance of highways and buildings. What I would like to do here is delete line 6 and let it revert back to line 2 in 412. I so MOVE.

MR. MILLER: I think it should be MOVED in such a manner that there would be a MOTION to approve it as is. If you want it to remain as is, vote YES; that is if you disagree with MR. BLOIS, you vote YES. If you want to go back to what was, and you agree with MR. BLOIS, you vote no.

If you want it to remain as it presently is before you, you vote YES; if you want it changed back to what it was, you vote NO. If you agree with MR. BLOIS you vote NO.

MRS. GOLDSTEIN: POINT OF INFORMATION. Will we need 2 separate votes for this?

MR. MILLER: I think the two things are so intertwined, aren't they? What you did was to take something out of 412 and put it into 410.

MRS. GOLDSTEIN: But, if we agree with MR. BLOIS then we will be voting to get Section 6 out of Section 410.

MRS. COSENTINI: The MOTION probably should say that I MOVE to approve the change of sentence 6 from Section 412 to Section 410. That way, if we defeat it, will go back to 412.

MR. MILLER: I think that would take care of it.

MRS. GOLDSTEIN: This one MOTION will accomplish both things.

MR. MILLER: We'll proceed to a vote then. All those in favor say AYE, all those opposed, NO. We'll have to proceed to a vote using the machine. The result of the vote is to revert back to what is. There is a failure of approval. Only 2 YES votes, 25 NO votes, the rest are ABSTENTIONS.

MR. FLANAGAN: MR. PRESIDENT, if other members do not have any other changes that they'd like to see take place, I wonder if it would be in order for us to vote to approve and take a recorded vote? Approve all other items that we have not discussed that are part of the Charter Revision Commission's Report to us this evening so there'd be a recorded vote?

MR. MILLER: I don't know that it's necessary, but if you want to make that MOTION, I'll take it.

MR. FLANAGAN: Just in case, I would like to make a MOTION that we approve all other items that were not discussed.

MR. MILLER: Is there a SECOND to that? All those in favor say AYE, those opposed, NO. The MOTION is CARRIED UNANIMOUSLY. Before we adjourn, I did state - would you please remain in your seats; a question has come up. If the Board would just stand at ease, I have had a question from the Administrative Assistant.

The meeting is resumed. I believe there was a question raised at the beginning of the meeting by MR. ZELINSKI, about whether or not he might make some MOTION and I said we would take it up after we had finished dealing with the substance of the Charter changes. MR. ZELINSKI.

MR. ZELINSKI: Right, I was concerned as to the point if we should put this in as a whole, in the entirety to the voters in November, or we should split up some of the more possibly controversial items in the ballot.

MR. MILLER: It would appear those are questions which it's not necessary to resolve tonight, Mr. ZELINSKI. The question as to whether this should go to a Special Election or the Regular Election, and questions about how the matter should be presented on the ballot need not be resolved this evening.

MRS. COSENTINI: Except it's on the CALL of the meeting.

MR. MILLER; That's correct, MRS. COSENTINI. The CALL was copied after what was done in 1969.

MRS. COSENTINI: Does this then mean that it will go on at the next general election? It's just a question of how that we have to discuss.

MR. MILLER: No, it doesn't go to the next General Election unless we decide that it goes there. It's quite clear. You can decide it tonight if you choose. It's quite clear in the State Statutes. It's more than obvious that that is a matter over which this Board has control. But, I think there was a feeling -- now remember we have two questions: One is whether it goes to a Special Election or to the Regular Election in November; and there's no doubt about it,

the appointing authority, in this case the Board of Representatives, has control over that question. Now there's another separate issue. And that is whether it goes in a "Special Election" or a "Regular Election". Whether this should go as a complete package to the voters, or whether it should somehow be broken down so the voters can vote yes, or no, on specific issues.

Now, I believe there was a feeling within the Charter Revision Committee of this Board that perhaps the question as to whether or not it should go to a Special Election can be tied in with the question as to HOW you want to break this down for the voters. You see, if you give it to the voters at a regular election, and you want to break it down into several questions, you don't have as much room on the voting machine.

If you give it to the voters at a special election and you want to break it down into several separate questions, you're going to have more room on the voting machine. Assuming we want to stick to the voting machine and not go to paper ballots, MR. LOOMIS, is that correct?

MR. LOOMIS: Yes. I'd just like to say that it's the intention of the Committee to meet very soon. Hopefully by the next meeting to present a report to the full Board; number 1, on whether it should be at a Special or a General Election; and number two, what, in rough form, would be the breakout on the questions;

In part, how the questions are broken out will help us determine whether we should go to a Special or a General election in line with what you just said, MR. MILLER. We do intend to meet with Lois Ponti-Briant, the City and Town Clerk, to help discuss this question because obviously she's going to have a role in this decision-making process.

MR. ZELINSKI: I'd like to make a MOTION that we vote here and now to have the Charter changes in the next Regular election in November, MR. PRESIDENT, to save taxpayers money so we won't have to spend additional funds to have a Special Election and have the voters come out a second time.

MR. MILLER: That MOTION would be in order. Is there a SECOND to that MOTION? Now the MOTION is NOT on the issue itself, but the MOTION is on whether or not we should take a vote on the issue tonight.

MR. BLOIS: May I have a clarification?

MR. MILLER: Would you repeat the MOTION, MR. ZELINSKI?

MR. ZELINSKI: The MOTION I made, Mr. President, was that I made a MOTION that we move to have all these changes on the ballot in the regular November election.

MR. MILLER: That's the MOTION - to put it on the ballot in November. Is there a SECOND to that? SECONDED. We'll proceed to a discussion.

MR. BLOIS: MR. PRESIDENT, if I may address the Board? I think you weren't paying attention to MR. LOOMIS when he was talking. I think in fairness to your Charter Revision Committee from the Board of Representatives - we are asking - we're not in any rush to get this on the ballot at any particular time. There's no rush.

There's no pressures on us tonight or in the next month to do anything about how we're going to proceed. If you'll abide with your committee, we're going to meet with your Town Clerk and get some questions that if we don't know, get them answered for you and bring some of them back to you so we can proceed in an orderly fashion.

Yes, by the next meeting we'll have a report for you and I hope that you people would go along with us and at least give us a chance to present this to the voters in a half-way decent manner. We're not pressed for that much time. We have plenty of time before we have to get this submitted, so why rush tonight? You don't know what you're doing.

MR. HOFFMAN: Thank you, MR. PRESIDENT. I would like to ask MR. ZELINSKI to withdraw his MOTION and the reason for this is first, I understand your concern and I appreciate the fact that you'd like to save some money by having it at a General election. That I favor as well. The only thing I disagree with, John, is that I think that the whole matter ought to be looked at. There is a possibility that there would be so many things that the electorate would have to vote on in that General election that it'd be so utterly confusing that perhaps it would not even be practical.

For that reason I would ask, I would like to see you withdraw it and if now, John, I would vote against it because I think that the matter deserves a little more study, as MR. BLOIS pointed out. Thank you, MR. PRESIDENT.

MR. RYBNICK: I just wanted to say, this is a very serious question and it should not be decided in haste tonight. I think we should refrain from this tonight and vote on it probably at our next meeting.

MR. LOOMIS: The next time date we're up against is September 8th, so there's no reason why in 2 or 3 minutes we have to vote on this. This Committee has been up against several time restrictions. We've had to plough through 210 pages of a long report. We've done our best to comply with those restrictions and all we're asking now, as MR. BLOIS said, is a little more time to look

MR. LOOMIS: (continuing) at this whole question of the ballot. I would hope, as MR. HOFFMAN has suggested, that MR. ZELINSKI, in courtesy to this Committee, would withdraw his MOTION.

MR. ZELINSKI: MR. PRESIDENT, thank you. I did not mean to rush anything and I would yield to my learned colleagues and withdraw my MOTION.

MR. MILLER: The MOTION is withdrawn. Before we adjourn, the CHAIR would just like to say that Charter Revision has been a long and arduous process and I would like to publicly thank the members of the Charter Revision Commission.

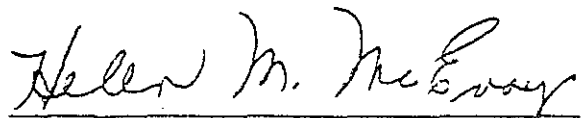
They were appointed by this Board. I think we had fifteen outstanding citizens of the Stamford community serving on that Commission. They were our commission and I think we had good cooperation between the members of the Board and the members of the Commission. I think the Charter Revision Committee of our own Board should be congratulated on their hard work.

It was a difficult process, much of it came during the regular budget process. It's not something we're all so familiar with and I do appreciate, and I think the citizens of the community appreciate the work they have done. Really, all of the Board members should be congratulated for all of the extra meetings and extra work entailed. When you think about it, this is probably one of the most far-reaching meetings in terms of influence over the years that we've ever had on this 14th Board.

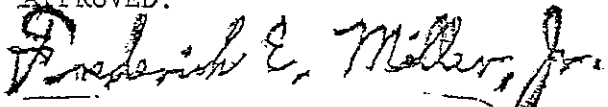
I thank you all and I think, at this time, it's probably time to adjourn. Mrs. McEvoy has asked me, do we have a Personnel Board of Appeals meeting tomorrow night? Yes, we do. MR. FOX is going to be conducting that hearing. I would just reiterate that it is most important that ALL of the members of the Personnel Board of Appeals who are alternates be present at that hearing.

ADJOURNMENT:

If there's no further business, the CHAIR would entertain a MOTION to adjourn. MR. MILLER said the CHAIR declares this meeting ADJOURNED at 11:22 P.M.


Helen M. McEvoy, Administrative Asst.

APPROVED:


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

DP;CMT; et al.