

REGULAR MEETING OF THE BOARD OF REPS.
JULY 11, 1977

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PRESIDENT: Will the meeting come to order, please. Would the members please take their seats. Would all other persons please leave the floor of the Board.

The meeting will come to order.

The invocation will be delivered by the Rev. James Holmes Davis, Pastor of the First United Methodist Church.

INVOCATION

PRESIDENT: Thank you, Rev. Davis. The Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

PRESIDENT: A short time ago the City of Stamford lost a distinguished son of Stamford who had served as Mayor of this City from 1959 to 1963, J. Walter Kennedy. The Chair believes it would be appropriate if the leaders would make a motion for a moment of silence out of respect for the memory of Mr. Kennedy.

There none.

PRESIDENT: Moved and seconded. Is there anyone who wishes to speak.

MR. BALINSKI: Briefly, I had the honor of representing the district where the late J. Walter Kennedy resided. He was a personal friend to me. He helped me out in various situations, encouraged me in politics and I think he did a great deal for the City of Stamford and I think this evening we should remember him in our thoughts, what he did for Stamford and what he did as a human being. Thank you, Mr. President.

MOMENT OF SILENCE

ROLL CALL

PRESIDENT: There being 37 members present, 3 absent, the Chair declares a quorum. At this time I would ask the members to please check the voting machine first by voting up for yes.

100

3

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ALL AGREE.

PRESIDENT: Moved and seconded. Is there anyone who wishes to speak.

MR. LEITENSKI: Briefly, I had the honor of representing the district where the late J. Walter Kennedy resided. He was a personal friend to me. He helped me out in various situations, encouraged me in politics and I think he did a great deal for the City of Stamford and I think this evening we should remember him in our thoughts, what he did for Stamford and what he did as a human being. Thank you, Mr. President.

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MINUTES OF REGULAR MEETING JULY 11, 1977

MR. HOFFMAN: I wondered if you would entertain a motion to hear the particular issue that concerns many people in the audience, and that is the Schlesinger Property.

MR. MILLER: It is my understanding, that this evening we would first hear from Mayor Clapes and then hear the report of the Appointments Committee and then after those few matters are disposed of immediately SUSPEND the RULES to consider the report of the Planning & Zoning Committee. As is customary at the regular July meeting the Mayor will address the Board. We are pleased this evening to have the Mayor with us ladies and gentlemen of the Board, it's my privilege to present to you for the purpose of delivering the annual message to the Board of Representatives and to the citizens of Stamford, the Mayor of the City of Stamford, the Honorable Louis A. Clapes.

MAYOR CLAPES: Thank you, Fred. Ladies and Gentlemen of the Stamford Board of Representatives, I have forwarded to you earlier today a twenty-nine page annual report that I'm not going to attempt to read this evening. I have selected those items in the report that I think are important and would like to review those. I'm going to take a little bit of your time, I guess.

The state of the City of Stamford during the fiscal year 1976-1977 has been one of accomplishment, disappointment and optimism for the future. I feel that we have moved forward in many areas, but that worthy goals I set for myself are by no means completed. Specific examples will be incorporated as we discuss the various departments involved in reaching these goals.

The Personnel Department - One year has elapsed since the appointment of Sim Bernstein as Director of Personnel. Many exciting programs have been implemented during the past year. Some of our major accomplishments have been the classification study of all 1,500 City employees, revision of the Civil Service Regulations. A public hearing will be held next month and final adoption by the Personnel Commission will follow.

Affirmative Action Program - Our Affirmative Action Plan has been drafted and we are now in the process of requesting approval of our Plan from various local, State and Federal agencies.

Management Compensation Plan - For some 111 administrative personnel.

Fleet Safety - Our successful effort in this area resulted in the renewal of our Fleet Accident Insurance which incidentally, had been threatened to be cancelled.

Workmans' Compensation - We have established new reporting procedures for Workmans' Compensation cases.

A seminar for all City Supervisory Personnel will commence this month.

Recruitment - Our job announcements and our job advertising is consistently expanding to reach the largest number of qualified applicants to compete for our job openings.

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MAYOR CLAPES (continuing) I attribute much of the successful accomplishments in Personnel to the professionalism of Mr. Bernstein, the high caliber of our Personnel Commission and the dedicated efforts of my Blue Ribbon Civil Service Committee.

Finance - The Projected Operating Budget results from June 30, 1977. I must report to you the City of Stamford will end its June 30, 1977 fiscal year with and Operating Budget deficit totaling approximately one and a half million dollars. In my message last year, I reported to you that based on written reports by individual departments we requested a 2.8 million dollar contingency reserve which was to be established by the Board of Finance. The Board of Finance, in all its wisdom decided only to provide a net contingency reserve of one million dollars. This reserve was composed of a two million dollars for additional appropriations and one million dollars for additional revenues.

Assuming your Board tonight approves all the financial items on your agenda, you'll have approved 2.2 million of net additional appropriations for the 1976-1977 fiscal year. This is substantially in line with the two million dollars provided by the Board of Finance for additional appropriations. With regard to the Board of Finance's estimate that there would be a million dollars of additional revenue, we have previously stated that they had no basis for their estimate. The City will not generate a million dollars of revenue in excess of the amount included in the 1976/77 budget. Therefore, a one million dollar projected deficit will result, because of unsupported increased revenues estimated by the Board of Finance. Secondly, it had been reported to this Board previously that the 1976/77 fiscal year the Board of Finance is setting the mill rate.

They always base on their calculations assuming 100% of tax levies to be collected. As we well know, the City has never collected 100% of its taxes levied. In the past several years the City has collected taxes approximating 97 to 98% - although a very excellent percentage, certainly not 100%. For the 1977/78 fiscal year the Board of Finance has exercised its judgement by establishing a net consistency reserve of \$3,000,000. This contingency reserve, one of the largest ever established in the City of Stamford is composed of 4.2 million for additional appropriations, 1.2 million for additional revenues. I have stated, I feel that 4.2 million is far too excessive and represents an undue burden of the taxpayers, especially a year when the taxpayer must also pay for the 6.2 million dollar deficit my administration inherited and because the mill rates were not set properly in May of 1975. One can only state that with such a high contingency reserve the City will certainly end in June 1978 fiscal year with a large surplus.

Tax Collection - A lot of effort has been expended this year by members of the Taxation Board, The Tax Collectors Office and the Data Processing Department implementing the recommendations contained in the Ernst & Ernst March 1976 Report for updating the City's tax collection procedures. Three new people have been hired as recommended in the report to reorganize the department and improve the City's efforts for collecting delinquent taxes.

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MAYOR CLAPES (continuing) With the tax bills just mailed, the citizens of Stamford saw one of the recommendations already implemented. The new tax statement combines all current and past due bills for taxes owed on automobiles, personal property or real estate registered in one persons name.

Purchasing Department - As you are aware, this past year we lost through retirement two long term faithful and dedicated employees, Mr. Frank Ben-evelli and Joseph Hart, two very close friends of mine, whose work together had over 40 years service with the City. Thanks to our Blue Ribbon Purchasing Committee I named a local citizen, headed by Drew Ulrich of Pitney Bowes, this department, its organization, its method of operation, its procedures have been reviewed and a long list of recommendations that have been set forth. This year's budget contains a new organization structure. A new Purchasing Agent named Tom Canino, a Stamford resident, has been appointed to start work this week. He started today, as a matter of fact. Shortly we will be submitting to this Board a list of recommendations for updating the purchasing procedures currently set forth in the Code of Ordinances. Hopefully, over the next few months, we can consolidate the entire City's Purchasing effort within this Department in a highly efficient and effective manner.

Grants Office - The City still does not have a director for its Grants Office. The Personnel Department was unsuccessful in its initial attempt to find a qualified candidate, this position has been readvertised. Oral and written exams are scheduled for this month and hopefully we will be able to fill this position with a qualified professional within the next month or so. Nevertheless, the City of Stamford has completed one of the most successful years in its history for generating State and Federal funds.

To name a few examples, these have included funding of a new Public Works Garage, renovation of the West Side and the Glenbrook Community Center, renovation to this building scheduled to start this month, and incidentally, that includes air conditioning, and a new Vocational Horticultural Center, funding under the Public Works Employment Act for maintaining critical services within Stamford, additional CETA funding for Public Service Jobs and critical employment projects, and a numerous number of education grants. Many other grant applications have been submitted and we await word about which grants will be awarded and how much money Stamford will receive.

I thank this Board for the quick response you have often given my request for the necessary resolutions for filing those grant applications.

Sewer Grants - One of the largest grants just filed in June of this year was for a Sewer Construction Project. A Federal Grant for \$3.1 million was filed with the U. S. Environmental Protection Agency to help fund three projects which will total more than \$7.6 million to construct. These three projects are: 14.6 million dollars in Springdale, 15.2 million dollars in Newfield/Pepperidge and 16.1 million dollars, Pepperidge/Vine.

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MAYOR CLAPES (continuing) Hopefully, now the Sewer Commission has started to submit grant applications, they will continue to do so on a regular basis and over thirty million dollars of sewer projects to be completed in Stamford, the Sewer Commission must continue to apply for every Federal and State dollar available to help fund these projects.

Cost Reductions - Many efforts have been undertaken by my administration to reduce or control the cost of running Stamford's government. The Departments have had to re-evaluate the programs as a result of budget cuts made by myself and the Board of Finance and this Board. We have and we continue to tell every department no appropriation requests will be honored in my office unless they represent a true emergency or unless they represent part of an effort to save the City money, either currently or in the future.

Urban Redevelopment Commission - Stamford has the largest Urban Renewal Project in all of New England. Also, it is one of the oldest. Unfortunately, the Federal Government stopped funding Urban Renewal Projects three years ago. As the time needed to complete our project continues to be delayed costs continue to escalate daily. Despite the progress achieved this past year with the opening of the new 305 room Marriott Hotel, two new buildings in Landmark Square, the announcement of the super block, the successful effort of having exits 7 and 8 relocated and a new Veterans Park on which construction is just started there are still many projects to be completed.

They include the entire Northwest Quadrant, the super block garage, Elm Street, St. John's Park, a major storm drain, and numerous smaller projects. Where does Stamford get the funds to complete these vital projects? We are currently trying to perform a complete fiscal analysis of the project in cooperation with the Urban Redevelopment Commission. Preliminary analysis by the Urban Redevelopment Director, James Hibben indicates that more than eleven million dollars will be needed. I predicted final amounts required would be twice that amount. My office will submit within the next month or two an "Urgent Needs" grant request to the U.S. Department of Housing and Urban Redevelopment as the last available opportunity to try to obtain Federal funds to fully complete our Urban Renewal Project.

If unavailable then Stamford will be faced with funding the completion of this project out of future Capital Project Budgets plus paying the interest costs by selling bonds to obtain the necessary funds. The biggest Urban Renewal Project is the much talked about 4,000 car garage to be built in the middle of the super block. This brings us to the next major problem facing the City of Stamford.

Capital Projects Bond Issue - The City sold bonds in April 1976 at a very favorable rate. At that time the rate was 5.136%. We are starting to update the thirty-nine page prospectus for our next bond issue currently scheduled for later this year. Once again the overall financial strengths or weaknesses of the City must be updated, examined and presented to the rating agencies for their re-evaluation of the City's Triple "A" rating.

MINUTES OF REGULAR MEETING JULY 11, 1977

MAYOR CLAPES (continuing) I believe the basic long range financial health of the City of Stamford is excellent. There are solutions to the financial problems facing Stamford which will be found. The Economic Base Study and the newly adopted Master Plan provides the foundation for this City to start formulating a long range fiscal plan for Stamford.

Public Works - A change in administrative procedures by Commissioner Rotondo allowing the Public Works Department direct jurisdiction over "Town Aid" state road maintenance grants will amount to saving the City of Stamford over \$200,000. Prior to July 1976 the City allowed the State of Connecticut Department of Transportation to coordinate all road resurfacing contracting, but because of this change the City has been able to receive drastic reductions in the price for asphalt.

This kind of dollar savings mean that the progress on road maintenance will be maintained in spite of budget cuts received by the Public Works Department. A most important promise that I made during my campaign has been fulfilled. The Public Works performance audit study Phase II is now under way and it appears as though the results of this study would be to greater efficiency and cost saving for the City along with much better understanding of the problems that the Public Works Department must face it its day to day operation.

Problems - There were many problems that this administration has had to face in the last eighteen months. Long standing problems exist prior to my coming to office such as: the Magee Avenue transfer station, the Haulaway program, the start up of a new sewage treatment plant and the generally deteriorated facilities throughout the Sanitation Bureau.

We will continue to commit this administration to providing the fullest service within the context of applying whatever cost cutting techniques are available to us. It can be done. We have already proven it. There are systems available to improve garbage collection, disposal of solid and liquid waste and the general overall operation of all our bureaus within the Public Works Department which can save millions of dollars and still provide essentially the same services and we will continue to pursue these efficiencies.

Police - The major event of the year for the Police Department was the selection of a successor to the retiring Chief Kinsella. The search was nationwide and conducted as impartially as possible, completely divorced from any political consideration. Victor L. Cizanckas, formerly of Menlo Park, California was nominated by me and after a lengthy confirmation proceedings sworn in as Chief of Police. I looked upon his appointment as one of the major achievements of my administration, because of the enormous pressures made on my behalf of special local candidates. There is no doubt whatever in my mind that Stamford will have a model Police Department within the next five years, and I feel privileged to have had an opportunity for setting these wheels in motion. Chief Cizanckas has already made a number of changes to improve our overall operation of his department. He is continuing to survey the Department and its resources, anticipating many changes to increase the quality of the service provided to the City of Stamford. Under Chief Cizanckas the operation of the Police Department will be open to the public scrutiny and accountability.

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MAYOR CLAPES (continuing)

The Parking Authority - As you all are aware, the Parking Authority has not been self sustaining for the past two years. It does not expect to break even during the 1977/78 fiscal year unless parking rates are increased. Public hearings have been held and I expect that no one wants to see rates increased. Many of the arguments presented are very sound. The question then becomes should the City subsidize the Parking Authority's operation and, if so, to what extent? This question becomes even more important when you realize that in a few years they will also be responsible for a new 4,000 car garage. Does this mean the City should subsidize that garage also.

Traffic - All of you are aware of the fact of the resignation of our former Traffic Director. This, despite efforts vigorously initiated by my office to remove the problems of his reporting to the Police Department by moving him to the Planning Board as well as efforts to fund his salary for a full year. One of the Charter Revision Commission's recommendations is for a formation of a new Transportation Department within the City. This Department will absorb the functions and responsibilities for Parking Authorities operations, traffic signals, the Transit District and other related transportation matters. Although all funds for any interim operations in this area were deleted from this year's budget by the Board of Finance, fortunately, the City has received a \$35,000 Federal grant which will allow us to hire a Transportation Coordinator in the interim. Hopefully, the citizens of Stamford will vote favorably on this very important Charter Revision recommendation. Interviews are currently being conducted for the Transportation Coordinator and we expect the person to be on the job within a month to begin the planning for the formation of this new Department.

Fire - The opening and staffing of the Woodside Fire Station should become a reality in the very near future. Through negotiating with Fireman Local 786, reassignment of Fire Department personnel, and perhaps the hiring of four additional Firefighters, this long awaited, much needed service to the North End Section of the City of Stamford would become operational. Opening the Woodside Station will improve the effectiveness of the Fire Fighting operation throughout the entire City of Stamford. Under the Public Technology, Inc. Fire Station Location Package as a guide, the Fire Department has selected a site adjacent to the West Side Fire House as the most practical site for the new West Side Station.

All Boards are currently being petitioned for funds for this site acquisition. Meetings were held with residents and leaders of the West Side Community and all concerned are pleased with the site selection. Not only is this an excellent location from a Firefighter's point of view, the feeling is that building a modern facility in this neighborhood may encourage private investors to take an interest in that area and perhaps rehabilitate other buildings in the neighborhood. This will hopefully lead to the restoration of the entire West Side Area. Funds for the construction of a new Fire House are being made available from the Community Development Block Grant.

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MAYOR CLAPES (continuing)

Environment - Stamford's Environmental Protection Board has been vigorously carrying out its responsibility to protect and regulate inland wetlands and water courses; control flood and erosion; and conserve open space and natural centers.

Solar Energy - I have submitted to your Board a proposed ordinance providing property tax exemption for those who install solar energy systems. This is in line with the President's energy conservation program and I urge your immediate favorable consideration.

Resource Recovery -- An ongoing Resource Recovery Task Force composed of dedicated citizens and conservationists have been working closely with the Public Works Commissioner and Mr. Rotondo to make our Paper Separation Program into a viable operation. It takes time to gain public acceptance and to set up a realistic pick-up schedules. S.E.T.A. personnel are being employed to carry out the program at no cost to the City.

The task force is committed to the continued search for ways to improve the program and expand its recyclables to include metal and glass. To eliminate these valuable recyclables not only serves the ecology but saves considerable wear and tear on the incinerator, which cost over one and one-half million dollars for repair in 1975/76 alone. We must face up to the fact that burning and landfill costs are too high and their effects are undesirable. The only sane route to pursue is through resource recovery and I hope you will support me in these efforts.

Welfare - The Welfare Department and the Smith House Care Center continues the trend of the past few years by further reducing net costs to the Stamford taxpayer. This was accomplished primarily by increasing income and returning an excess of \$1,500,000 to the general fund of the City of Stamford offsetting most of the approximately \$1,300,000 expended during the fiscal year.

Community Development - With the Master Plan adopted and the Economic Base Program near its implementation stage, Community Development is now focusing on the West Side, the South End and the Central City Neighborhoods to develop planning strategies to improve their economic viability. Coupled with this effort the Community Development Program has placed emphasis on more stringent enforcement of Housing Code compliance, has allotted demolition funds to rid neighborhoods of uninhabitable structures and has provided funds for public improvement to preserve a total neighborhood.

Two inner City parks have been completed in the Community Development target areas. West Side Park, recently dedicated as the Doctor Joseph L. Carwin Park was completed in November 1976, the Water Street Park, a sitting park that primarily serves senior citizens was completed in June this year.

I thank you for giving me your time. It's a pleasure to have addressed you.

MINUTES OF REGULAR MEETING JULY 11, 1977

APPOINTMENTS COMMITTEE - Handy Dixon

MR. DIXON: The Appointments Committee held its meeting Thursday night at 8 o'clock in the Public Works Conference Room. Those present were Audrey Cosentini, Mildred Perillo, George Ravallese, Leo Carlucci, Sal Signore and myself.

HEALTH COMMISSION

(1) Dr. Angelo Mastrangelo, Jr. (R) 19 Grandview Ave. (Replacing Dr. H. Barax whose term expired)	HELD IN COMMITTEE
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Term Expires:
Dec. 1, 1981

MR. DIXON: Dr. Mastrangelo's name is being HELD IN COMMITTEE, because he wasn't able to keep his appointment for the interview.

PERSONNEL COMMISSION

(2) MR. AUSTIN RINELLA (D) 25 Island Heights Rd. (Reappointment)	35 YES 1 ABSTENTION (M. Perillo)
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Term Expires:
Dec. 1, 1979

MR. DIXON: The committee recommended his approval by a vote of 6 YES, and 1 ABSTENTION, and I so MOVE.

MR. MILLER: MOVED and SECONDED.

MR. RAVALLESE: Roll request.

MR. MILLER: The Chair sees a sufficient number of hands. The vote will be taken by roll call.

MR. HOFFMAN: I never knew Mr. Rinella until he was appointed to his job on the Personnel Commission, however, I think all of us who were on the 13th Board of Representatives recall very well, and I see Dr. Lowden shaking his head, the problems that we encountered and found in the Civil Service System. There were a lot of things that were wrong. I'm happy to have been a part of the clean-up that took place and I think that we can all look up to Mr. Rinella for having done one heck of a job, for having been the kind of an individual that brought this City's Civil Service out of the doldrums, and to the point where it is today, at a high level. I think a vote for Mr. Rinella is a vote for good government, a vote against Mr. Rinella's appointment I would say is a vote for dirty and rotten politics to continue in the City of Stamford.

MRS. GOLDSTEIN: As Chairman of the Personnel Committee of the 14th Board, it has been my pleasure to meet Mr. Rinella and get to know him. He is really everything decent and honest that a public servant can be. It is an absolute pleasure and honor for me to SECOND him.

ROLL CALL VOTE ON MR. RINELLA'S REAPPOINTMENT

THOSE VOTING YES

Kurt Zimbler
Handy Dixon
George Hays
Leonard Hoffman
Ralph Loomis
George Ravallesse
Alfred Perillo
Adam Osuch
S.A. Signore
Vere Wiesley
Marie Hawe
James Loboza
Jeanne-Lois Santy
John Fox
Mildred Ritchie
William Flanagan
John Schlechtweg

Sandra Goldstein
Lynn Lowden
Thomas D;Agostino
Lathon Wider
Gerald Rybnick
Joseph DeRose
Barbara McInerney
Julius Blois
George Baxter
John Zelinski
Donald Sherer
Robert Costello
Leo Carlucci
David Blum
George Connors
Peter Walsh
Audrey Cosentini
Frederick Miller, Jr.

ABSTENTION

Mildred Perillo

35 YES - 1 ABSTENTION

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APPOINTMENTS COMMITTEE (continued)

MR. ZIMBLER: As a member of the Personnel Committee of the 14th Board, I would like to echo the sentiments of Mrs. Goldstein and Mr. Hoffman. This man is something very special. We have something very special here and we must keep this man, because he's done tremendous things for the City of Stamford and I think he will continue to do so.

MR. SCHLECHTWEG: I'd just like to go on record of objection to Mr. Hoffman's remarks.

MR. CONNORS: I'd like to go on record as SECONDING Mr. Rinella's appointment, because I know he's done a fine job from the time he got on the Board. He's a fine gentleman and I know he's really interested in the City of Stamford.

MR. LOOMIS: I'd just like to SECOND and echo all the fine things said about Mr. Rinella. He's done an outstanding job and I'll certainly vote for his re-appointment each time.

MR. MILLER: We'll proceed to a vote. The Clerk will call the roll.

ROLL CALL.

MR. MILLER: We have 36 members present. Mr. Rinella has been confirmed by a vote of 35 YES, 1 ABSTENTION (M. Perillo)

ENVIRONMENTAL PROTECTION BOARD

(3) MRS. MARY LAVELLE (D)
60 Sea Beach Drive
(Reappointment)

HELD IN COMMITTEE

Term Expires:
Dec. 1, 1979

MR. DIXON: Mrs. Mary LaVelle is being HELD IN COMMITTEE.

PATRIOTIC AND SPECIAL EVENTS COMMISSION

(4) MR. JAME DEVITO (D)
4 Whittaker Place
(Reappointment)

APPROVED
UNANIMOUSLY

Dec. 1, 1980

MR. DIXON: Mr. DeVito has been approved by a unanimous vote of those present and voting on the Appointments Committee. I would add here though that Mr. Signore happened to be absent for that particular interview and was not voting. The committee approved Mr. DeVito and I would so MOVE.

MR. MILLER: MOVED and SECONDED by Mr. Ravalliese. The MOTION is CARRIED UNANIMOUSLY, with 36 members reported as present, Mr. Morgan apparently still being absent.

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APPOINTMENTS COMMITTEE (continued)

HUMAN RIGHTS COMMISSION

(5) MR. PAUL PACTER (D)
247 Chestnut Hill Rd.
(Replacing Robert Kelly
whose term expired)

28 YES
6 NO (M. Perillo,
K.Zimbler, L.Hoffman,
G.Ravallese, A.Perillo
A.Osuch) 2 ABSTENTIONS
(D.Blum, G.Connors)

Term Expires:
Dec. 1, 1979

MR. DIXON: The committee voted 4 YES, 1 NO and 1 ABSTENTION.

MR. MILLER: MOVED and SECONDED. There is a DIVISION. We will have to take another vote having a DIVISION. 36 members are recorded as present. Mr. Pacter has been confirmed with 28 YES, 6 NO votes, 2 ABSTENTIONS.

MR. DIXON: That concludes my report.

MR. ZELINSKI: At this time I would like to ask for a SUSPENSION of the RULES so that we may consider an item under the Planning and Zoning Committee which is item #2. This evening our gallery is overcrowded with spectators who are deeply concerned about this matter and rather than wait until the wee hours of the morning in their respect, I would like to have it taken up at this time.

MR. MILLER: SECONDED by Mrs. Goldstein and Mr. Hoffman. The Chair would caution our guests in the gallery that there is to be no type of outbursts of any kind, but we will proceed to a vote on the question of SUSPENDING the RULES so that we might immediately consider Item #2 under Planning and Zoning. The MOTION is CARRIED UNANIMOUSLY. Let the record indicate that Mr. Morgan has returned, so he is to be marked as present. Let the record also indicate that the President is leaving the Chair and will not participate in any way in this matter. Mr. Blois, the Majority Leader, will take the Chair with 35 members present.

MR. DeROSE: In keeping with my personal commitment to avoid a possible conflict of interest, I feel compelled to leave the meeting during the discussion and I would like the record to so note.

MR. LOBOZZA: I think you are aware that my speaking at all on this has been challenged by the attorneys for Mr. Schlesinger and I will have to abstain.
UNDER SUSPENSION OF THE RULES -MOVED, SECONDED, MOTION CARRIED UNANIMOUSLY.
PLANNING AND ZONING COMMITTEE - George Baxter

- (2) THE MATTER OF MEMORANDUM RECEIVED FROM HON. JUDGE MILTON H. BELINKIE dated 5/5/77 clarifying his Memo of Decision of 2/24/77 relating to an appeal from decision of the Board of Representatives regarding RICHARD SCHLESINGER. Board is to reconsider the matter. Also 6/21/77 letter from ATTYS. MALL & FRIEDMAN in effect requesting entire Board to reconsider this matter rather than following committee system.

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PLANNING AND ZONING COMMITTEE (continued)

MR. BAXTER: I would like to defer to the Chairman of the Public Hearing, Mr. Signore, who ran the public hearing and did a fine job, for him to give the report, since he was present at it.

MR. SIGNORE: At the outset, I would like to say that we worked very hard at this and we know that there are people in the audience who have ideas one way or another. The committee members looked at all the facts and made their judgements on what they thought was right. I hope, in fact, I know that 50% of the people will be happy and 50% will be unhappy after the decision of the Planning and Zoning Committee. So on that basis lets proceed. I would first ask the members of the Board to take out their Charter and turn to Section 550 which gives us the standards we are guided by in making our decision. Section 552.2 of the Charter requires that our decision be guided by the standard contained in Section 550 and they are as follows:

"Shall be made in accordance with a comprehensive plan; and shall be designed to lessen congestion in the streets, secure safety from fire, panic and other dangers; to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population and to facilitate the adequate provision for transportation, water, sewage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration as to the character of the district in its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality."

Please keep these sections of the Charter open before you, because they are a guide in making our decision. We should ignore all claims or accusations regarding the character or skill of the applicant or of those who oppose the applicant as not appropriate to our decision. Questions regarding the type and quality of any improvement made to the land, roadway, flooding or any other inland waterway considerations should be left to the appropriate municipal agencies; such as the Environmental Protection Board, Building Inspector, City Engineer and the Zoning Enforcement Officer. We felt that questions realative to flooding apply to land whether single or multiple dwellings are constructed and it is up to the Environmental Protection Board and other City agencies to enforce.

The Board of Representatives in considering this Appeal Act in its legislative capacity as decided by the Supreme Court of the State of Connecticut and acknowledged by Judge Belinkie. Now we can discuss any items on 550 of the standard to be followed. It shall be made in accordance with a comprehensive plan and shall be designed to lessen congestions in the streets. A comprehensive plan - some people feel that since it appeared in the Planning Board over the past twenty-five years, it's designed R-5.

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PLANNING AND ZONING COMMITTEE(continued)

MR. SIGNORE (continuing) Other people on the committee felt just the opposite. As far as congestion in the streets is concerned, we feel that some people felt that Bedford Street was a four-lane highway and there was discussion that possibly it would be made one way. We didn't feel that there would be a problems with safety or fire, panic or other dangers. We felt that the health and general welfare wouldn't be adversely affected, there would be adequate light and air. We didn't feel that there would be overcrowding of the land. Some people felt there would and some felt there wouldn't be.

Transportation, water, sewage, schools, parks and other public requirements didn't seem to be a consideration of any great amount as far as we could see, and some people felt that the District wouldn't be suitable. Other people felt that it would be suitable; there would be in the best interests of the City as a whole and that's where we stand at this moment. We took a vote on this particular item and two were against the appeal, two opposed it.

MR. BLOIS: Mr. Signore, just for the record, would you please define exactly what this Board is doing tonight.

MR. SIGNORE: As far as I see it tonight the Board is voting on the appeal of the Zoning Board's decision. I make a motion that we sustain the appeal.

MR. BLOIS: Are you recording your committee's report?

MR. SIGNORE: Yes.

MR. BLOIS: The vote was 2 to 2. Then you have no report?

MR. SIGNORE: No report as far as I can see.

MR. BAXTER: As we all have known from reading what looks like two or three pounds of material that came to us on this matter, it was a matter that is somewhat complicated, as are all of the Zoning and Planning matters that we act on. But it was further complicated by two memorandum decisions by Judge Belinkie and a variety of letters from people and attorneys representing both sides.

I think that we would all agree that we would like to take our action according to law and in such a way as to prevent our action from being overturned in court the next time around. Because if we aren't careful we would be wasting our time; we would be wasting the time of the opponents and the proponents of this proposed change, wasting the court's time and generally not acting in the City's best interests. Consequentially, I think it is essential that we clearly understand what it is that we're doing. If we don't have in focus what it is that we're supposed to be doing, we can't do it right.

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MR. BAXTER (continuing) The essential and initial, the reason I'm speaking now, quickly, is on Mr. Signore's response as to what we are supposed to be doing tonight. We are not supposed to be acting as an appellate court on the original Zoning Board's decision rendered in 1972. Mr. Signore said that we should sustain the appeal. This matter was not appealed to us. The matter can only be appealed from the Zoning Board to the Court. This matter was referred to us in accordance with the appropriate Charter Section, which I believe is 552.2. That means that we do not merely limit our consideration to the report of the Zoning Board and its reason, but as the Supreme Court of the State and Judge Belinkie said we are free, since we are acting in our legislative capacity to take into consideration other things of our knowledge.

We are acting as the Charter says on the proposed amendment, Section 552.2. The Board of Representatives shall approve or reject such proposed amendment. It didn't say approve or reject the decision of the Zoning Board, but it's to approve or reject such proposed amendment. We're not limited to what the Zoning Board did, so without talking yet one way or another on merits I would like to respectfully object to Mr. Signore's characterization of what it is this Board is doing and inform the Chair of this Board that what we are doing is acting on the amendment. We either grant the requested amendment or we deny the requested amendment, and if we don't have that in focus we will be overturned by whichever side of our decision is disappointed.

MR. HOFFMAN: I would like to thank Mr. Baxter for the explanation that he so generously gave us. Before I begin my speech about this matter, I would like to ask Mr. Signore if he did get an opinion from the Environmental Protection Agency or any other authority concerning the environmental impact or the impact it would have on the traffic, etc. in that particular area. Was this done, Mr. Signore?

MR. SIGNORE: The Environmental Protection Board would not come into the picture until after the zoning has been changed or not. I will say that I walked the land last evening with Mr. Baxter and Mr. Blum and we spoke to the people in the area of the apartments whether they had had flooding conditions or not, and they said "no", not since the Toilsome Brook area has been constructed and fixed.

MR. HOFFMAN: Mr. Signore, I would say that that statement isn't quite correct, because we have pictures and an article that was printed in the Advocate stating that there was flooding there as recently as September 1974, which is less than three years ago. Very possibly the people that you talked to, if they were tenants, might be people that were not there for that particular length of time; so in this particular instance, I would say that this would probably be heresay.

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MR. SIGNORE: It couldn't be heresay, because they live there and they haven't seen a flood within the last three years. I talked to Mr. Rotondo today and he said you'd need an eight inch rainfall at one time to flood that embankment, to come over that Toilsome Brook. I inspected it and I saw it as being dry. Ask Mr. Blum or Mr. Baxter, they were also there.

MR. HOFFMAN: It hasn't rained. If I may say this now please. Every once in awhile members of the Board of Representatives are confronted with truly unjust down zoning proposals which allows one individual to reap large monetary gains.

MR. BLOIS: Mr. Hoffman, may I interrupt you please. I think if we keep our speech on a level plain without any accusation or innuendos or personalities, I think this Board will do its job.

MR. BAXTER: Mr. Blois, may I ask Mr. Hoffman to yield for 30 seconds. Would you mind yielding for 30 seconds? I suggest we don't talk about anything other than the land, no person, nothing but the land, unless you want whatever we do to be overturned - nothing but the land.

MRS. COSENTINI: Speaking of overturn, can I ask for a POINT OF INFORMATION on the legality.

MR. BLOIS: What is your POINT OF INFORMATION?

MRS. COSENTINI: I'd like to ask Mr. Baxter, I can see where it says in 552.2 that -"The Board of Representatives shall approve or reject such proposed amendments at or before its second regularly scheduled meeting following such referral". Referral means from the Zoning Board, but George, it seems to me in reading this and I don't, I'm not a lawyer, so I'm asking through the Chair to you to clarify it for me. It seems to me in reading this that really in essence, if we are going to hear this in accordance with 550 it's as if we are hearing the whole case again as the Zoning Board did. Would you clarify for me on how, if this is true, number one and number two, how acting on the amendment differs from acting on an appeal from the Zoning Board, so we'd know what we're doing.

MR. BAXTER: I'll be brief as possible, and I'm sure that there are people that would disagree, but I think the cases and the Charter are pretty clear on this aspect. We are very similar, but not identical to the way the Zoning Board acts; the difference is that when the Zoning Board acts, it just sits and takes a hearing and takes the information and applies the standards enunciated in 550 and base on its judgement for the good of the entire community makes a decision. When we get it we have to do all those things, but we, in addition, have the record that the Zoning Board had before, in other words, the Zoning Board had its hearing, made its decision, has its minutes. They forward that to us, at the time we make our decision, so we are in our considerations to consider what the Zoning Board said, but we are not limited to it.

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MR. BAXTER (continuing) That case Burke vs the Board of Representatives which Judge Belinkie cited a few times makes the parallel that the Zoning Appeal Board, when it takes an appeal from an action that the Zoning Board took, it is limited to the record that was produced by the Zoning Board and is limited to the considerations the reasonableness or whatever that the Zoning Board did. We are not so limited, but we must, at least we must have the Zoning Board's action and look at it so that when we act we're not - you see the Charter 552.2 say that once the petition is filed which has already happened in this case - the Zoning Board's decision is a nullity. It ceases to exist to have practical effect other than having its record transmitted to us, so we are either going to grant or deny the applicant's request to change zoning on this land and that's what we do, and we should be sure that we understand that.

MR. HOFFMAN: May I ask a question of Mr. Baxter, because I think I still have the floor. Is that not correct?

MR. BLOIS: Yes, you do.

MR. HOFFMAN: Mr. Baxter, is it proper for me to speak in generalities, if I do not refer to any particular individual or corporation?

MR. BAXTER: Mr. Hoffman, I don't want to try to pretend that I'm the Corporation Counsel, but I would suggest that when you speak you restrict your remarks to these standards that are enunciated in Section 550. That when you talk about whether you are for or against this, and the reasons, that you frame your reasons in 550. Now if you have reasons that are not within Section 550, I suggest that not only do you not mention them, but that you don't act on them; in other words, if you happen to have some personal reason, I don't mean just you, but anybody, know people involved who are for it or against it, that you put that and I'm sure you would, put that from your mind and only use those reasons enunciated in Section 550, which does not include the fact in any case that the applicant is the greatest guy and the greatest builder and the greatest person that ever was seen, because that has nothing to do with the merits of his request. The fact that everything he had ever touched has turned to the benefit of the City. What it has to do with is whether or not that land for the benefit is suitable to be changed according to those standards in 550.

MR. BLOIS: Thank you, Mr. Baxter. Is there anyone in our caucus room who doesn't belong in here? Would you please ask him to get out on the floor.

MR. HOFFMAN: In looking at this particular chapter of Zoning, certainly, you can see any number of reasons why this particular amendment should be rejected by our Board, and therefore, I just would again like to speak in some generalities. I would hope that I would not be stepping out of bounds, because there's certainly nothing personally involved in this. I think that I am merely trying to represent the people that live in my district, and as I said before, that once in awhile the members of this Board are confronted with truly enormous problems and this is one of them.

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PLANNING AND ZONING COMMITTEE (continued)

MR. HOFFMAN (continuing) I can't help but wonder how many times we have seen where a Board or a Commission has made an error in judgement, and I believe that the Planning and Zoning that existed in 1972 made such a mistake as an analogy to this I would say - how many time have you read in the paper where great injustice was done because of some minor technicality and this is what we're faced with tonight, because the former representative, Edith Sherman annoyingly spoke in opposition to this Down-Zoning Proposal at a public hearing and then voted her convictions at a regular Board meeting that followed.

Now a judge has ruled that we must go through this entire process again, even though our Board originally voted 27 to 8 against this same particular Down-Zoning issue back in 1972. I think any person who is reasonably sane and has just a little intelligence must agree with these conclusions. For the record, I would like to review if possible the summations that the attorney made that was representing the person who had proposed the amendment. One of the things that the attorney did say that our Board should not be too concerned with the neighborhood. He continued to refer to homeowners who live in this beautiful area as living in an enclave, thus, implying that the homeowners who live in the area are a privileged few, rather than to accept the fact that the down-zoning action would affect hundreds of taxpayers and not jut the privileged taxpayers he implied were living in this particular area. He also said that the tenants were there to complain about the landlord, and I think that their views were somewhat justifiable in that they believe rightly or wrongly that once this amendment is approved that they would lose the housing that they are now living in and felt that they couldn't afford to live elsewhere.

The flood waters have done havoc in the Ravonah Woods area, as well as in the Ridgeway Garden Apartments and I do not think we should be deluded into a situation where we think that this problem no longer affects our fellow taxpayers. I don't know how many taxpayers testified to this so called non-existent flooding problem the other night. The attorney for the person who's suggesting the amendment has told us that we must act as a jury, and to do this we must be aware of the total facts. One of the things he said, that no one in the neighborhood or in the apartments came forward to support this down-zoning proposal. I believe that every member of this Board must be absolutely aware of the horrendous traffice problems which exist in Stamford.

Now, are you aware that this down-zoning proposal will result in another one thousand plus vehicle trips in and out of the Ridgeway Garden area if this proposal is allowed to pass. In so far as the expenses that are concerned in this particular area, not only will the people who have property that border on this particular area that's going to be changed or proposed changes are going to be made - not only will they suffer perhaps a loss in the value of their property, but this expense will also be shared by the taxpayers throughout the City, because of underplanning and with complete disregard or any future expansion of necessary services to supply the proposed development. Therefore, every taxpayer and every representative should recognize that this problems has City-wide cost implications.

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MR. HOFFMAN (continuing) Last, but not least, I believe that we have an absolute obligation to oppose this issue and all other down-zoning throughout the City that affects the small or the individual taxpayer by benefiting one man or one corporation. I think we should all work this evening to reject this amendment that's before us.

MR. BAXTER: POINT OF ORDER. Would you please request the gallery to refrain from showing any signs of approval or disapproval of anything that's said on this Board.

MR. BLOIS: Mr. Baxter, your point is well taken. I do address the audience that we don't allow that at the Board of Representatives, and I'd appreciate it if you didn't do it. Thank you very much.

MR. ZIMBLER: I would like to take issue with one point that was made several speakers ago, and that is the absence of any flooding in the area for three years or more and one that immediately come to mind is a real "doozie" of a flood in either late September or early October of 1975. I remember it and I'm sure Sandy Goldstein remembers it, because we were out campaigning along Toilsome Brook at that time. Different sides of the street, but campaigning no less and that was less than two years ago and that situation hasn't been cleared up. I'd like to speak tonight in complete and unalterable opposition to this down-zoning proposal. I think that to permit this down-zoning would constitute a rape of the environment pure and simple.

The horror of Toilsome Brook is a matter of public record. Over three quarters of a million dollars of taxpayers money have already been spent to alleviate flood conditions, both up stream and down stream, of the property in question, and yet the danger persists. And now by eliminating the ecological function of this property as a natural flood plain, this would only compound the danger of inundation to those of my constituents residing in areas such as Dannell Drive, Crestwood Drive, White Birch, Silver Hill, Fern and Denise Drives, etc. What would be the quality of houses that would be built on this reconstituted wetland? What would be the effect of traffic in the area - in the area of Bulls Head when you add this proposed development to the office complexes that have already been okayed for Bulls Head and Town and Country Shopping Center?

Think of that for awhile. True, this is not my district. This is Len Hoffman's and John Zelinski's district, but I feel for them and for the people that live in their district as much as I feel for the people in the 16th District. But yourself in their shoes, ladies and gentlemen. There but for the sake of God go you. Any vote in favor of down-zoning stinks, regardless of where it's cast.

MR. HAYS: Through you, I'd like to address a question to Mr. Signore. Mr. Signore, earlier you made a comment that we should leave, among other things, the flooding to the the Environmental Protection.

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MR. HAYS (continuing) My concern is whether or not they really have authority here. I am familiar that there are grandfather clauses in building lots designated as such prior to Inland Wetlands and prior to the Environmental Protection Codes, and I wonder if they do or do not have such jurisdiction.

MR. SIGNORE: What I said in my report was that we felt that questions relative to flooding apply to land, whether the single or multiple family dwellings are constructed, and it is up to the Environmental Protection Board and other city agencies to enforce it. If the zoning change does go through, and I don't like to call it a down-zoning, because I'm trying to get an answer on what down-zoning is - I've heard, "down-zoning," down-zoning"; however, it appeared on the master plan for some twenty-five years as R-5.

MR. BLOIS: Mr. Signore, did you answer his question?

MR. SIGNORE: I did.

MR. HAYS: Well, my only concern is that he really didn't answer it to my satisfaction. If they don't have the authority there, then perhaps we should assert that authority. I'm just trying to find some answers as to whether we do or do not have to exercise the authority. If we can leave it to them, fine.

MR. SIGNORE: I think before they can build on that property, the Environmental Protection Board has to give them an okay, so that would take care of that end of it.

MR. HAYS: I'm not satisfied with your opinion. I'm seeking fact.

MR. BAXTER: I think that what the Committee felt was that flooding problems to some extent, if they make it inappropriate to build on it or if they hazard an inland waterway, come under the jurisdiction of the EPB, and you can't build a single family residence or a multiple family residence if the EPB says "no". In other words, all the land within the City is zoned; some of the City is an inland waterway and can't be built on, because of the findings of the EPB. If the land in question is land like that, then the actual construction wouldn't be able to take place regardless of whether it's single family or multiple family.

The only possible reason that I can think of that this Board might consider flood waters is if they felt that the increased density of families there and paved areas that would result, and therefore, the decreased drainage and seepage resulting from these paved areas, would aggravate the problem. But let me just say, that if the area is so bad the EPB or the Building Code would prevent construction, it would prevent construction of single family as well as multiple family residences.

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MR. HAYS: Mr. Baxter, my understanding was that if this was a designated, I suppose "building lot" might be the right nomenclature, prior to the filing of our Inland Wetlands Map then it had "grandfather rights" and our Environmental Protection people would not have certain authority over it.

MR. BAXTER: Are you saying that there's a designated building lot for multiple family in a place that's now zoned for single family? Are you saying that such a situation exists?

MR. HAYS: I'm saying if it could exist. I don't know if they're separate lots or if they're all one parcel.

MR. BAXTER: My understanding that there are no such sub-division plans approved for multiple family use since the land isn't zoned for multiple family. In fact, that's what we're doing now if we agree with the petitioner, then he'll get there and he'll be affected by the Environmental Protection Board and the Building Code.

MR. HAYS: But they're classified as buildable lots, are they not?

MR. BAXTER: Not for multiple family use.

MR. HAYS: Okay, I'll drop the question.

MR. BLOIS: In future speaking, I wish that you wouldn't go back and forth with questions. Say what you have to say and let's go on to the next speaker, because we do have a lot of speakers.

MR. WALSH: When I first saw this application, my first reaction was to vote against it, but what bothers me is that anybody (who's) been shopping for single family houses over the last four years with the price ranges practically out of the working class. Right now we are proposing that all the firemen and policeman live in Stamford. In my opinion, this is the only way we could enforce that, that is to have housing that would be in their range.

MR. HOFFMAN: POINT OF PERSONAL INFORMATION, Mr. President. Through you to Mr. Walsh, or anyone else who might care to answer this particular question. If indeed this amendment is granted, is there any guarantee we would have condominiums or anything else would go into this particular area; in other words, what's being proposed here is that the developer could put in anything. We are not restricting this to solely condominiums that would be for middle class incomes. Once we've opened this up, the developer as I understand it, and I would appreciate some clarification, the developer could put in anything. Could I have an answer to that? Is that correct?

MR. ZELINSKI: I can answer that question for you, Mr. Hoffman. I have in front of my Appendix A from the Zoning Regulations which reads "land use schedule".

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MR. ZELINSKI (continuing) It says under R-5 and I quote: "If R-5 is granted, I will not read all of it, but just some of the more illustrious things that can go on this property if it is changed -to begin with "an airplane field, hanger or ramp, country club or golf or beach club, a swim or tennis club, a hotel, a nursing home, a passenger terminal or station an any type of professional office building."

MR. BAXTER: POINT OF ORDER. I would ask Mr. Zelinski to clarify what he just said. I think if he looks at that land use schedule, he'll see next to some of those items, for instance, the air field letter. That letter means that you need to get approval to construct an airfield. Obviously, that parcel is not appropriate for an airfield and he couldn't build one there. Only those items that have asterisks are what can be built without approval and rather than have this Board misinformed and than take the chance of this Board making its decision incorrectly, I suggest that you correct that.

MRS. GOLDSTEIN: POINT OF ORDER. It would be very beneficial for this Board to know exactly what units do come under R-5.

MR. BJOS: Mr. Hoffman, if you don't have this copy, I will read it for you. "Permitted under the R-5 there'll be apartment garden types, thirteen rooming houses, churches and religious institutions, certain types of clubs and lodges not for profit, colleges, dormitories, community center, dwellings (single family) up to thirty, dwellings (two family) up to thirty-one, group or town houses up to thirty-three, farms, agriculture (category 38) garages (private) home occupation, hospitals and sanitariums, nursing home, passenger terminals, stations, professional offices, accessories, public and charitable agencies, public utility buildings, a radio and television broadcasting station, a school (public), tourist home".

MR. ZELINSKI: Thank you. I think you've made the point that just about anything could go in there.

MRS. McINERNEY: The question before us tonight, is in fact, the question of down-zoning of all of our 39.1 square miles of the City of Stamford. For too long we have sat and seen the Zoning Regulations of our City bent and shaped in favor of the developers. We must sooner or later wrestle with the problem of optimum growth for the City of Stamford, what we are and where we want to go. We cannot continue to destroy a viable community. We need residential single family districts in all our twenty City districts to survive. If we continue to down-zone properties throughout Stamford, I would venture to say that in the next ten years, we too, may witness the mass exit that has plagued New York City.

Increased density in any area, especially one that is already near a dense business traveled populated area will be adverse to Section 550 of this Charter.

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MRS. McINERNEY (continuing) I'll quote the Charter: "will increase congestion in our streets, insecure or be a problem to secure the safety from fire, panic and other dangers; will not promote health and general welfare; will not provide adequate light or air (especially once you start looking at those twenty-story high buildings) will not prevent overcrowding of our land; will not cause undue concentration of population and will facilitate the adequate provision for transportation, water, sewers, schools, hospitals and other public requirements".

Such regulations, if we vote on this tonight, will not be reasonable consideration as to the character of the district and its peculiar suitability for particular uses. And will not preserve the value of any building in that area and will not encourage the most appropriate use of land throughout the municipality.

MRS. GOLDSTEIN: One of the previous speakers said that he really couldn't understand just what down-zoning is. I kind of maintain that one understands what down-zoning is when it comes to ones neighborhood and I'll tell you honestly, I am not philosophically opposed to zoning changes throughout the City. But I am opposed to zoning changes when they are not environmentally sound. I do not believe that this particular amendment that is before us tonight is one that has any kind of positive impact on the environment.

As a matter of fact, having lived through the floods that have plagued my district which is not the district in which this zoning change is proposed, but which change will certainly affect the thousands of people in my district because this whole body of water that runs through this particular area of the town is connected; although the districts are different. In this case, I believe there will be a negative impact on the environment more concrete. I'm beginning to feel that all of Stamford is becoming covered with concrete, more concrete macadam, the whole thing I believe is not positive and for those reasons I am not going to vote for the amendment.

MRS. HAWES: I'd just like to read a paragraph from the Policy Plan for the City of Stamford that was published by the Planning Board in conjunction with the Revised Master Plan. This is on page 74 and it pertains to this section of town which is referred to as Ridgeway-Bulls Head and the heading is "Vacant Land", it's just a short paragraph and I'd like to read it.

"Although there is generally little or no vacant land in the various sectors of this district, the notable exception is thirty-eight acres of land on the west side of Strawberry Hill Avenue between Crane Road and Colonial Road. Inasmuch, as this land fronts on a very heavily traveled major artery that backs up to Revonah Woods which is a very unique in-town, large lot, residential and closed, not to be destroyed, the development of these large tracts must be both sensitive to the neighborhood which it will impact and tolerable to the supporting structure of sewage and highways. No consideration should be given requests for commercialization or high density development of these sites."

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MR. FLANAGAN: The question came up about whether one could or could not build upon a lot in view of the new environmental laws and the Wetlands Act. To the best of my knowledge, under the law that we passed in this Board, if the land is truly wetland, whether or not its been subdivided you cannot build upon it, so the question of whether it's a pre-existing lot be it multi-family or single-family is really moot. If the land is not environmentally sound for building, it cannot be built upon.

I have very mixed emotions about this zoning change, because in looking at the map you have a piece of land that is contiguous to an I-10 zone, but it is not accessible through the I-10 zone and only accessible to an R-5. In 1972 we were presented with many pictures that showed flooding and I talked to people who are familiar with the area and I've heard some say that the flooding has been corrected, but those that are really close to it laugh and say it has not been corrected.

If the argument against building because of the flooding conditions were valid in '72, I think they are still valid today. I think we're looking at a whole other issue and that is whether or not we should change this zoning, because it's contiguous to an R-5 and accessible through an R-5 and whether it's in the best interests of the City. That's why I'm having a problem, because I understand the flooding still can exist on - you know on a ten year flood. It's not fair to judge what happened then, because that's a very extra ordinary thing. But certainly a twenty-five year flood condition is something that we should look at. If the land is not fit to be built on based on a twenty-five year flood condition, then I don't think it should be. Whether that's a valid argument for objecting to the zoning change, I don't know. But in spite of Mr. Baxter's presentation, I don't know whether that's a valid argument.

MR. BLUM: We're living in a unique City. I would like to ask a question of Mr. Baxter through you, Mr. President. There were opinions; there was counsel either we were badgered and we read many statements and many letters. On three, Mr. Allen Mall, the attorney for the plaintiff wrote an opinion, and I'd like Mr. Baxter, on page two, the second, third and fourth paragraphs - could he give me an opinion on those three paragraphs.

MR. BLOIS: Mr. Walsh, would you ask the press to leave the Republican room, please.

MR. ZELINSKI: Would it be possible to call the remaining members into the room. This is an important item to be discussed and many of them are off the floor. Could you please call for the Leadership to bring the membership back for this important discussion.

MR. BLOIS: Mr. Zelinski, as long as we have twenty-one on the floor, when we vote I'll get them in. It is very hot in this room and they just get up for a minute.

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MR. BLUM: I asked Mr. Baxter a question, I wonder if he'd answer that question.

MR. BAXTER: What was the question, Mr. Blum?

MR. BLUM: The counsel or the attorney for the applicant wrote an opinion on page two, I'd like to get some interpretation of his opinion and I was wondering whether Mr. Baxter could do that. I heard a lot of opinions and I would like to hear from Mr. Baxter on that.

MR. BLOIS: I don't know whether Mr. Baxter wants to answer. If he does, he's free to do so.

MR. BAXTER: I think Mr. Mall's letter is clearly written and understandable within its own four corners. Reading it you understand what he says. I think we also got a letter from counsel on the side which expresses the other counsel's opinion, which in part it appears to disagree with some of the things that the first counsel said. I think his letter is also self explanatory. If you have the Judge's memorandums and you have their letters, you're free to interpret them yourself, Mr. Blum.

I don't want to try to tell you what one counsel said when he wrote a letter. He say it and it's clear he wrote it very well and persuasively and so it was persuasively on the other side objecting to what he said. Now, if you want to know on some matter what my interpretation is and if it's really important and you haven't been able to make up your mind, I'll be glad to give it to you. But I don't think that it would serve any great purpose to put this Board or me in the situation of interpreting someone else's letter.

MR. WIDER: I sat here on Thursday night and listened to twenty-two speakers on this subject and I read into the speeches some very, very surprising things. I was reading resistance, a great deal of resistance. You want to keep your usual places up there and the only thing you didn't do was to ask us "how could you eliminate some of the conditions that exist". I look for some of you to at least ask for some help to get those four feet of water that comes in the garages when they're flooded. I have gone to the area several times for certain reasons, because I worked with some people who lived up there, Revonah Woods, and down Toilsome Brook. I don't see anything wrong with doing somethin about the conditions that exist there.

But I do see something wrong with your coming here and complaining and resisting instead of asking for something constructive. I was really upset that some of you didn't come here and show us some kind of plan that you had for us to pass on. And pass on some money to help perserve your property instead of coming here complaining about building houses. So what I think you should be doing, instead of resisting the houses would be asking us to help you eliminate the water from backing up in your cellars by putting the proper code in there and let the houses be built. So all I'm saying is I don't think you're asking for the right thing, as far as I'm concerned. I can't quite understand what the people want who live in these areas.

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PLANNING AND ZONING COMMITTEE (continued)

MRS. GOLDSTEIN: Point of personal privilege, Mr. President. I think that what Mr. Wider said must be answered right now. For five years the people from this district and adjoining districts have come before this Board, before Environmental Protection Board, the Zoning Board, before any Board that you could probably name in this City and beg for funds, for help, guidance, for everything to prevent the horrendous flooding conditions that exist in the area that is known as Toilsome Brook and parts of the Rippowam River, Cooper's Pond area. They've been here, they have begged, they have pleaded, they have cajoled, they have gotten nowhere, because this is really and truly immense.

There have been some very good consulting firms that have worked long hours to try to do something about the problem. This Board has in its wisdom appropriated monies to help the problem, but as of this minute those people who are sitting out there, other people like them who have come for the very same reason have sell all their effort standing still. Because the Board, right now it's the Environmental Protection Board and the Public Works Department have not figured out any effective means for preventing flooding. I must say, Mr. Wider, it's unfair to say, why aren't you coming to me for the right thing? They are coming to you for the right thing.

MR. HOFFMAN: Point of personal privilege. I would like to point out as well, Mrs. Goldstein said it so very well, but in addition to that, this water that is bothering the Toilsome Brook comes from many other parts of Stamford and from outside two districts, so it's not just a problem that is in this particular district.

MR. BAXTER: First, let me just mention that before when speaking I said multiple family. I spoke in error. It's of course R-5, which has a whole series of uses which Mr. Blois has read to us. I'd like to point out that we don't act in a vacuum, that the only issue here is not flood water or the water that comes in, but I think it's the standard in which we implement or the comprehensive plan that Stamford has reflected by both its Master Plan and its Zoning Map. I'd like to remind this Board on two actions that you've taken in the 14th Board in this regard. The first one, you'll all probably remember, was the application on change of zone on West Avenue over the West Side.

It was the very first thing we took when we first all got elected; and there the applicant was asking for a down-zone, that is a change to a less restrictive use in accordance with the Master Plan. The Master Plan, in that case like here, had a lower zone in the Master Plan looking forward, but the Zoning Map still had the higher zone, the more restrictive use area. You'll recall that the Zoning Board denied the applicant's permission, denied the change in the Zoning Map, that it was appealed to us, that we looked at it; we went down and considered the unique condition of that plan and the impact it would have on the neighborhood.

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PLANNING AND ZONING COMMITTEE (continued)

MR. BAXTER (continuing) We had a public hearing and we were very careful to make sure that the reasons that used to agree to the change in zone were reasons that have only narrow application and we did change the zoning down despite the fact that the Zoning Board didn't want to do it. You recall one other application we had, which was on Arthur Place where both the Zoning Map and the Master Plan said that the applicant couldn't do what he wanted to do and we, after consideration, turned the applicant down. Now I think that while it is of not that the Master Plan is supposed to permit what use the applicant wants, I don't think that that's necessarily controlling.

We have a Master Plan which looks forward and a Zoning Map which we change or not, depending on our assessment of how true that Master Plan or how valid that Master Plan continues to be. Otherwise, we wouldn't need two maps and we would automatically agree to anybody who wanted to change the zone to what the Master Plan said, they would be entitled to it and it would all be changed. That's not the reason. Any reasoning that we use to change this zone, if we do decide to change it, we have to make sure we understand, should be applied to any other property similarly situated, so that if the reason that we refuse to change this zone is that it is adjacent to a zone as low, that is to say in this particular case, there's a No. 5 right next door to it so why not me; if that's our reason, then we ought to be prepared to say "yes" to any other applicant who gives the same reason. As all of you know, when you look at the map, the Zoning Map has got boundaries all over it, and there could be quite a few applications of all the people who are on the line who say "change me" because I'm across the street or backing up to me is a lower zone, and once you change them you've promoted the people behind them; now they're next to a lower zone and pretty soon the net result of that is one zone in the City, the lowest zone. So clearly in my opinion, that is not sufficient reason in itself to change the zone.

There has to be more than that. That's a factor; that's something you consider, but that's not enough. Now my view of the land, -I toured the land and looked around the neighborhood in that area - single-family area in that area is unique and excellent of a single-family residences that the further intrusion of lower zones into it would have deleterious effect, because of the increase traffic conditions, pollutions, flooding, all that was mentioned and also the character of the neighborhood and the type of neighborhood that it is. Now merely because we are looking at that neighborhood doesn't mean, in my opinion, that we're not paying attention to the benefit of the City as a whole. The whole is made up of the sum of its parts. We have to look at that land, that neighborhood itself because that's the application that we have in front of us.

What we have to do and what I think we have to do is that the principle we use to decide this, we have to consider if we allow this type of thing, what effect it would have on the City as a whole as people similarly situated ask the same thing of us, to allow a lower zone in what is now a single family residence zone and I don't think that is a detriment to the City as a whole. I look at that land that's this application as something that will deteriorate the neighborhood having view toward its character and will cause harm to the City as a whole for all the reasons that were mentioned. The land can be used; the land is zoned for single family use; the applicant or every succeeding owner is entitled to develop that land in accordance with zoning and I think we should leave the zone the way it is.

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PLANNING AND ZONING COMMITTEE (continued)

MR. SIGNORE: I'd just like to say that when I wrote up this report, I didn't write it alone. I want the people here tonight to understand that, I didn't sit down and write this by myself. There were other members of the committee sitting there, both pro and con; so there's no misunderstanding that I didn't do it all by my little self.

MRS. COSENTINI: I must congratulate Mr. Baxter for a very articulate and clearly thought out presentation. I'm sure if the audience were permitted to express its approval it would have very heartily. He's left really nothing else to be said, I think, in terms of the arguments for reviewing this case. I just have to congratulate him on a thorough objective argument based on the facts and on, I think, a very clearly thought out reasoning.

MR. ZELINSKI: I would humbly ask the Board to bear with me. I have some very important reports which might be very lengthy, but I feel they're most important to our discussion and final vote this evening. First of all to begin with, I'd like to clarify something that the Acting Chairman of the Planning and Zoning Board said at the outset of this meeting when he mentioned something regarding Bedford Street being made a one way, which was a rumor. I spoke this afternoon to our new Police Chief, Victor Gizanckas, and he told me beginning in the Spring of 1978, Bedford Street, indeed, would be one way, a fact which will create more traffic and problems in that area.

Next, Mr. Hoffman raised the point as to the land leases, if this zone change was made and you went over, Mr. President. I did not want to mislead the Board; however, even though this land use schedule does mention that if there is - a) beside certain of these changes, it doesn't necessarily mean it will go through and in that particular case it would go before the Zoning Board of Appeals just as this particular item went before the Zoning Board. They voted in favor of it so that there is nothing to say in the future and if the owners of this property want to make an airplane field and they go to the Zoning Board of Appeals and get the approval; that it could come to pass and at that particular time, as the Board members know, it cannot then be appealed to the Board of Representative as it is now. It would be a closed and shut case.

MR. BLOIS: Will the members please take your seats. Will the Board members please come in and take their seats. You may continue, Mr. Zelinski.

MR. ZELINSKI: For those who were out of the room I would beg your indulgence with a great deal of material I'd like to cover and I'll make it as brief and as quick as I can. I'd like to quote from Judge Belinkie's original memorandum as follows:

"On February 24, 1977 this Court has sustained an appeal from the decision of the Board of Representative rejecting the change in the Zoning Map of the City of Stamford from an R-7 zone district classification to an R-5 zone district classification for the plaintiff's property".

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PLANNING AND ZONING COMMITTEE (continued)

MR. ZELINSKI (continuing) That was the first paragraph. Again I quote:

"This Court does not feel it has the power to enter such a direction, (as far as giving directions which way we should or should not vote) if there is an appeal from the Board of Representatives to whom the matter was referred from the Zoning Board, this Court sustained the appeal on the grounds of the decision of the Board of Representatives".

And this, I think is the whole key here after everything has been spoken, that we've been listening to this evening, was illegal, because of improper conduct on the part of one of its members in the consideration of this referral. For the court to now direct the re-instatement of the original decision of the Zoning Board would be improper judicial usurpation of the legislative function of defendant authority. They are not going to have the vote, they are not throwing out the merits why this Board voted this particular zone change down and I might add overwhelmingly, but just because of that one single item. I think that is the key, so when we're voting tonight, members, please bear that in mind.

Again I quote from Judge Belinkie's decision:

"This appeal having been sustained under the authority of the Bogue rule, the defendant board is now under a duty to proceed according to law. It must be pointed out, however, that "according to law" does not mean political lobbying, "arm twisting", marshalling of votes, or considerations designed to reflect the desires of a few individuals as opposed to the comprehensive plan for the entire community. "According the the law" means being guided, when in acting on referrals under Section 552.2 Charter of the City of Stamford, by the same standards as are prescribed for the Zoning Board under Charter Section 550".

"According to law" means a consideration of the reasons which were given by the Zoning Board in approving the Application for Zone Change in this case. It means examining its own reasons given in rejecting the proposed amendment in the light of the reasons stated by the Zoning Board in approving the same amendment. Above all "According to law" means a determination of what the proposed zoning change is designed to further (and I quote most strongly): A general plan properly adopted for and designed to serve the best interests of the community as a whole", (not one individual person).

MINUTES OF REGULAR MEETING JULY 11, 1977

PLANNING AND ZONING COMMITTEE (continued)

MR. ZELINSKI (continuing) We are in receipt of a letter dated June 27, 1977 from our Assistant Corporation Counsel, Edward J. Frattaroli, and if I may, I'd just like to quote very briefly from his letter:

"I want to point out that time of the the essence and critical in having the Board of Representatives, City of Stamford entertain this case in accord with Judge Belinkie's directives as set up in its clarifying memorandum. Since Section 552.2 of the Charter indicates that the Board of Representatives shall approve or reject such a proposed amendment at or before its second quarterly regular scheduled meeting following such referral, I would strongly suggest that this matter be entertained and either approved or rejected at or before July 11, 1977 regular meeting, since said meeting would be the second regular meeting".

And now I would like to read into the record a portion of a letter dated March 23, 1972 from Mr. James Hagen, then Chairman of the Stamford Planning Board regarding this particular application:

"The Planning Board has instructed me to advise you at its meeting held on March 21, 1972. It met with attorney, Paul Shapero regarding the above subject application with reference to a proposed change in the Zoning Map of the City of Stamford, concerning property located (which we are talking about). The Planning Board by the vote of two members with Chairman James Hagen and member Samuel Bernstein abstained, voted recommend denial of the proposed change in the Zoning Map of the City of Stamford upon application of Richard Schlesinger to change to R-5 multiple family resident distrest property now in the R-10 one family district in the rear portion of the parcel of land shown and deleted as parcel B in Map 1037. The Board recognizes that the entire tract is shown in a low denisty multi-family category on the Master Plan and it continues to recommend some development except on the rear portion of the subject tract requested for re-zoning".

I would also like to quote very briefly from the minutes of June 5, 1972 from the then Chairman of the Planning and Zoning Committee, George Russell and again, please I beg your indulgence; I know it's a long evening, but please believe me; I think this has a great deal of bearing on your final voting decision tonight.

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PLANNING AND ZONING COMMITTEE (continued)

MR. ZELINSKI (continuing) Item 1, the committee announced to those present that this meeting was a so called "Open Meeting" to hear the above appeal which was referred to the Board of Representative in accordance with Section 552 of the Stamford Charter. Those bringing the appeal were heard first. Approximately twenty-five property owners appeared for the appeal. Among those speaking was Robert Bello, attorney, who spoke for a number of property owners who signed the petition. Approximately eight others also spoke for the the appeal, including representative Edith Sherman, who also spoke before the Zoning Board in opposition to same application.

It should be noted at this time representative Sherman had notified the Committee that she understood that by her actions she would have to disqualify herself when this matter reaches a vote before the Board at its regular meeting. Speaking in opposition to the appeal was Paul Shapero, attorney for the applicant of the above referred application which was approved by the Zoning Board. Mr. Shapero in his presentation had a Mr. Hal Hansen, Jr., an architect and Mr. Arnold Benedict, a site planning expert show and explain architectural renderings of the proposed condominiums, including an aerial survey of the area.

I try to be very impartial; that's why I'm not cutting out items pertaining to both sides, Mr. President. This meeting lasted about three hours; much of the testimony presented was similar to what was presented before the original Zoning Board Public Hearing on this matter, which appears in transcript in this meeting, a copy of which the committee has for reference. One of the main points which the committee considered was the unusual zoning status of the area; thereby all of it is zoned R-10; yet a non-conforming R-5 use exists adjacent to the nine or so acres involved in this application now being considered. Another matter was the present parking conditions at Bracewood Lane Apartments where at present an area of the land proposed for the condominiums is now being used for open parking.

The next and most major factor was the repeated and I quote "repeated flooding of this area by the so called Toilsome Brook". During almost any heavy rainfall letters were presented from the Flood and Erosion Control Board and the Health Commission indicating their concern over this property, until proper hydraulic studies have been accepted and drainage proposals can be guaranteed. Several dozen pictures were presented showing past flooding in this area to be a fact. Although the site planner expert, Mr. Benedict said that the drainage problem would be taken care of, there was no proposed engineering plan presented, which might give assurance that this major flooding condition would be taken care of. In fact, because of the constant floodings the committee felt that the Flooding Erosion Board should be consider possible flood plan setbacks along this Toilsome Brook area.

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PLANNING AND ZONING COMMITTEE (continued)

MR. ZELINSKI (continuing) The committee also felt that because of the topography of the general area adjacent to the properties of the Urban and East Lane, the proposed layout would be a drastic impact on many existing large, beautiful homes, some of which are the finest in Stamford. In summary, after hearing all the testimony presented at the open hearing, the consideration of all facts and findings presented, as well as a visit to the area involved, the committee felt that parking would become a chronic problem in the present overcrowded multi-family land area use. The committee's major concern was that the drainage problem was a mammoth one, with no sound solution offered and if not properly taken care of, drastic flooding would not only damage homes beyond this area, but would probably create flooding problems to many of the new condominiums that would border the Toilsome Brook area.

With these problems as well as the facts, the present zoning status of this land was still before the Court of Common Pleas. The committee felt that the appeal referred before was justified and should be upheld. The vote of the committee was unanimous, all five members present favor the approval and thus reject the proposed amendment of the Zoning Map as approved by the Zoning Board; thus the committee by its action recommends that the Board of Representatives pursuant to Section 556-1 vote affirmatively to support the referral appeal. A majority of the entire membership shall be required.

MR. BLOIS: What's your POINT OF ORDER, Mr. Baxter?

MR. BAXTER: I'd just like to state for the record that these considerations and things should not be taken as authority merely because they were done, because we have a case which has thrown this out and the only thing that's important is what Mr. Zelinski's reading and I'm sure that's why he's reading it is the reasoning that's in there, not the fact that the committee voted for it unanimously or double unanimously or what the Board did. It's just the reasons that exist and I'd just like to make sure that we understand that.

MR. BLOIS: Is your report going to be a half-hour Mr. Zelinski?

MR. ZELINSKI: No, Mr. President, I will be as brief as I can which will be another five or ten minutes at the very most. I please ask the Board's indulgence. Just to continue with Mr. Russell's remarks. The answer is: There was a letter sent in by the secretary of the Zoning Board and Mr. Russell answers this. The City does not understand how this letter could have been prepared when he just rendered his report this evening or where they obtained information, because he apparently made a lot of statements the the committee did not bring out in the report. He said they did not discuss the traffic situation and did not discuss carbon monoxide or some of the other things mentioned in your letter. He said it appears to him they are citing their own report and trying to emphasize certain facts in it.

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PLANNING AND ZONING COMMITTEE (continued)

MR. ZELINSKI (continuing) He said he was suprised because this Board, that is the Zoning Board, has in their hands tonight photographs of actual flooding at the Bracewood Lane Apartments showing cars under water in this area and apparently they do not know about it. He said some of the problems this Board has had presented before them are a result of poor judgement on the part of the Zoning Board and again I'm quoting. He suggested that if had done a thorough a job as Planning and Zoning had done, They might not have come out with the vote they had.

He said anyone who has live in Stamford any lenth of time knows that the history of Toilsome Brook is a long one of flood, flood, flood. He said that if anyone wants to talk to the City engineers there are also estimates or attempts to try and correct some of these floodings. He said certainly they were not making estimates of way and means to correct flooding. If such were not the case; so it must have existed for a long time. He said the pictures that the committee saw show clearly that this flood exists. It's not a myth, and the Zoning Board insists that there is no flooding in the area. He said that he also notes that the letter does not go into any details as to why the Planning Board did not agree with them and why it was an unusual vote, because all five members did not vote on the matter.

He said the Planning Board has often disagreed with the Zoning Board. The very one that signed the letter-that they have a zone called PHD which they feel is less favored to have it re-densified. And just to record the vote as they did, that particular evening; it was a roll call vote which stated 27 in FAVOR, 8 OPPOSED, and 4 ABSTENTIONS.

Since it is late I was going to read something else, but I won't. To give you the history of it I will just conclude my remarks by stating that the reasons for objecting to this particular down-zoning are (1) The access road with front and backup on us, backup around the community, thus surrounding many of the Urban Street homes with automotive thoroughfares. It would be like living on an island surrounded by carbon monoxide instead of water. This heavy concentration of poisonous gas is a threat to the health and welfare of these residences. (2) Increased traffic cannot be conveniently handled on Beford Street. (3) The original Bracewood Lane Garden Apartments construction was allowed to be built on the basis that the population density of all twenty-five acres would be the same as single family homes in the same area. (4) A flooding condition and partial wetland condition does not warrant additional Toilsome Brook development as is presently planned, as this will aggravate heavier flood conditions.

I have pictures, if any of the representatives would like to see, the facts that there is a great deal of flooding. It is not a myth. It has not been corrected. There are pictures that were taken prior to 1972 that show the flooding. The Toilsome Brook underground pipe is undersized down to the Rippowam River.

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PLANNING AND ZONING COMMITTEE (continued)

MR. CONNORS: POINT OF ORDER. Mr. Zelinski, are you reading from previous minutes of the Board of Representatives?

MR. ZELINSKI: No, I am not Mr. Connors, I finished Mr. Russell's comments that I quoted. I'm reading my own comments.

MR. CONNORS: How about Mr. Russell's comments, they were in the minutes of our meeting.

MR. ZELINSKI: Yes sir, I read those. That was from the minutes of June 5, 1972, Mr. Connors.

MR. CONNORS: All the members have the minutes then?

MR. ZELINSKI: Yes, I believe we all have copies of them. I just wanted to stress for the members who might not have read that.

MR. CONNORS: Yet most of the members have read it.

MR. BLOIS: The point is well taken, Mr. Connors. Mr. Zelinski would you please continue and make it as brief as possible.

MR. ZELINSKI: Two by fours lumber pieces which often have been seen floating down Toilsom Brook would be caught in the underground pipes and cause Toilsom Brook water back-up. Next, the City plans to streamline and speed the water flow upstream to relieve upstream flooding. This would be a source of additional flooding problems, especially during extremely heavy rains and water backup periods. And lastly, Mr. Genovese's filling in wetlands will further worsen the drainage conditions, if and when forty-two homes are due for construction. Mr. Genovese is accelerating his effort for this particular development.

MR. BLOIS: Mr. Zelinski, is that all?

MR. ZELINSKI: Just one more point, Mr. President. I was going to read some letters, but I won't in the essence of time. I'll just simply say, in conclusion, I humbly ask each and every Board member to search their minds and vote their conscience and not be influenced by outside pressures and to please vote against this down-zoning on the facts as if this particular piece of land were in their own backyard.

MR. BLOIS: I know Mr. Perillo has been waiting for twenty minutes, but there being no further speakers and no motions at this time, the Chair is going to declare a five minute recess for the benefit of those that haven't moved and for the benefit of the Chair, that has a doubt on a little parliamentary procedure

FIVE MINUTE RECESS.

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PLANNING AND ZONING COMMITTEE (continued)

MR. BLOIS: All members please take their seats. We are acting on the application of Schlesinger No. 72007 amendment to Zoning Map the City of Stamford from R-10 one family zoning to R-5 multi-family zoning. I would entertain a motion from the floor at this time.

MR. BAXTER: Mr. Chairman.

MR. BLOIS: Mr. Baxter, what did you want to say?

MR. BAXTER: I want to make a motion, I'm the acting Chairman.

MR. BLOIS: All right, Mr. Signore.

MR. SIGNORE: I make a motion to approve the appeal from the the decision of the Zoning Board. This will take a majority of the Board, in other words, twenty-one votes.

MR. BLOIS: Would you state that motion again, Mr. Signore.

MR. SIGNORE: I make a motion to approve the appeal from the decision of the Zoning Board. This will take a majority of the Board, in other words, twenty-one votes. A yes vote would be against the zoning change, a no vote would be in favor of the zoning change.

MR. BAXTER: I would like to offer an amendment to the motion made by Mr. Signore. My amendment would read that the motion should be moved that the application of Richard Schlesinger to change the Zoning Map of the City of Stamford for the land described in this application from R-10 to R-5 be adopted. My reason for making that amendment is twofold. Number one, as I mentioned at the outset of this entire proceeding, is that we must clearly keep in mind what it is that we're here to do and if you look at the Section of 552.2 and if you look at the case referred to by Judge Belinkie, which is Burke vs. Board of Representatives you'll see quite clearly that what we do is not act only on the Zoning Board. We don't appeal without an appellate court, but the application is referred to us and we're to act by the Charter. The Charter says that we act on the application for change, so that's the first thing.

The second thing, that as soon as the matter was referred to the Board of Representatives the decision of the Zoning Board was a nullity. It ceased to have operating effect and it clearly says that in Section 552.2, so that as of right now, the Zoning Map is R-10; the application is to change it to R-5 and that's what we vot on and I so MOVE that amendment.

MR. BLOIS: Are you making an mendment to Mr. Signore's motion? Could we get a second to Mr. Singore's motion?

MR. SIGNORE: Mr. Wider seconded my motion.

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PLANNING AND ZONING COMMITTEE (continued)

MR. BLOIS: An amendment has been made to Mr. Signore's motion to approve the appeal of the decision of the Zoning Board. And your amendment was?

MR. BAXTER: My amendment, I'll read it again so you'll understand it. I won't repeat my reasons. It's the third time tonight. My amendment would change the motion in its entirety to read as follows:

Moved that the application of Richard Schlesinger to change the Zoning Map of the City of Stamford for land described in his application from R-10 to R-5 be adopted; therefore, if my amendment should pass, a yes vote on that motion would be for the applicant's request to change it to R-5, and a no vote would be for retaining the Zoning Map as it currently exists and under Section 556 of the Charter a majority of the full Board, that is twenty-one people would have to vote for change in the Zoning Map to R-5.

MR. SHERER: I'd like to offer a response to Mr. Baxter's interpretation of Section 552.2. I agree with Mr. Baxter in part, that it is a referral and therefore, we do have to make a decision on the merits of the case as it pertains to the amendment itself as compared to Mr. Signore's view that it's an appeal. However, I disagree with Mr. Baxter also in part. (1) I disagree with him that it's a nullity per se, because the Charter does refer to the inability of the Board to act, would in fact maintain the action of the Zoning Board. If it were a nullity per se, I don't think you can have the continued status of the Zoning Board's decision if there was a failure to act. Secondly, I would like to point out for the information of the Board that in Section 552.2 it does state that the Board of Representatives may approve or reject an amendment, and since it does have an alternative way of providing for a vote, I submit that since the petitioners are not the Schlesinger group, but rather the opponents of the Schlesinger group and their ultimate goal is to reject this amendment, I think then our vote ought to be that we vote to reject the amendment.

MR. SIGNORE: POINT OF ORDER.

MR. BLOIS: What's your point of order, Mr. Signore?

MR. SIGNORE: I'm using this motion as a precedent set in 1972 when this particular item was voted on, and I'm using the same motion now.

MR. BAXTER: POINT OF ORDER. I think everyone would agree that the zone of the land in question right now, at this minute, is R-10. If it were anything other than R-10, for instance the only thing it could be was R-5, we wouldn't be sitting here and we wouldn't be arguing about it, because construction would probably have started.

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PLANNING AND ZONING COMMITTEE (Continued)

MR. BAXTER (continuing) It's R-10 because, as the charter says, and I think the last speaker was correct. The Charter does say and I would like to quote it: The decision of the Zoning Board. The decision shall have no force or effect. And it's R-10. If you adopt what the last speaker said and let a negative vote come in, so that you would end up with the position that 16 votes of the 37 members that are here would be sufficient, or 17 votes would be sufficient to change the Zoning Map. In other words, the Zoning Map is R-10. We want to change the Zoning Map.

The Charter tells us the standard which we need which is 21 votes, and that is what Obviously would be required to change the Zoning Map. I don't want to belabor it, but it's quite clear that we're not a review court on this that we're deciding on the application. The petitioner here - I respectfully disagree with the last speaker - the petitioner is the man who in 1972 handed a paper into the Zoning Board and said please change the Zoning Map. That's the petition and that's what we're acting on now, just change that Zoning Map to R-5.

MRS. COSENTINI: I would like to speak in support of Mr. Baxter's amendment which essentially changes the motion and I assume that that's the correct procedure. I would not like to see a parliamentary maneuver on the phraseology of the motion to succeed in thwarting the will of the majority of this Board or to succeed in having an effect and impact on this community of quite an important measure.

We have on all important matters before this Board, including the Charter Revision, stated the motion in such a way that it would be clearly the majority in the affirmative that would have to alter anyone of our governmental procedures. That not only puts the burden on those who wanted the change made, but also made the voting procedure crystal clear. I would strongly urge that we do not alter that very amiable and I think, fair procedure tonight.

MRS. GOLDSTEIN: POINT OF ORDER, Mr. President. I would like to know who seconded Mr. Baxter's motion.

MR. SIGNORE: Me.

MR. LOOMIS: I would just like to also speak out in favor of Mr. Baxter's amendment. This has been an often times confusing and complex issue and Mr. Baxter's amendment has a virtue of making it very clear exactly what we would be doing when we take a vote on this issue and we clearly understand how we're voting and why we're voting. So, I think therefore, I'm going to be voting for his amendment and I hope others do also.

MR. HAYS: I MOVE the question on Mr. Baxter's motion.

MR. BLOIS: The motion is made to MOVE the question. MOTION CARRIED. We'll act on the amendment that was read by Mr. Baxter. Would you re-read the amendment before we go into actual voting.

MINUTES OF REGULAR MEETING JULY 11, 1977

PLANNING AND ZONING COMMITTEE (continued)

MR. BAXTER: It's moved that the application of Richard Schlesinger to change the Zoning Map of the City of Stamford for the land described in his application from R-10 to R-5 be adopted. In other words, a yes vote would be to accept his request to change it to R-5, and a no vote would be to keep the zoning as it is now R-10.

MR. LOOMIS: POINT OF INFORMATION. Are we voting on an amendment to the original motion? If we vote to accept the amendment will the original motion then become the amended motion?

MR. BLOIS: I believe Mr. Baxter stated that he wanted to wipe the original motion out. Is that it, Mr. Baxter?

MR. BAXTER: It's an amendment that completely replaces in its entirety what Mr. Signore says. The only thing left if you've accepted that is what I just said.

MR. SIGNORE: POINT OF ORDER. To make it easier, I withdraw the motion.

MR. BAXTER: I would like to move that the application of Mr. Schlesinger to change the Zoning Map of the City of Stamford for the land described in his application from zone R-10 to zone R-5 be adopted.

MR. BLOIS: MOTION made and SECONDED.

MR. BAXTER: 21 votes would amend the Zoning Map.

MR. BLOIS: We'll have a roll call vote.

IN FAVOR OF ZONING FROM R-10 to R-5:

Handy Dixon	Julius Blois
Alfred Perillo	Donald Sherer
S.A. Signore	Robert Costello
John Schlechtweg	Leo Carlucci
Thomas D'Agostino	George Connors
Lathon Wider	Peter Walsh
Gerald Rybnick	

ABSTAINING:

Mildred Perillo

ABSENT: Livingston, Nizolek, Sandor

THOSE OPPOSED TO CHANGING THE ZONE:

Michael Morgan	John W. Fox
Kurt Zimble	Mildred Ritchie
George Hays	Wm. Flanagan
Leonard Hoffman	Sandra Goldstein
Ralph Loomis	Lynn Lowden
Geo. Ravallese	Barbara McInerney
Adam Osuch	George Baxter
Vere Wiesley	John Zelinski
Marie Hawe	David Blum
Lois Santy	Audrey Cosentini

OFF THE FLOOR, Loboza, DeRose, Miller
AND RECORDED AS NOT PARTICIPATING.

MINUTES OF REGULAR MEETING JULY 11, 1977

PLANNING AND ZONING COMMITTEE (continued)

MR. BLOIS: The MOTION IS LOST with 20 NO; 13 YES and 1 ABSTENTION.

MR. MILLER: Will the Leadership immediately consult to determine the course of this meeting. Will the meeting please come to order.

MR. BLOIS: The Leadership has discussed whether we should proceed with the meeting or not. We decided we'd go home and come back next Monday evening.

MR. MILLER: Might we possibly begin the meeting a little earlier.

MR. MORGAN: It's only 11:30, I would suggest that we at least do the Fiscal Committee agenda and we'll have much less to do next Monday. Since I'm sure you're also planning on having a Steering Committee meeting on Monday as well.

MR. MILLER: We have a motion to adjourn to next Monday evening.

MR. MORGAN: If we vote no on this then a motion to adjourn at a later time might be appropriate.

MR. MILLER: Mr. Blois has made a motion to adjourn the meeting to Next Monday evening. At what time, Mr. Blois?

MR. BLOIS: I would say at 7:30.

MR. MILLER: We'll adjourn the meeting to 7:30 next Monday evening. MOVED and SECONDED. The MOTION is CARRIED. We'll take a DIVISION, on whether or not to adjourn. The MOTION is CARRIED with 25 YES votes for adjournment.

ADJOURNMENT: The regular meeting was adjourned at 11:30 P.M. after voting to meet on Monday next, July 18, 1977 at 7:30 P.M.

Helen M. McEvoy, Administrative Assistant
and Recording Secretary

APPROVED:

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

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

HG



MINUTES OF ADJOURNED MEETINGJULY 18, 197714th BOARD OF REPRESENTATIVESSTAMFORD, CONNECTICUT

An adjourned meeting of the 14th Board of Representatives of the City of Stamford, Connecticut, was held on Monday, July 18, 1977 in the Legislative Chambers of the Board, 429 Atlantic St., 2nd Floor, Municipal Office Building, Stamford. This was adjourned from the regular meeting held Monday, July 11, 1977.

The meeting was called to order by the PRESIDENT, FREDERICK E. MILLER, JR. at 8:12 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL: Roll Call was taken by the CLERK, SANDRA GOLDSTEIN. There were 23 members present and 17 absent. However, two members (George Hays and Barbara McInerney) left at 9:10 p.m. Then Mr. D'Agostino had come in in the meantime. And at 9:30 p.m., Mrs. Santy, Mr. Fox, and Mrs. Ritchie came in. The attendance then became 25 present and 15 absent. The 15 absent were:

Handy Dixon	Jeremiah Livingston
Leonard Hoffman	Christine Nizolek
Adam Osuch	Donald Sherer
Vere Wiesley	John Sandor
Marie Hawe	Peter Walsh
Lynn Lowden	Audrey Cosentini
Gerald Rybnick	George Hays (left)
Barbara McInerney (left)	

(Mr. Baxter came in at 10:15)

The PRESIDENT declared a QUORUM.

MR. RAVALLESE: Mr. President, I don't know whether I'm out of order, but does the City need money for air conditioners? When the Hell are we going to get air conditioning down here? The heat is unbearable.

MR. MILLER: We'll proceed with the meeting.

MR. BLOIS: Before we go into the meeting, I'd personally and publicly, and I'm sure all the members present would like to thank John Strat, for at least a little relief, for the use of the fans. Thank you, John.

MR. MILLER: I think it would be well for the Board to consider this evening that we have 23 members present. It is my understanding that Mrs. Santy and Mr. Fox will be here later, and it is also my understanding that a couple of the members present will have to leave, so we may have a problem with a quorum; and I would suggest that we should bear in mind that there could be some items under FISCAL which really should be considered this evening because of deadlines. I would also suggest that the Leaders give some thought to the plans for the August meeting. It is the Chair's intention to have the STEERING COMMITTEE MEETING next Monday evening, and normally the August meeting would be Monday, August 1st. If there is a desire to change the date to the second Monday in August, it must be done this evening with a quorum present. We will now proceed with a check of the voting machines.

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

MR. MILLER: With Mr. D'Agostino now present, we have 24 members present.

MR. BLUM: I would like to make a MOTION that we change the meeting of the August meeting to the second week in August, whatever that date is.

MR. MILLER: Well, there can be discussion. SECONDED by Mr. Zimmler. What would the reason be, Mr. Blum?

MR. BLUM: The reason would be that the change of the STEERING COMMITTEE to next week, there wouldn't be enough time for the various committees to meet between the first of August and next week, so I believe that we should postpone it for one week to allow the committees to meet.

MR. SIGNORE: I disagree with that because I think many of the people on the Board have vacation plans and probably have known for some time that the meeting would be on August 1st and I think that moving it to August 8th would cause some problems for some of the people.

MR. FLANAGAN: I'd like to speak against it, not that I have any personal reasons myself, but during the summertime a lot of us have scheduled over the years, our vacation so that we do not miss meetings and I think that to change this particular meeting would cause people that have arranged vacations around the regular meetings to miss it and most of us take it very seriously.

MR. MORGAN: I'd just like to ask a rhetorical question to both the Democrats and the Republicans. The Democratic City Committee endorses on Tuesday, August 2nd, and the Republican Town Committee endorses Thursday...no, the same day? So I think everybody's going to be in town since they're going to be up for re-endorsement the following day. Although I appreciate the comments about being away on vacation, I suspect that we're all going to be here that week.

MR. MILLER: That, of course, is the normal day for the meeting, August 1st. Is there any further discussion? If not, we'll proceed to a vote on Mr. Blum's motion which is to change the date of the August meeting to the second Monday in August. The Chair is in doubt on the voice vote. We'll take a Division, using the machine. The MOTION is LOST with eight YES votes, 15 NO votes, so we'll have the meeting on August 1st and the Steering Committee will meet next Monday evening.

MRS. McINERNEY: I would like to suggest the possibility of the Steering Committee discussing the probable future adjournments of this Board for two months during the summertime, since it appears that we can't get a quorum for our normal meetings. None of our committee meetings have quorums. It seems to be like a fruitless battle that we're fighting and it most especially occurs during the summer months.

MR. MILLER: I really think the plan is well-taken, but it's almost impossible to do that because there's always something that has to be done by a certain date. We have the Zoning appeal in July. I think there are a couple of matters tonight, but the Committee can take up the question. Could we move on to the Agenda?

MR. FLANAGAN: It would be contrary to the City Charter not to meet at least once a month at a regular meeting.

MR. CONNORS: I was very unhappy when I read about our secretary, about the minutes that she doesn't get them out in 48 hours. After all, whether they come out in 48 hours or 68 hours, it doesn't make any difference. I mean, because the average person does not need the minutes. I as a member -I'm willing to wait a week for my minutes. In fairness to our secretary, I don't think it's fair for the League of Women Voters to go into the newspaper and criticize. I think it's wrong and I feel that we as members of the Board should stick up for our own members and I feel that they have a nerve to even bring it up into the newspaper saying they don't get it in 48 hours.

MR. FLANAGAN: Mr. Connors and Mr. President, with due respect to you, on our Agenda last week, we had an item of Acceptance of the August, 1976, September 13, 1976 minutes, which is not 48 hours, not 60 days, it's not 90 days; it's damn near a year. Mrs. McEvoy has had this position for nearly two years and I object to her statement to the press that her predecessor had three people in the Clerk's secretarial pool because after Mrs. Flaherty was in the position for a period of time, whether it was six months or a year, I'm not sure, the staff of the Board of Representatives was reduced from 3 people total to 2 people, and during this time there was an intensive investigation conducted and minutes of those meetings were made available in a very short period of time. I was going to wait until the final minutes of this meeting under New Business to ask that Mrs. McEvoy resign from this position because she has shown to me that compared to her immediate predecessor, and even the person that had the position before that, she, for some reason, is not capable of conducting the job of Administrative Assistant of the Board of Representatives in a manner prescribed by State law and certainly not anywhere near the standards that this member, having been on three Boards of Representatives, has expected from the office. I'm very sorry and I'm very grieved that I have to do this, but in all good conscience, going off the Board this year, it'll be my last term on the Board of Representatives, I just could not leave without making this request, whether the President or the Clerk do it, I think there are grounds for removal of Mrs. McEvoy as Administrative Assistant to this Board.

MR. MILLER: The Chair just wants to say the Chair did not see the newspaper article. I assume it was in this evening. The Chair did receive a letter from the League of Women Voters requesting some minutes. Can we proceed with the meeting?

MR. McINERNEY: I don't have anything to say with regards to what Mr. Flanagan just said, but one point that I would like to bring to Mr. Connors' attention was the fact that this Board passed an ordinance asking that minutes of all public agencies and governmental bodies be on file with the Town Clerk's office and I think the period of time we gave them was no longer than two weeks. Mr. Connors, but two weeks, not one year.

MR. MILLER: The Chair does not want to cut anyone off because the Chair did not expect this issue to be raised tonight and I just want to make the point that this really isn't exactly the forum for a personnel matter because there is a question involving the rights of the person involved, and the person's right to give the other side of the story, and perhaps to be represented by Counsel, so the Chair did not expect this type of discussion to open up. The Chair feels that since it has been opened up, everyone has a right to speak, but I think people should understand that we do have a long Agenda and we have to get on with the meeting.

MR. LOOMIS: I think there has been discussion about this matter, not on the floor, but among the Leadership, and apparently there has been no satisfactory resolution to the problem and problems we've had with the office; and I'd like to thank Mr. Flanagan for very forcefully bringing this to the attention of the entire Board and I think it is a matter that is deserving of our discussion here. At the very least, I think that through the Clerk perhaps at the next meeting, we could have a full accounting and maybe a full public report because, and I didn't see the article, but the issues raised by the League are ones that are fundamental and we are now in violation of the law because of the mis-operation of our office and I think it's only fair that we do have some kind of full accounting and if the office cannot handle this workload, then perhaps we need to get other personnel that can.

MR. BLOIS: POINT OF ORDER, Mr. Chairman. I didn't hear anybody move to Suspend the Rules to go on to unfinished business or New Business. I think at this time we're here for a purpose and let's proceed with the Agenda and bring it up under the proper heading which would be "New Business" or "Unfinished Business", whatever you want to call it. I think we're here for business tonight rather than to discuss personalities.

MR. MILLER: I have three names on the list and I'm going to call those names, Mr. Blois.

MR. BLOIS: I would object to it because you're not going according to the Agenda.

MR. SIGNORE: I would like to echo Mr. Blois.

MR. WIDER: I don't find this item on the Agenda and I think we're out of order in discussing something we didn't come here to discuss tonight. We are here to work on this Agenda. Please let's get to the order of the day.

MR. SIGNORE: I would like to echo the two previous speakers. It's a very hot evening. We have a very lengthy agenda and I think that the City government has to keep running and I think that we should do our job and get the Agenda completed before we die of the heat.

MR. ZIMBLER: I, too, would like to agree with the Chair that this is hardly the proper forum to bring up this sort of thing. I think, aside from the legal standpoint, I think out of common courtesy to the fact that there are personnel matters involved, that this is hardly the proper forum for it.

MRS. GOLDSTEIN: I do appreciate Mr. Loomis' asking for a full accounting of what has been going on in relation to the timely production of the minutes; and I do think that with a Leadership meeting and a staff meeting whereby staff is in attendance at the Leadership meeting, perhaps next month we can come to the Board with a very, very thorough report and an accurate timetable as to the production of the minutes.

MR. MILLER: Proceed, Mr. Morgan, with the FISCAL COMMITTEE Report.
hmm

FISCAL COMMITTEE - Michael G. Morgan

- (1) \$109,448.74 - MUNICIPAL ADMINISTRATORS ASSOCIATION (MAA) - Mayor Clapes' letter 5/9/77 "for additional appropriations representing a retroactive 7/64% COST-OF-LIVING 1976-1977 fiscal year wage adjustment for 113 administrative, elected and appointed City and Board of Education personnel".
\$103,064.93 "This appropriation request will have no impact on the mill rate since cost-of-living adjustments can be funded 100% by Public Works Title II funds".

Board of Finance deferred this item on 5/12/77; denied it on June 6, 1977 later reconsidering it; and on June 16, 1977 APPROVED it. Mayor's letter 6/9/77. Board of Representatives APPROVED 6/6/77 by vote of 32 YES, 3 NO pending approval of Board of Finance same date which did not materialize. New vote now needed. (Note: Code 410.0101 was reduced by \$3.55 from former figure)

101.0101	Registrar of Voters	\$ 2,322.56
102.0101	Board of Representatives.	817.42
104.0101	Planning Board.	3,362.88
110.0101	Environmental Protection Board.	987.37
112.0101	Sewer Commission.	858.24
201.0101	Mayor's Office.	3,382.39
210.0101	Town and City Clerk	2,004.02
230.0101	Corporation Counsel	7,007.13
240.0101	Commissioner of Finance	2,325.40
241.0101	Bureau of Accounts and Records.	2,548.29
242.0101	Data Processing	6,262.81
243.0101	Purchasing Department	1,143.77
244.0101	Central Services Department	901.23
250.0101	Assessor's Office	2,028.28
260.0101	Tax Collector's Office.	1,150.19
270.0101	Personnel Department.	6,281.36
301.0101	Public Works Administration	3,671.38
310.0101	Bureau of Highways and Maintenance.	3,520.34
311.0101	Division of Equipment Maintenance	738.49
312.0101	Division of Street Cleaning	653.09
320.0101	Division of Building and Grounds.	1,043.29
330.0101	Bureau of Engineering	3,698.47
332.0101	Building Inspection Department.	2,363.72
340.0101	Bureau of Sanitation.	1,442.72
341.0101	Sewage Treatment Plant.	2,863.01
343.0101	Incinerators.	7,000.29
350.0101	Division of Collection.	4,875.47
410.0101	Police Department	2,460.51
450.0101	Fire Department	2,600.20
510.0101	Welfare Department.	2,325.10
520.0101	Smith House	1,918.83
550.0101	Health Department	4,695.87
551.0101	Housing Code Enforcement.	946.29
560.0101	Public School Health.	1,508.03
571.0101	S.H.A.P.E.	760.08
610.0101	Park Department	2,779.92
650.0101	Recreation Department	2,126.45
670.0101	E. Gaynor Brennan, Sr., Municipal Golf Course	1,716.46
810.0101	Board of Education	10,357.39
TOTAL		\$109,448.74

FISCAL COMMITTEE (continued)

DEDUCTIONS:

201.2054	- Mayor's Office	\$1,622.18
201.6471	- Mayor's Executive Aide	901.97
230.6480	- Corporation Counsel	1,225.61
240.6470	- Commissioner of Finance	1,331.83
301.6485	- Commissioner of Public Works	1,302.22

MR. MORGAN: The Fiscal Committee met on Wednesday, June 29th at 8:00 P.M. Those present were Vice-Chairman Gerald Rybnick, George Hays, Lathon Wider, John Schlechtweg, Audrey Consentini and Mildred Ritchie. Because the Steering Committee had been re-scheduled until Thursday June 30th, all votes taken on Wednesday June 29th were taken with the understanding that they could be subject to the final adoption of the Steering Committee's agenda on Thursday June 30th. Our committee approved it once again on June 29th by a vote of 7-0 and I would so MOVE.

MRS. GOLDSTEIN: Personnel approved this at their May 31st meeting and not at a subsequent meeting.

MR. RAVALLESE: POINT OF PERSONAL PRIVILEGE. Does that include the Mayor? All right, I pass.

MR. LOBOZZA: I think I made this point once before when this came up and I still stand by it. I don't believe that we should more or less set a precedent here of giving an incumbent administration an increase in salary while it is in office. I think this pay increase was put together for the Municipal Administrators Association and I don't think that the Mayor and his Cabinet would come under heading. I would like to make an amendment to this. Account #201.2054-Mayor - delete \$1,662.18; Account #201.6471 - Executive Aid - \$901.97; Account #230.6480 Corporation Counsel - \$1,225.61, Account #240.6470 - Commissioner of Finance - \$1,331.83, Account #301.6485 - Commissioner of Public Works - \$1,302.22 for a grand total of \$6,383.81.

MR. MILLER: MOVED and SECONDED. Discussion.

MRS. McINERNEY: I would just like to say one thing about the total package, that on our agenda it is listed as having no impact on the mill rate since the cost-of-living adjustment will be funded 100% by Public Works Title II funds. I would just, for the record, like to say that I will be voting against this particular wage increase, because it is my opinion that the Public Works Title II funds should not fund cost-of-living raises for any employees and that to say that the taxpayers will not be getting any kind of a mill increase is in effect a misrepresentation to the public at large. Because next year the Title II funds will no longer be available for this particular program and then the taxpayers will have to pay more than what is requested at this time, plus any other future raises. To Mr. Loboza I would like to ask him - what happened to all the other elected and appointed officials as well?

MR. HAYS: I'm a little bit unclear in light of Mr. Loboza's motion, because I look at the fiscal item before us now as it's called "a retroactive cost-of-living increase", that's completely separate from the pay plan we recently took action on, and I believe left the incumbent elected officials out of it. I don't think that because they happened to be elected officials and incumbent elected officials that they should be deprived of a cost-of-living over the past period when it was frozen just because they happened to be elected as opposed to hired through Civil Service.

FISCAL COMMITTEE (continued)

MR. BLOIS: I'd like to make an amendment to the motion to state as such that schedule B -

MR. MILLER: We're dealing with Mr. Loboza's motion.

MR. MORGAN: I'd like to get some clarification from Mr. Loboza if I could about the intent of his amendment. Is what he's trying to do to defer any salary increases for the Mayor, Executive Aid, Corporation Counsel, Finance Commissioner or the Public Works Commissioner until the next administration of whichever party takes office. Is that what you're trying to do?

MR. LOBOZZA: I'll restate my opening statement. I don't think that it would be proper that an incumbent administration give itself an increase of any sort, whether it be retroactive, cost-of-living or anything like that, unless there's something in the Charter or this Board in acts during this term or the next term of office, or successor or the incumbent whichever it may be. I think we all realize that all appropriations originate in the Mayor's office and regardless of what you say, it can be construed as the Mayor gave himself a raise.

I don't want the people of my district to get the feeling that I went along with something like this, that to be a good guy I gave the Mayor a raise. I believe if we're going to put something in it, it should be good for every administration and it should be something that's automatic. Otherwise, when thing like this comes up the Mayor and his administration should not be included in any salary increases that we owe the civil servants. It's as simple as that. Now, if you talk about Appendix B and the pay, that has nothing to do with it. This is something altogether different. This is a cost-of-living increase. I don't believe that the Mayor and his cabinet should be in it.

MR. MORGAN: I assume that the dollar figures that you quoted, Mr. Loboza are from that schedule that we received a month or so ago. If that's the case, and I personally, agree with the intent of what you're doing, and I can support your amendment.

MRS. GOLDSTEIN: But I cannot. I really feel that we will be setting precedents now if we deny the elected officials and members of the cabinet an across-the-board salary increase. In the past, every single time that the MEA or MAA received an across-the-board increase the Executives of the City, the Mayor, his cabinet, Public Works Commissioner, etc. received the same percentage increase.

In this way, we try to maintain a position where the bosses earn more than the workers, so to speak. Now I believe it is wrong to be put in the position where a subordinate will be earning more than the people who are running the government. As a matter of fact, right now our acting Public Works Commissioner would have to take a salary decrease if he were to go on to the same salary level as the Public Works Commissioner who resigned.

FISCAL COMMITTEE (continued)

MRS. GOLDSTEIN (continuing) I think it would be unconscionable for this Board to now take the stand that when the rest of the administration receive a pay raise those five or six elected officials and appointed officials do not. I think that would be going against precedent, and I am not for spending big dollars. I just think that these people have been working for two years. In the past whenever one received a raise, they all get the raise to keep the salary in line. You don't have the boss earning less than the workers or the helpers and I think it would be wrong, although perhaps very politically beneficial for some of us who may be re-running or running for other Boards.

MR. LOOMIS: I'd like to separate issues here, because I agree with Mr. Loboza on something he said two meetings ago and that has to do with the implementation of part of the pay plan most of which we've already approved. As I recall, in essence what he said, it probably was unwise for substantial increases in the basic structure of salary system to be approved when the incumbents or the recipients of those changes were still in office, and I agree with that.

However, we're dealing, I think with a much different issue here. As I see it we're talking about a cost-of-living increase. I don't think by approving these increases for them that we're really making any substantial, we're really doing anything that's wrong. In fact, I think it's wrong if we exclude them. And so I vote to go against the amendment Mr. Loboza is proposing.

MR. ZIMBLER: I'd like to speak in favor of Mr. Loboza's amendment. I think ample precedent has been set at both the State and Federal level in that legislators or other elected officials are never voted increases be it cost-of-living increases, merit or what have you. During their term in office, when even currently now in our State Legislature increases have been voted to take effect at the beginning of the following term. So, I think there is ample precedent for that and I think especially the tax situation being what it is this year, it would be unconscionable to put these things in effect.

MR. D'AGOSTINO: I too, would have to agree with Mr. Loboza. Since the City is in financial difficulty, I think it's kind of crazy to start spending money like this. I haven't gotten a raise in three years, so I don't see why this should be a cost-of-living increase when the administration actually is in office now. Let's wait until a new administration is in.

MR. SIGNORE: I MOVE the question.

MR. MILLER: MOVED and SECONDED. We'll proceed to a vote on moving the previous question. The MOTION is CARRIED. We are now going to vote on the proposed amendment put forward by Mr. Loboza. A YES vote is for the reduction, a NO vote is against.

MR. BLUM: On voting on Mr. Loboza's amendment, if it's approved, do we have again a chance to vote on the entire item?

FISCAL COMMITTEE (continued)

MR. MILLER: Yes, we'll proceed to a vote on the amendment. The MOTION is CARRIED. We'll proceed to the main motion.

MR. BLUM: I'd like to ask a question through you to Mr. Morgan. This cost-of-living adjustment would be funded 100% by the Public Works Title II funds and this is usually for one year. What happens the following year for this cost-of-living adjustment?

MR. MORGAN: Well there are two possibilities. Although Mrs. McInerney believes that there may not be Title II money available next year, the possibility is that there may very well be Public Works money a second year to fund it. That's up to the Congress to decide. But the second point, is that there is not Federal money available to fund this program, it will have to be picked up by the City and the taxpayers will have to pay this additional salary expense.

MRS. MCINERNEY: With regards to what Mr. Morgan just said, perhaps we should approve this with an amendment saying that the rate increase shall continue as long as the Public Works Title II Federal funding continues.

MR. MILLER: That's not what we're voting on. If you want to propose that amendment, you may, Mrs. McInerney.

MRS. MCINERNEY: I'd like to offer an amendment to Fiscal Item #1 - Municipal Employees Cost-of-Living Raises - saying that the wage increase shall continue just as long as the Federal funding Public Works Title II money is available thru the Federal government. The City taxpayers will not have to bear the brunt of this cost-of-living increase.

MR. ZELINSKI: I'd like to SECOND that.

MR. MILLER: SECONDED by Mr. Zelinski. Discussion on the amendment.

MR. MORGAN: I think that's a silly amendment, for a couple of reasons. The first is that there's a likelihood of other federal programs distinct from Title II being available for this salary account. Suppose there's a Title II next year on the basis of Mrs. McInerney's amendment that would not satisfy her proposal.

The second thing is, that this is a contractual obligation that the City is entered into which it is going to have to meet, whether or not there are Title II or Title III, or whatever funds available. I think that the right thing to do is to pay the civil servants what has been negotiated by both the City and their organization as a fair and equitable increase and to continue it this year and next year as time goes on.

FISCAL COMMITTEE (continued)

MR. WIDER: I'm sorry to hear this kind of amendment being made when all Civil Service Employees receive the same 7.64 raise last year, and because of the re-organization and re-writing of the management plan this we held up and these people have been entitled to this since July 1, 1976. I'm strictly opposed to any setting tied to any government program when it come to employees.

MR. BLUM: I too, am opposed when employees do not receive a raise, but I'm opposed to giving a temporary increase to employees and that what we're giving, a temporary increase. A cost-of-living increase temporary, because this is funded under a Title II program and no one is sure whether next year this fund might be cut out.

MR. MILLER: We'll proceed to a vote.

MRS. McINERNEY: Through the Chair, I'd like to ask Mr. Morgan one question. If there isn't any funding next year to continue this cost-of-living wage increase, who will have to pay the increase? Will you take it away from the employees or will someone else pick up the cost of this cost-of-living wage increase?

MR. MORGAN: If there aren't Federal or State funds available for this, obviously the City will have to pick up the difference.

MR. MILLER: Could we find out if some of our members have left before we proceed to a vote.

MR. ZELINSKI: I did second the motion made by Mrs. McInerney, but now I'm just thinking if I can through you, ask Mr. Morgan if we did pass this amendment that Mrs. McInerney proposed would it be legal and binding that we could do something like this as far as now, voting to approve it, and then taking it away. I'm just wondering about that, could anyone answer that?

MR. LOBOZZA: I can't answer the question directly about its legality, but certainly it would put the City negotiator in a very difficult position when he had to sit down with the MAA to negotiate the next contract, because it would be difficult for either side to know exactly where the MAA was in terms of what the various salaries were.

MR. ZELINSKI: Being that he can answer that question, I would like to withdraw my SECOND to that motion, if I can.

MR. MILLER: That's so noted, Mr. Zelinski.

MRS. RITCHIE: If I remember correctly, maybe Mrs. Goldstein or Mr. Morgan in our meetings when this was presented to us, am I not to say, that these were the amounts to bring the people's salaries up to the new study, either the Case Report or Mr. Bernstein and then from there on in, it would be annual merit increases? It's just to straighten out our wage and salary scale.

FISCAL COMMITTEE (continued)

MR. LOBOZZA: That's essentially correct, Mrs. Ritchie.

MR. SCHLECHTWEG: I'd like clarification on that. That cost-of-living isn't to bring up those people to the administrative program. It's my understanding that this will have the effect, if you recall, the pay plan that approved in June there were two proposed schedules from the personnel director and these adjustments will shift everyone into a different step than they were previously and perhaps Mrs. Goldstein would like to elaborate a little further. Then it's incorrect to call it a cost-of-living increase?

MRS. GOLDSTEIN: It is a cost-of-living increase. Let's see if I could explain it to you from the beginning. Last year the Board of Finance deferred all raises to MAA personnel pending the Arthur Anderson Study, which later became the City Management Pay Schedule. And when they deferred these salary increases at that time the MEA received the 7.6% raise approximately that if not exactly that, and generally the MAA prior to the Board of Finance taking this action; since the MAA does not have collective bargaining per se, received whatever the MEA received as a negotiated salary settlement. They agreed to defer their salary increase until a new management plan would come. They too, did not want to go through the years dependant upon whatever the MEA would contract for and just get this across-the-board increase.

So we have the whole salary schedule, the ten or twelve months research project by Arthur Anderson, and then digested and published by the Personnel Department. Now this 7.64% was the amount of money that the MAA would have received had they gotten a raise as of last July. They did not. They waited for well over a year for any salary increase, and they waited in good faith, because it was promised by the various Boards that when the salary plan came out they would get a retro-active pay increase. Now the step that we voted on two months ago that they went on was to put each MAA employee in their proper place on a vast salary design.

Some people who went on this step received no increase; others received a salary increase in line with the way job was re-evaluated. It was a very uneven thing. But it got everybody to a place where they belonged on this salary plan. This percentage was to make up for the difference in what they haven't gotten in two years in the way of a salary increase.

MR. SCHLECHTWEG: You explained it very well, but I was under the impression that these two were separate entities. The cost-of-living increase was an entirely separate entity from the program. That's the way I understood it. I'm in favor of the cost-of-living, but as it was just explained, the reason for the cost-of-living was to bring it into the administrative plan.

MRS. GOLDSTEIN: They are separate entities. We do not have to grant this 7.6 salary increase and these MAA employees will still be placed on a particular grade and a particular scale in this salary plan.

FISCAL COMMITTEE (continued)

MRS. GOLDSTEIN (continuing) However based on the deferral for about a year and a half by the Board of Finance, Arthur Anderson, Bernstein, etc. this is the money that these people would have been earning if they had just gotten their normal raise with the MEA a year and a half ago. This is the only difference. We don't have to pass it and the MAA won't receive a retroactive raise for two years. That's up to everybody and everybody's conscience. That's all.

MR. CONNORS: Are they actually getting 7.64 or 5.7? Now that question was raised at a meeting I was at, and this man put it down in figures. He said it was 5.7, not 7.64. Now MEA are negotiating through unions. MAA has no union to negotiate for them. They're high and dry all the time. In other words, they depend on the mercy of the Board of Representatives and every other Board of the City of Stamford. They are the people that are forgotten and being honest as many of the MAA members will tell you, they'd rather join the MEA, because they have union negotiators negotiate for them. Were the MAA do not. Right now they depend on the Board of Representatives to give them whatever they want to give them.

When these people wait over a year for their money I think they're entitled to it. If MEA got their money, MAA should get the money also, and I feel it's very, very, unfair that these people should have to wait, even if they are classed as supervisors, because the majority of them would rather not be classed as supervisors. They wouldn't care if you put them down as garbage men, if you gave them the money.

MR. BLUM: Yes, it is a joke, but it's a very nice thing to say that we're getting funded 100% by Public Works Title II funding. I would like to see the MAA get a salary increase, but this was a means by which they used Title II funding by calling it a cost-of-living adjustment. If we didn't call it a cost-of-living adjustment, and we called it a pay raise, they'd never would have got it.

MR. D'AGOSTINO: I MOVE the question.

MR. MILLER: The MOTION is CARRIED. Mr. Hays has left the meeting. There are now 23 members present. We'll proceed to a vote on Mrs. McInerney's proposed amendment.

MRS. GOLDSTEIN: The second was withdrawn, Mr. President.

MR. MILLER: Mr. Ravallese seconds it. The MOTION is LOST. We'll proceed to vote on the main motion. The question is on Item #1, under Fiscal and remember it has been changed now, it was reduced by \$6,883.81 by way of an amendment approved earlier this evening. The Clerk has the figures on what it has been reduced to.

MR. MORGAN: Mr. Miller, I can give you the figure. It's \$102,564.93.

MR. MILLER: And that includes what the Board of Finance did?

FISCAL COMMITTEE (continued)

MR. MORGAN: We're talking about what was in the newspapers. The Board of Finance is talking about 77/78 money not the '76/77 money.

MR. MILLER: We're voting on item #1, which is now \$102,564.93.

MR. LOBOZZA: Is that with my limit? I come out with a different number. I might have made a mistake, but I had \$103,064.93. My amendment was to deduct \$6,383.81 from the total of \$109,448.74.

MR. MILLER: You are correct. That's what we're voting on. We'll take a DIVISION using the machine, there should be 23 members voting. The MOTION is CARRIED with 22 YES votes; 1 NO vote. (B. McInerney)

- (2) \$ 3,196.50 - BOARD OF RECREATION - STERLING FARMS - INSURANCE - Code 663.1301 - Mayor Clapes' letter 9/28/76. Board of Finance approved 10/19/76. Held in Committee 11/8/76 and by Steering 12/6/76, 1/24/77. Held in Committee 3/14/77. Steering held 3/21/77, 4/18/77, 5/23/77.

MR. MORGAN: The committee voted 7-0 to HOLD this in committee.

No report from Parks and Recreation.

- (3) \$151,000.00 - PUBLIC WORKS DEPARTMENT - AMENDMENT TO 1975/1976 CAPITAL PROJECTS BUDGET - A NEW PROJECT ENTITLED "ATLANTIC STREET ALIGNMENT AND WIDENING PROJECT", to be financed by the issuance of bonds. Mayor Clapes' letter 5/4/76. Board of Finance approved \$152,000 on 5/17/76. Held in Committee 7/19, 8/2, 9/13 and 10/6/76. On 11/8/76 this Board approved \$1,000 and DEFERRED \$151,000, awaiting design, etc. Held in Steering 11/22/76, 12/13/76, 1/24/77, 2/14/77. Design has been submitted and bidding procedure commenced.

MR. MORGAN: We HELD it in COMMITTEE, because no one from the Public Works Department appeared at our meeting prepared to discuss this.

MR. PERILLO: Public Works Committee met on July 7th. Present were Perillo, and Loboza, no other, no quorum, no report.

- (4) \$ 4,400.00 - BOARD OF REPRESENTATIVES - AMENDMENT TO CAPITAL PROJECTS BUDGET 1977/1978 FISCAL YEAR BY ADDING THERETO A NEW PROJECT ENTITLED "ALTERATIONS TO EXISTING VOTING MACHINE" in the sum of \$4,400.00, to be financed by the issuance of bonds. Alterations needed to conform to Freedom-of-Information Act. Mayor's letter 5/31/77; Bd. of Reps. letter 5/26/77; Thomsen's Audio Company quotation and design data of 12/23/76; Board of Finance approved June 9, 1977.

MR. MORGAN: Our committee voted 7-0 on June 29th and I would so MOVE.

FISCAL COMMITTEE (continued)

MRS. RITCHIE: House Committee meet and we approve it.

MR. MILLER: We'll proceed to vote on the item itself. The MOTION is CARRIED UNANIMOUSLY.

RESOLUTION NO. 1102

AMENDING THE 1977-1978 CAPITAL PROJECTS BUDGET BY ADDING
THERETO A PROJECT IN THE AMOUNT OF FOUR THOUSAND FOUR HUNDRED
DOLLARS TO BE ENTITLED "ALTERATIONS TO EXISTING VOTING MACHINE"
TO BE FINANCED BY THE ISSUANCE OF BONDS.

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

1. To adopt an amendment to the 1977-1978 Capital Projects Budget by adding a project in the amount of Four Thousand Four Hundred Dollars (\$4,400.00) to be known as "Alterations to Existing Voting Machine in the Board of Representatives Legislative Chambers".
2. To authorize the financing of said project by the issuance of bonds.
3. That this Resolution shall take effect upon enactment.

(5) \$ 300.00 - BOARD OF EDUCATION - Additional appropriation to be received by the City from State of Connecticut as a PREPAID GRANT to be used to support activities of VOCATIONAL YOUTH ORGANIZATION (DECA) at WESTHILL HIGH SCHOOL for 1976/77 fiscal year, under P.L. 90-576. Mr. Reed's letter's 6/15/77 with substantiating papers. Board of Finance approved 6/16/77.

MR. MORGAN: Our committee approved it by a vote of 7-0 and I would so MOVE.

FISCAL COMMITTEE (continued)

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

- (6) \$ 3,510.79 - BOARD OF EDUCATION - Additional appropriation to be received from the State of Connecticut, Dept. of Education, per letter from Edward Sillari, Assoc. Commissioner, Div. of Vocational Education; being a "CONSUMER HOME ECONOMICS-MINI-GRANT", approved under Proposal No. 135100-78150, for project ending 9/2/77. Board of Finance approved June 16, 1977.

MR. MORGAN: Our committee voted 7-0 in favor and I would so MOVE.

MRS. RITCHIE: Education, Welfare and Government concur.

MR. MILLER: MOVED and SECONDED. The record indicates that Mrs. McInerney has left the meeting. There are now 22 members present. We'll proceed to a vote. The MOTION is CARRIED UNANIMOUSLY.

- (7) \$ 2,000.00 - COMMISSION ON AGING - AMENDMENT TO CAPITAL PROJECTS BUDGET 1976-77 ADDING A NEW PROJECT ENTITLED "FURNITURE - QUINTARD CENTER" in the sum of \$2,000.00, to be financed by the issuance of bonds. Mayor Clapes' letter 6/3/77; Mrs. Russell's letter 6/7/77; Board of Finance approved on 6/9/77 subject to favorable action by the Planning Board.

MR. MORGAN: Our committee voted 7-0 in favor and I would so MOVE.

MR. MILLER: MOVED and SECONDED.

MR. BLUM: I would like to have a little explanation on this furniture for Quintard Center. Is this for the Commission on Aging? Because Quintard Center comes under the Housing Authority.

MR. MORGAN: Yes. The situation is this - the Commission on Aging is going to have excess funds in its Capital Account, because it was able to purchase a Dial-A-Ride Vehicle at a lower amount than it ordinarily anticipated. As a result, that several thousand dollars will not be utilized. At the same time Quintard Center has a need for furniture and improved facilities in the reception area.

MR. BLOIS: Was this approved by the Planning Board, it says subject to approval, was it?

MR. MILLER: Yes, twice Mr. Blois. The MOTION is CARRIED UNANIMOUSLY.

FISCAL COMMITTEE (continued)RESOLUTION NO. 1103

AMENDING THE 1976-1977 CAPITAL PROJECTS BUDGET
BY ADDING THERETO A PROJECT IN THE AMOUNT OF
TWO THOUSAND DOLLARS (\$2,000.00) FOR THE COM-
MISSION ON AGING TO BE ENTITLED "FURNITURE -
QUINTARD CENTER" TO BE FINANCED BY THE ISSUANCE
OF BONDS.

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

1. To adopt an amendment to the 1976-1977 Capital Projects Budget by adding a project in the amount of Two Thousand Dollars (\$2,000.00) to be known as "Furniture - Quintard Center" for the Commission on Aging.
2. To authorize the financing of said project by the issuance of bonds.
3. That this Resolution shall take effect upon enactment.

(8) \$ 1,396.20 - STAMFORD DAY CARE CENTERS - Additional appropriation to be 100% REIMBURSED by State for 3 teacher aides who were part of WIN PROGRAM, per Mayor Clapes' letter 6/6/77; Mrs. Ellis' letter 6/1/77; Board of finance approved 6/9/77.

Code 753.0101	\$ 180.98
758.0101	929.31
759.0101	<u>285.91</u>
	\$1,396.20

MR. MORGAN: Our committee voted 7-0 on June 29th and I would so MOVE.

MR. MILLER: MOVED and SECONDED.

MR. RAVALLESE: Is this for one year?

MR. MORGAN: Yes.

MR. MILLER: The MOTION IS CARRIED UNANIMOUSLY.

FISCAL COMMITTEE (continued)

- (9) \$ 60,000.00 - FINANCE DEPARTMENT - Code 284.0000 SOCIAL SECURITY - Additional appropriation per Mayor's letter 6/6/77; Controller Buchanan's letter 6/4/77, representing balance required for year ending 6/30/77. Payroll Taxes. Board of Finance approved 6/9/77.

MR. MORGAN: Our committee voted 7-0 and I would so MOVE.

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

- (10) \$ 40,00.00 - FINANCE DEPARTMENT - Code 285.0000 - UNEMPLOYMENT INSURANCE BENEFITS payable to former City employees during fiscal year ending 6/30/77, per Mayor Clapas' letter 6/6/77; Controller Buchanan's letter 6/3/77; Board of Finance approved 6/9/77.

MR. MORGAN: Our committee voted 7-0 and I would so MOVE.

MRS. GOLDSTEIN: Personnel did not meet on this item.

MR. MILLER: Do we have a motion to SUSPEND THE RULES? MOVED and SECONDED. The MOTION is CARRIED UNANIMOUSLY. Is there any discussion on Item #10?

MR. BLUM: I would like to ask what percentage is this City paying in regard to unemployment insurance benefits at this time?

MR. MORGAN: I can't answer that, Mr. Blum. I can tell you this, the City received from the State essentially a bill which is interpreted as the City's obligation for a particular quarter and this amount is the City's obligation for one of those periods.

MR. LOBOZZA: I think I can answer Mr. Blum's question. The City is self insured and we pay the full amount. I think department heads and people that are involved in firing and hiring of City employees should be aware of this. We had a situation and it came before the Public Works Committee, we tried to get the Public Works Department to shift the employees around when this first came up rather than to lay people off.

If there's a laborer's position open in the Sewage Treatment Plant and someone getting laid off somewhere else, and he's a laborer; he should be moved around, because what happens - the City ends up picking up the full amount of the man's unemployment compensation. We're not doing ourselves any good, we're doing ourselves a lot of harm by laying off employees. If someone isn't doing their job, they should be fired. It shouldn't be used as a device to get rid of people, because it costs the City quite a bit of money.

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

FISCAL COMMITTEE (continued)

(11) \$10,000.00 - FINANCE DEPARTMENT - Code 736.0000 - Additional appropriation to cover GRANT of \$9,250.00 plus \$750.00 City's share, to fund a comprehensive study and projection of cultural activities in Stamford, to be conducted 6/15-9/15/77. per Mayor's letter 6/6/77; May 17, 1977 letter from A.S. Keller, Exec. Dir. of Conn. Commission on the Arts. Board of Finance approved 6/16/77.

MR. MORGAN: Our committee approved by a vote of 7-0 in the amount of \$9,250.00 which represents the State Grant. We voted 7-0 to defer to HOLD IN COMMITTEE \$750.00 which is the City's share of this item. And so on that basis I would MOVE \$9,250.00.

MR. MILLER: Are we holding anything?

MR. MORGAN: We're accepting the grant, but holding the City's share which is an additional appropriation.

PARKS AND RECREATION COMMITTEE - NO REPORT.

MR. MILLER: We'll have to take a motion to SUSPEND the RULES. Made and SECONDED. The MOTION is CARRIED UNANIMOUSLY. We'll proceed to a vote on the main motion.

MRS. PERILLO: I would like to ask Mr. Morgan, why do we need this program? And would this be creating a new position?

MR. MORGAN: No, this is a temporary study. There will be no new City jobs created. These are people who are going to be experts in the Arts and Cultural Affairs fields who will come to Stamford and essentially take inventory of what we have and what we need. It's a State Grant that will pay for it in its entirety.

MR. MILLER: We'll proceed to vote on Item #11 - we're voting actually on a reduced amount which is \$9,250. We'll take a vote using the machine. The MOTION is LOST. There are insufficient number of votes; you would need at least 21 votes, because we are dealing with whether it's an additional appropriation or a grant. There are 19 YES votes, 4 NO (M. Perillo, G. Ravallesse, J. DeRose, J. Zelinski), so the matter is LOST.

(12) \$ 5,500.00 - FIRE DEPARTMENT - AMENDMENT TO THE CAPITAL PROJECTS BUDGET 77/78 BY ADDING A PROJECT ENTITLED "PURCHASE OF SIX WALKIE-TALKIE UNITS" to be FINANCED through funds which are available in the 76/77 Capital Projects Budget known as "450.0803 FIRE ALARM SYSTEM MODERNIZATION" - (in effect, a transfer from 76/77 capital budget to 77/78 capital budget). Mayor's letters 5/2/77 and 6/8/77; Chief Vittit and Mr. Oefinger's letters 4/1/77 and 6/8/77. Board of Finance approved 6/9/77 subject to favorable action by the Planning Board. (Planning Board's letter of 6/8 requests clarification of the Mayor).

FISCAL COMMITTEE (continued)

MR. MORGAN: Our committee meeting on July 29th voted 4-3 in favor of HOLDING this pending further study, so we're going to HOLD this for another month.

MR. BLUM: House and Protection Committee - the matter is being HELD.

(13) \$ 62,000.00 - FIRE DEPARTMENT - COMMUNICATIONS - Code 490.0501 - Additional Appropriation to the 1977/78 Operating Budget per Mayor's letter 6/3/77; Mr. Oefinger's letters 6/3 and 5/13/77. Board of Finance approved 6/9/77.
Code 490.0501 Telephone & Telegraph (Police & Fire Depts.- All SNETCO charges other than CENTREX.....\$62,000.00

MR. MORGAN: Our committee voted 7-0 in favor and I would so MOVE.

MR. BLUM: Health and Protection did not have a quorum.

MR. MILLER: Is there a motion to SUSPEND THE RULES? MOVED and SECONDED. The question is on SUSPENSION OF THE RULES. The MOTION is CARRIED UNANIMOUSLY. Is there any discussion on the main motion?

MR. BLUM: I'd like to ask through you, to Mr. Morgan, on the clarity in regard to this \$62,000, because this Board knocked it down once.

MR. MORGAN: If you've ever been to the Central Fire Station and taken a tour and seen the communications room - this money would fund the operation of that Center and all the outlying areas that tie into it. That's what this is for.

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

(14) \$ 14,000.00 - FIRE DEPARTMENT - COMMUNICATIONS - AMENDMENT TO THE CAPITOL PROJECTS BUDGET 1977/78 BY ADDING A PROJECT ENTITLED "GREENWICH AVE. AND SELLECK ST. SIGNALIZATION" in the sum of \$14,000.00. (\$4,000.00 was previously approved) Mayor Clapes' letter 6/14/77; Mr. Oefinger's letter, 6/10/77, 6/14/77. To be financed by issuance of bonds. Board of Finance approved 6/16/77.

MR. MORGAN: Our committee voted 7-0 to HOLD, pending further study.

MR. BLUM: Health and Protection Committee did not have a quorum.

MR. WIDER: I elect to MOVE that this be taken out of committee.

MR. MILLER: SECONDED by Mr. Costello and Mr. Signore. We're going to open discussion now on the question of taking this Item #14 OUT OF COMMITTEE.

FISCAL COMMITTEE (continued)

MR. SCHLECHTWEG: Another reason that we didn't act on this particular item was because we had no representative. Mr. Oefinger didn't show up that night. I have several questions about this. It seems this is quite a bit of money. I don't know that much about traffic lights and what it costs to repair. One question I don't think was answered and that was insurance. How did we stand on insurance? I'd like to ask Mr. Morgan.

MR. MORGAN: Well, if I can explain this a little further - if you recall, this is something this Board has seen before. We acted on a \$4,000 amendment for this particular project several months ago and the reason the traffic light system needs to be replaced is that a truck backed up way down the hill and knocked this down. Now the City's position that there's some liability on the part of the trucking company and they're pursuing it, but to my knowledge that have not received a check from the insurance company; although it's a matter that's still being pursued.

The reason that our committee held this at this time is that when it was originally presented to us we were told that for \$4,000 he had some existing spare parts - a satisfactory signal system could be erected on this site. But, now instead of using existing spare parts it appears that what we have is a request to go out and buy \$14,000 more of additional equipment. Since there wasn't anybody from the Fire Department or the Communications Department present who could explain this in depth to us, we thought that the prudent thing to do would be to HOLD it for an additional month.

MR. SCHLECHTWEG: I agree and I sympathize with the problem. But it seems to me it's not \$14,000 we're talking about, we're talking about \$18,000. I agree that a problem exists and I think the problem should be rectified, but what I'm saying is that it wasn't explained to us by anybody from Mr. Oefinger's department or the Traffic department on why it was costing this much money and why it wasn't being reimbursed by insurance. It's an awful lot of money to just let slide by.

MR. FLANAGAN: If we're doing additional signalization and perhaps that can be justified, because that is an intersection where a school exists, it should be explained. But certainly \$14,000 to upgrade something that was already there; I'm assuming that the City would be totally reimbursed by the insurance company - it seems like an excessive amount of money. If the City has not collected the insurance money or if the insurance money comes into the General Fund and sort of gets lost in amongst other funds, I think we should know about it. Special police officers are handling the traffic during school times now, and the intersection has never functioned better in the eleven years that I've had a factory three blocks from it than it has since the signal got knocked out.

FISCAL COMMITTEE (continued)

MR. WIDER: I have had a number of calls and letter from various people in the community. As a result, on Monday I had a meeting with Sgt. Leone on the two problems over at Waterside and one of them was the traffic light and I feel that we can't wait any longer - wait for some kid to get killed and then take action. I am asking this Board to lets move ahead and ask for accountability from Mr. Oefinger's office on the money it takes to replace that light. I would ask this Board to approve this appropriation.

MR. MILLER: We are now talking about taking it out of committee. The motion is CARRIED UNANIMOUSLY. We'll proceed to a vote on Mr. Wider's motion to take item #14 out of committee. The Chair is in doubt. We'll take a DIVISION. Mrs. Santy is now present, there are 23 members present. The MOTION is CARRIED, with 13 YES votes, 8 NO votes (M.Perillo, M.Morgan, A.Perillo, J. Loboza, J. Fox, M.Ritchie, W. Flanagan, J. Zelinski, G. Connors) and 2 ABSTENTIONS.

MR. FLANAGAN: I would like to - that requires two-thirds (no microphone)

MR. MILLER: To take it out of committee? How should it take two-thirds, Mr. Flanagan? Where is the authority for that statement?

MR. FLANAGAN: It's in the rules of the Board. I don't have it with me.

MR. MILLER: Where?

MR. FLANAGAN: This becomes a Suspension of our Rules, if it hasn't been reported by two committees.

MR. MILLER: No, I don't consider it ---

MR. FLANAGAN: It requires the report of two committees over \$2,000. Without the report of two committees it requires the Suspension of the Rules.

MR. MILLER: I don't consider it. We've never considered this Suspension of the Rules.

MR. FLANAGAN: On an item over \$2,000 by two committees requires a two-thirds vote.

MR. MILLER: The issue was raised by Mr. Wider. Now after it's out of committee there would have to be a motion to SUSPEND the RULES, because we don't have a report by both committees. So the matter is out on the floor, but before we proceed there would have to be a motion to SUSPEND the RULES, because it simply was never considered.

FISCAL COMMITTEE (continued)

MR. MILLER (continuing) There is a motion to SUSPEND the RULES. SECONDED. The MOTION is LOST. We'll take a DIVISION using the machine. I'm SUSPENDING the RULES. Mr. Flanagan, on page 5, #10: "When additional appropriations of over \$2,000 are requested they shall be referred to the Fiscal Committee as well as one other interested committee. Fiscal items of over \$2,000 will not properly be before the Board of Representatives unless reported out by the Fiscal Committee and such other committee to which it has been referred.

A full report must be rendered at the meeting before action is taken by the Board of Representatives. Reference to a committee other than Fiscal may be waived by a majority vote of the Full Board". That would mean a majority vote of the full Board - meaning full Board rather than a committee, so the Chair rules that we are properly considering item #14.

VOTES ON SUSPENSION OF THE RULES FOR ITEM #14THOSE VOTING YES:

Kurt Zimbler
R. Loomis
G. Ravallese
S. Signore
J. Schlechtweg
S. Goldstein
T. D'Agostino
L. Wider
J. DeRose.
R. Costello
L. Carlucci
D. Blum
F. Miller, Jr.

THOSE VOTING NO:

M. Perillo
M. Morgan
A. Perillo
J. Loboza
J. Santy
J. Fox
M. Ritchie
W. Flanagan
J. Blois
J. Zelinski
G. Connors

13 YES votes, 11 NO votes.

MR. FLANAGAN: A majority of the full Board would be 21 members, wouldn't it?

MR. MILLER: That would be a majority of the whole members of the Board. I don't think #10 on page 5 that last item refers to 21 votes. I think they're using the term "full Board" as distinguished from "committee".

MR. FLANAGAN: I beg to differ sir, because I believe that we discussed this on other Boards and the majority of the full Board is the majority of 40 which is 21 members.

FISCAL COMMITTEE (continued)

MR. FLANAGAN (continuing) The rules are to protect, this is a serious item. It's a relatively large Fiscal item and it's not to be taken lightly. It's a more serious matter to vote on than just a regular one and I do believe that even to pass this item if we discuss it, it requires 21 votes, affirmative votes under the Charter. So we are still looking for 21 votes, to proceed so then perhaps the question is moot, because it appears that there will not be 21 members, but I think the intent of the Rules follows that it's a serious item and 21 members would have to vote on it.

MR. MILLER: The Chair has made its ruling and I only point out, Mr. Flanagan that the section I was referring to is the section of the Rules that deals with committees and it is the Chair's opinion that the language in the last sentence is really addressing itself to a majority vote of the whole Board as opposed to a vote on a committee. So the Chair rules that the matter is properly out before the Board and debate at this time maybe had on the question as to whether or not we should approve the \$14,000.

MR. MORGAN: I find myself in a difficult situation because of what's just transpired. I agree with Mr. Wider to the extent that there's a very real need for improved traffic signals at this intersection. The reason that our committee voted to HOLD this, was because we didn't feel we had enough information to spend an additional \$14,000 on this project without knowing where the money was going. But as a result of these votes that were taken the choices that I'm going to have available to me is to vote "yes" and not know where the money is going or to vote "no" and knock the whole thing down so that the Fire Dept. will have to start the process all over again; will have to start the process all over, through the Mayor's office and the Board of Finance in order to get the \$14,000 appropriated.

Now what I would like to see done is to have this just HELD another month so that the Fiscal Committee and the Health and Protection Committee, the two committees that have jurisdiction here, have an opportunity to investigate this a little further. That would only delay things by two weeks. The alternative is a several months delay; so if it's possible I would like to reconsider the vote on SUSPENSION of the RULES and urge that there be a vote "no", because in the event that there is a SUSPENSION of the RULES - if the move fails, then it just goes back into committee. That's where I'd like to see this stay for two weeks.

MR. MILLER: I think it would be easier to just MOVE to put it BACK in COMMITTEE.

MR. FLANAGAN: Then I make a motion to MOVE to put this back into the Fiscal Committee.

MR. MILLER: MOVED and SECONDED. We'll take discussion on that.

FISCAL COMMITTEE (continued)

MR. BLUM: I'd like to speak on the fact of what Mr. Wider is speaking of, what other committees sometimes have to go through. Because one of our departments failed, although they were sent a letter to come before a committee to explain in regard to this particular corner, which is unsafe condition at this particular time.

This isn't the first time. This has happened to other committees. Where is the power of the Board? We're the Legislative Body, yet when the committee is holding a hearing on a very important topic the person that should have been there was not. This is why we've got to this point. In the meantime, what are the people to do, live under unsafe conditions in the streets of Stamford?

MRS. GOLDSTEIN: What you said, Mr. Blum makes sense. However, Mr. Morgan's method of dealing with the mechanics of getting this ultimately through the Board in a timely fashion makes a great deal of sense. Because, if we don't hold this today, then it won't come before our Board for a few months, by the time the entire process begins and that's why I wholeheartedly agree with Mr. Morgan's motion.

MR. WIDER: It's certainly sad for me to have to agree with Mr. Morgan, because the people are listening out there. No one is asleep; they're listening to exactly what we're doing and we're playing with their lives. I agree with Mr. Morgan's method of keeping it in committee until another two weeks.

MR. MILLER: Mr. Wider, you'r withdrawing the motion?

MR. WIDER: Yes.

MR. MILLER: Then Mr. Morgan you'll withdraw your motion. All right, we're going to leave that in committee then.

(15) \$150,000.00 - FIRE DEPARTMENT - AMENDMENT TO THE CAPITAL PROJECTS BUDGET 1977/78 BY ADDING A PROJECT ENTITLED "WEST SIDE STATION SITE ACQUISITION to be funded by the issuance of bonds.
Mayor Clapes' letter 6/6/77; Chief Vitti's letter 6/6/77;
Board of Finance approved on 6/16/77.

MR. MORGAN: Our committee meeting on June 29th by a vote of 7-0 in favor and I would so MOVE.

MR. BLUM: Health and Protection - Again I say we did not have a quorum. We gave way to "Guys and Dolls".

MR. PERILLO: Public Works - with a committee of 11 members and only 2 present, we too, did not have a quorum.

FISCAL COMMITTEE (continued)

MR. MILLER: We'll have to have a motion to Suspend the Rules.

MR. WIDER: MOVE to SUSPEND THE RULES, Mr. Chairman.

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

RESOLUTION NO. 1104

AMENDING THE 1977-1978 CAPITAL PROJECTS BUDGET BY ADDING
A NEW PROJECT ENTITLED "WEST SIDE FIRE STATION SITE ACQUI-
SITION" IN THE SUM OF ONE HUNDRED AND FIFTY THOUSAND DOLLARS
(\$150,000.00) TO BE FUNDED BY THE ISSUANCE OF BONDS.

BE AND IT IS HEREBY RESOLVED by The 14th Board of Representatives
of the City of Stamford, Connecticut, in accordance with the City Charter:

1. To adopt an amendment to the 1977-1978 Capital Projects
Budget by adding a project in the amount of \$150,000.00 to be known as
"West Side Fire Station Acquisition".
2. To authorize the financing of said project by the issuance
of bonds.
3. That this resolution shall take effect upon enactment.

FISCAL COMMITTEE (continued)

- (16) \$ 1,070.00 - PARK DEPARTMENT - Additional Appropriation to restore to department funds which have been received in settlement of a claim for property damage to a fence and tennis court, per Mayor's letter 6/6/77; and verifying data.

Code 610.1802 Special Repairs \$1,070.00

Board of Finance approved 6/9/77.

MR. MORGAN: Our committee voted 7-0 in favor and I would so MOVE.

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

- (17) \$ 7,007.46 - BOARD OF EDUCATION - Additional Appropriation for retirement benefits for two employees (Martha Schacht and Margaret Veale) per Mayor's letter 5/31/77; Internal Auditor Ruszkowski's letter 5/18/77; Supt. Giordano's letter 4/15/77. Board of Finance approved 6/9/77.

Code 650.0101 \$7,007.46

MR. MORGAN: Our committee voted 7-0 in favor and I would so MOVE.

MRS. GOLDSTEIN: Personnel was unable to meet on this item.

MR. MILLER: Parks and Recreation - NO REPORT. Is there a motion to Suspend the Rules. MOVED and SECONDED. The MOTION is CARRIED UNANIMOUSLY. We'll proceed to a vote.

MR. ZELINSKI: Through you to Mr. Morgan. Wasn't this amount larger in the original request, and wasn't it reduced somewhat? Referring to the letter dated May 31st, the original request being \$7,053.00.

MR. MORGAN: No, the Mayor made a mistake in his letter to us if you'll look on the attachment, the internal auditor analysis of the request is in the total of \$7,007.46. It just was either a typographical or an arithmetic error that the Mayor made.

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

- (18) \$103,000.00 - PUBLIC WORKS DEPARTMENT - Code 351.1216 - BUREAU OF SANITATION DIVISION OF LANDFILL AND REFUSE REMOVAL, MAINTENANCE OF DISPOSAL AREAS - to cover the cost of hauling away debris, incinerator ashes, sludge and grit for balance of fiscal year, per Mayor's letter 6/10/77; DPW Comm. Rotondo's letter 6/10/77. This is due to significant increase in amount of solid waste going to Transfer Site as result of closing of Multi-Purpose Incinerator. Approved by Board of Finance 6/16/77.

Code 351.1216 \$103,000.00

FISCAL COMMITTEE (continued)

MR. MORGAN: Our committee voted 7-0 in favor and I would so MOVE.

MR. PERILLO - Public Works- no report.

MR. MILLER: Environmental Protection Committee - No report. Is there a motion to SUSPEND THE RULES? MOVED and SECONDED. The MOTION is CARRIED UNANIMOUSLY. We'll proceed to a vote on the main motion.

MR. BLOIS: Through the Chair, I'd like to ask Mr. Morgan what this \$103,000 represents and for what period of time?

MR. MORGAN: This represents a portion of the haulaway contract the City of Stamford has. As I understand it from the information given to us the City is spending roughly \$90,000 a month at this time on haulaway and there will be a shortfall, since there was only some \$80,000 in the account before this appropriation was made to complete the expenses incurred by the City for the balance of the fiscal year that ended on June 30th.

MR. BLOIS: Is any part of this for the last fiscal year?

MR. MORGAN: If I recall, didn't we give them \$109,000 last month through June 30th of the past year? It's supposed to carry them through June 30th of last year.

MR. BLOIS: That's correct, but we were told by the Public Works Department that there was additional debris to be hauled away and as a result, the City has to pay the contractor more money.

MR. MORGAN: I don't think we were aware of this when we approved \$109,000. That was supposed to be the final amount. This is my question - where do they come up with another \$103,000 in a few short days?

MR. SIGNORE: POINT OF ORDER, do we have quorum present?

MR. MILLER: Do you wish to challenge the quorum Mr. Signore? We'll have the Clerk call the roll.

MR. SIGNORE: I'm just asking if there is a quorum here, a quick head count. You don't need a roll call.

MR. MILLER: We do have a quorum, Mr. Signore. Is there any further discussion?

MR. MORGAN: I'd just like to further comment on what Mr. Blois said. I think the intent of what he said is correct. This seems to be getting out of hand. We're spending money hand-over-fist on this project, but nevertheless, it is a contractual obligation that the City has with the contractor, and we have to pay our bills. We really have no choice on this matter except to pay it.

FISCAL COMMITTEE (continued)

MR. WIDER: I'm a little concerned about this because of Mr. Blois' statement and I happened to be with the Fiscal Committee the month before last when we voted on \$109,000. I remember the question being asked "Will this complete the year?" Now we come back to \$103,000, is there any kind of accountability? Is anyone responsible to this Board or to the City of Stamford to check these things out?

MR. MILLER: Mr. Morgan, can you respond?

MR. MORGAN: Maybe that's why Commissioner Rotondo left town. I don't know.

MR. MILLER: Let's proceed to a vote. The Chair is in doubt. We'll take a DIVISION, using the machine. I'm not going to count the vote at all, unless we have 21 participants one way or another. The MOTION is LOST with 8 YES votes, 12 NO, and 1 ABSTENTION.

THOSE IN FAVOR:

M. Morgan
R. Loomis
J. Fox
W. Flanagan
J. Schlechtweg
S. Goldstein
L. Carlucci
F. Miller, Jr.

THOSE OPPOSED:

M. Perillo
K. Zimble
G. Ravallese
A. Perillo
J. Santy
M. Ritchie
T. D'Agostino
L. Wider
J. Blois
J. Zelinski, Jr.
R. Costello
D. Blum

(19) \$ 93,000.00 - PUBLIC WORKS DEPARTMENT - Code 341.1501 - SEWAGE TREATMENT PLANT per Mayor Clapes' letter 6/10/77; DFW Comm. Rotondo's letter 6/9/77; Board of Finance approved 6/16/77.
Code 341.1501 Heat, Light and Power \$93,000.00

MR. MORGAN: Our committee voted 7-0 in favor and I would so MOVE.

MR. MILLER: Public Works - no report. We'll have to Suspend the Rules. MOVED and SECONDED. The MOTION is UNANIMOUSLY. We'll proceed to a vote.

MR. BLUM: I'd like to ask if this \$93,000 is also to carry us to June 30, 1977?

MR. MORGAN: That's right.

FISCAL COMMITTEE (continued)

MR. MILLER: We'll proceed to a vote. We'll have to take a DIVISION.

MR. MORGAN: Before we vote, can I just say something, I realize it is hot and everybody's getting tired, but this is the City utility bill. Now you've got to pay the bill.

MR. MILLER: We've had the discussion, Mr. Morgan.

MRS. PERILLO: I'm abstaining, Mr. Miller, would you record it.

MR. MILLER: The MOTION is LOST. There are 18 YES votes, 1 NO, 2 ABSTENTIONS.

THOSE IN FAVOR:

M. Morgan	S. Goldstein
K. Zimblar	T. D'Agostino
R. Loomis	L. Wider
A. Perillo	J. Blois
S. Signore	J. Zelinski, Jr.
J. Fox	R. Costello
M. Ritchie	L. Cariucci
W. Flanagan	D. Blum
J. Schlechtweg	F. Miller, Jr.

THOSE OPPOSED:

G. Ravallesse

ABSENTIONS:

M. Perillo
J. Santy

MR. MILLER: It would need 21 votes for approval. Where there is any fiscal matter whether it's a grant or an additional appropriation you have to have a minimum of 21 votes. If it's an additional appropriation is two-thirds of the members present, but in no case less than 21 votes and if it's a prepaid grant we would have to have at least 21 votes.

MR. WIDER: Because of the importance of Item #19, could I MOVE for a second vote on this item?

MR. MILLER: I'm sorry, Mr. Wider, you're not considered to be on the prevailing side and I could not take a motion by you to reconsider.

MR. BLUM: I think an abstaining vote would be on the prevailing side.

MR. MORGAN: The only no vote is Mr. Ravallesse, so he's the only one who can make the motion. Is that correct?

MR. MILLER: Yes.

MR. MORGAN: Through the Chair, could I ask Mr. Ravallesse to make a motion to reconsider?

FISCAL COMMITTEE (continued)

MR. MILLER: Mr. Ravallese moves to reconsider Item #19. Is there a second to that motion? MOVED and SECONDED. The MOTION is CARRIED UNANIMOUSLY. We'll take a DIVISION using the machine. There are 18 YES votes, 2 NO, and 1 ABSTENTION. The MOTION is LOST.

THOSE IN FAVOR:

M. Morgan
K. Zimble
R. Loomis
G. Ravallese
A. Perillo
J. Fox
M. Ritchie
W. Flanagan
J. Schlechtweg

S. Goldstein
T. D'Agostino
L. Wider
J. Blois
J. Zelinski, Jr.
R. Costello
L. Carlucci
D. Blum
F. Miller, Jr.

THOSE OPPOSED:

S. Signore
J. Santy

ABSTENTION:

M. Perillo

(20)

RESOLUTION REQUESTED BY DEPARTMENT OF PUBLIC WORKS, SEWER COMMISSION per Mayor Clapes' letter 5/26/77; Asst. Corp. Counsel Frattaroli's letter 5/25/77, with resolution entitled "AUTHORIZING THE CONDEMNATION OF EASEMENTS THROUGH AND UNDER PROPERTIES OF ROBERT L. W. AND GERALD-INE FOSHAY, JR., JONATHAN T. LANMAN SHEILA M. MARTIN AND OLIN CORPORATION IN CONNECTION WITH THE RIPPONAM RIVER INTERCEPTOR SANITARY SEWER PROJECT". The proposed resolution was approved and adopted by the Board of Finance on 6/9/77.

MR. MORGAN: Our committee voted 7-0 in favor and I would so MOVE.

MR. MILLER: Public Works Committee - NO REPORT

MR. D'AGOSTINO: Sewer Committee concurs.

MR. MILLER: MOVED and SECONDED. If there is no discussion, we will proceed to a vote on Adoption of the Resolution. We'll take a DIVISION using the machine. The MOTION is CARRIED with 14 YES, 2 NO (K. Zimble, D. Blum) 4 ABSTENTIONS (S. Signore, J. Santy, J. Schlechtweg, S. Goldstein) There are 22 members recorded as present.

FISCAL COMMITTEE (continued)

RESOLUTION NO. 1105

AUTHORIZING THE CONDEMNATION OF EASEMENTS THROUGH AND UNDER PROPERTIES OF ROBERT L. W. and GERALDINE FOSHAY, JR., JONATHAN T. LANMAN, SHEILA M. MARTIN, AND OLIN CORPORATION IN CONNECTION WITH THE RIPPOWAM RIVER INTERCEPTOR SANITARY SEWER PROJECT.

WHEREAS, certain easements through and under private property must be obtained by the successful Sanitary Sewer Project known as the Rippowam River Interceptor Project; and

WHEREAS, the Sewer Commission has to date been unable to obtain said easements on a voluntary basis;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED AS FOLLOWS: that authority be granted empowering the City of Stamford on behalf of the Sewer Commission to condemn easements through and under properties of Robert L. W. and Geraldine Foshay, Jr., Jonathan T. Lanman, Sheila M. Martin, and Olin Corporation, which easements are more specifically described on Schedules A, B, C, D1, and D2 annexed hereto, for the purpose of completing the Sanitary and Storm Sewer System known as the "Rippowam River Interceptor Project".

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

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- (21) PROPOSED AGREEMENT BETWEEN CITY OF STAMFORD AND SOUTHFIELD COMMUNITY ORGANIZATION, INC. FOR THE CHESTER ADDISON CENTER for assistance with maintenance by grants in aid, for year 1977/78, per June 2, 1977 letter of Mr. Boodman, Deputy Corp. Counsel:

(a) Up to \$13,100 for light, heat and power expenses for such building and property;

(b) Up to \$ 2,244 for alteration and maintenance expenses for such building and property.

MR. MORGAN: Our committee voted 7-0 in favor and I would so MOVE.

MR. FOX: Legislative and Rules Committee met on this item and voted to HOLD it.

FISCAL COMMITTEE (continued)

MR. MILLER: Fiscal Committee is bringing it up. Is there a second to Mr. Morgan's motion? Motion is SECONDED. The Chair wished to state for the record that it appears at the present time that there are 21 members present: Mr. Hays and Mrs. McInerney who had been at the meeting left some time ago. Mr. Loboza and Mr. DeRose have left also. I think Mr. DeRose is coming back. Mr. Connors is not present. The Clerk will call the roll to determine who is here. There seems to be some question as to whether we still have a quorum.

ROLL CALL.

MR. MILLER: 21 members recorded as present. There is a quorum. I don't think I should have to do this, but the Chair might remind everybody that the City Charter and the Rules of the Board really assume that when you have a 40 member legislative body you are going to have pretty near 40 members present at every meeting. We now have a bare number needed for a quorum. We're on item #21, is there any further discussion?

MR. BLOIS: May I ask through the Chair to the Chairman of L & R what reason they had for holding it up?

MR. FOX: There were a number of members of the committee that were concerned about why after doing it on an informal basis we now should reduce it to writing and have a formal agreement; they ask this in spit of the fact that the letter from Barry Boodman indicated that it, as far as our committee is concerned, a rather technical aspect of it that we are asked to rule on. It was simply a question of wanting additional information which a number of members did not think they had at that time and in all fairness to Barry Boodman, I should say that when he met with the Fiscal Committ we had hoped to meet with him that same evening.

However, in light of the fact, that we were in the middle of a public hearing we ded not have the opportunity to stop that and meet with him. I think that if we were to meet with him again, within the near future, he probably would be able to answer the questions that were raised, and my feeling is that we probably would come back with an affirmative vote. But that was not the vote at the time we discussed it.

MR. MILLER: We'll proceed to a vote.

MR. WIDER: I see that we only have 21 members present and one has already expressed his desire to HOLD.

MR. MILLER: We don't need 21 votes.

MR. WIDER: We don't need 21 for this?

FISCAL COMMITTEE (continued)

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

PENDING APPROVAL OF THE BOARD OF FINANCE:

(22) \$26,910.00 - HOUSING AUTHORITY - Code 780.0101 - 1977/78 Operating Budget - Additional Appropriation for an extension of funding for Security Guards for Moderate Rent Projects under Title II of the local Public Works Capital Development and Investment Act, per Mayor Clapes' letter 6/3/77 and Mrs. Worsmar's letter 6/3/77. 100% Reimbursable.

MR. MORGAN: The Board of Finance approved this last Thursday, our committee meeting on July 29th voted 5 in FAVOR, none opposed, but 2 voted to HOLD. I was one of the votes to hold as was Mrs. Cosentini. Our reason for holding at that time was because action had not taken place yet by the Board of Finance but because that Board has seen fit to approve this grant request. I'm prepared to change my vote when we take it OUT OF COMMITTEE and I'd MOVE it out with a favorable vote at this time of 5 in FAVOR, none against and 2 for HOLDING.

MR. BLUM: Health and Protection did not have a quorum.

MR. MILLER: Well, then to consider this we'll have to SUSPEND THE RULES.

MR. WIDER: MOVE TO SUSPEND THE RULES.

MR. MILLER: Let the record indicate that Mr. Baxter is now present; we have 22 members present.

MR. RABALLESE: Does this include the East Side?

MR. MILLER: We're voting, Mr. Ravallese on whether to SUSPEND THE RULES. The MOTION is CARRIED UNANIMOUSLY.

MR. RAVALLESE: Does this include the East Side Projects - Custer Street and Lawn Hill?

MR. MORGAN: Yes, I believe it does.

MR. WIDER: Following an incident down on Greenwich Avenue, I checked with the Housing Authority and these guards will cover all of the Public Housing in the City of Stamford.

MR. BLUM: We ought to be thinking about getting permanent security guards at the moderate income tenants. I have here a petition that was sent from the Lawn Hill Terrace Association, in regards to a permanent security guard. I too, will support this bill for its temporary, but we should look for permanent security guards.

FISCAL COMMITTEE (continued)

MR. MILLER: We'll proceed to a vote on Item #22. The MOTION is CARRIED UNANIMOUSLY. Is there anything further under fiscal?

MR. MORGAN: No, that completes the committee's report.

MR. MILLER: The Chair will observe that we have 22 members recorded as present. We're moving into the Legislative and Rules part of the agenda. We don't have enough members present to waive publication of any ordinance, and bear in mind that no ordinance can be finally adopted without 21 votes. The Chair merely suggest to the Leadership that perhaps there would be a desire to - for the rest of the evening take up only those items which must be done this evening and then adjourn. That's up to the Leadership.

MRS. GOLDSTEIN: I would like to thank Mr. Morgan for speaking non-stop for two-and one-half hours, when all of us are very, very, hot in this non-air conditioned room. But he has been doing all the work, and my thanks.

MR. ZIMBLER: In view of the fact, that we have only 22 members present and I think that it is imperative that as many members as possible be on the floor while discussion is going on; and in view of the hottness of this room, may I move for a five minute recess?

MR. MILLER: You may move for a five minute recess, but I wish that the Leadership could get together and determine whether they want to continue with this entire agenda or whether or not they want to take perhaps a small number of items which really should be done this evening. The Chair declares a five minute RECESS.

FIVE MINUTE RECESS.

MR. MILLER: The meeting will come to order.

MR. SIGNORE: Before we go on with the agenda, I'd like to go back to Item #19 on the Fiscal Committee report. I was on the prevailing side.

MR. MILLER: We handled that already.

MR. SIGNORE: Yes, it was LOST, and I was on the prevailing side, and I would like to reconsider. There's no limit on how many times you can do it.

MRS. GOLDSTEIN: I SECOND that.

MR. MILLER: MOVED and SECONDED to reconsider item #19. The MOTION is CARRIED. We'll proceed to a vote, the MOTION is CARRIED UNANIMOUSLY.

MRS. PERILLO: I am abstaining on this.

FISCAL COMMITTEE (continued)

MR. MILLER: We'll now proceed to another vote on item #19. The MOTION is CARRIED with 21 YES votes, 2 ABSTENTIONS (M. Perillo, S. Signore)

MR. FOX: Has a decision been made on whether or not we want to proceed through the entire agenda, or just touch with selected items?

MR. MILLER: Mr. Blois, the Majority Leader, is this the consensus; that we ought to take those items which are absolutely necessary and try to adjourn this meeting?

MR. BLOIS: That's the idea.

LEGISLATIVE AND RULES COMMITTEE - John Wayne Fox

MR. FOX: There are a few which I would like to move forward for publication.

MR. MILLER: We can't. Now wait a minute, we can publish, but we can't waive.

MR. FOX: There is one on page six, which we ought to be able to dispose of without any difficulty.

(1) THE MATTER OF PENSIONS FOR REGISTRARS OF VOTERS AND ASSISTANT.
HELD IN COMMITTEE

(2) TAX ABATEMENT REQUEST FOR MIRACLE FAITH OUTREACH INC.
HELD IN COMMITTEE

(3) REQUEST FOR WAIVER OF BUILDING PERMIT FEE FROM MIRACLE FAITH, INC. Letter of 6/23/77, would like to expand church building at 91 Hope St. from seating capacity of 250 to 500 people.

MR. FOX: They are talking about a construction which would involve approximately \$110,000. The committee approved by a resolution a waiver of this building permit fee; this involves about \$400. The vote was 8-0 and I would MOVE for that WAIVER.

MR. MILLER: MOVED and SECONDED. No report from Planning and Zoning. The MOTION is CARRIED UNANIMOUSLY.

(4) FOR FINAL ADOPTION - PROPOSED FAIR EMPLOYMENT ORDINANCE FOR THE CITY OF STAMFORD CONCERNING LABOR STANDARDS AND CONTRACTORS' RESPONSIBILITIES FOR PUBLIC OR PUBLICLY-AIDED CONSTRUCTION. Published 11/22/76. Held in Committee 12/6/76, 3/14/77, 4/6/77, 5/2/77. Held in Steering 12/13/76, 1/24/77. Corporation Counsel submitted 7-page opinion; also Mr. Cunningham of Labor Council requested time to study the Corporation Counsel's opinion. Held in Committee 6/6/77.

MR. FOX: With respect to this I would like to MOVE for PUBLICATION of that ordinance. We would then have a public hearing during the coming months. The committee voted 8-0 for PUBLICATION, and I would so MOVE.

MRS. GOLDSTEIN: No report on this item.

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. MILLER: Is there a second to Mr. Fox's motion? MOVED and SECONDED. Discussion.

MR. LOOMIS: Through you, to Mr. Fox. Mr. Fox could you explain to me very briefly the intent of this particular ordinance and how it would actually function.

MR. MILLER: The Chair just wants to make the motion that although the agenda indicates that this proposed ordinance has been published, it's my understanding that there has been a substantive change, is that right, Mr. Fox?

MR. FOX: Since it was published there have been some very definite changes.

MR. MILLER: So, it would be necessary; it would appear, to publish this once again. Can you respond to Mr. Loomis, Mr. Fox?

MR. FOX: The basic purpose of this ordinance is to give preference to the City employees when we are dealing with construction which involves City money. There is a comparable State statute which gives preference to State employees when the State is dealing with construction projects involving State money. The corporation counsel's office has issued a very lengthy and complex opinion challenging the constitutionality of the ordinance as proposed. Mr. Diamond, who is the attorney for the Labor Council has issued in response to that a rather lengthy opinion indicating why he thinks the ordinance, as proposed is valid.

The committee has heard from a number of people on this, due to the fact that it is a very complex issue, and a very important issue. It was our feeling to publish it. And to have a public hearing on it so that we could hear again from Mr. Wise and Mr. Diamond, I think most importantly, from the many citizens that would be involved. I think to answer your question briefly, it is an ordinance which would give preference to City employees on City construction jobs - Stamford citizens.

MR. MILLER: We have a MOTION then for a PUBLICATION which has been SECONDED. We'll proceed to a vote on PUBLICATION. The MOTION is CARRIED UNANIMOUSLY, with 22 members being recorded as present.

- (5) FOR FINAL ADOPTION - PROPOSED ORDINANCE SUPPLEMENTAL TO SUSPEND ORDINANCE NO. 343 RE SEPARATION OF NEWSPAPERS AND MAGAZINES FROM PUTRES-
CIBLE GARBAGE, ETC. (TO A LATER EFFECTIVE DATE - POSSIBLY 1/1/78).

Held in Committee 3/14 and 4/6/77 and in Steering 4/18/77. City Reps. McInerney and Zimblar suggested suspension of this collection until program can be more properly defined and workable. Approved for publication 6/6/77.

- (6) PROPOSED RESOLUTION RE SHELTER HOUSING -submitted by Rep. David Blum
HELD IN COMMITTEE

- (7) REQUEST FOR REVISION OF SECTION 18-79 OF THE CODE OF ORDINANCES.
HELD IN COMMITTEE

Submitted by A. Cosentini, V. Wiesley

- (8) MATTER OF APPOINTING A SAFETY COUNCIL- submitted by D. Blum
HELD IN COMMITTEE

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. FOX: Here again it had been my intention and he had been the vote of the committee to MOVE to WAIVE PUBLICATION. However, there is what could be considered a substantial change in the ordinance. In particular the committee voted to change paragraph two to read: "On July 1, 1978 and thereafter it shall be the responsibility of business and commercial enterprises to separate corrugated cardboard boxes, etc." In particular, the date in question was changed. At this point, I would MOVE to publish the amended ordinance. The committee voted 7-1 for final approval, but we could not do that without WAIVING PUBLICATION.

MR. MILLER: Mr. Fox, the Chair would simply observe that if there's not going to be another public hearing, it would seem to be a waste of time and money to publish this, wouldn't it?

MR. FOX: Except for the fact that if we do not publish it, then at our August meeting we would have to MOVE for WAIVER OF PUBLICATION, which would require two-thirds vote.

MR. ZIMBLER: POINT OF ORDER. Just for the record, the agenda indicates that this is the ordinance proposed by Mrs. McInerney and myself. I think in effect what Eleanor did was to HOLD the ordinance proposed by myself and Mrs. McInerney in committee and substitute this different one proposed by Mr. Fox. I would just like to get that in the record, because otherwise, the one proposed by Mrs. McInerney and myself would die on the vine and we want it kept IN committee.

MR. MILLER: It's still in committee. Public Works - No report. Environmental Protection - no report.

MRS. GOLDSTEIN: In other words, the only reason we are voting to publish tonight is because we don't have the 27 votes to WAIVER PUBLICATION?

MR. FOX: The committee had voted to WAIVE PUBLICATION. We cannot do that tonight, because we do not have 27 bodies here, which the City Charter calls for.

MRS. GOLDSTEIN: I understand that, Mr. Fox, but in line with what Mr. Miller said, that to publish does cost the City a number of dollars. Perhaps we should wait until next month when we do have more than 22 members present to WAIVE PUBLICATION.

MR. FOX: Well, I should also point out that the City Charter also says that this body should WAIVE PUBLICATION in emergency situations. I think that this Board has a tendency to WAIVE PUBLICATION, in my opinion more than it should. I think that the proper way to do it with this ordinance or any ordinance, unless we do have an emergency situation, is to publish it and then have - at a subsequent meeting vote on FINAL ADOPTION.

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. MILLER: We have a motion to publish. MOVED and SECONDED.

MR. ZIMBLER: For the record on paper separation to date, since the original ordinance has been in effect the City has collected not one red cent for recycled paper that was turned in to the recycling company. I don't think since P.T. Barnum marched his elephants out of Bridgeport has a greater sucker play been pulled as the one that was pulled on this Board when we were promised the sun, the moon and the stars in order to pass this paper separation ordinance.

Point of fact, we were told we would get anywhere from fifteen to twenty dollars a ton for the paper. The actual price that we should be getting is \$6.50 a ton and we haven't even collected that, because we were also told that once we pass an ordinance the recycling firms would literally be knocking on our door ready to bid on our contract. Point of fact, one firm did bid; we awarded them the contract; they are non-existent; I thin they are somewhere in the Land of Oz, they're certainly not in Stamford. Their phone has been disconnected. Nobody has found them; they have not responded to our bills. Regardless of the latter that everybody got from the member of the Research Recovery Task Force, I repeat my original statement - this program as it's instituted right now is a total colossal and dismal failure.

MR. FOX: With all due respect to Mr. Zimblar, I think certainly the committee is aware of his feeling on this program, but in light of the time and in light of the hot night, we have here this evening, I would point out to the members of the Board that the only question we are dealing with now is the PUBLICATION of this ordinance. The question that Mr. Zimblar raises I think are valid ones. I don't agree with him on all of the points that he makes, but I think we can adequately and properly deal with those questions when this ordinance is before us for FINAL ADOPTION. And I would prefer not to get into a full scale debate on the merits of the issue when all we want to do is PUBLISH the ordinance.

MR. LOOMIS: I too, would take exception to the excessive rhetoric of Mr. Zimblar. There is not a recycling program in this country that is making money. In order to do it successfully it needs time and we have to go through proper periods of trial and errors. I don't think that this project has been launched properly at all in Stamford. I would like to ask through you, Mr. President, to Mr. Fox, is the public going to be permitted to comment?

MR. FOX: As I think Mr. Loomis is aware, the fact that we publish an ordinance does not require us to hold a public hearing on this. Legislative and Rules Committee has had several meetings, we've had a number of public hearings, we've heard from the public and various interested groups as recently as last month. It has not been my intention to have a public hearing on this item again. I would, however, say that I'd be happy to discuss that with Mr. Loomis or any other member of the Board that feels differently on that.

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. RAVALLESE: All we've got is the garbage on the East Side from your paper recycling.

MR. BAXTER: Through you to Mr. Fox, as I recall earlier, one of the persons most in favor of this concept was a fellow who occupied the position of Commissioner of Public Works. As I understand, he's disappeared and we now have another gentleman who's acting as Commissioner of Public Works. If Mr. Fox and the committee hasn't yet gotten his views on this subject that might be a good thing to do after the publication. I wonder if he agrees.

MR. BLUM: Why is industry giving this one year to comply, 7/78? I thought they were loaded with expertise and it takes them that long to come up with some idea on how to save cardboard.

MR. FOX: In responding to Mr. Baxter, the answer is yes. In responding to Mr. Blum, if I understand his question. Here again, I wanted to try to save this aspect of this matter until the proper time, which I did not feel was now, but it does not appear as though I could avoid it. Number one, we're not giving industry a year to analyze it. We're giving the City of Stamford and the Board of Representatives a year to analyze it, a year during which it will not cost the City of Stamford directly any taxpayers money to do that. It is my opinion, and I believe the opinion of the other members of the committee that it will take us at least that time to properly analyze it. Recycling in and of itself is a new concept.

One of the speakers that made a presentation to us over the last several months made a point which I think was a good one; that in the not too distant future this country is going to have to face and the City is going to have to face - what we're going to do with our garbage. It is better that we take the time now when we're not under a great deal of pressure and a great deal of expenditure of our own taxpayers money to do it. To work out the kinks. This Board continually talks about the problems we have when we're dealing with a hammer over our heads; when we're dealing in a crisis situation; and the point I would like to make is that, here we have an opportunity with a federal grant to sit back and look at a program, to analyze it, to toss it out if we think that's the appropriate thing. But to put it into effect the best way possible at the best time possible without incurring great expense and it's for that reason that I would suggest we proceed with it.

With respect to business, I'm constantly hearing the argument that business is getting a break. Business is not getting a break. The business community has the same burden, the same task as you and I have. What we are doing here with this proposed amendment is to give the business community until July '78 to comply with the separation of cardboard. We're doing that because that could be a very expensive proposition and we want this full year to better analyze the program before we force any citizens to incur what could be some very substantial expenses.

MR. ZELINSKI: MOVE the QUESTION.

LEGISLATIVE AND RULES COMMITTEE (continued)

MR. MILLER: Is there a second to that motion? We'll vote on moving the previous question. The MOTION is CARRIED. We'll proceed on to a vote on PUBLICATION of the proposed ordinance. It is not UNANIMOUS. We'll take a DIVISION using the machine. There should be 22 members participating. The MOTION is CARRIED with 20 YES votes, 2 NO (K. Zimblcr, G. Ravalles)

- (9) THE MATTER OF DISTRICT #2 BEING HARRASSED BY TRUCKS, NOISE, ETC., PARTICULARLY VASSAR ST. RESIDENTS AND NOISY BANANA TRUCKS. From City Rep. Handy Dixon. Held over from 6/6/77 meeting due to adjournment.

MR. FOX: It would add one paragraph to the ordinance. It's an enumeration of what acts are declared to be loud, distrubing, annoying and unnecessary noises in violation of the Code. We are moving today only for the PUBLICATION of the ordinance. The committee voted UNANIMOUSLY to publish it and I would so MOVE.

MR. MILLER: Mr. Fox would you make sure that the office has a copy of the proposed ordinance. The Chair will accept this, but you have to keep in mind that the ordinance itself is not on the agenda. It is related to item #9, and for PUBLICATION. The Chair will accept the MOTION, MOVED and SECONDED. We are now talking about the publication only. The MOTION is CARRIED UNANIMOUSLY.

- (10) THE MATTER OF A LAWSUIT "WILLIAM M. IVLER ET AL VS. CITY OF STAMFORD DOCKET NO. 0242638. SUPERIOR COURT AT STAMFORD"

The Above item HELD IN COMMITTEE.

- (11) ORDINANCE REQUESTED BY CITY REP. MICHAEL G. MORGAN REGARDING ELECTRIC SIGNS.

The above item HELD IN COMMITTEE.

- (12) PROPOSED ORDINANCE SUPPLEMENTAL TO CONTROL AND REGULATE EXCAVATION. FILLING AND GRADING submitted by Louis J. Casale, Jr.

The above item HELD IN COMMITTEE

- (13) PROPOSED ORDINANCE RE CONDEMNATION PRODEDURES.

The above item HELD IN COMMITTEE

- (14) PROPOSED ORDINANCE SUPPLEMENTAL TO COMMERMORATE THE BIRTHDAY OF REV. MARTIN LUTHER KING, JR., AS A CITY HOLIDAY EVERY JANUARY 15th.

Above item HELD IN COMMITTEE

- (15) RESOLUTION AND ACTION REQUESTED REGARDING ILLEGALLY PARKED CARD submitted by City Rep. Barbary McInerney.

Above item HELD IN COMMITTEE

LEGISLATIVE AND RULES COMMITTEE (continued)

- (16) LETTER OF 4/27/77 FROM STATE REP. THOMAS SERRANI suggesting the City have a Transportation Commission or a Committee on the Board.

Above item HELD IN COMMITTEE

- (17) PROPOSED ORDINANCE PROVIDING FOR PROPERTY TAX EXEMPTION FOR SOLAR ENERGY SYSTEMS.

Above item HELD IN COMMITTEE.

- (18) PROPOSED SENSE-OF-THE-BOARD RESOLUTION CONCERNING SUPPORT OF "OPERATION FUEL" submitted by David Blum.

Above item HELD IN COMMITTEE.

- (19) PROPOSED ORDINANCE PERTAINING TO FOOD SERVICE SANITATION AND SETTING LICENSE REQUIREMENTS, FEES FOR SAME, AND PENALTIES FOR VIOLATIONS.

MR. FOX: Here again, we are moving only for PUBLICATION of that ordinance. The committee voted 8-0 to PUBLISH and I would so MOVE.

MR. MILLER: MOVED and SECONDED. The MOTION is CARRIED UNANIMOUSLY, 22 members being recorded as present.

- (20) TOWN AND CITY ECONOMIC DEVELOPMENT ACT -suggested by City Rep. D. Blum

Above item HELD IN COMMITTEE.

PERSONNEL COMMITTEE - Sandra Goldstein

- (1) LETTER FROM MAYOR CLAPES dated 5/18/77 CONCERNING ARTICLE IV-2 OF THE CIVIL SERVICE REGULATIONS (COMPENSATION PLANS) AND A "PROPOSED MANGEMENT COMPENSATION PLAN FOR THE CITY OF STAMFORD" dated May, 1977 submitted by the Personnel Commission for adoption, relating to MAA personnel, including Civil Service, non-Civil Service, contract personnel, etc.

Board of Representatives approved the above plan but DEFERRED APPENDIX B which was returned to Committee for further consideration.

MRS. GOLDSTEIN: At last months meeting the Board passed Appendixes B, E and F and we voted to defer Appendix B for this month. Now the Personnel Committee voted on May 31st favorably on all three Appendixes. We did not meet this past month, during the month of July; however, we had already voted for this item. This is the appendix that deals with unclassified employees. I move to approve Appendix B.

PERSONNEL COMMITTEE (continued)

MR. MORGAN: The Fiscal Committee did not consider this this month. Previously, we had approved the proposed Management Compensation Plan. I personally, would like to make an amendment, if I could speaking as a member of the Board and not as the Chairman of the Fiscal Committee. Is that appropriate at this point? I would like to MOVE that we accept Appendix B effective December 1, 1977. That way it would become effective in a manner which we've discussed several times before with the administration whomever that may be.

MR. MILLER: SECONDED by Mr. Flanagan. We'll limit discussion to the amendment.

MRS. GOLDSTEIN: I do consider that amendment a friendly amendment certainly. I do think that it would not behoove us to vote this kind of raise for the elected officials. The seven and one-half percent increase that happened to have been voted down was an entirely different matter. This would be in effect changing their financial status in a way that has never before been done and that should be, I believe, deferred until the new election.

However, there are two people on that list - I should say conditions on the list that are not elected or politically appointed as would be the corporation counsel, in other words are not member of the Mayor's cabinet. The only reason that these two positions are on the list is because the two positions are not Civil Service and it was not known by the Board of Finance and the Personnel Department where else to place them. That is the position of Police Chief and Fire Chief. So the Board might want to consider separating those two positions out, because as things currently exist in both the Police and Fire Departments, the captains are earning much more than the Chief.

MR. MILLER: You're not making an amendment, though are you? You're proposing.

MRS. GOLDSTEIN: No. I just think it's something the Board should consider.

MR. BAXTER: I don't want to talk too long on this issue, but just to make a few observations. First of all, for me personally, I recall when the discussion of the confirmation of the Mayor's nomination of the Police Chief was going on that it was disclosed that when the man was approached he was told by whomever approached him that the current salary is \$25,288, but don't worry, we can get you more. I remember at that time being offended at whoever had the gall to take it on himself to discuss what was going to happen, when supposedly the plan hadn't been released and the legislative body hadn't acted on it. I remember that annoyed me, but now that it's done and now that the report came in, it's an easy thing. I suppose when to play politics on this especially when we Democrats have a majority of the Board, and certainly a clear majority tonight at this meeting.

But it strikes me that either we believe that this pay structure has been independently and fairly arrived at without a view towards politics and without a view towards the party or the personalities that are currently holding the office or we don't believe it. Now I happen to believe that it was done that way, and therefore, these jobs that the current Mayor and his cabinet, as well, as the Police Chief and Fire Chief are either worth what they say it is, that is more money or they aren't. Now if they are, which is what we seem to be saying by this friendly amendment, then I don't see any reason why the incumbents and the holders of this position who are doing the job today oughtn't to be paid for what the job is worth today.

PERSONNEL COMMITTEE (continued)

MR. BAXTER (continuing)

As I say, it's a temptation for me; election year is coming up and you could make some hay on it. But it seems to me that if it's worth that money, and an independent study said it was, and since the men involved aren't voting on it; as a matter of fact, since there are different parties and the clear majority of people here, that it seems to me not something that anybody could feel was underhanded or bossism politics or whatever, we ought to face up to it and vote them in and have them have it now and not have an amendment like this which I just don't understand the reason for. I don't know how anyone can articulate a reason for it that doesn't behind the scenes indicate some idea that the whole schedule itself wasn't arrived at fairly.

MR. DeROSE: It appears to me that the item before us again this evening has essentially not changed over the previous month when we brought it up. The only thing that has changed here is the factor of time. We're saying now instead of being effective immediately that we're going to wait until December of this year to make it go into effect. I would like to know percentage wise, I'm looking at Appendix B. I'd like to go right down the line and have it spelled out to me in terms of what percent raise is going to be given to each one of the people or to the positions under Appendix B, because for the most part, I represent the people in the Belltown-Glenbrook area who have been hit with an eight mill increase this year, one of the highest in the history of the City and before I can vote on this I would like to know what percentage increase is there over each one of these positions.

MRS. GOLDSTEIN: To spell out percentages I don't think I can, nor will, right now. The important thing is not the percentage raise. The Mayor is earning about \$28,000 and it does appear that going from that to \$35,000 is a tremendous jump. But, you have to remember that we are talking about a Comprehensive Management pay scale for the entire City. We voted last month to pay all the subordinates of the Mayor X number of dollars based on where they fit in the Corporate Structure and our City does have a Corporate Structure of a sort.

Now, to say that we are not going to be paying the Mayor and the other top administrators more than the subordinates is, I don't think, good business. You may think that the Mayor's salary as listed here is excessive, then vote NO. The percentage increase over his current salary, can be figured by taking the recommended figure of \$35,000 and putting it over his current salary. In addition, I do see a good point for making it effective as of December 1st, because then it does not appear as if the incumbent were benefiting from their incumbency even though I do agree with Mr. Baxter, they had nothing to do with this pay scale.

MR. DeROSE: Do I take that to mean that there perhaps is one or two or possibly more positions there that are receiving in excess of 25% increase?

MR. MILLER: You may take it to mean whatever you chose to make it mean.

MRS. GOLDSTEIN: Read the numbers, Mr. DeRose.

MR. DeROSE: O.K. I think you've answered it.

PERSONNEL COMMITTEE (continued)

MR. D'AGOSTINO: MOVE the QUESTION.

MR. MILLER: MOVED and SECONDED. The MOTION is CARRIED UNANIMOUSLY. We'll vote on Mr. Morgan's amendment. We'll take a DIVISION using the machine. The MOTION is LOST, 9 YES votes, 13 NO votes

VOTE ON MAKING APPENDIX "B" EFFECTIVE DECEMBER 1, 1977:THOSE IN FAVOR:

Michael Morgan
Ralph Loomis
John W. Fox
Mildred Ritchie
Wm. Flanagan
John Schlechtweg
Lathon Wider
Julius Blois
Frederick E. Miller, Jr.

THOSE OPPOSED:

Mildred Perillo
Kurt Zimbler
George Ravalliese
Alfred Perillo
S. A. Signore
Jeanna-Lois Santy
Sandra Goldstein
Thomas D'Agostino
Joseph DeRose
John Zelinski, Jr.
Donald Sherer
Robert Costello
Leo Carlucci

MR. BAXTER: Since we're not talking about a different motion, I didn't want my comments before to be taken to mean that I'm fully in agreement with the size of each of the raises. But, since this has been discussed at a previous meeting, at which I was not present, I will not make any further comments.

MR. MILLER: We'll proceed to a vote on Item #1 under Personnel Committee. We are compelled to take a DIVISION. The MOTION is LOST, there are 6 YES, 17 NO votes.

VOTE ON ACCEPTING APPENDIX "B" AS IS:THOSE IN FAVOR:

Ralph Loomis
Mildred Ritchie
William Flanagan
Sandra Goldstein
George Baxter
Frederick E. Miller, Jr.

THOSE OPPOSED:

Mildred Perillo	Thomas D'Agostino
Michael Morgan	Lathon Wider
Kurt Zimbler	Joseph DeRose
George Ravalliese	Julius Blois
Alfred Perillo	John Zelinski
S. A. Signore	Robert Costello
Jeanna-Lois Santy	Leo Carlucci
John W. Fox	David Blum
John Schlechtweg	

- (2) THE MATTER OF THE EIGHT CIVIL SERVICE POSITIONS TO BE INVESTIGATED FROM A LIST COMPILED BY FORMER ADMINISTRATION. Committee has been working on this and will be making a report. Held over from 6/6/77 meeting due to adjournment.

Above item Held in Committee, for action at next meeting.

PERSONNEL COMMITTEE (continued)

- (3) THE MATTER OF THE STAMFORD HOUSING AUTHORITY AND THE CIVIL SERVICE FACTOR WITH RELATION TO THEIR EMPLOYEES. City Rep. Blum submitted this item. Held over from 5/6/77 meeting due to adjournment.

Above item HELD IN COMMITTEE for next meeting.

- (4) LETTER OF 6/20/77 FROM FINANCE COMM. DWIGHT HADLEY ENCLOSING ARTHUR YOUNG & CO.'S REPORT ENTITLED "THE CITY OF STAMFORD - PAYROLL PROCESSING -PHASE I: ANALYSIS AND GENERAL SYSTEMS DESIGN, June, 1977", which Mr. Hadley states is the report "on our project to upgrade and refine the payroll process for the City." (It is a one-inch thick volume and only 2 copies were provided by Mr. Hadley: for Mrs. Goldstein and Mr. Morgan.)

Above item HELD IN COMMITTEE for next meeting.

PLANNING AND ZONING COMMITTEE - George Baxter

MR. BAXTER: No report.

MR. COSTELLO: Under Planning and Zoning, I'd like to MOVE to SUSPEND THE RULES to bring item #9 out of committee.

MR. MILLER: MOVED to bring item #9 out of committee. That is SECONDED. We'll vote on the motion to bring it out of committee. The MOTION is CARRIED UNANIMOUSLY.

UNDER SUSPENSION OF THE RULES.

- (9) LETTER of April 29, 1977 FROM URBAN RENEWAL COMMISSION, ZOLTON A. BENYUS, STAFF COUNSEL RE "Southeast Quadrant Urban Renewal Project, No. Conn. R-43, Acceptance of Streets by City". Enclosed "Illustrative Site Plan" and draft resolution.

MR. COSTELLO: Before me I have a resolution from the lawyer for Urban Renewal, Zolton Benyus. It pertains to the transfer of three streets from Urban Renewal to the City.

RESOLUTION NO. 1106CONCERNING THE TRANSFER OF CERTAIN STREETS FROM THE URBAN RENEWAL COMMISSION TO THE CITY OF STAMFORD.

WHEREAS, on May 15, 1964 the City of Stamford Connecticut Urban Redevelopment Commission entered into a loan and grant contract with the United States of America under Title I of the Housing Act of 1954 providing for financial assistance for the Southeast Quadrant Urban Renewal Project,

WHEREAS, pursuant to said contract the agency has undertaken and is undertaking certain activities necessary to the execution of said project, and,

PLANNING AND ZONING COMMITTEE (continued)

RESOLUTION (continuing)

WHEREAS, one of the activities undertaken pursuant to the Urban Renewal Plan was the construction of certain new streets,

WHEREAS, the agency has completed three of the required new streets namely one, the southerly portion of Greyrock Place between Main Street and Tresser Boulevard; the portion of Tresser Boulevard from Atlantic Street East to Elm Street; the portion of Broad Street from Grove Street easterly to East Main Street,

WHEREAS, the aftermentioned streets had been certified by the City engineer in accordance with Article 3, Section 18-77,

WHEREAS, City of Stamford Ordinance No. 144 supplemented provides that the transfer of jurisdiction over the buildings or land owned by the City between department, boards, or agencies of the City shall be accomplished only after approval by the Stamford Board of Representatives,

Now therefore be it RESOLVED by the Board of Representative of the City of Stamford as follows:

The jurisdiction of the following streets: Southerly portion of Greyrock Place between Main Street and Tresser Blvd., a portion of Tresser Blvd. from Atlantic Street East to Elm Street, a portion of Broad Street from Grove East to East Main Street is HEREBY transferred from the Urban Redevelopment Commission to the City of Stamford in accordance with the provisions of Ordinance No. 144 of the General Ordinance of the City.

I so MOVE at this time.

MR. MILLER: MOVED and SECONDED.

MR. BAXTER: The Planning and Zoning Committee has not voted on this item, nor to my knowledge has the committee inspected the streets as part of its duties. However, the motion appears technical; the City engineer has inspected and accepted the streets which is what's required by our ordinances, and since it goes from one department to another, I would recommend affirming his motion.

MR. MILLER: We'll proceed to a vote. The MOTION IS CARRIED UNANIMOUSLY, with 23 members recorded as present.

PLANNING AND ZONING (Continued)

- (1) LETTER OF 11/10/76 FROM COURTLAND TERRACE ASSN., INC. RE MORATORIUM ON CONDOMINIUMS AND MULTIPLE DWELLING UNITS BECAUSE OF THEIR DEMAND ON CITY SERVICES. ALSO QUESTIONING LEGALITY OF CONDOMINIUMS UNDER EXISTING STAMFORD ZONING LAWS Held since 11/22/76. Held over from 6/6/77 meeting due to adjournment.

Above item HELD IN COMMITTEE for next meeting.

- (2) THE MATTER REGARDING APPEAL ON THE RICHARD SCHLESINGER ZONING MATTER AND JUDGE BELINKIE'S MEMORANDUM.

Above item was handled at the JULY 11, 1977 REGULAR BOARD MEETING.

- (3) LETTER TO MR. BAXTER DATED 4/5/77 FROM PAUL T. CORBALLIS, DIRECTOR OF CORPORATE Employee Relations, Pitney Bowes, regarding RE-NAMING OF WALNUT STREET to that of WALTER H. WHEELER, JR. Held over from 6/6/77 meeting due to adjournment.

Above item HELD IN COMMITTEE for next meeting.

- (4) ACCEPTANCE OF LIBERTY PLACE AS A CITY STREET. Held over from 6/6/77 due to adjournment.

Above item HELD IN COMMITTEE for next meeting.

- (5) ACCEPTANCE OF WALLACE STREET AS A CITY STREET. Held over from 6/6/77 meeting due to adjournment.

Above item HELD IN COMMITTEE for next meeting.

- (6) LETTER OF 11/1/76 FROM COURTLAND TERRACE ASSN., INC. SUPPORTING AMERICAN-ITALIAN ASSN. AGAINST X-RATED MOVIE HOUSE LOCATING ON WEST PARK PLACE. Requests legislation. Held since 11/22/76.

Above item HELD IN COMMITTEE for next meeting.

- (7) PETITION FROM ARTHUR PLACE RESIDENTS regarding unpleasant conditions emanating from 60 Crescent St. Many trucks are operated from a residentially-zoned area. Held over from 6/6/77 due to adjournment of meeting.

Above item HELD IN COMMITTEE for next meeting.

- (8) THE MATTER OF CATOONA LANE - ACCEPTANCE. Held over from 6/6/77 due to adjournment.

Above item HELD IN COMMITTEE for next meeting.

- (9) RE URBAN RENEWAL COMMISSION AND ACCEPTANCE OF STREETS. Handled at start of Planning & Zoning Committee as first item.

- (10) LETTER DATED MAY 19, 1977 FROM SHIRLEY A. WALTER, enclosing maps and drawings re Dartley St. and Dartley St. Extension, easements, etc.

Above item HELD IN COMMITTEE for next meeting.

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PUBLIC WORKS - Alfred Perillo

- (1) LETTER OF MAY 18, 1977 ADDRESSED TO GOV. GRASSO FROM MRS. CATHERINE SOLLITTO of 30 Hanover St., Stamford regarding Magee Avenue, the "supposed trash transfer site", open filth, rats, dirt storms, stench, continuous noise, etc." Above held over from 6/6/77 meeting due to adjournment.

MR. PERILLO: The Commissioner, the Mayor and Ms. Samon met with the residents on Magee Avenue June 3rd. All three had heard many complaints. The Mayor is in agreement with all parties concerned down there of the problems they do have. They assured him that in time, they would have reservations on removing the transfer station from the Hanover Street to another site on the other side. They promised to meet in a month again with him and that's where it's hanging at this point.

- (2) LETTER OF 5/23/77 FROM PACE REFUSE regarding difficulty in collecting money for trash collection services performed for City at residential locations. Above held over from 6/6/77 meeting due to adjournment.

MR. PERILLO read a letter from the Law Department by Barry Boodman regarding the difficulty in collecting the money from the trash collection service that was performed for the City.

HEALTH AND PROTECTION COMMITTEE - David I. Blum

- (1) THE MATTER OF LOCAL CONSUMER PROTECTION AGENCY. Mr. Blum plans to hold a public hearing on this matter. Letters from Mayor Clapes and Nicholas Tarzia. Held over from 6/6/77 meeting due to adjournment.

MR. BLUM: I'll make it as short as possible. We're going to have a public hearing September 8, 1977.

- (2) MATTER OF SECURITY AT THE STAMFORD RAILROAD STATION. Mr. Blum is holding a public hearing on this 6/29/77. Letter from City Reps. McInerney and Wider. Held over from 6/6/77 meeting due to adjournment.

MR. BLUM: A public hearing was held and there are some things that are now being processed in regard with the Mayor and the various City agencies.

- (3) LETTER 4/6/77 FROM DR. GOFSTEIN TO BOARD OF FINANCE enclosing a raft of material re fee schedules for Health Dept., permits, ordinances, etc. Sent to this Board at suggestion of Board of Finance. Held over from 6/6/77 meeting due to adjournment.

MR. BLUM: Our committee voted 4-0 in favor of a change in fee and 4-0 in favor of an adoption of this ordinance.

HEALTH AND PROTECTION COMMITTEE (continued)

- (4) THE MATTER OF CONTINUED DUMPING AT HAIG AVENUE - Complaints of local residents. Held over from 6/6/77 meeting due to adjournment.

MR. BLUM: We received a progress report from Sargent Butler who is going to look for the enforcement of ordinances now on the books and intends to come back to us within a month to tell us how he's getting along on it.

- (5) LETTER FROM HEALTH DEPARTMENT TO HOUSING AUTHORITY RE GARBAGE AT LAWN AVENUE AND CUSTER STREET. Held over from 6/6/77 meeting due to adjournment.

MR. BLUM: We had Mr. Egan here representing the Housing Authority, giving us a progress report in regards to Custard Street and Lawn Avenue.

- (6) THE MATTER OF DAMAGED CURBS AND LACK OF CURBING IN GLENBROOK, at Crosswinds Condominiums and other locations. City Rep. D'Agostino submitted this item. Held over from 6/6/77 meeting due to adjournment.

Report made.

- (7) COMPLAINT FROM MR. JACK DAZZO RE LACK OF SUPERVISION WHILE CHILDREN GO SLEDDING (IN WINTER) AT STERLING FARMS GOLF COURSE. Held over from 6/6/77 meeting due to adjournment. Mr. Blum wrote Mr. Maguire on June 24th re this matter.

MR. BLUM: The committee voted 3-0 with one abstention to call a conference with the Mayor, the Golf Authority and the Board of Recreation to allow sledding and skating possibly with use of CETA workers or miscellaneous funds from the Golf Authority or possibly use a small fee.

In regard to Vassar Avenue, we had a progress report from Sargent Butler and I see that an ordinance or an amendment to the ordinance is now going to include noises, etc. That's our report.

PARKS AND RECREATION COMMITTEE - John Sandor

- (1) REQUEST FOR PERMISSION TO HOLD A PARADE AND BANNERS TO HONOR UNITED NATIONS WEEK in October, 1977 from UNICEF CENTER, INC., Passage Shops, One Landmark Square, Katherine M. Cave, President. Oct. 23rd, or rain date of Oct. 30th; 1-4 p.m. other details as outlined in letter of June 21, 1977.

Above item HELD IN COMMITTEE.

- (2) REQUEST FOR APPROVAL OF BOAT RENTAL FEES - Business Mgr. of Parks, Edward Condon verbal request 6/27. To submit details later.

PARKS AND RECREATION COMMITTEE (continued)

MR. BLOIS: The Parks Department is initiating a Boat Rental Program for Holly Pond at the Cove. The boats to be used are dinghys used at the beginning and ending of the boating season in our marinas. This program will make greater use of the vessels and will be operated on a self-sustaining basis. We are also requesting authorization to establish Revolving Account so that the funds realized from the program may be used to cover the operating costs for the program. This utilization of these boats will in no way compete with any existing programs, but rather will enhance any other program by making expanded use of this beautiful natural resource.

All rules and regulation will be submitted to the corporation counsel for approval and all Federal, State and local laws and ordinances will be complied with. They attached a rental schedule here and the fees will be \$1.00 per hour Monday through Friday, 10:00 a.m. to 4:00, except holidays; \$2.00 per hour Monday through Friday from 4:00 p.m. to 8:00 p.m. and all day Saturday and Sunday and holidays. The minimum rental period would be 1 hour. Mr. Chairman, I so move that these be approved, because time is of essence and we will be running into August and they won't have but a couple of months to pursue this.

MR. MILLER: SECONDED. Discussion.

MR. PERILLO: I have to question one issue here. Are we empowered to authorize them to establish a Revolving Fund?

MR. MILLER: I cannot answer that question.

MR. PERILLO: They too, questioned that they would be requesting it. I don't see anything coming from the Law Department on it.

MR. MILLER: If it's illegal, I'm sure we'll hear about it from the Law Department. We'll proceed to a vote. The MOTION is CARRIED UNANIMOUSLY. One ABSTENTION (Mr. Morgan)

(3) REQUEST FOR PERMIT FOR UNITED WAY TO HANG THREE BANNERS FOR UNITED FUND CAMPAIGN. - Vere Wiesley to submit details as to location of banners, dates, etc.

MR. BLOIS: I move that this be approved, because this was waylaid last month and it's the second month that it was on the agenda. I so MOVE.

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

EDUCATION, WELFARE AND GOVERNMENT COMMITTEE - Vere Wiesley

MR. MILLER: Mr. Wiesley's not here.

SEWER COMMITTEE - Thomas D'Agostino

- (1) LETTER DATED June 20, 1977 (received June 27, 1977) from Mayor re "Step III Grant Application Sections 14-6, 15-2 and 16-1 State Identification No. 773A027."

MR. D'AGOSTINO: All the papers for 14-6, 15-2 and 16-1 grants have been filed, so we can take this off the agenda.

MR. MILLER: We will. This should go off the agenda for the next Steering Committee.

PUBLIC HOUSING AND GENERAL RELOCATION - Mr. Livingston

NO REPORT.

URBAN RENEWAL COMMITTEE - Robert Costello

MR. COSTELLO - We already made our report.

MR. BLOIS: I have something that is very urgent and I'd like to pass on to our Chairman, Mr. Costello, from the Urban Renewal Committee. I think, maybe Mr. Costello, as Chairman, could bring it to the attention of the URC, that we don't have one bus stop for people coming into the shopping area of the Mall to get off a bus or get on. I think this is a darn disgrace to build 138 acres of multi-million dollars, then when we're asking for busing and transportation not provide for one down the center of town. If Mr. Costello would pursue this with the URC, I'm sure they'd get some action on it.

MR. COSTELLO: I'll bring it to the committee's attention and to the Commissioner's attention.

ENVIRONMENTAL PROTECTION COMMITTEE - Lynn M. Lowden

- (1) LETTER OF JUNE 15, 1977 FROM JEANNETTE SEMON, SUPERVISOR OF LIQUID WASTE to Shippan Point Assn. re order situation at Stamford Water Pollution Control Facility, explaining problems and advising heavy chlorination is being done, etc.

NO REPORT.

HOUSE COMMITTEE -Gerald Rybnick

NO REPORT.

DRUG AND ALCOHOL ABUSE COMMITTEE - John Schlechtweg, II

NO REPORT.

CHARTER REVISION COMMITTEE - Christine Nizolek

- (1) RESOLUTION CONCERNING DATE OF THE ELECTION AT WHICH CHARTER REVISION CHANGES ARE TO BE SUBMITTED TO THE ELECTORATE; AND REPORT ON THE MATTER OF BREAKING UP THE CHANGES INTO REFERENDUM QUESTIONS.

MR. LOOMIS: I do want to present one item for the consideration of the Board. The Charter Revision Committee met approximately two weeks ago. Present was myself, Miss Nizolek, Marie Hawe, and Bud Blois and we met at that time with Lois Pont-Briant, the Town and City Clerk. We decided unanimously to bring up to the Board to move that the Board set Tuesday, November 8th as a day when the Charter question shall be presented to the voters of Stamford for action. Our two alternatives were going to a special election or staying with the general election.

And we decided it was best to have these questions presented to the voters at a general election, first of all, because of the cost involved which amounts to roughly \$20,000, if we were to have a special election. Secondly, and I think more importantly, because of the fact that State law mandates if we are going to have a special election you need 15% of those inrolled, which in Stamford translates to about I believe, eight to nine thousand voters. It was our opinion that it would be difficult to get that many people out to vote through a special election. I would move again, that the Board of Representatives set Tuesday, November 8th as a day when Charter questions shall be presented to the voters of Stamford.

MR. MILLER: MOVED and SECONDED.

MR. BLUM: How is this going to be placed on the ballot?

MR. MILLER: We're considering it here, Mr. Blum.

MR. BLUM: Well, I think that we should. There are many items that are of interest to the citizens of Stamford, and I'm sure they'd like to know what there voting for.

MR. MILLER: That is a separate question which this Board will have to address itself to at the August meeting, I assume.

MR. LOOMIS: Mr. Blum, it was tentaviley decided that we would have eight separate questions which whould be approximately divided according to how the Charter Revision Commission presented its report to us; that is to say we would have a question with regard to the office of the Mayor, the Legislature, the Admininstrative System, Boards and Commissions, Police and Fire, Budget and Financial Administration, Personnel, the Board of Finance and then a question regarding transition.

CHARTER REVISION COMMITTEE (continued)

MR. LOOMIS (continuing) Now all those matters which we approved as a Board, which pertain to those categories I've read, would fit under the question that would be under one of these ten categories. I don't think that we fully appreciate the number of changes we approved. They number over 400 and so it's going to be awhile before we properly group each of all those changes under these categories.

However, it is our intention to have ten categories and all those changes under one of those ten categories. Let me say one last thing. State statutes are silent as to approval by the Legislative body as to the exact wording of the questions; they are silent because this involves collaboration with the Town and City Clerk. There's wording involved and there's a question of how much space we can use to fit in the questions, so this is something that we are in the process of working on, as Mr. Miller indicated. We'll report back to you probably by the next meeting.

MR. MILLER: We'll proceed to a vote on the question which is approval of the resolution that the Charter Revision matter should be voted on at the regular November election in 1977. The MOTION is CARRIED UNANIMOUSLY with 23 members recorded as being present.

COMMUNICATIONS FROM THE MAYOR - None

PETITIONS - None

RESOLUTIONS - None

COMMUNICATIONS FROM OTHER BOARDS and INDIVIDUALS - None

OLD BUSINESS

MR. BLUM: I believe this is old business that I'm going to bring up. Last year sometime I voted along with others, money to improve or to repair the air conditioning in this chamber. I'm sitting here sweltering, I'd like to know why - what's the matter with these ducts? Why aren't we getting this air conditioning and why do we have this battery of fans here? I think the public ought to know. We vote for something and we get nothing for it.

MR. BAXTER: In line with Mr. Blum's recent remarks or at least similar to them, my memory tells me that in a fit of enthusiasm about a year ago the Board thought that it would be nice for us to get together for some sort of social event with our spouses or friends, of our choice and I wonder if we might not consider that again, before this Board no longer exists.

MR. MILLER: Those who wish to volunteer for the picnic committee may come up front.

OLD BUSINESS (continued)

MRS. MCINERNEY: It seems I was Chairman of the Christmas Party that we delayed from June, July, August, right down to December and it was supposed to be a picnic. It ended up a very delightful Christmas Party for those who attended, but the response was very poor; very uncooperative and many people just didn't want to be bothered, Mr. Baxter. So I suggest that you assume the Chairmanship of this new get-together.

NEW BUSINESS - None

ADJOURNMENT: Mr. Miller declared the meeting ADJOURNED at 11:35 P.M.

Helen M. McEvoy

Helen M. McEvoy, Administrative Assistant
and Recording Secretary

APPROVED:

Frederick E. Miller, Jr.

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

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

HG et al