

MINUTES OF SPECIAL MEETING

THURSDAY, NOVEMBER 9, 1978

15th BOARD OF REPRESENTATIVES

Stamford, Connecticut

A Special Meeting of the 15th Board of Representatives of the City of Stamford, Connecticut, was held on Thursday, November 9, 1978, pursuant to a "CALL" issued by Mayor Louis A. Clapes, under provisions of Section 202 of the Stamford Charter.

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

The meeting was called for 9:30 P.M. The President of the Board, John Wayne Fox, called the meeting to order at 9:50 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG: Led by President John Wayne Fox.

CHECK OF THE VOTING MACHINE: Found to be in good operating order.

ROLL CALL: Clerk of the Board Diane Raymond called the Roll. There were 29 members present and 11 absent. At 10:18 p.m., Rep. Jeanne-Lois Santy left, due to illness, at which time the attendance became 28 present and 12 absent.

PRESENT AT ROLL CALL (29)

Audrey Maihock	Henry Markiewicz
Handy Dixon	John G. Schlechtweg, II
Richard Ferrara	Gerald Rytnick
Charles Tiani	Joseph Ventura
Alfred Perillo	Barbara McInerney
Sandra Goldstein	George Baxter
Robert DeLuca	David Blum
Fiorenzo Corbo	John Zelinski
Everett Pollard	John J. Boccuzzi
Ralph Loomis	Leo J. Carlucci
Jeanne-Lois Santy	Margaret Price
Charles Wilmot	John Robie
Mildred Ritchie	Vere Wiesley
Michael P. Feighan	John Wayne Fox
Diane Raymond	

ABSENT AT ROLL CALL (11)

Stanley Darer	Michael G. Morgan
Charles Festo	Jeremiah Livingston
Marie J. Hawe	S. A. Signore
Donald B. Sherer	Paul Esposito
George Hays	Lathon Wider, Sr.
	Mildred Perillo

The PRESIDENT declared a QUORUM.

CALL OF THE MEETING:

THE PRESIDENT, John Wayne Fox, read the "CALL" of the meeting, as follows:

"November 8, 1978

TO: MEMBERS, BOARD OF REPRESENTATIVES

Dear Board Members:

A request for the attached amount of \$134,000 was forwarded to you and the Board of Finance on October 10.

The Board of Finance has held this item on its Pending Agenda. I have informed them that because of their deferral of this request, this account will be in deficit as of November 10, or in violation of State regulations concerning haulaway procedure.

Therefore, in accord with Section 202 of the City Charter, because of the extreme urgency of this situation, I am calling a special meeting of your Board to consider this item on:

THURSDAY, NOVEMBER 9, 1978

at 9:30 P.M.

BOARD OF REPRESENTATIVES MEETING ROOM

Sincerely,
Louis A. Clapes (bf) /s/
Louis A. Clapes
Mayor
LAC:rcb
Attachment

(Service effected by hand
delivery by custodians)

MR. FOX said this is a Special Meeting of the Board called by Mayor Louis Clapes. The matter has earlier this evening been presented to the Board of Finance and we're informed it has been approved by the Board of Finance. In light of the fact that this is a Special Meeting, we are limited to taking up just that item for which this meeting was called.

FISCAL COMMITTEE - Sandra Goldstein, Chairperson

- (1) \$134,000.00 - PUBLIC WORKS DEPARTMENT - LANDFILL AND REFUSE REMOVAL, CONTRACT HAULAWAY - Code 351.5520, per fiscal request form signed by Comm. Mordach 10/25, and Comm. Hoffman 10/10/78, and Mayor Clapes. Additional Appropriation requested for sludge and ashes @ \$20.00 per ton, and ashes and debris @ \$11.44 per ton:

One-half of November, 1978	\$ 44,657.00
Month of December, 1978	89,343.00
	<u>\$134,000.00</u>

(Secondary committee would have been Public Works Committee)

FISCAL COMMITTEE (continued)

MRS. GOLDSTEIN: Unfortunately, since we received notification of this meeting yesterday, Fiscal could not meet on this Agenda item, although we did meet on Urban Renewal this evening. Fiscal did not have a quorum for Urban Renewal because of another meeting going on at the same time, which is perfectly understandable, so we have no report on this item. I would be happy to answer whatever I can, to the best of my ability, but there is really no official Fiscal report on this item.

MRS. MAIHOCK: I was just curious to know how we can act in any capacity on it if it has not previously gone through the Board of Finance.

MR. FOX: It has gone through the Board of Finance.

MR. RYBNICK MOVED that it be taken out of Fiscal Committee and presented to the full Board.

MR. BAXTER: I'd like to ask a question of Mrs. Goldstein, or anyone, as to why we should take it up, because it is something that we know nothing about, and why is it necessary to deal with it now, and why haven't we dealt with it before.

MRS. GOLDSTEIN said that last month Public Works went to the Board of Finance and asked them for an emergency appropriation of \$425,000 for the Haulaway Program. An enormous portion of the sludge that had to be hauled away was deemed putrescible which goes at a higher rate. The money appropriated was inadequate. They, therefore, asked the Finance Board for \$438,000 because they were going to go into deficit by the end of the month of September. The Board of Finance decided to fund them for one month, and have them come back to them. The Board of Finance did that, and we last month approved \$150,000.

As of tomorrow, if we do not approve the \$134,000 for which they are asking, they will be in deficit in that account, and they will not be able to haul away any of the garbage. If they don't haul away the garbage, it is obvious what will occur down in Shippan, or wherever it comes out. Also, they are in violation of scores of State Environmental Protection codes, etc., so it appears the emergency right now is that the Board of Finance did not appropriate all that they were asked to appropriate on an emergency basis last month, having decided to do it in stages, and that's basically why we are here tonight.

MR. FOX said he wanted to make clarification on one point. This item was never referred to Fiscal Committee so there is no reason to attempt to remove it from that Committee. It is a matter that is before us, the Call of a Special Meeting by the Mayor, and it is his opinion that what is needed is a vote to Suspend the Rules to take it up without the report of the Fiscal Committee. In addition, a second vote to Suspend the Rules to take it up without any report from a secondary committee. That will be the Motion that is before the Board now and that will be the Motion the Board will have to vote on.

FISCAL COMMITTEE (continued)

MR. DeLUCA said that since tomorrow is a holiday and this Board is meeting on Monday, he doesn't see why it would cause any great concern about deficit-spending. This is Thursday; Friday is a holiday; Saturday and Sunday is the weekend over which no hauling will be done, and this Board meets on Monday.

We have deficit-spent in the past with the Sewage Treatment Plant and in other areas where we have violated certain things, have gone into deficit-spending, and all at once the Mayor decides to call a 9:30 meeting on a Thursday night, spoil the weekend for people who were thinking about going away on a vacation after work today. We seem to be so concerned about deficit-spending for haulaway and yet we are not concerned about deficit-spending for a leaf pick-up that people are clamoring for. Yet we also violated a City ordinance which says that leaves should be picked up, but nothing is being done about that. The Mayor doesn't seem to be going out on a limb to call a Special Meeting for something like this, yet the haulaway program seems to be an emergency with him.

The holiday is coming up, and so is the weekend, so one more day couldn't have hurt anything, and just out of curiosity, I would just like to know what happened, we were supposed to buy six trucks for the haulaway program which we are no longer going to buy, what is the present status? Can funds be transferred instead? I was looking for a transfer of funds in operating money which would be money used to operate the trucks, not the purchase of them, to be transferred for what we are here for tonight.

MR. FOX asked Mr. Rybnick to rephrase his Motion to Suspension of Rules to consider the item without a report from the Fiscal Committee.

MR. RYBNICK SO MOVED. SECONDED.

MR. ZELINSKI said we sort of have a gun to our heads at the eleventh hour but in view of the Mayor's statements, we really have no choice but to approve and pass it.

MR. BLUM said the notification letter was tagged to the door, came without postage, only a day before this evening. He agreed with Mr. Baxter and Mr. DeLuca that this could have been done at a regular meeting on Monday.

MR. FOX said we will need two-thirds of the votes to approve the Motion to Suspend the Rules, which would be 20 yes votes. CARRIED with 27 YES, 1 NO, 1 ABSTENTION.

MR. FOX said the second vote needed would be to Suspend the Rules to take up an item without a report from a secondary committee in light of the fact that the amount exceeds \$2,000.00. MOVED and SECONDED. CARRIED with 1 NO vote, the rest YES votes (a voice vote).

MR. RYBNICK MOVED for approval of the \$134,000.00. SECONDED.

MR. SCHLECHTWEG said he will be the first one to admit that he is a little bit confused; that he is a member of the Special Investigating Committee on the Sewage Treatment Plant. He and other members were told the Incinerator was going to begin operation and some of this waste was going to be burned. He hears all kinds of stories and it comes back and forth, and all of a sudden we sit here and we're ready for another appropriation. He said he really does not know where we

FISCAL COMMITTEE (continued)

MR. SCHLECHTWEG (continuing).....are at this point and he would like some clarification on it. He intends to vote against this appropriation. The situation in Shippan and the East Side has not cleared up at all. The odor is still there. He wants to know where we stand on the incinerator and it is as simple as that. They were supposed to begin to burn, so what is the true situation?

MRS. McINERNEY said she notices by the Mayor's letter that the funds are needed through December, and she would assume by what Mr. Schlechtweg has said, that possibly the Incinerator might go into operation, or might be anticipated for operation in January. Perhaps the Fiscal Committee could do some research with the Finance Board to find out exactly where we do stand because if obviously at the end of December we will still have things that will have to be hauled away, then we will go through still another emergency appropriation, but in good conscience she doesn't feel we can allow this material to stockpile down in Shippan. None of us would want to cope with that terrible odor that is down there. She is not pleased with being called out, and she is certainly not pleased with the way the entire situation has been handled by the Public Works Department. In fairness to the residents there, she will have to vote for it, as they don't deserve to have the haulaway material stockpiled there.

MR. BLUM said the W. K. Williams Report called for Public Works to haul their own putrescible garbage, ashes and debris. The Public Works Commissioner said it would be in a sense cheaper to give the contract out, to farm out the work, but to this date we have not heard why it is much cheaper to farm it out, or give it to a contractor, as opposed to allowing the refuse worker or the incinerator workers to do this type of work.

We also heard at one time that there was a possibility that we may lose workers, also by the W. K. Williams Report, and these workers were supposed to be re-trained to be truck drivers to haul away this refuse. I, for one, recall that it was going to be \$25.00 a ton, and then when the big hurrah came about that there was a possibility that someone else might come in for a cheaper bid than the \$25.00, or the \$23.00 was lowered to \$20.00. There was noise about that, but it has all quieted down. Now we talk about deficit-spending. We're told some accounts are in surplus, some are in deficit, so why can't we transfer? He is going to vote against this. There is not sufficient information about the entire matter.

MR. BAXTER said we have a number of safeguards to make sure when we vote large sums of money that we do it properly and intelligently. The first is that we have a Fiscal Committee who has expertise and experience and is able to interview people and ask intelligent questions to find out whether in their judgment it is a proper request. We also have another safeguard, which we don't normally disregard, which is a second committee who also have a set of minds and experiences from a different focus, to verify a request for money. We have before us a large amount of money without those safeguards, sitting here with about 24 hours' notice to vote a lot of money on what basis, on the word of one man: Mayor Clapes.

Now you either believe what that letter says, that it is in fact an emergency, that the money is in fact needed, that it is going to, in fact, run out tomorrow (a holiday), and bad things are going to happen; or you do not believe it. We have an ordinance that there will be a leaf pick-up and there has been a violation of that ordinance, and the Mayor hasn't made a request for that; and any man who would do that, I don't believe; and I'm going to vote against that man.

FISCAL COMMITTEE (continued)

MR. WIESLEY: If I had known all of this was going to come up, I would have saved all of the files. When the Public Works Department asked for \$400,000 approximately, to take care of this hauling away, including the fact that they had extra hauling to do because of the lagooning that has to take place, and we had a lot of that, they were not given the \$400,000, but the \$400,000 was to carry through this particular period of time we're talking about, so it had to include whatever burning proposition they had in mind at that particular time. Mr. Mordach told us that in only giving them a month at a time, they would be back here month after month for the same thing, which is happening. If the Fiscal Committee could listen to this, they would have come back and given the same Chapter-and-Verse that was given for approval of the other \$134,000, or \$150,000 the time before. I don't think in this particular case that we are voting in the dark. We know what it is going to be used for and why it has to be taken.

I agree with everyone that we got very short notice, but even with the short notice, we came out with a quorum. Are we saying we got a quorum out here and we're mad and we're not going to vote because we only had one day's notice to come out. I think that as long as we're here tonight, we should vote, whether it goes down or up, we should vote on it tonight.

MR. FERRARA said Mr. Baxter and Mr. Blum said many of the things he wanted to say. However, he wants to remind the Board that a couple of months ago we also had a special meeting, also for the Sewage Treatment Plant, and as Mr. Blum said, he doesn't think deficit-spending has ever stopped our Administration from spending more money either.

A MOTION was made to MOVE THE QUESTION. SECONDED. The MOTION is LOST with 14 NO votes, 14 YES votes, and 1 ABSTENTION.

MRS. GOLDSTEIN said the people we're spiting if we vote this appropriation down are the people in the City, not the Mayor, not the Board of Finance. That is really what we should focus in on. There is no correlation between the leaf pick-up and this item that is before us tonight. It is not easy for her to come to the defense of the Mayor, but the Mayor did ask on three separate occasions for the \$75,000 for a leaf pick-up. It is the Board of Finance who on those three separate occasions disregarded the request, disregarded the desire and the resolutions and the ordinances of the Board of Representatives and voted the leaf pick-up down.

They do need the money to haul this away. The incinerator that should be burning this is not doing it. It may be horrible and disgusting and everything negative that it is not burning the sludge, but it is not, and if it is not burning the sludge, it has to be carted away and it costs money to cart away. I really hope that we don't let all those extraneous things like a dislike for a Chief Executive, or resentment for being here, and we already are here, to get into the way of voting, and that we vote responsibly on this request.

MR. WILMOT said there isn't any question of the dire need to have this accumulated sludge, debris, and ashes removed. His problem is to resolve in his own mind on how to vote on this issue tonight without knowing the rationale of the Board of Finance in approving the appropriation., inasmuch as the same Board of Finance told him and members of the Public Works Committee on numerous occasions why they

FISCAL COMMITTEE (continued)

MR. WILMOT (continuing).....continually turn down the requests for funds. When we sought to fund the Fall and Spring clean-up and pick-up, we were told by them that the Public Works Department had the funds in other accounts which could be used for the leaf pick-up. If this is the case, and we are to rely on the wisdom of the members of the Board of Finance, then why didn't they recommend the appropriate transfer of monies to avoid this kind of an emergency-type or additional appropriation which we are being asked to approve tonight. He said he, himself, would want to know in a letter of transmittal from the Board of Finance their rationale in approving these funds.

Mr. Wilmot said the Board of Finance is acting totally contrary to their action on the fall leaf pick-up appropriation request. They turned that down, saying they recognized the need for the pick-up of the leaves every bit as much as we recognize the need for hauling away this sludge, etc., but they said the money was there. Of course, they did not identify which accounts the money was in, but that is their responsibility; he believes, just as it is their responsibility to show this Board if that money for the leaf pick-up is in some other accounts, then he, for one, would want to know why it isn't there to fund the deficit in the haulaway account. He would have a great deal of difficulty, without having that information, in voting for this additional request.

MR. VENTURA MOVED THE QUESTION. SECONDED.

MR. FOX said Mr. Rybnick is waiting to speak. MOTION TO MOVE CARRIED.

MR. FOX called for a vote on the Main Motion to approve the \$134,000.00 which had been MOVED and SECONDED. The Charter requires a two-thirds' vote. The MOTION is NOT CARRIED. It is DENIED with a vote of 18 YES, 6 NO, 4 ABSTENTIONS. 21 notes were required for passage.

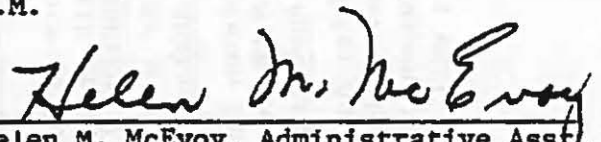
ADJOURNMENT:

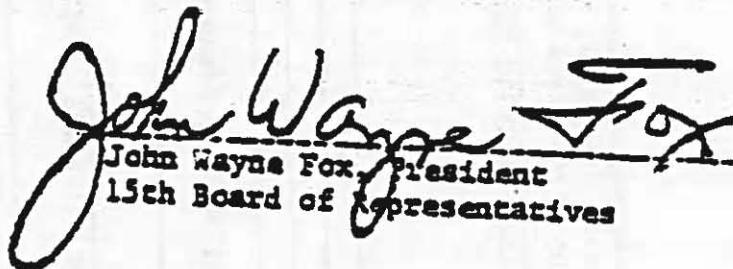
There being no further business before the Board, upon MOTION duly made, SECONDED, and CARRIED, the meeting ADJOURNED at 10:55 P.M.

HMM:MS

APPROVED:

By:


Helen M. McEvoy, Administrative Asst.
(and Recording Secretary)


John Wayne Fox, President
15th Board of Representatives

MEETING SPECIAL - NOV. 9, 1978

(Temporary Changes in Seating:)

VOTING SUBJECT: MOTIONS, ETC.

Agenda was 1 item only - \$134,000.00 for
Haulaway Program for Public Works Dept.

TESTING
TESTING

Vote to Suspend the Rules to take up an item
without a report from a secondary committee.
CARRIED: 27 Yes, 1 No, 1 Abstention.

Vote to Move the Question: LOST 14 Yes; 14 NO;
1 Abstention.

Vote on the Main Motion for \$134,000.00
DENIED (needed 2/3 vote) 18 YES, 6 NO;
4 Abstentions.

Note: As indicated in the Minutes, there
were voice votes taken on Motions to
Suspend the Rules and Move the Question,
as well as the machine votes above.

Seat					
1	DARER, Stanley	R-13	OY	OY	OY
2	MATHOCK, Audrey	R-19	OY	OY	OY
3	FESTO, Charles	R-8	OY	OY	OY
4	DIXON, Handy	D-2	OY	OY	OY
5	FERRARA, Richard	R-8	OY	OY	OY
6	HAVE, Marie	R-1	OY	OY	OY
7	TIANI, Charles	R-15	OY	OY	OY
8	PERILLO, Alfred	D-9	OY	OY	OY
9	GOLDSTEIN, Sandra	D-16	OY	OY	OY
10	DeLUCA, Robert	R-14	OY	OY	OY
11	SHERER, Donald	R-10	OY	OY	OY
12	CORBO, Fiorenzo	R-12	OY	OY	OY
13	POLLARD, Everett	R-17	OY	OY	OY
14	LOOMIS, Ralph C.	R-19	OY	OY	OY
15	Santy, Jeanne-Lois	R-18	OY	OY	OY
16	WILMOT, Charles	D-16	OY	OY	OY
17	RITCHIE, Mildred	R-10	OY	OY	OY
18	HAYS, George	R-20	OY	OY	OY
19	FEIGHAN, Michael	D-1	OY	OY	OY
20	RAYMOND, Diane	D-11	OY	OY	OY
21	MARKIEWICZ, Henry	D-3	OY	OY	OY
22	SCHLECHTWEG, John	D-6	OY	OY	OY
23	WIDER, Lathon	D-3	OY	OY	OY
24	RYBNICK, Gerald	D-4	OY	OY	OY
25	VENTURA, Joseph	R-17	OY	OY	OY
26	McINERNEY, Barbara	R-20	OY	OY	OY
27	MORGAN, Michael	D-12	OY	OY	OY
28	LIVINGSTON, Jeremiah	D-5	OY	OY	OY
29	DAXTER, George	D-7	OY	OY	OY
30	BLUM, David	D-12	OY	OY	OY
31	ZELINSKI, John	D-11	OY	OY	OY
32	SIGNORE, S. A.	R-18	OY	OY	OY
33	BOCCUZZI, John	D-2	OY	OY	OY
34	CARLUCCI, Leo	D-5	OY	OY	OY
35	SUMMERVILLE, Annie	D-6	OY	OY	OY
36	ESPOSITO, Paul	D-4	OY	OY	OY
37	PERILLO, Mildred	D-9	OY	OY	OY
38	MacINNIS, William	D-7	OY	OY	OY
39	WIESLEY, Vera	R-13	OY	OY	OY
40	FOX, John Wayne	D-15	OY	OY	OY